

cc JPACT

MEMO TO: David Knowles
Richard Devlin

FROM: Burton Weast

DATE: 4-9-91

RE: SB 706

On April 19, at 3 pm, the Senate Government Operations Committee has scheduled a hearing on SB 706. The measure requires the Governor, with confirmation by the Senate, to appoint members of any metropolitan planning organization required to exist by federal law in order to receive federal funds. Specifically, this bill would have the Governor appoint the members of Jpact.

The bill is at the request of Senator Springer, who informed me at an unrelated meeting before the session that he was considering introducing legislation on this issue. I provided him, at his request, with copies of the Metro ordinances on JPACT and with a copy of the Federal Register. Springer did not elaborate on his reasons for wanting the change -- other than on some concerns that citizens were not represented adequately on the Metro committee.

I suggest that we do the following:

- a. Contact members of JPACT and ask them to write letters of support for the current process to the Gov Ops Committee as soon as possible.
- b. David (With Burton if he wants), schedule a meeting with Springer to discuss the issue before the hearing.
- c. Arrange for David and at least two other members from local governments to testify at the hearing.
- d. Burton will contact all the committee members before the hearing. Most important, Burton will meet with Glenn Otto on the bill.
- e. Have Rena contact Glenn Otto.

Senate Bill 706

Sponsored by Senator SPRINGER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Requires that Governor appoint and Senate confirm members of metropolitan planning organizations. Authorizes organizations to participate in federal programs. Requires members to comply with code of ethics. Subjects organizations' meetings to open meetings law.

A BILL FOR AN ACT

Relating to metropolitan planning organizations; creating new provisions; and amending ORS 244.050.

Be It Enacted by the People of the State of Oregon:

SECTION 1. If a local government accepts funds under Title 23 of the Code of Federal Regulations, Part 450, and Title 45, Part 613, and is thereby required to have a metropolitan planning organization, the organization shall meet the provisions of this Act.

SECTION 2. (1) The Governor, in consultation with the governing bodies of the local governments within the metropolitan area, shall appoint:

(a) Members that represent:

(A) Municipalities, counties and regional governments within the metropolitan area;

(B) State, regional and public transit companies; and

(C) Ports.

(b) Administrators of state agencies authorized to address air quality, land use planning and transportation.

(2) The appointment of the members of the metropolitan organization are subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(3) Meetings of a metropolitan planning organization shall comply with the provisions of ORS 192.610 to 192.710.

SECTION 3. A metropolitan planning organization shall:

(1) Prepare and study plans and provide recommendations for participation of public agencies in Federal Government programs for construction of transportation facilities.

(2) Coordinate transportation issues with areas adjoining the metropolitan service district in Oregon, and, if applicable, the Clark County, Washington, Metropolitan Planning Organization and with elected officials.

(3) Apply for and accept grants or services from the United States Department of Transportation.

SECTION 4. ORS 244.050 is amended to read:

244.050. (1) On or before April 15 of each year the following persons shall file with the commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and mem-

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

bers of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except municipal judges in those cities where a majority of the votes cast in the subject city in the 1974 general election was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session), and except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for an office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(f) The Chancellor and Vice Chancellors of the State System of Higher Education.

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Executive Department.

(G) Director of the Oregon State Fair and Exposition Center.

(H) State Fish and Wildlife Director.

(I) State Forester.

(J) Director of Department of General Services.

(K) State Geologist.

(L) Director of Department of Human Resources.

(M) Director of the Department of Insurance and Finance.

(N) Director of Division of State Lands.

(O) State Librarian.

(P) Administrator of Oregon Liquor Control Commission.

(Q) Superintendent of State Police.

(R) Director of Public Employees' Retirement Board.

(S) Director of Department of Revenue.

(T) Director of Transportation.

(U) Public Utility Commissioner.

(V) Director of Veterans' Affairs.

(W) Executive Director of Oregon Government Ethics Commission.

(X) Director of Oregon Office of Educational Policy and Planning.

(Y) Director of the Department of Energy.

(h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.

(i) Every elected city or county official except elected officials in those cities or counties where a majority of votes cast in the subject city or county in any election on the issue of filing statements of economic interest under this chapter was in opposition.

(j) Every member of a city or county planning, zoning or development commission except such members in those cities or counties where a majority of votes cast in the subject city or county at any election on the issue of filing statements of economic interest under this chapter was in oppo-

sition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session).

(k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county except such employees in those cities or counties where a majority of votes cast in the subject city or county in an election on the issue of filing statements of economic interest under this chapter was in opposition.

(L) Members of local government boundary commissions formed under ORS 199.410 to 199.512.

(m) Every member of a governing body of a metropolitan service district and the executive officer thereof established under ORS 198.705 to 198.955 or 268.100 to 268.200.

(n) Each member of the board of directors of the State Accident Insurance Fund Corporation.

(o) Every member of the following state boards and commissions:

(A) Capitol Planning Commission.

(B) Board of Geologic and Mineral Industries.

(C) Economic Development Commission.

(D) State Board of Education.

(E) Environmental Quality Commission.

(F) Fish and Wildlife Commission of the State of Oregon.

(G) State Board of Forestry.

(H) Oregon Government Ethics Commission.

(I) Oregon Health Council and Certificate of Need Appeals Board.

(J) State Board of Higher Education.

(K) Oregon Investment Council.

(L) Land Conservation and Development Commission.

(M) Oregon Liquor Control Commission.

(N) Oregon Short Term Fund Board.

(O) State Marine Board.

(P) Mass transit district boards.

(Q) Energy Facility Siting Council.

(R) Board of Commissioners of the Port of Portland.

(S) Employment Relations Board.

(T) Public Employees' Retirement Board.

(U) Oregon Racing Commission.

(V) Oregon Transportation Commission.

(W) Wage and Hour Commission.

(X) Water Resources Commission.

(Y) Workers' Compensation Board.

(Z) Metropolitan planning organizations.

(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(3) By April 15 next after the filing date for the statewide primary election, each candidate for elective public office described in subsection (1) of this section and any candidate for United States Senator or Representative shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

1 (4) Within 30 days after the filing date for the statewide general election, each candidate for
2 elective public office described in subsection (1) of this section and any candidate for United States
3 Senator or Representative, who was not a candidate in the preceding statewide primary election,
4 shall file with the commission a statement of economic interest as required under ORS 244.060,
5 244.070 and 244.090.

6 (5) The Legislative Assembly shall maintain a continuing review of the operation of this chapter
7 and from time to time may add to or delete from the list of boards and commissions in subsections
8 (1) to (3) of this section as in the judgment of the Legislative Assembly is consistent with the pur-
9 poses of this chapter.

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STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1424 FOR THE PURPOSE OF RECOMMENDING THE WESTSIDE CORRIDOR PROJECT LOCALLY PREFERRED ALTERNATIVE AND ASSOCIATED LAND USE ACTION

Date: April 1, 1991

Presented by: Bob Post, Tri-Met

PROPOSED ACTION

Adopt Resolution No. 91-1424 which recommends that the Tri-Met Board approve the Locally Preferred Alternative for the Westside Corridor project and adopt the land use action required to comply with state land use requirements in accordance with SB 573.

TPAC considered the resolution at their March 29 meeting and recommended adoption of the proposed resolution. The following motions to amend the recommendation failed to pass at TPAC:

1. To revise the preferred alternative through the Sunset Canyon to the North Side Surface option with a short tunnel.
2. To revise the preferred alternative through Beaverton to the Henry Street option.
3. To delete the highway improvements on U.S. 26 and Highway 217.
4. To revise the preferred tunnel portion to "Option C" (near the Stadium) and delete the zoo station.
5. To revise the preferred alternative west of the 217/Sunset interchange to extend west in the median of U.S. 26 to Tanasbourne Mall, then west to Hillsboro via the Burlington Northern alignment with a spur to the Beaverton Transit Center.

JPACT is scheduled to act on the recommendation at their April 11 meeting.

FACTUAL BACKGROUND AND ANALYSIS

In August 1983, Metro approved the preferred alternative for the Westside Corridor project by Resolution No. 83-423. Tri-Met was designated the lead implementing agency for the LRT portions and ODOT for the highway portions.

In 1988, ODOT and Tri-Met initiated preliminary engineering. Because of the lapse of five years, the resulting change in conditions and the need to examine revisions to the selected alternative, it was necessary to prepare a Supplemental Draft Environmental Impact Statement (SDEIS). This document, approved by UMTA and published in January 1991, provides the basis for approving the revisions and refinements to the Preferred Alternative.

Between 1988 and 1991 the project underwent an exhaustive analytical and public involvement process. Metro Councilor David Knowles serves on the project Steering Group, Metro Transportation Director Andy Cotugno serves on the project Planning Management Group (PMG) and Metro staff support for the project has been extensive. In addition, Metro appointed three members to the project Citizens Advisory Committee (CAC).

In 1990 (and amended January 1991), the Metro Council authorized entering into an intergovernmental agreement with Tri-Met, ODOT and the affected jurisdictions in the corridor establishing an approval process for the project. The amendment approved in January 1991 is consistent with the consolidated land use approval process defined for the project which designates the Tri-Met Board as the final consolidated land use decision-maker.

The process since publication of the SDEIS to develop the final recommendation involved public meetings, two public hearings and four joint meetings of the CAC and PMG to receive public input and consider different views on the various alternatives. These project advisory groups finalized their recommendations for consideration by the Tri-Met Board as reflected in Exhibit A to the Resolution.

This resolution endorses the recommendation of the project Steering Group and recommends adoption by the Tri-Met Board. Although the recommendations of the CAC and PMG are also reflected in the decision document, the Steering Group recommendation is the subject of this resolution. Also being adopted by the resolution are a series of mitigation issues that are recommended for further consideration in the Final EIS and Final Engineering stages of the project.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1424.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

| | | |
|---------------------------------|---|-----------------------------|
| FOR THE PURPOSE OF RECOMMENDING |) | RESOLUTION NO. 91-1424 |
| THE WESTSIDE CORRIDOR PROJECT |) | |
| LOCALLY PREFERRED ALTERNATIVE |) | Introduced by |
| AND ASSOCIATED LAND USE ACTION |) | David Knowles, Chair |
| |) | Joint Policy Advisory |
| |) | Committee on Transportation |

WHEREAS, In the early 1980's the Metro region reviewed alternative corridors as potential transit corridors from downtown Portland into Washington County as part of a federal Alternatives Analysis process; and

WHEREAS, In 1983 the region chose Light Rail Transit in the Sunset Corridor as the Locally Preferred Alternative upon completion of the Alternatives Analysis process; and

WHEREAS, A further Locally Preferred Alternative decision needs to be made at this time for federal funding purposes; and

WHEREAS, Metro and the affected local jurisdictions amended the Regional Transportation Plan (RTP) and the affected local comprehensive plans to incorporate the Locally Preferred Alternative; and

WHEREAS, The 1991 Oregon Legislature adopted Senate Bill 573 which designates the Tri-Met Board of Directors to make a consolidated land use action on certain matters to be covered by the current Locally Preferred Alternative Decision, which include the light rail alignment in the Sunset Highway Canyon and in Beaverton and a portion of Washington County; the locations of the

light rail transit stations and park-and-ride lots; and highway improvements; and

WHEREAS, the Westside Corridor Project Citizens Advisory Committee (CAC), Project Management Group (PMG), and Steering Group (SG), representing the affected jurisdictions and the Oregon Department of Transportation (ODOT), have evaluated the options identified in the Supplemental Draft Environmental Impact Statement (SDEIS) and made recommendations regarding the Locally Preferred Alternative including the matters to be covered by the consolidated land use action; and

WHEREAS, The Tri-Met Board must consider the recommendations of the affected local jurisdictions, the Oregon Transportation Commission and the Oregon Department of Transportation; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District endorses the recommendation of the Project Steering Group as reflected in Exhibits A and B, and recommends that the Tri-Met Board adopt the recommendation as the region's Locally Preferred Alternative and as the region's action on the matters to be covered by the consolidated land use decision.

ADOPTED by the Council of the Metropolitan Service District this ____ day of _____, 1991.

Tanya Collier, Presiding Officer

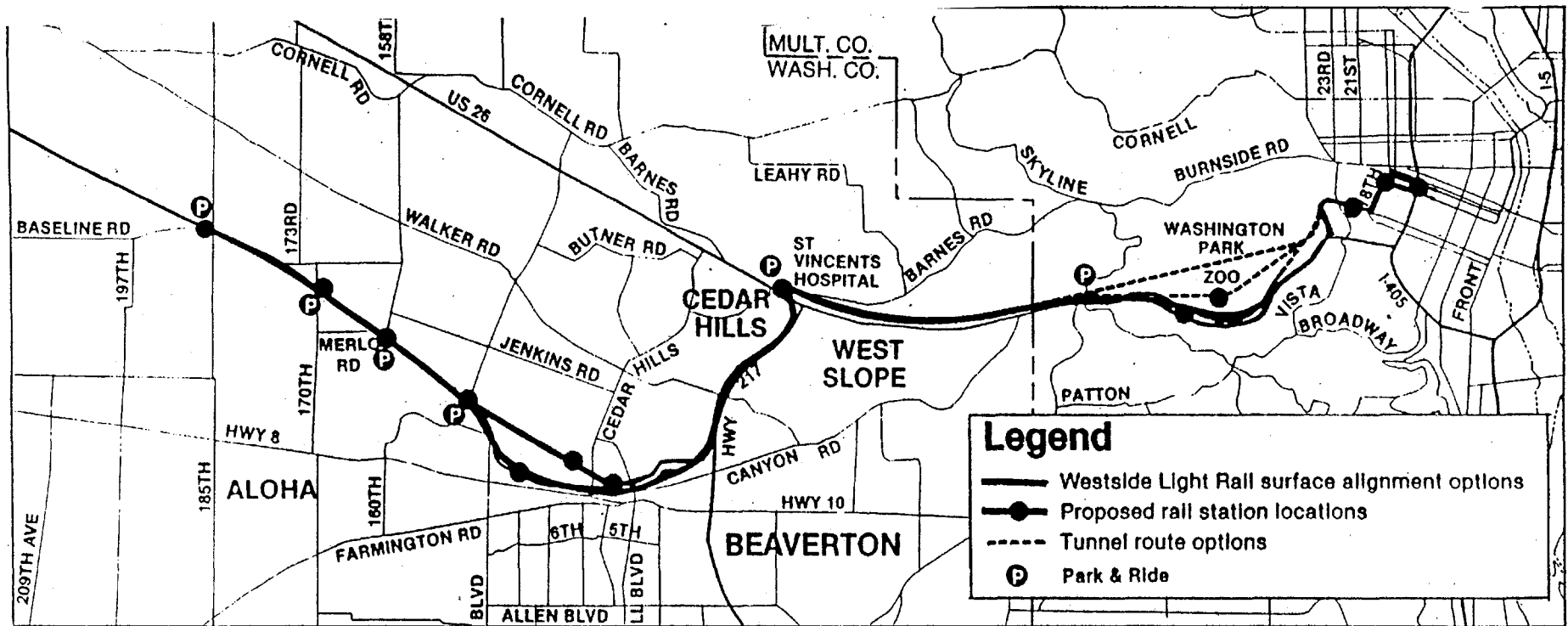
Decision Document

Westside Corridor Project
Public Process to Select a Preferred Alternative

Metropolitan Service District

April 11, 1991

This Decision Document has been adapted for use by each of the committees and governments making recommendations on the Westside Corridor Project



Summary of Light Rail Alignment Choices

1. Choose whether to reaffirm the Downtown alignment on SW Yamhill/Morrison, 18th and Jefferson. (See pages 4-5)
2. Choose one of four alignments in Canyon: Northside Short Tunnel, Long Tunnel with Zoo Station, Long Tunnel without Zoo Station, Southside Surface. (See pages 6-9)
3. Choose one of two alignments in East Beaverton: South Option (south of Beaverton Transit Station) or North Option (north of Beaverton Transit Station). (See pages 10-11)
4. Choose one of two alignments in Central Beaverton: Burlington-Northern Option through Tektronix or Henry Street Option. (See pages 12-13)
5. Choose whether to terminate the alignment at the SW 185th, SW Murray, or Sunset Transit Center. (See pages 14-15)

Summary of Highway Choices

1. Choose whether to approve the base highway design from Zoo to Sylvan, modified (a) to move the highway off the south hillside, (b) to place the Zoo on-ramp near the Zoo overcrossing structure and (c) to keep Canyon Court open. (See pages 18-21)
2. Choose whether to approve the base highway design at Sylvan Interchange with (a) an ODOT-recommended modification near the French-American School, and (b) direction to address certain impacts in the final design. (See pages 22-25)
3. Choose whether to approve the base highway design from Sylvan to Hwy 217, with (a) an ODOT-recommended design option routing Golf Creek-area traffic to SW Barnes, and (b) direction to address certain impacts in the final design. (See pages 26-29)

Introduction

This document presents major choices to be made in the course of selecting an alignment for Westside Light Rail. The choices are organized in two categories:

Light rail choices These include the alignment alternatives studied in the Supplemental Draft Environmental Impact Statement that have been the subject of public discussion.

Highway choices These include aspects of the highway project that have been the subject of public discussion since publication of the SDEIS.

The document will be used to assist advisory groups and governments in reaching recommendations and will be amended to record these recommendations after each organization has acted. It is a dynamic document.

Note to Decisionmakers

The Decision Document covers major choices to be made by the Tri-Met Board April 12. A separate memorandum presents a list of mitigation options compiled from requests by jurisdictions affected by the project. The issues and choices on this list will continue to be considered by Tri-Met, working with the jurisdictions, during the preparation of the Final Environmental Impact Statement, the Full Funding Agreement, and final design phases of the project work. Additional attachments detail recommendations made by the Westside Citizens Advisory Committee, the Project Management Group, and the Steering Group.

Westside Project Goal

The goal of the Westside project is to build light rail and highway improvements that achieve the following:

- Optimize the transportation system
- Are environmentally sensitive while reflecting community values
- Remain fiscally responsive

ODOT Objectives for Sunset Highway Improvements

1. Support joint highway and transit solutions
2. Enhance highway safety
3. Be environmentally responsive
4. Reduce congestion and relieve bottlenecks
5. Be cost effective

Objectives for Westside Project adopted by Project Management Group

1. Maximize transit use
2. Minimize capital and operating cost
3. Minimize and mitigate environmental impacts
4. Maximize positive impact on area development

Guide to acronyms used in this document

| | | | |
|------|---------------------------------------|-------|------------------|
| CAC | = Citizens Advisory Committee | SG | = Steering Group |
| PMG | = Project Management Group | T-M | = Tri-Met Board |
| ODOT | = Oregon Department of Transportation | Board | |

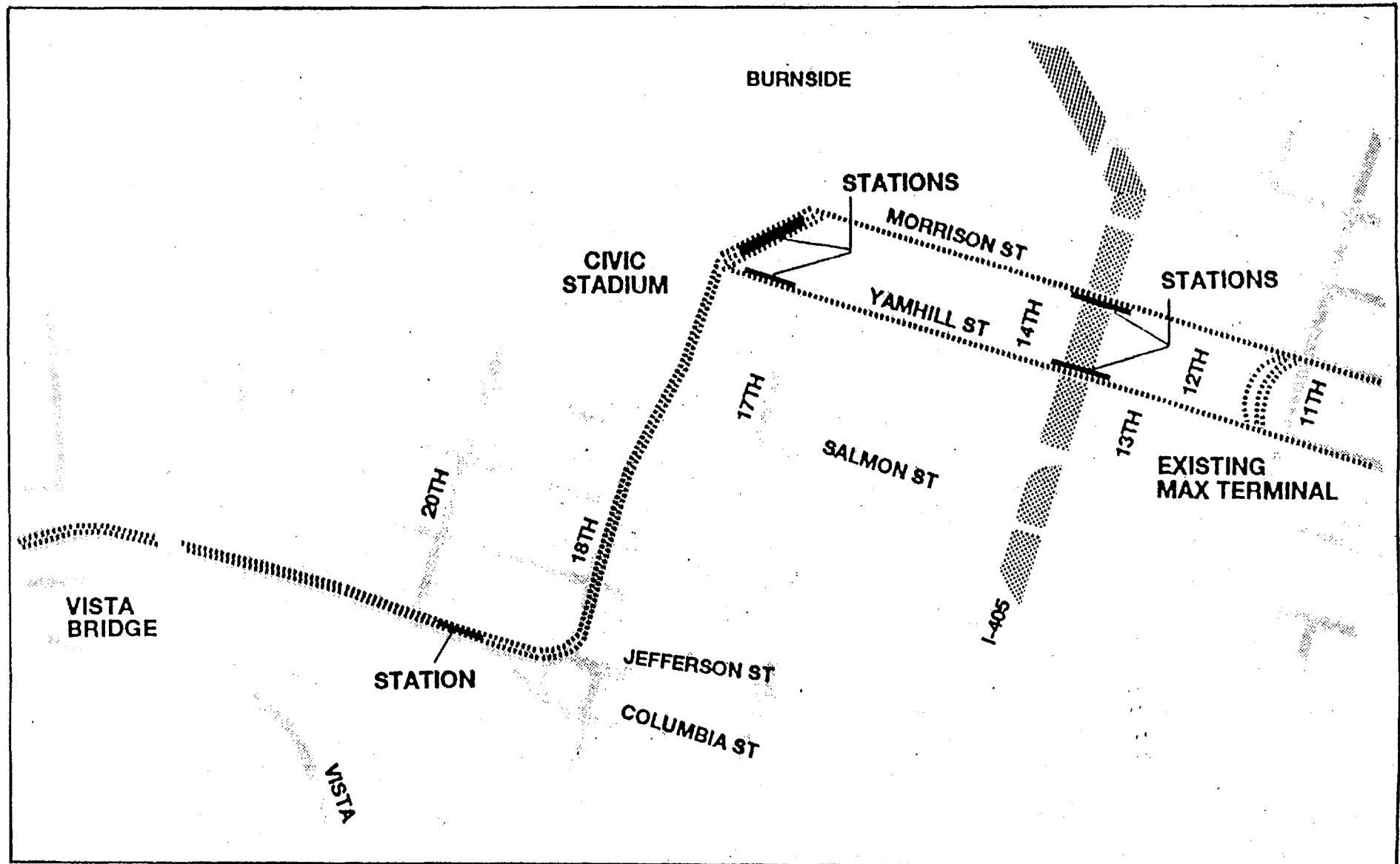
Recommendation

The first, basic choice is to reaffirm the selection of light rail (option 1) as the region's preferred transportation improvement for the Westside Corridor. Other options are transportation systems management (option 2, expanded bus service) or no build (option 3).

| | | | | |
|------------------|---------|---------|--------|-----------------------|
| Recommendations: | CAC (1) | PMG (1) | SG (1) | T-M Board (1,2, or 3) |
|------------------|---------|---------|--------|-----------------------|

Light Rail - Downtown

Alignment Choices



Light Rail - Downtown

One option to reaffirm

Alignment Choices

The Downtown alignment (adopted 1983) starts at eastside MAX terminus at SW 11th. Located on the south side of SW Morrison and north side of SW Yamhill between 11th & SW 18th. In the median of SW 18th. At grade in the Jefferson median if connected to a tunnel option. (Would enter tunnel at Portal A.) Stations at I-405, 18th & Yamhill/Morrison (occupies Rasmussen Motors block), and 18th & Jefferson in Goose Hollow. LRT design treatment like NE Holladay (paved track surface).

Advantages:

- Uses lowest cost portal option (Portal A)
- Provides station in Goose Hollow.
- Allows future connection to SW 5th/6th Transit Mall via Jefferson/Columbia cross-mall alignment.
- Consistent with city of Portland and neighborhood goals

Issues:

- Traffic congestion due to reduction of travel lanes.
- Loss of some on-street parking.
- Noise and vibration concerns.
- Pedestrian access at street intersections along route.
- Disabled parking zone at Zion Lutheran Church.
- Construction impacts

Goose Hollow Foothills League proposal for Portal C2

This is a variation on the tunnel Portal C option studied in 1989 and rejected as being too costly and inconsistent with City of Portland goals. It was proposed by the Goose Hollow Foothills League and studied upon request by the CAC. The neighborhood believes Portal C2 would resolve Downtown alignment issues listed above. The study conducted by Tri-Met staff found that (1) excava-

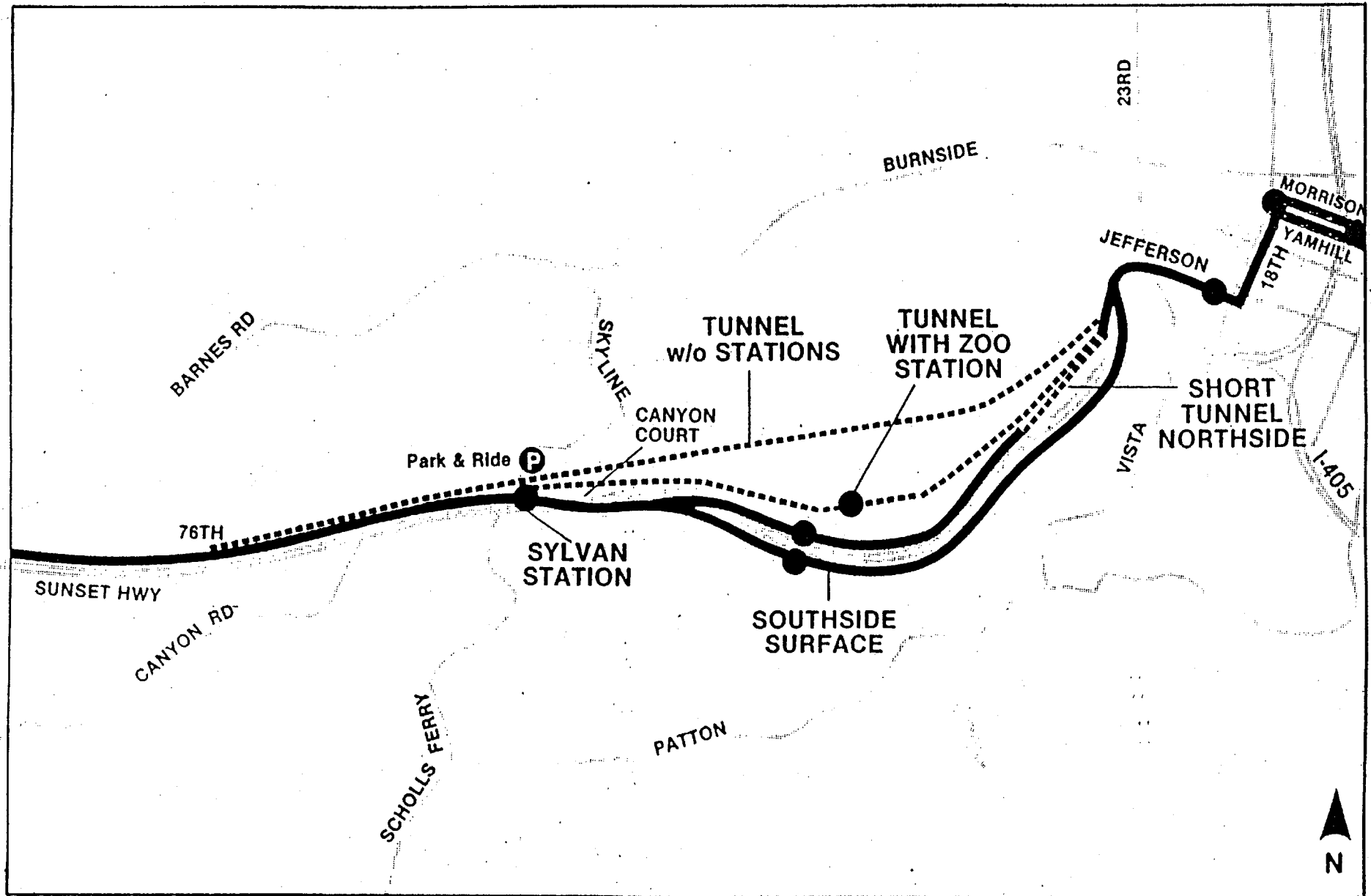
tion for Portal C2 could affect a layer of unstable rock from former landslides and pose a risk to buildings on the surface; (2) cost of C2 would remain in the \$30-40 million range of C; and (3) C2 remains inconsistent with City of Portland goals. The CAC did not agree to act upon the neighborhood's request for still further study of C2 and variations on C2.

Recommendations

| Recommendations: | CAC (yes) | PMG (yes) | SG (yes) | T-M Board (yes/no) |
|------------------|-----------|-----------|----------|--------------------|
|------------------|-----------|-----------|----------|--------------------|

Light Rail - Canyon

Alignment Choices



Light Rail - Canyon

Four options / choose one

Alignment Choices

Alignment options between Goose Hollow and Sylvan include one on the southside surface, two long tunnel options on the northside, and one northside option partially in tunnel and partially on surface.

1. Northside Short Tunnel

1/2 mile tunnel from SW Jefferson to 1/2 mile east of Zoo. Continues on northside surface to Sunset Transit Center. Includes stations at Zoo, Sylvan and Sunset Transit Center. Also includes park-and-ride lots at Sylvan and Sunset Transit Center.

Advantages: - Lowest cost of four options
- Provides Zoo and Sylvan stations

Issues: - More tree removal than long tunnel options
- More retaining walls than long tunnel options
- Surface rail subject to potential debris, weather
- Significant construction impacts on highway travel

2. Long Tunnel with a Zoo Station

Three-mile tunnel from SW Jefferson to SW 76th Avenue. No station at Sylvan. Zoo station with elevator access. Includes station and park and ride at Sunset Transit Center.

Advantages: - Second lowest grades
- 2 minutes less travel time than surface, short tunnel
- Lowest amount of retaining wall, tree removal
Advantages from providing Zoo station:
- Reduces parking demand at Zoo, OMSI campus
- Increased ridership and operating revenue
- Improves access capacity to Zoo (state's number one paid visitor attraction)

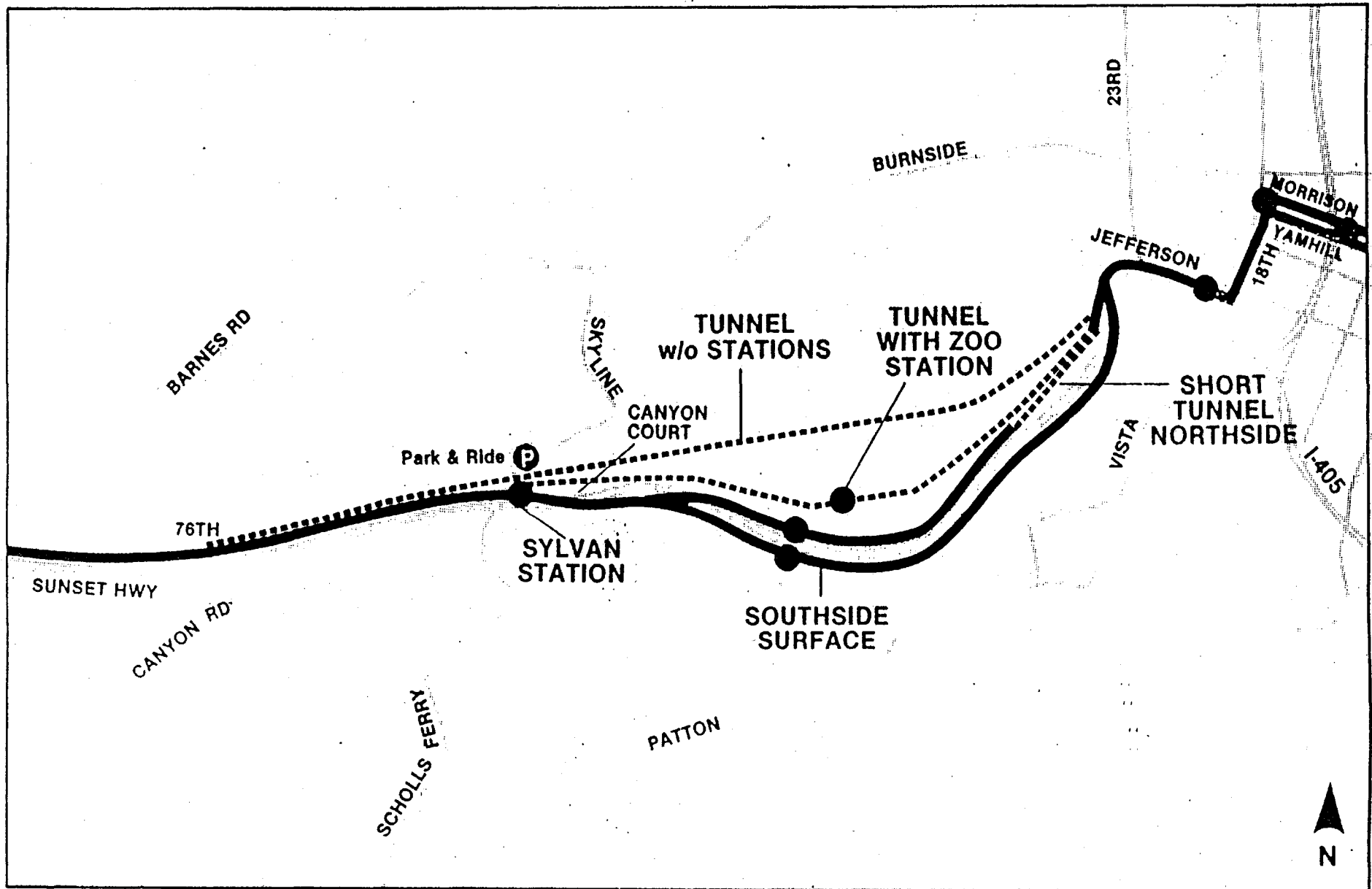
Advantages shared with other Long Tunnel option:

- More reliable operation
- Moderate construction impacts
- Allows flexibility in highway design, construction

Issues - Highest cost (\$491 million in 1990 \$: \$50 million more than Northside/Short Tunnel; \$25 million more than Long Tunnel without Zoo Station; \$46 million more than Southside Surface)
- No Sylvan station

Light Rail - Canyon

Alignment Choices



Light Rail - Canyon

Four options / choose one

Alignment Choices

CONTINUED

3. Long Tunnel without a Zoo Station

Three-mile tunnel from SW Jefferson to SW 76th. No underground stations. Includes station and park and ride at Sylvan Transit Center. Also includes park-and-ride lots at Sylvan and Sunset Transit Center.

- Advantages:
- Fastest running time (1 minute faster than Long Tunnel/Zoo Station; 3 minutes faster than other two surface options)
 - \$25 mil less capital cost than Long Tunnel with Zoo Station; more costly than other two options
 - Lowest operating cost (\$200,000 less annually than Long Tunnel with Zoo Station)
 - Lowest retaining wall and tree removal impacts
- Advantages shared with other Long Tunnel option:
- More reliable operation
 - Moderate construction impacts
 - Allows flexibility in highway design, construction

- Issues:
- Bus service to Zoo campus or Sylvan required
 - Limited access, potential safety in 3-mile tunnel
 - 4% less ridership than Long Tunnel with Zoo Station; 12% less than other two options
 - Less farebox revenue (due to decrease in ridership)
 - Less access capacity to Zoo, OMSI campus

4. Southside Surface (adopted in 1983)

Elevated in center of SW Jefferson. Crosses on structure to south side at Vista Tunnel; crosses back to north side on structure between Zoo and Sylvan. Stations serving Zoo, Sylvan, Sunset Transit Center. Also includes park-and-ride lots at Sunset Transit Center.

- Advantages:
- Second lowest cost (\$4 mil more than Northside/Short Tunnel; \$21-46 mil less than long tunnel options)
 - Stations serving both Zoo and Sylvan

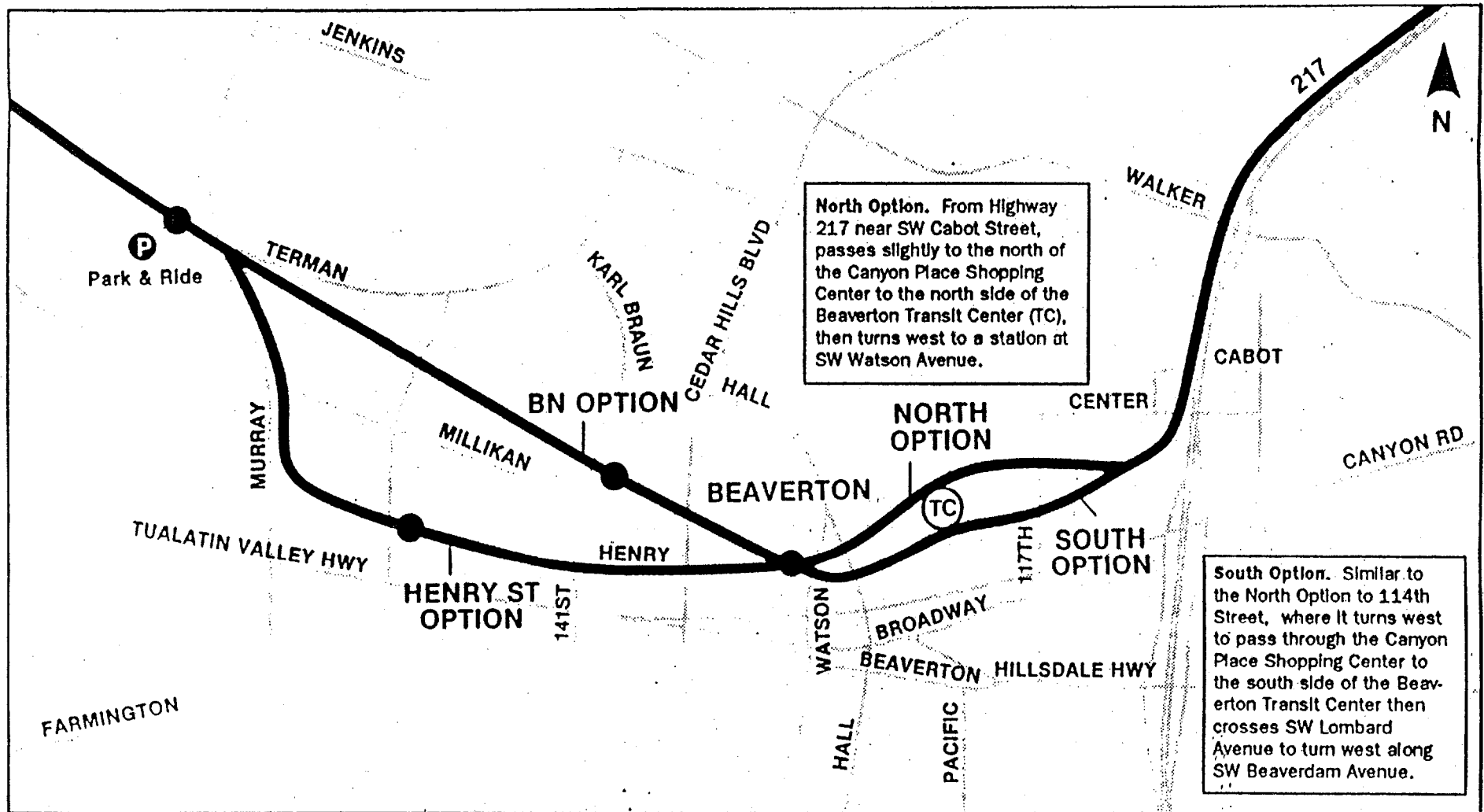
- Issues:
- Most severe environmental, visual impacts (14% more retaining wall than Northside/Short Tunnel; 85% more than long tunnel options; most severe tree impacts)
 - Least flexibility for highway design/construction

Recommendations

| | | | | |
|------------------|---------|---------|--------|------------------------|
| Recommendations: | CAC (2) | PMG (2) | SG (2) | T-M Board (1,2,3 or 4) |
|------------------|---------|---------|--------|------------------------|

Light Rail - East Beaverton

Alignment Choices



Light Rail - East Beaverton

Two options / choose one

Alignment Choices

The two options in East Beaverton follow routes on the north and south of the Beaverton Transit Center between SW 114th and Watson Ave. Both have stations at Beaverton Transit Center and Civic Center/Watson Ave.

1. South Option (adopted in 1983)

Leaves highway 217 near SW Cabot. Passes through an apartment complex and Canyon Place Shopping Center on the south side of the Beaverton Transit Center. Crosses SW Lombard and goes west on SW Beaverdam.

Advantages:

- Considered by Beaverton staff to be more favorable for future development
- Consistent with downtown Beaverton plan

Issues:

- Bisects shopping center
- Displaces more businesses
- Higher cost
- Requires floodplain, wetlands mitigation
- Greater parking impacts
- Safety hazard in parking lot

2. North Option

Leaves highway 217 near SW Cabot, passes through apartment complex and north of Canyon Place Shopping Center on the north side of the Beaverton Transit Center.

Advantages:

- Displaces fewer businesses
- Lower cost
- Reduced parking, shopping center impacts
- Fewer traffic impacts
- Reduced wetlands impacts

Issues:

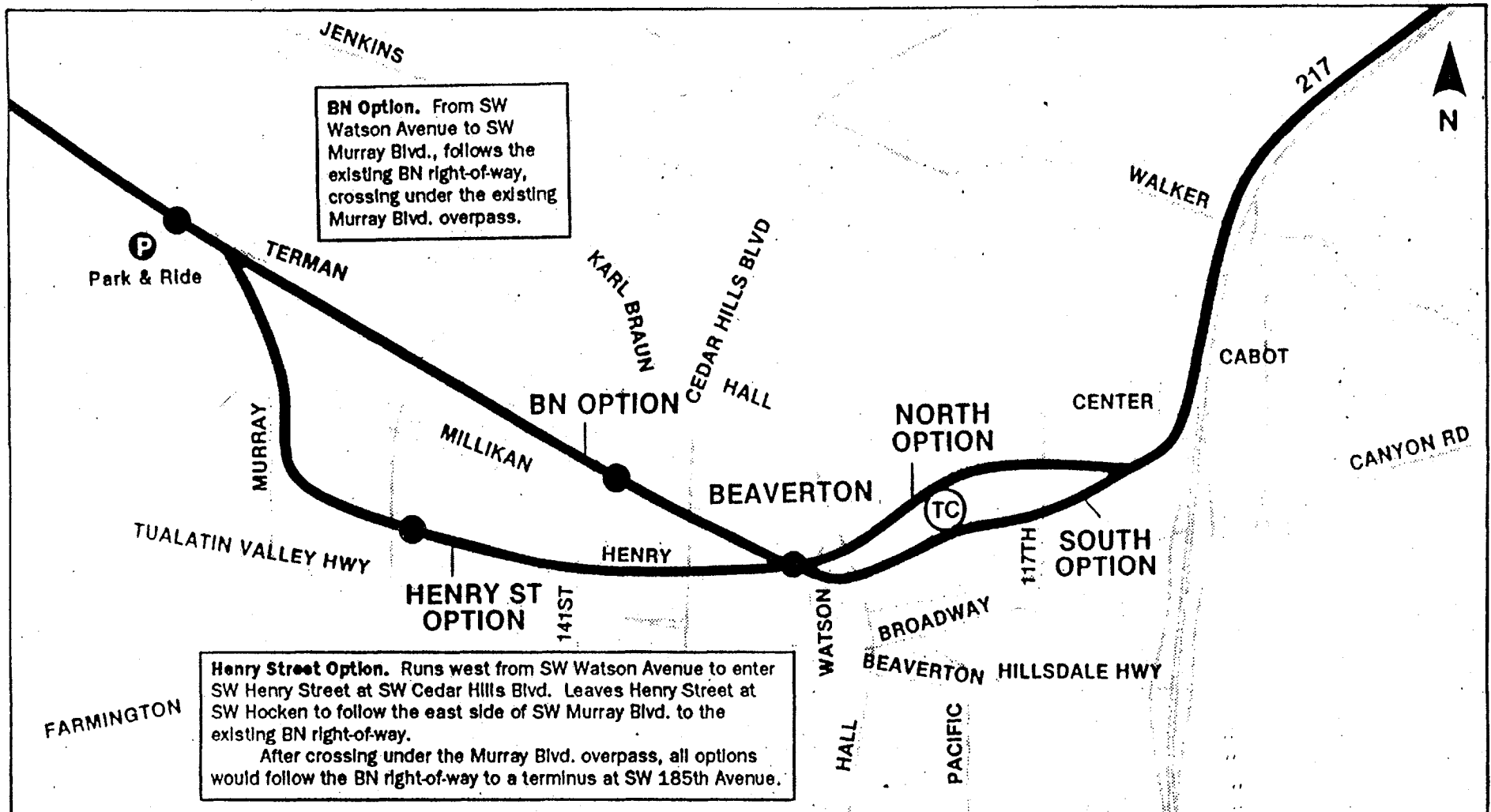
- Affects future east-west arterial
- Considered by Beaverton staff to be less supportive of Beaverton development objectives

Recommendations

| | | | | |
|------------------|---------|---------|--------|-----------------|
| Recommendations: | CAC (2) | PMG (2) | SG (2) | T-M Board (1/2) |
|------------------|---------|---------|--------|-----------------|

Light Rail - Central Beaverton

Alignment Choices



Light Rail - Central Beaverton Alignment Choices

Two options / choose one

Of the two options in Central Beaverton, one follows an existing railroad right-of-way and the other requires some new right-of-way.

1. Burlington-Northern Option (adopted in 1983)

Follows existing Burlington-Northern tracks through Tektronix campus from SW Watson to SW Murray Blvd, crossing under existing Murray Blvd overpass. Stations at Hocken, Murray. Park-and-ride lot at Murray.

Advantages:

- Lower cost than Henry Street option
- Fewer displacements
- 1-2 minute faster travel times than on Henry Street
- Easiest to construct
- Lower parking impacts

Issues:

- Possible vibration impacts at Tektronics --
- Less developable acreage within 1/4 mile

2. Henry Street Option

Runs west from SW Watson Ave. At SW Cedar Hills enters Henry Street, south side. Leaves Henry Street in new transportation corridor at SW Hocken to follow east side of SW Murray Blvd to existing Burlington-Northern right of way. Stations at 141st, Murray. Park-and-ride lot at Murray.

Advantages:

- More developable acreage (22 acres) within 1/4 mile
- Would directly serve new residential development on SW Henry

Issues:

- More displaced businesses, residences
- Higher cost
- 1000' longer than B-N Option; 1-2 minutes slower
- More traffic, parking, construction impacts

Recommendations

| | | | | |
|------------------|---------|---------|--------|--------------------|
| Recommendations: | CAC (1) | PMG (1) | SG (1) | T-M Board (1 or 2) |
|------------------|---------|---------|--------|--------------------|

Light Rail

Three options / choose one

Terminus Choices

The Supplemental Draft Environmental Impact Statement includes three options for the end point of the light rail alignment.

1. Terminus at SW 185th (adopted in 1983)

Depending on the alignment, the light rail line to SW 185th Ave would be from 11.4 to 12 miles long and have 11 to 13 stations and 5 or 6 park and ride lots. The portion of the line west of Central Beaverton would have stations at SW 158th, 170th, and 185th, and a park and ride lot at each of these three stations. A Westside maintenance and storage facility would be located at SW 170th.

Advantages:

- 2,900-6,200 more daily transit trips than short terminus options
- Cost per rider 10-20% lower annually
- Best meets project objectives

Issues:

- Cost approximately \$50 million more than SW Murray option and \$200 million more than Sunset Transit Center terminus option

2. SW Murray Blvd terminus

The line would be 9.2 to 9.8 miles long if it stopped at Murray, or about 2 miles shorter than if the line ended at 185th Ave. All Canyon and Beaverton alignment options would apply to this terminus option. There would be a 1,000-car park and ride lot at Murray (the lot would hold 800 cars in the 185th terminus option). A vehicle maintenance facility would be built just west of the terminus.

Advantages:

- \$50 mil less capital cost than 185th terminus option

Issues:

- Lower ridership, less cost-effective
- Site difficulties for maintenance facility
- Less successful in meeting project objectives

Light Rail

Three options / choose one

Terminus Choices

CONTINUED

3. Terminus at Sunset Transit Center

This line would be 5.4 to 5.8 miles long, or about six miles shorter than the line to 185th. There would be no Westside maintenance facility; maintenance services would be supplied by the Ruby Junction facility on the eastside. Only the Canyon segment alignment options would be relevant.

Advantages: - \$200 mil less capital cost than 185th option

Issues: - Lowest ridership and cost effectiveness

- No maintenance facility

- Least successful in meeting project objectives

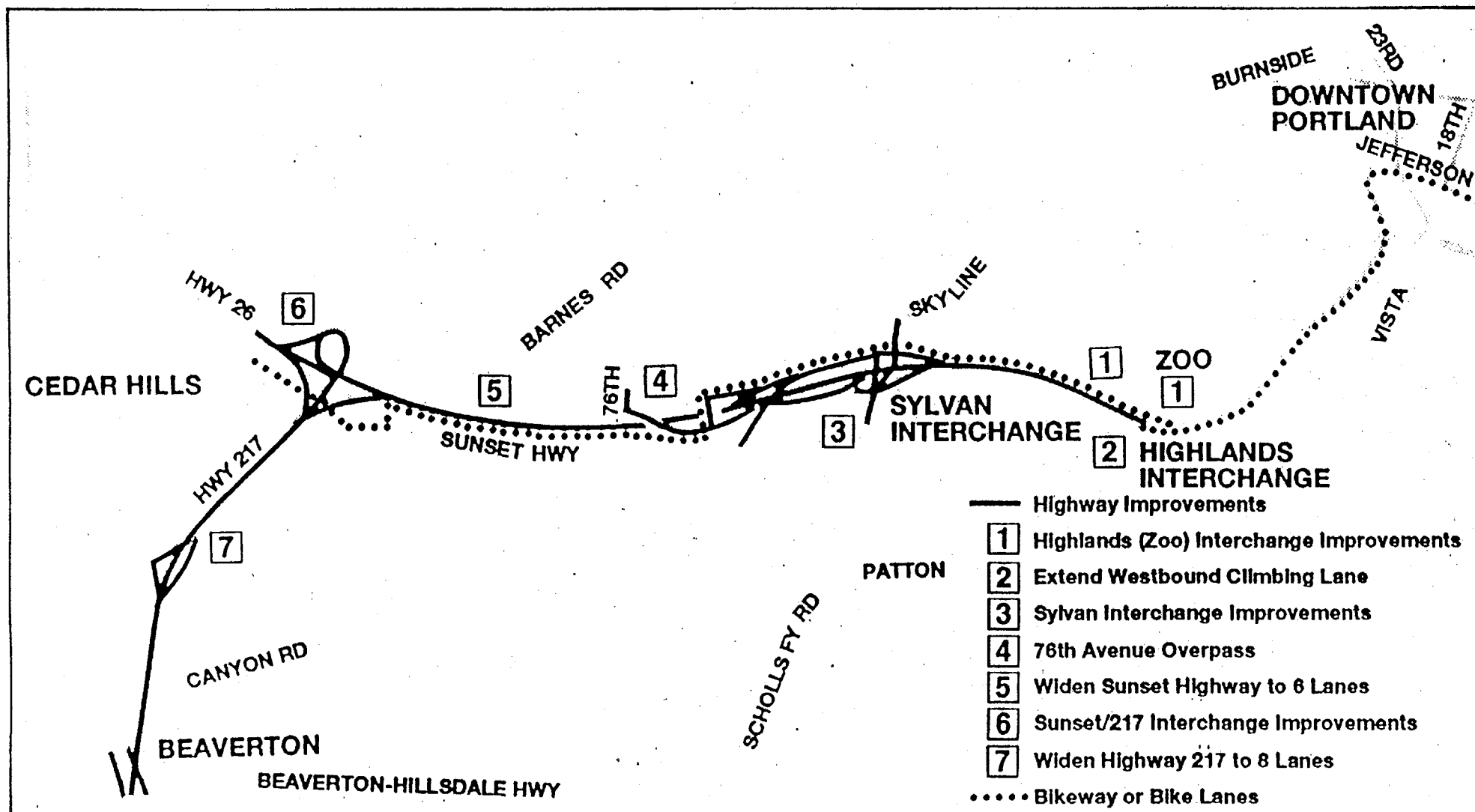
- Creates highway impacts at Sunset/217 interchange

Recommendations

| | | | | |
|------------------|---------|---------|--------|-----------------------|
| Recommendations: | CAC (1) | PMG (1) | SG (1) | T-M Board (1, 2 or 3) |
|------------------|---------|---------|--------|-----------------------|

Highway Project Base Design

Description



Highway Project Base Design

Description

The Westside Corridor Project includes improvements on Highway 26 and Highway 217 in addition to the light rail project elements. The following pages outline choices to be made about specific highway project elements. The Base Design for the highway improvements is described below. (Note: no issues on Highway 217 segment.)

1. Zoo to Sylvan improvements

- Build new westbound on-ramp at Zoo
- Rebuild eastbound ramps due to highway widening (see below)
- Add westbound truck climbing lane (currently stops at Zoo)
- Close part of Canyon Court (due to widening)
- Shift centerline south to accommodate new lane

2. Sylvan Interchange improvements

- Rebuild existing structure over highway (due to widening)
- Relocate westbound ramps (due to widening and to eliminate weaves)
- Build eastbound and westbound collector-distributor roads
- Realign some local streets affected by improvements
- Reconfigure some local street connections to interchange to improve safety
- Connect Canyon Court west of Skyline to Skyline via 58th and Montgomery

3. Sylvan to Highway 217 improvements

- Widen highway to six lanes (one new lane each direction)
- Close local accesses to Highway 26 on south side at 75th, 78th, 79th, and Katherine Lane; and on north side at 76th
- New SW 76th Avenue overpass to provide access from Golf Creek area to highway

- Replace existing structure over SW Canyon Road with wider structure
- Continue collector-distributor system from Sylvan to Camelot Court

4. Highway 217 interchange improvements

- Widen Highway 26 structure over Highway 217
- Widen to two lanes and realign major ramp connections between Highway 26 and Highway 217

5. Highway 217 improvements

- Widen to four lanes in each direction between Highway 26 and Canyon Road, including an auxiliary lane, and taper back to two lanes in each direction at ~~Beaverton-Hillsdale~~ Highway T.J.
- Rebuild ramps at Wilshire Street, Walker Road, and Canyon Road to accommodate highway widening
- Shift highway centerline slightly east at Walker Road to accommodate highway widening

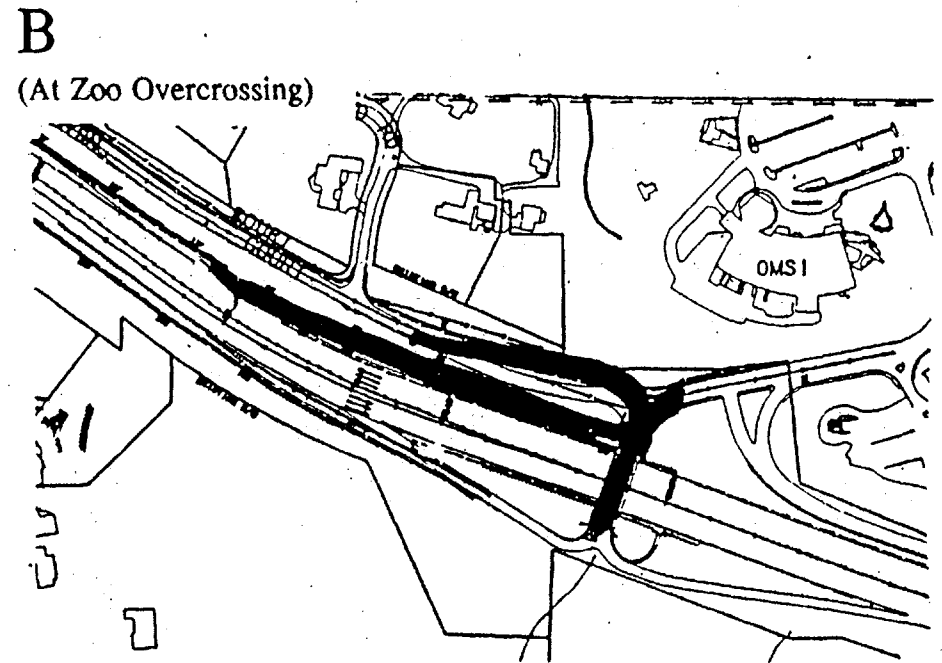
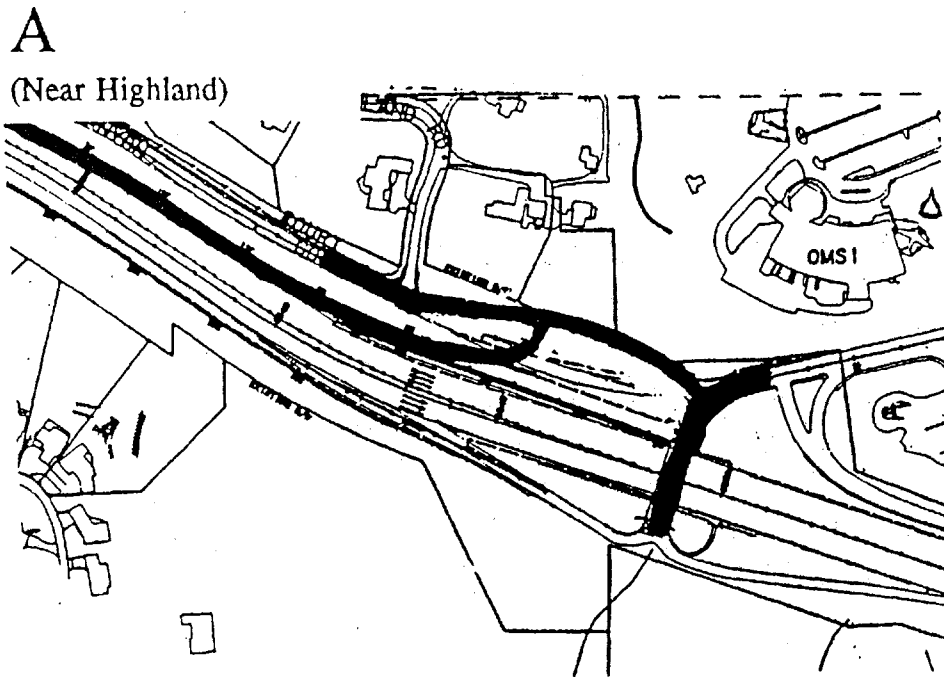
6. Additional improvements

- Build two-way bikeway entire length of project
- Install congestion ramp metering on certain ramps

Highway - Zoo to Sylvan

Choices

1. Locations for westbound on-ramp at Zoo



Highway - Zoo to Sylvan

Three issues to resolve

Choices

The Base Design for Highway 26 in this segment includes a westbound climbing lane, a westbound on-ramp from the Zoo, and a bikeway along Canyon Court. Three design issues need resolution.

1. Move highway improvements off south hillside (ODOT staff recommendation)

Advantages:

- Less vegetation removed
- Fewer retaining walls
- \$3.5 mil less cost
- Makes improvements significantly easier to build
- Reduced traffic delays during construction

Issues: - Takes more ROW from backyards (.8 acres)

2. Locations for westbound on-ramp at Zoo (both are Base Design options)

A. Zoo on-ramp near Highland Parkway

Advantages:

- Less sensitive geologically
- Less expensive now than if done later

Issues: - Makes shifting highway off south hill more difficult
- Requires additional lane for merging, pushing surface LRT further north

B. Zoo on-ramp near Zoo overcrossing structure (ODOT staff recommendation)

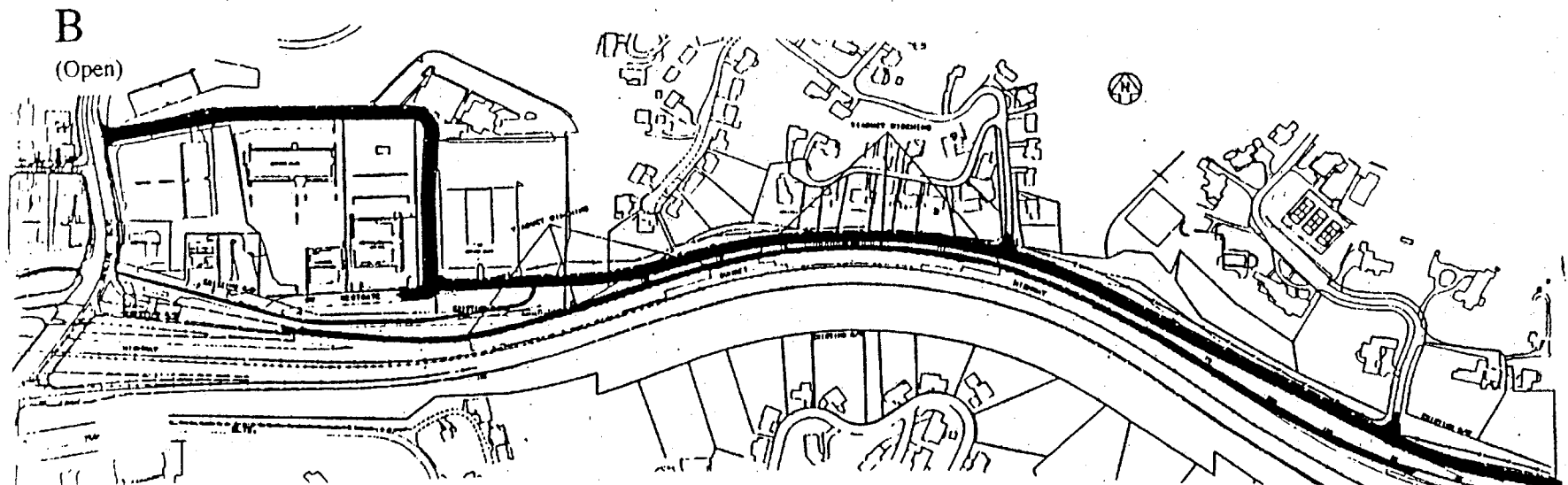
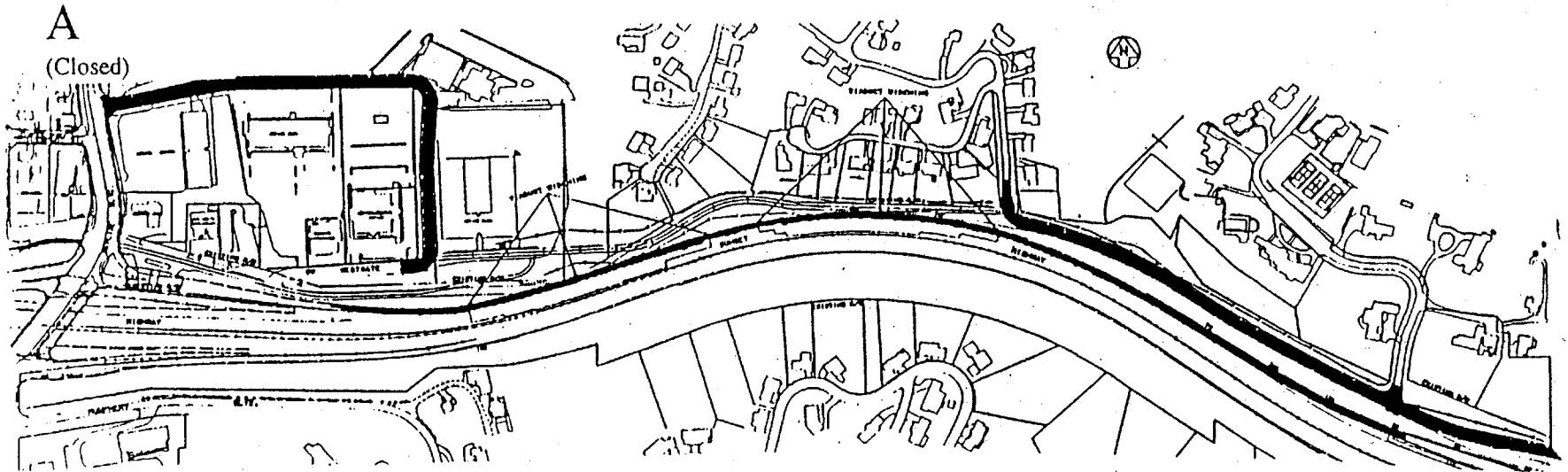
Advantages:

- More flexibility to move highway off south hillside
- Does not require additional merging lane

Issues: - Requires geologically sensitive construction techniques

Continued

3. Canyon Court between Highland and Skyline



Highway - Zoo to Sylvan

Three issues to resolve

Choices

CONTINUED

3. Canyon Court between Highland and Skyline

A. Close Canyon Court (Base Design)

Advantages:

- Less ROW required for highway improvements
- Less cost
- Provides separated bike path

Issues:

- Local traffic must use highway
- Emergency vehicles can access bike path
- If open, Canyon Court provides detour route

B. Keep Canyon Court open (City of Portland staff recommendation; ODOT no preference)

Advantages:

- Provides route for local traffic off Hwy 26
- Better emergency vehicle access
- Detour route for traffic in highway emergency

Issues:

- Additional ROW takes
- Higher cost
- Less desirable bicycle path

Recommendations

ODOT and City of Portland transportation staff recommend building the Base Design highway improvements from Zoo to Sylvan with the final design to incorporate these changes:

- A. Move highway off south hillside.
- B. Keep Canyon Court open.
- C. On-ramp near Zoo overcrossing structure.

| Recommendations: | CAC (yes) | PMG (yes) | SG (yes) | T-M Board (yes/no) |
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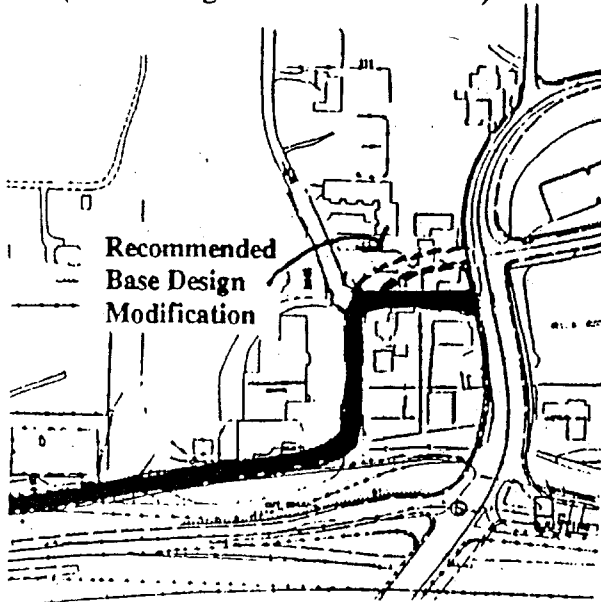
Highway - Sylvan Interchange

Choices

1. North circulation choices in vicinity of French-American School

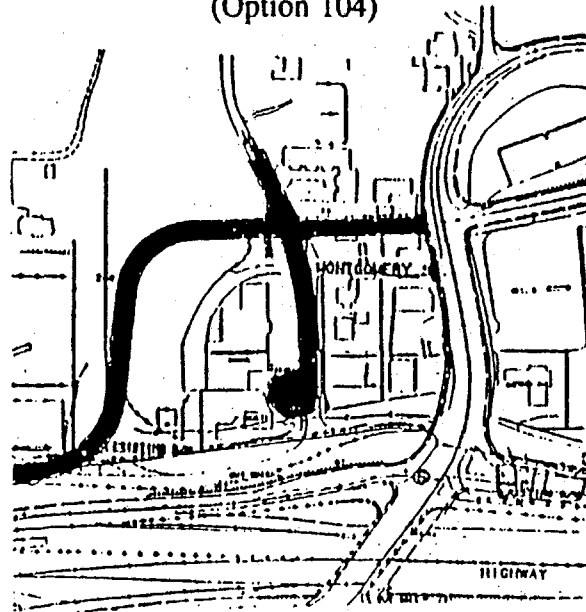
A

(Base Design with Modification)



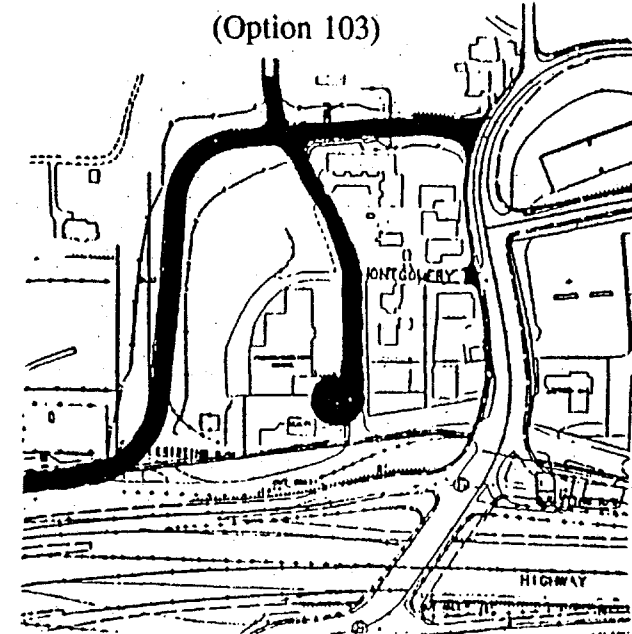
B

(Option 104)



C

(Option 103)



Highway - Sylvan Interchange

Choices

Two local circulation issues north and south of highway to resolve

Highway improvements at the Sylvan Interchange include rebuilding and widening the overcrossing, new ramp configurations, a truck bypass ramp, a bikeway, and required realignments of involved local streets. Two design issues need resolution, one on the north side and one on the south side.

1. North circulation choices in vicinity of French-American School:

A. Connect West Canyon Court to 58th and Montgomery in front of French-American School (Base Design with modification to eliminate offset intersection; ODOT staff recommendation)

Advantages - Fewest nonstandard traffic movements
- Least cost
- Least ROW impacts

Issues: - More traffic in front of school
- Misalignment with Westgate Dr.

B. Connect West Canyon Court via 60th (new street behind French-American School) to Westgate intersection (ODOT Option 104)

Advantages: - Less traffic in front of school
- Better grades than Base Design (A)
- Connects to Westgate Dr without jog

Issues: - Takes school ballfield land
- Displaces 5 more residences
- Higher ROW, construction costs

C. Connect West Canyon Court via 60th to Skyline north of Montgomery (ODOT Option 103)

Advantages - Less adverse impact on school, residences than B

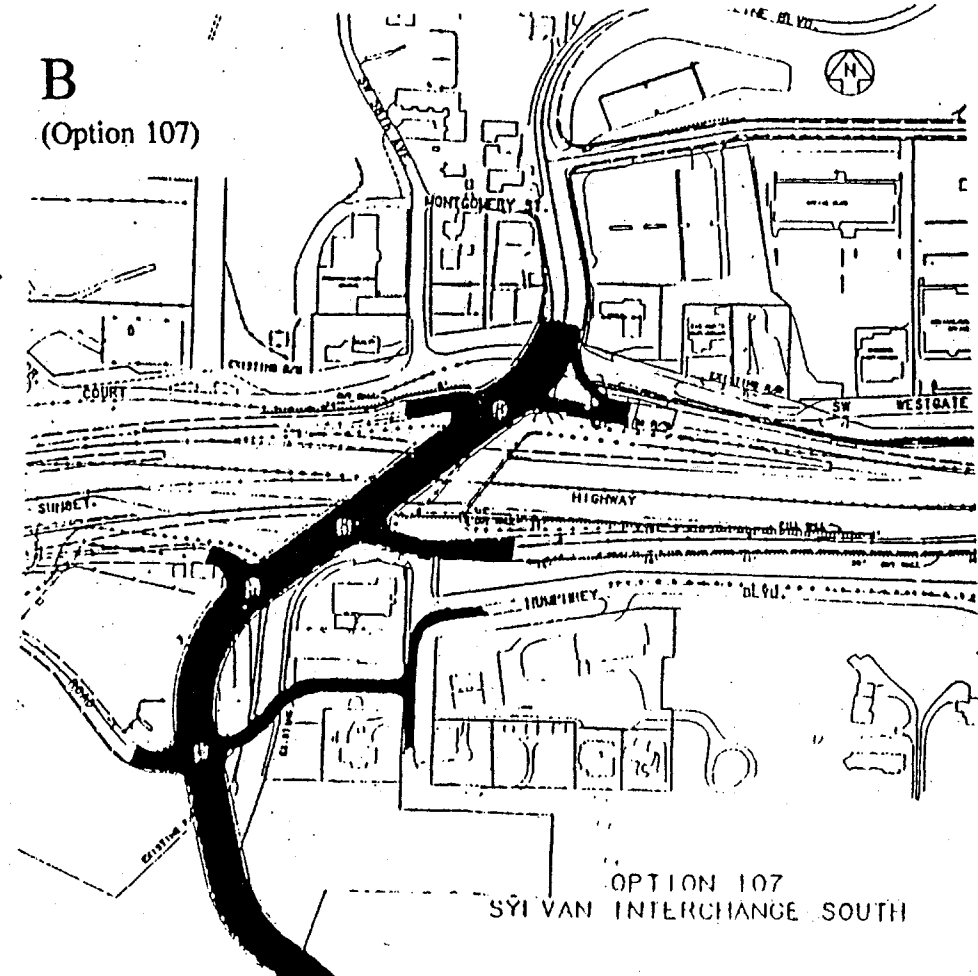
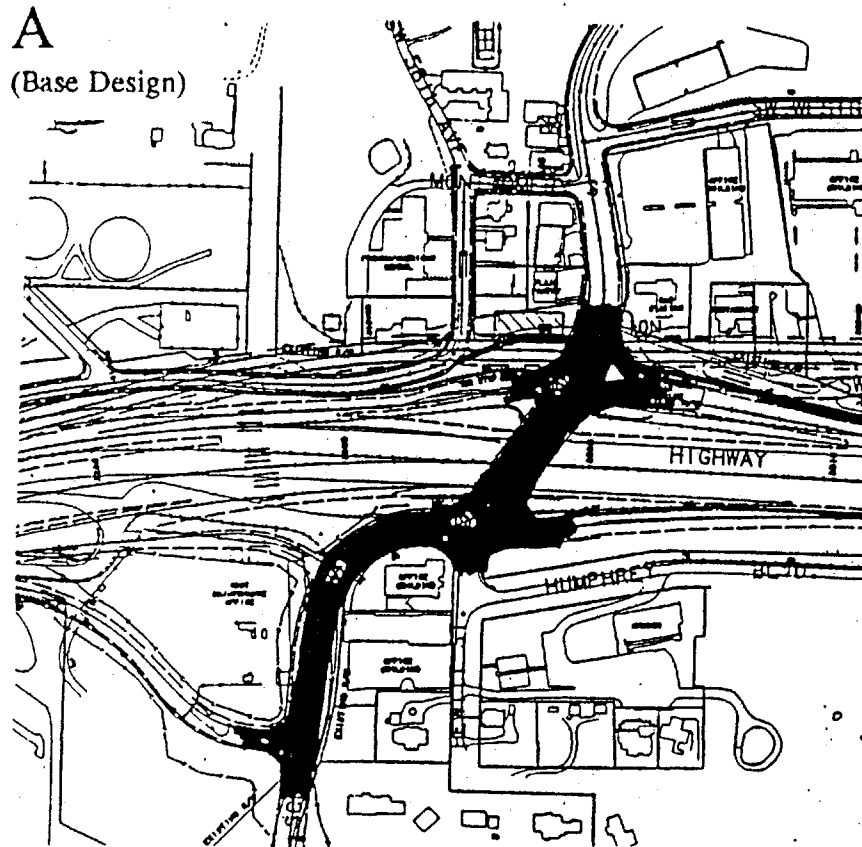
Issues: - More cost, ROW impacts than Base Design (A)
- Misaligns with Westgate

Continued

Highway - Sylvan Interchange

Choices

2. South circulation choices for Humphrey-Hewitt Intersection



Highway - Sylvan Interchange

Two local circulation issues north and south of highway to resolve

Choices

CONTINUED

2. South circulation choices for Humphrey-Hewitt Intersection:

A. Maintain current Humphrey-Hewitt intersection (Base Design)

Advantages

- Less cost
- Less ROW taking
- Less retaining wall

Issues: - Intersection in unconventional location

B. Relocate Humphrey-Hewitt to Rabb Road/Scholls intersection (ODOT Option 107)

Advantages:

- More conventional intersection design
- Moves Hewitt/Humphrey out of interchange and away from ramp terminus
- Improves constructability of overcrossing (current overcrossing can be used during construction)

Issues: - More cost

- More ROW; displaces office building
- Steeper grades for Hewitt/Humphrey

Recommendations

ODOT and City of Portland staff recommend building the highway Base Design modified to correct the misalignment of Westgate and Montgomery. The final design will also attempt to mitigate the following impacts:

North: Minimize local circulation impacts to neighborhood, businesses, and French-American School

South: Create a more standard-design intersection at Humphrey-Hewitt

| Recommendations: | CAC (yes) | PMG (yes*) | SG (yes*) | T-M Board (yes/no) |
|------------------|-----------|------------|-----------|--------------------|
|------------------|-----------|------------|-----------|--------------------|

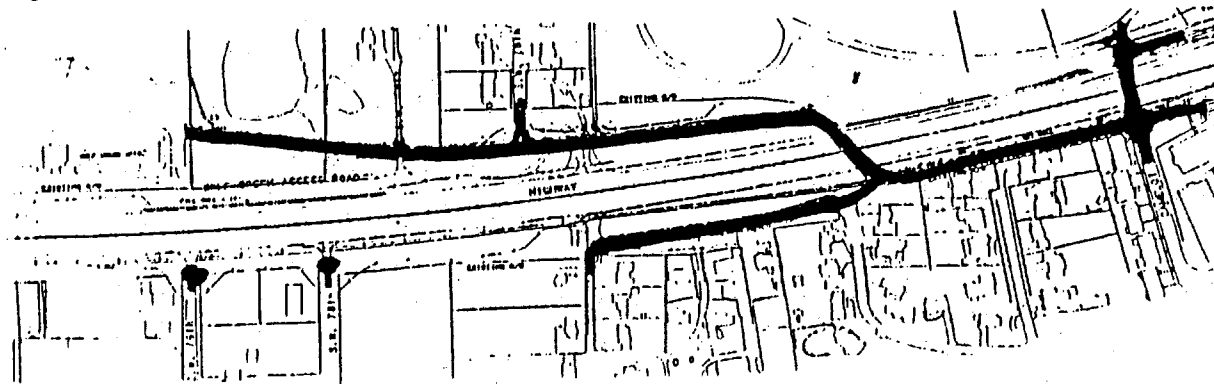
*SG and PMG recommendations clarified south mitigation measure as follows: "Create a more standard design ramp-terminal intersection with Humphrey-Hewitt streets relocated, providing acceptable grades can be developed."

Highway - Sylvan to Hwy 217

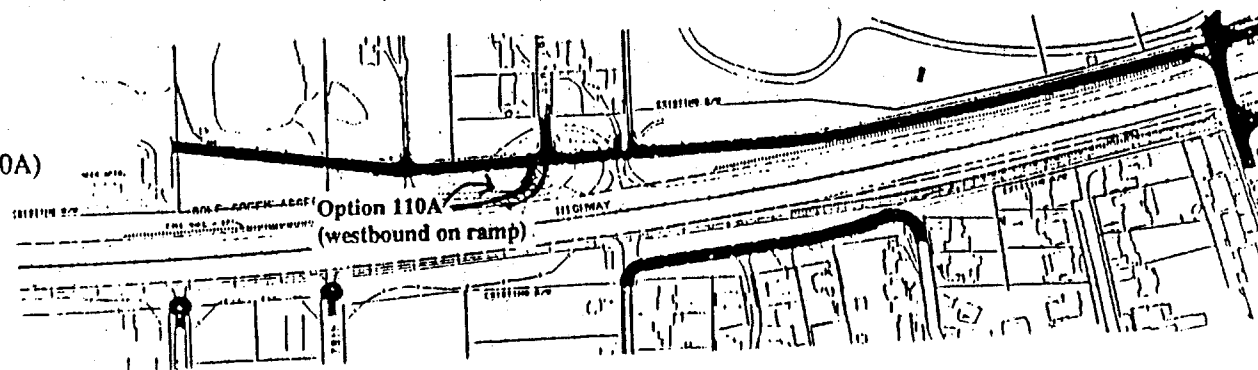
Choices

1. Access to Highway 26 for Golf Creek area

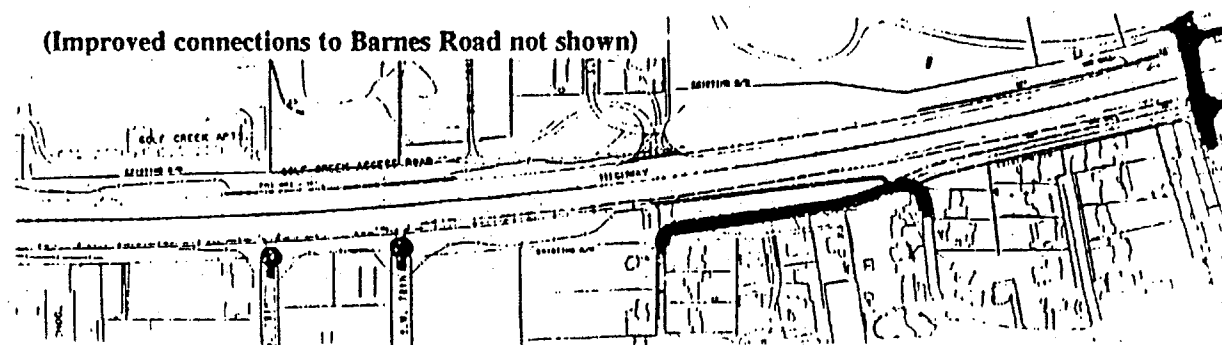
A
(Base)



B
(Option 110 & 110A)



C
(Option 112)



Highway - Sylvan to Hwy 217

Choices

Two issues to resolve

The Base Design for Highway 26 in this segment includes widening from 4 to 6 lanes with a truck bypass ramp; local accesses to the highway will be closed, upgrading the highway to freeway standards. Highway 217 will be widened to six lanes between Highway 26 and Canyon Road. Two design issues need resolution.

1. Access to Highway 26 for Golf Creek area

A. Remove existing westbound on/off-ramp at 76th Ave; route Golf Creek traffic on a new overpass to collector-distributor roads accessing the highway at Camelot Court (Base Design)

Advantages: - Less displacement and ROW impacts
- Less traffic impacts on SW Barnes Rd

Issues: - Potential traffic into neighborhoods on both sides
- More traffic on Canyon Rd

B. Route traffic from Golf Creek to Camelot Court; provide no direct highway access (Option 110). Alternately, provide a westbound on ramp from 76th Ave (Option 110A)

Advantages: - Lowest cost

Issues: - Potential wrong-way access onto highway
- Equal potential for traffic into neighborhoods

C. Route Golf Creek traffic on improved streets north to Barnes Rd (Option 112; ODOT and Washington County staff recommendation)

Advantages: - Eliminates non local through traffic infiltration problem in neighborhoods north and south of highway
- Provides LRT tunnel construction staging area
- Less local traffic on highway

Issues: - Increased traffic on SW Barnes
- Higher cost than A
- More ROW takes and displacements

Highway - Sylvan to Hwy 217

Two issues to resolve

Choices

2. Collector / distributor system from Sylvan to Camelot Court

Concern has been expressed that the Base Design collector/distributor system proposed from Sylvan to Camelot Court does not adequately address local circulation requirements. None of the alternatives developed to date adequately meet objectives of improving Highway 26 traffic flow/safety and minimizing infiltration of traffic onto neighborhood streets and provision of local access. ODOT will continue to consider design modifications addressing these objectives as part of the final design.

Recommendations

(1) ODOT and Washington County staff recommend the Base Design modified to eliminate the SW 76th Ave. overcrossing and routing Golf Creek traffic north to SW Barnes Rd. (2) ODOT further recommends continued analysis of feasible, effective means to provide both local access and separation of highway weave movements.

| | | | | |
|------------------|------------|-------------|------------|--------------------|
| Recommendations: | CAC (yes*) | PMG (yes**) | SG (yes**) | T-M Board (yes/no) |
|------------------|------------|-------------|------------|--------------------|

* CAC recommendation specified routing local access north of Highway 26 through the Brookdale Apartments to Barnes Rd.

** SG and PMG recommendations did not specify a route for this northside local access but said it would connect to Barnes at the Leahy Rd. intersection.

Westside Corridor Project

Consolidated List of Mitigation Options for Continued Consideration

Approved by:

Project Management Group March 20, 1991

Project Steering Group on March 26, 1991

Based on: Long tunnel with zoo stop, north entry into Beaverton, BN.

Purpose of List: Create one attachment to the decision document consolidating all potential jurisdictional conditions, thereby maintaining a comprehensive view of project elements, and negating the need for conditions to be applied by individual jurisdictions. The list will represent Tri-Met's commitment to continue consideration of these items in the FEIS, negotiation of the full funding grant agreement, and final design. The list which follows should be viewed as an evolving list, which will be refined and modified as each item is studied further and as funding discussions proceed.

Downtown Segment

- Brick Sidewalks on Morrison /Yamhill to 18th (City of Portland, \$6.8 million)
Recommendation: Retain in project, define scope in FEIS & Final Design.
- Left Turns/Circulation Study (City of Portland, cost to be determined)
Recommendation: Include in project, define scope in FEIS & Final Design.
- Collins Circle Traffic Mitigation (City of Portland, \$0 - .2 million)
Recommendation: Include in project, define scope in FEIS & Final Design.
- Goose Hollow Parking Replacement (City of Portland, cost to be determined)
Recommendation: Include as potential mitigation in FEIS/Final Design. Solutions will emphasize maximizing the effectiveness of current public rights of way for parking. Analysis is to be combined with Goose Hollow traffic circulation study recommended above.

Long Tunnel/Canyon Segment

- Upper Jefferson Grade Separation (from City of Portland, \$1 million)
Recommendation: Include in project, define scope in FEIS & Final Design.
- Zoo Station Enhancement (City of Portland, cost to be determined)
Recommendation: Basic project will include a zoo station which functions at a good level of service, and will comfortably accommodate projected passenger demand. Final design studies will determine specifically what the required passenger demand is for various levels of zoo events and zoo attendance, and the design response required to serve that demand. The base project will assume a comfortable environment for zoo-bound passengers developed to meet - but not exceed - overall project standards for design amenities.
- Sylvan Station (Planning Management Group, cost to be determined)
Recommendation: Pursue preserving the option for a future station at Sylvan Interchange if costs are minimal. Staff is to identify costs as soon as possible.
- Add (Future) Golf Creek Station (City of Portland, cost to be determined)
Recommendation: Include as future station, final design to accommodate future station.

Highway 217 Segment

- Cabot Bridge (City of Beaverton, \$.1 million)
Recommendation: Include in project as temporary structure.
- Highway 217 Right Of Way to Allow for Future Highway Widening (City of Beaverton & ODOT, \$.5 million)
Recommendation: Retain in project.

Beaverton North Entry

- 114/117 Connector (City of Beaverton, \$.3 million)
Recommendation: Include in project, define scope in FEIS & Final Design.
- Future East Beaverton Station (City of Beaverton, cost to be determined)
Recommendation: Include in project, final design to accommodate future station.
- Transit Center Access to New East/West Arterial (City of Beaverton, cost to be determined)
Recommendation: Define scope in FEIS & Final Design.
- Watson Relocation / Grade Crossing (City of Beaverton, \$.1 million)
Recommendation: Include one grade crossing in project budget - alternate locations to be covered in FEIS. Final determination of grade crossing location to be made in Final Design.
- Extra Right of Way Costs for East/West Arterial (City of Beaverton, \$.1 million)
Recommendation: Include as consideration in project funding negotiations.

BN Segment

- Civic Center Regrade (City of Beaverton, cost to be determined)
Recommendation: Include in project, define scope in FEIS & Final Design.
- Vehicle Access to Hocken Station (City of Beaverton, cost to be determined)
Recommendation: Include in project, define scope in FEIS & Final Design.
- Tektronix Vibration Mitigation (Technical Advisory Committee, \$0 to \$.1)
Recommendation: Include in project, define scope in FEIS & Final Design.
- Cedar Hills Overpass (City of Beaverton, \$1 - \$2 million)
Recommendation: Scope and Justification to be Defined in FEIS. Include in project negotiations with UMTA on Full funding Agreement.
- Reimbursement or Match Credit for Old BN Property (City of Beaverton, cost to be determined)
Recommendation: Include in project negotiations with City of Beaverton (BURA) and UMTA on Full Funding Agreement.

Beaverton/Common Issues

- Pedestrian Access to All Stations (City of Beaverton, cost to be determined)
Recommendation: Include in project, define scope in FEIS & Final Design.
- LRT Trackway Enhancement (City of Beaverton, cost to be determined)
Recommendation: Include in project, define scope in FEIS & Final Design.
- Bike Path Adjacent to Creeks (City of Beaverton, cost to be determined)
Recommendation: Include in project, define scope in FEIS & Final Design.
- Submit to City of Beaverton Design Review (City of Beaverton, cost to be determined)
Recommendation: Include in project, standard operating procedure.

West Beaverton Segment

- Intersection Analysis Due to Murray P&R (City of Beaverton, cost to be determined)
Recommendation: Include in project, define scope in FEIS & Final Design.
- Baseline/Jenkins Connector (Washington County, \$2.8 million)
Recommendation: Attempt to include in project; define scope in FEIS & Final Design.
- Murray Overpass Widening (Washington County, \$2 - \$4 million)
Recommendation: Scope and justification to be defined in FEIS. Include in project negotiations with UMTA on Full funding Agreement.
- Murray Station Location Change (City of Beaverton, cost to be determined)
Recommendation: Include as a potential design modification in FEIS. Final location to be to be determined in Final Design.

Project-Wide

- 1% for Art (Planning Management Group, \$1 - \$1.5 million)

Recommendation: Public art shall be included in the Westside project, including art integrated into the project design. The budget for art would be based on 1% of elements of the project that have considerable public visibility. Such elements might include stations, parking lots, and tunnels. The art budget will be defined in Final Design in the range of \$1-1.5 million, or .003% of the total project budget.

- Review Supply and Demand of Total Park and Ride Spaces for the Preferred Alternative (Planning Management Group, cost to be determined)

Recommendation: Include in FEIS and Final Design.

- Construction Mitigation Plan (Planning Management Group, cost to be determined)

Recommendation: Include in FEIS and Final Design.

EXHIBIT B

PROPOSED AMENDMENTS TO
WESTSIDE CORRIDOR PROJECT PREFERRED ALTERNATIVE
RESOLUTION NO. 91-1424

Amendment No. 1

Provision should be made for routing traffic from Golf Creek Apartments northward to the intersection of Barnes Road at Leahy Road. If further consideration of this option results in a finding that it is infeasible, a variation of mitigation option 110 or 110A that is least disruptive to the existing ingress and egress situation should be explored.

Amendment No. 2

- . Sylvan Station (Planning Management Group, cost to be determined)
Recommendation: Pursue preserving the option for a future station at Sylvan Interchange if costs are minimal. Staff is to identify costs as soon as possible.

Amend as follows:

- . Sylvan Station [(Planning Management Group, cost to be determined)]
Recommendation: [Pursue preserving the option for a future station at Sylvan Interchange if costs are minimal. Staff is to identify costs as soon as possible.] Tri-Met is directed to undertake additional activities toward development of a Sylvan station after negotiation of the Full-Funding Agreement by the September 30, 1991 deadline. Between September 1991 and tunnel project bidding (1993), Tri-Met is to refine the station's cost estimate and assess overall Westside project costs and funding. In the 1993 timeframe, Tri-Met will bid the tunnel project with three options:
 1. Long tunnel without a Sylvan Station
 2. Long tunnel which preserves the option for the Sylvan Station
 3. Long tunnel with a Sylvan Station included

At the time bids are received, and based on the financial status of the remainder of the project, Tri-Met, in consultation with the region's participating governments, will assess whether or not to build a Sylvan Station. with matched funds or with local funds.

STAFF REPORT

Agenda Item No. _____

Meeting Date _____

CONSIDERATION OF RESOLUTION NO. 91-1422 FOR THE PURPOSE OF
ENDORING COMMENTS AND RECOMMENDATIONS REGARDING DEQ'S
COMPREHENSIVE EMISSIONS FEE PROPOSAL

Date: April 1, 1991

Presented by: Michael Hoglund

PROPOSED ACTION

Adopt Resolution No. 91-1422 endorsing comments and recommendations regarding DEQ's proposed emissions fee program proposed for consideration as HB 2175 by the 1991 Oregon Legislature. This resolution responds to directives previously stipulated as part of Resolution No. 91-1388A.

FACTUAL BACKGROUND AND ANALYSIS

Metro Resolution No. 91-1388A, endorsing principles associated with DEQ's Emissions Fee Bill (HB 2175), calls for further review and recommendations on particular elements of the Bill by the Metro Council, JPACT, and the Bi-State Policy Advisory Committee. The proposed Metro resolution, No. 91-1422, is in response to that directive. The resolution endorses comments describing a process to develop a specific Portland area emissions approach and includes other comments and recommendations intended to respond to Metro Council and JPACT concerns related to HB 2175.

The following information identifies those areas previously specified for further action, summarizes activities to date, and provides a schedule for remaining issues.

Further Council/JPACT/Bi-State Action

Resolve No. 4 of Resolution 91-1388A states that the Metro Council, JPACT, and the Bi-State Policy Advisory Committee should be further involved in the development of the emission fee program details. Resolve No. 5 states that TPAC should work with DEQ to recommend to the Metro Council, JPACT, and the Bi-State Policy Advisory Committee specific language to be incorporated into HB 2175 calling for the development and implementation of the added approach in the Portland area. In addition to adopting the resolution, the Council and JPACT requested that TPAC also continue to monitor the progress of the bill and that detailed comments regarding major areas of concern be prepared for their review, adoption and subsequent submittal to the Legislature. The work on these elements has begun and is described below.

Activities to Date

In response to the Metro Council/JPACT directive, a TPAC Emissions Fee Bill Subcommittee was convened by TPAC on March 1, 1991

(a list of subcommittee members is attached). The subcommittee met twice, on March 7 and March 14, to develop language for a Portland area approach and to address other issues associated with the bill.

The subcommittee recommendation for the Portland approach is included as part of Exhibit A of Resolution No. 91-21. The main elements of the approach are:

1. Establishing the approach in context with Clean Air Act Amendments consistent with regional transportation and land use goals.
2. Requiring a study of all reasonable emission control alternatives.
3. Establishing and differentiating implementation authority for either a fee-based or regulatory program (a fee-based approach will require regional consensus; a regulatory approach may be implemented within existing DEQ authority).
4. Calling for the clarification of the use of fees and revenue management.

The subcommittee also examined and made recommendations on the following issues. The issues generally reflect comments heard at previous Council, JPACT, Bi-State, and TPAC discussions on HB 2175.

1. Distribution of Funds (Section 18 of HB 2175). The bill currently includes a process where distribution of funds would be the responsibility of the Environmental Quality Commission with advice from an "Air Quality Improvement Advisory Board." It was suggested by the subcommittee that for the statewide Transportation Subaccount, a three-step process for the distribution of funds be established and that the Advisory Board be replaced by the Oregon Transportation Commission. Step 1 of the process involves OTC development of a transportation-related air quality plan for the state. The plan would include an analysis of needs, establish priorities, and identify eligible projects or strategies (similar to control measures identified in the State Implementation Plan. Step 2 would require EQC approval of the plan elements and priorities. Step 3 would be administration and disbursement of the plan by the OTC. This is recommended to be done as part of the Six-Year Transportation Improvement Program. A similar process could be established for a Portland area approach with the Metro Council, Tri-Met Board, or JPACT serving in the role of the OTC.
2. Administrative Costs (Subsection 24 (6), page 13). The bill currently specifies that up to 15 percent of a fee may be retained to recover the cost of collecting such fees. The

subcommittee suggested that the cost be lowered to 10 percent following implementation of the fee collection program.

3. Eligible Project Definitions (Section 18). It is unclear in the bill as to which projects are eligible and how they will be prioritized. The TPAC subcommittee concluded those details can best be worked out through the development of the plan described in item No. 1 above.
4. Transportation Program Subaccount (Section 21). The TPAC subcommittee recommends all monies collected through the motor vehicle emissions fee be credited to the Transportation Program Subaccount. The current bill dedicates 20 percent of the monies to a Common Subaccount. The subcommittee felt that the current language could create an equity problem which would only act to hinder the success of the bill.
5. Toll Road Demonstration Project (Section 21). The subcommittee recommended omitting this reference as stated in Subsection (3)(b). First, the reference is inconsistent with other aspects of the bill in that it is the only specific or prescribed action included. Second, the toll road demonstration option can be reviewed as an alternative in conjunction with the development of a plan consistent with the process described in item No. 1 above.

Schedule

Comments and recommendations should be forwarded to the Legislature as soon as possible. The next action on the bill in Salem has not been scheduled. The House Energy and Environment Committee is currently reviewing comments and amendments on the Industrial Emissions Section of the bill. Review of the Vehicle Emissions Section is anticipated to begin within the next two to three weeks and another public hearing is expected. We will need to forward comments from the region in time for that hearing.

The Bi-State Policy Advisory Committee reviewed and adopted Resolution No. 91-1422 on March 22. TPAC action followed on March 29. JPACT review and adoption is scheduled for April 11, with Metro Council action on April 25. As noted, in order to meet the legislative schedule, it may be necessary to forward draft (prior to Council adoption) recommendations to the Legislature.

A copy of HB 2175 is attached as information.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1422.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

| | | |
|-------------------------------|---|----------------------------|
| FOR THE PURPOSE OF ENDORSING |) | RESOLUTION NO. 91-1422 |
| COMMENTS AND RECOMMENDATIONS |) | |
| REGARDING DEQ'S COMPREHENSIVE |) | Introduced by |
| EMISSIONS FEE PROPOSAL |) | David Knowles, Chair |
| |) | Joint Policy Advisory Com- |
| |) | mittee on Transportation |

WHEREAS, The Portland metropolitan area is in violation of air quality standards for carbon monoxide and ozone; and

WHEREAS, Motor vehicles are a significant source of air pollution statewide and should share the burden of meeting air quality standards; and

WHEREAS, The Department of Environmental Quality (DEQ) has proposed an emission fee approach to reduce emissions through fees on polluters at the rate of \$25.00 per ton; and

WHEREAS, The Council of the Metropolitan Service District has requested through Resolution 91-1388A that the Transportation Policy Advisory Committee (TPAC) work with the Department of Environmental Quality (DEQ) to develop a Portland area emissions approach; and

WHEREAS, The Council of the Metropolitan Service District further directed TPAC to review the specifics of HB 2175 and prepare comments and recommendations for review and consideration by the Metro Council, the Joint Policy Advisory Committee on Transportation (JPACT), and the Bi-State Policy Advisory Committee; and

WHEREAS, The air quality strategy recommended in HB 2175 as amended in this resolution is consistent with the Port-

land area's comprehensive regional effort to reduce reliance on the single occupant vehicle; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adopts the following recommendations:

1. That a Portland area emissions approach to meet air quality problems consistent with the Federal Clean Air Act Amendments of 1990 be developed as described and shown in Section 9 of Exhibit A.

2. Other changes as described in Exhibit A be included in HB 2175.

3. That the Metro Council, JPACT, and the Bi-State Policy Advisory Committee be further involved in the implementation of vehicle emission-related aspects of HB 2175.

ADOPTED by the Council of the Metropolitan Service District this ____ day of _____, 1991.

Tanya Collier, Presiding Officer

EXHIBIT A

Portland Area Comments on HB 2175: Comprehensive Emissions Fees

SECTION 8. (1) Second sentence should be amended to read "This fee shall include a statewide fee and may include a regional component as described in Section 9 of this 1991 Act for ozone non-attainment areas to address the significant portion of ozone precursors emitted by motor vehicles.

SECTION 9. Portland Area Program. A new Section 9 should be created for the Portland component and remaining section headings revised accordingly. The new section would read as follows:

"(1) The Department of Environmental Quality, in consultation with the Metropolitan Service District, the District's Joint Policy Advisory Committee on Transportation and the Bi-State Policy Advisory Committee, shall as expeditiously as possible conduct a study of all reasonable alternatives, including emission fee-based and regulatory approaches, to determine and recommend the most appropriate program to implement and to control vehicle emissions to ensure that the federal ozone air quality standard will be attained by the end of 1993 and maintained through the year 2010 in the Portland metropolitan area as required by the Clean Air Act. This program shall be compatible and complementary to regional transportation and land use goals.

"(2) If an emission fee-based program is recommended under subsection (1) of this section, the Environmental Quality Commission shall be authorized, with concurrence of the Metro Council, the Joint Policy Advisory Committee on Transportation and the Bi-State Policy Advisory Committee, to adopt and implement such program as expeditiously as possible. If a regulatory program is recommended under subsection (1) of this section, the Environmental Quality Commission shall adopt and implement such program within existing authority.

"(3) If an emission fee-based program is chosen, revenue from these fees, less costs of administration, shall be solely used to mitigate emissions from motor vehicles in the Portland metropolitan area in the most cost beneficial manner.

"(4) If an emission fee-based program is chosen, the study required in (1) shall include identifying the most appropriate revenue management system."

SECTION 15. The existing paragraph should become subsection (1). The section should be rewritten to exclude the Transportation

Subaccount from formal review by the Air Quality Improvement Fund Advisory Board. The Transportation Subaccount would be subject to the process outlined in a new subsection (2). The new subsection (2) would be added to read "For monies in the Transportation Subaccount, the following procedure shall be used to determine projects eligible for air quality improvement funding:

"(a) At least biennially, the Oregon Department of Transportation shall prepare a plan containing a list of projects and programs eligible for air quality improvement funding. The plan would be based on an evaluation of needs and analysis of alternatives and would include program costs and priorities. The planning process would be a cooperative effort with representation from the Department of Environmental Quality, cities, counties, regional governments, and special transportation districts. The plan would be subject to public hearings before the Oregon Transportation Commission prior to submittal to the Environmental Quality Commission. The public hearings would be consistent with those conducted under section 16 of this 1991 Act pursuant to the Air Quality Improvement Fund Advisory Board.

"(b) At least biennially, the Environmental Quality Commission shall review the plan for adoption. In adopting the plan, the Commission shall take into consideration the recommendations received under section 16 of this 1991 Act and the public comments received in the public hearings conducted under section 16 of this 1991 Act.

"(c) At least biennially, the Oregon Transportation Commission shall select a list of air quality related improvement projects from the approved plan for inclusion in the Six-Year Transportation Improvement Program."

SECTION 16. Subsection (1) should be rewritten to include the Oregon Transportation Commission in the case of the Transportation Fund Subaccount. Subsection (2) should be similarly rewritten.

SECTION 21. Subsection (2) should be rewritten to read "Of the monies remaining in the Transportation Programs Subaccount after payment of the costs under subsection (1) of this section, One Hundred percent shall be used for projects and programs relating to the reduction in emissions from transportation." Existing subsections (a) and (b) should be deleted.

Subsection (3)(b) referring to toll roads should be deleted. Toll road alternatives would be included in the alternatives analysis for a Portland metropolitan area program.

SECTION 24. Subsection (6). The second sentence should be amended and a third sentence added as follows: "The maximum may not exceed 15 percent of the amount of fees collected by the entity in the first two years of the program. Beginning in the third year of the program, the maximum may not exceed 10 percent

of the amount of fees collected by the entity. This recognizes the potential for high start-up costs of a program, with the assumption costs decreasing following implementation.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

| | | |
|----------------------------------|---|------------------------------|
| FOR THE PURPOSE OF ENDORSING |) | RESOLUTION NO. 91-1388A |
| PRINCIPLES ASSOCIATED WITH DEQ'S |) | |
| COMPREHENSIVE EMISSIONS FEE |) | Introduced by David Knowles, |
| PROPOSAL |) | Chair, Joint Policy Advisory |
| |) | Committee on Transportation |

WHEREAS, The Portland metropolitan area is in violation
of air quality standards for carbon monoxide and ozone; and

WHEREAS, Motor vehicles are a significant contributor to
this air quality problem; and

WHEREAS, Significant growth of population, vehicle travel
and congestion threaten to exacerbate this problem; and

WHEREAS, DEQ has proposed a market-sensitive approach to
reduce emissions through fees on polluters at the rate of \$25.00
per ton; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District
adopts the following principles:

1. Motor vehicles are a significant source of air
pollution statewide and should shoulder their share of the burden
of meeting air quality standards.

2. A market-sensitive statewide approach to addressing
this problem is appropriate.

3. Programs and fees proposed to control automobile
emissions should be consistent with state, regional and local land
use objectives and assist in implementing a multi-modal approach to
meeting air quality objectives.

4. The Metro Council, JPACT, TPAC and Bi-State Policy Advisory Committee should be further involved in the development of program details.

5. An added approach should be pursued to meeting air quality problems in the Portland metropolitan area; TPAC should work with the Department of Environmental Quality to recommend to JPACT, Bi-State Policy Advisory Committee and the Metro Council specific language to be incorporated into HB 2175 calling for the development and implementation of the added approach in the Portland metropolitan area.

6. This resolution does not endorse any specific proposal to implement these principles.

ADOPTED by the Council of the Metropolitan Service District this 14th day of March, 1991.

/signed/

Tanya Collier, Presiding Officer

MH:mk
91-1388A.RES
03-14-91

Comprehensive Emission Fee Bill

HB 2175, 1/18/91
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Comprehensive Emission Fee Bill

HB 2175, 1/18/91

Subject Listing

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House Bill 2175

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Department of Environmental Quality)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Establishes air pollution emission fee program. Imposes fee for emissions of air contaminants from industrial, residential wood heating, motor vehicles, forest prescribed burning and agricultural field burning sources and activities. Establishes Air Quality Improvement Fund and specifies programs and projects eligible to receive moneys from fund. Appropriates moneys.

A BILL FOR AN ACT

Relating to air pollution; creating new provisions; amending ORS 468.065, 468.290, 468.325 and 468.480 and section 8, chapter 920, Oregon Laws 1989; and appropriating money.

Whereas air pollution continues to present a threat to the public health and welfare of the state despite enactment and implementation of long-standing regulatory programs at the federal, state and local levels;

Whereas providing the purity of the air expected by citizens of the state, particularly in light of anticipated growth, requires new and innovative approaches;

Whereas tightening of traditional regulatory programs has not met with widespread support in recent times, particularly for nonindustrial sources, while the use of a market driven approach has gained increasing support as a method of motivating and providing assistance to public and industry efforts to prevent and control air pollution; and

Whereas an emission fee-based program offers the opportunity to reduce total statewide air contaminant emissions by up to 40 percent within a 5 to 10-year period.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in ORS 468.480, section 8, chapter 920, Oregon Laws 1989, and sections 1 to 4, 7 to 9, 11 and 13 to 24 of this 1991 Act:

(1) "Agricultural field burning" means the burning of any perennial or annual grass seed or cereal grain crop, or associated residue, including but not limited to open burning, stack burning and propane flaming.

(2) "Consumer price index" means the average of the Consumer Price Index for All Urban Consumers of the Portland, Oregon, Standard Metropolitan Statistical Area or the revision that is most consistent with the Consumer Price Index for the calendar year 1989, published by the United States Department of Labor, Bureau of Labor Statistics, as of the close of the 24-month period ending on July 31 of each biennium.

(3) "Federal permit program" means the permit program submitted to the United States Environmental Protection Agency in accordance with section 502 (d) of the Clean Air Act Amendments of 1990 (P.L. 101-549).

(4) "Nonattainment area" means an area of the state that exceeds, on or after January 1, 1990, the air quality standard for an air contaminant as established by the Environmental Quality Com-

mission pursuant to ORS 468.295.

SECTION 2. The Legislative Assembly declares the purpose of this 1991 Act is to:

(1) Authorize the imposition of air contaminant emission fees on industrial sources as required by the Clean Air Act Amendments of 1990.

(2) Provide an economic incentive to reduce air contamination from all major source categories of air contaminants in the state.

(3) Establish a fund for financing public and private sector programs and projects in all areas of the state that substantially improve air quality.

(4) Enhance the air quality of the state while conserving energy and encouraging orderly growth and economic development.

(5) Develop an awareness that the air resources of the state are not a free dumping ground for air contaminants and that emissions of air contaminants may have a negative environmental or economic effect on a neighbor, a local airshed or the state as a whole or even on a global basis.

SECTION 3. (1) An emission fee is imposed on activities or sources that result directly or indirectly in the discharge of air contaminants into the outdoor atmosphere of this state. The amount of the fee shall be based on an average base rate of \$25 per ton of emissions. The specific amount of the fee for each source or activity set forth in subsection (4) of this section as established by the Environmental Quality Commission shall be based on the product of the average base rate and the following factors for each major air contaminant which are weighted to the potential environmental impact of the contaminant:

| Contaminant | Factor |
|---------------------------------------|--------|
| (a) Volatile Organic Compounds: | 1.75 |
| (b) PM10: | 1.68 |
| (c) Nitrogen Oxides: | 0.87 |
| (d) Sulfur Oxides: | 0.66 |
| (e) Carbon Monoxide: | 0.04 |

(2) For any toxic air contaminant from an industrial source not included under subsection (1) of this section for which the Environmental Quality Commission adopts standards pursuant to section 112 of the Clean Air Act Amendments of 1990 (P.L. 101-549), the specific factor shall be adopted by rule by the commission. The specific fee for emissions of such toxic air contaminants shall be the product of the specific factor and an average base rate of \$25 per ton of emissions. The factor adopted by the commission shall average approximately 1.00 and not exceed 2.00.

(3) The average base rate of the emission fees established in subsections (1) and (2) of this section shall be increased biennially by the percentage, if any, by which the Consumer Price Index increases.

(4) The emission fees established under subsections (1) and (2) of this section shall apply to emissions from:

(a) Industrial sources, as specified in section 4 of this 1991 Act;

(b) Residential wood heating sources, as specified in section 7 of this 1991 Act;

(c) Motor vehicle sources, as specified in section 8 of this 1991 Act;

(d) Forest prescribed burning sources as specified in section 8, chapter 920, Oregon Laws 1989, and section 9 of this 1991 Act; and

(c) Agricultural field burning sources as specified in ORS 468.480 and section 11 of this 1991 Act.

(5) A person shall be liable for the payment of a fee established under this section for activities resulting in the emission of air contaminants that occur on or after July 1, 1992, or such later date as established by the commission by rule. The person shall pay the emission fee in accordance with a schedule established by the commission.

SECTION 4. (1) All industrial emission sources subject to the federal permit program shall be subject to an emission fee as specified in section 3 of this 1991 Act. The fees shall be assessed on permitted emissions. The fees shall be collected by either the Department of Environmental Quality or by a regional authority having jurisdiction over the source.

(2) An industrial emission source may apply to the department for a partial refund of the fee submitted under subsection (1) of this section if actual emissions are less than permitted emissions. Any industrial source applying for a partial refund shall do so in accordance with rules adopted by the Environmental Quality Commission under section 24 of this 1991 Act.

(3) Any penalty paid under section 510 of the Clean Air Act Amendments of 1990 for emissions in excess of allowances possessed by a source and any amount paid under section 519 of the Clean Air Act Amendments of 1990 for the purchase of allowances shall be credited in the year paid against emission fees due for emissions of the same air contaminants in excess of 4,000 tons per year.

(4) All fees collected under this section from an industrial source shall be deposited in the State Treasury to the credit of the Industrial Programs Subaccount of the Air Quality Improvement Fund created under section 13 of this 1991 Act.

SECTION 5. ORS 468.065 is amended to read:

468.065. Subject to any specific requirements imposed by ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter:

(1) Applications for all permits authorized or required by ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter shall be made in a form prescribed by the department. Any permit issued by the department shall specify its duration, and the conditions for compliance with the rules and standards, if any, adopted by the commission pursuant to ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter.

(2) By rule and after hearing, the commission may establish a schedule of fees for permits issued pursuant to ORS 468.310, 468.315, 468.555 and 468.740. Except for permits issued under ORS 468.310 and 468.315 for an industrial source subject to the fee assessed under section 4 of this 1991 Act, the fees contained in the schedule shall be based upon the anticipated cost of filing and investigating the application, of issuing or denying the requested permit, and of an inspection program to determine compliance or noncompliance with the permit. The fee shall accompany the application for the permit. For a permit issued under ORS 468.310 and 468.315 for an industrial source subject to the fee assessed under section 4 of this 1991 Act, the schedule of fees and the payment due dates shall be as established by rule by the commission under section 24 of this 1991 Act.

(3) An applicant for certification of a project under ORS 468.732 or 468.734 shall pay as a fee all expenses incurred by the commission and department related to the review and decision of the director and commission. These expenses may include legal expenses, expenses incurred in process-

ing and evaluating the application, issuing or denying certification and expenses of commissioning an independent study by a contractor of any aspect of the proposed project. These expenses shall not include the costs incurred in defending a decision of either the director or the commission against appeals or legal challenges. Every applicant for certification shall submit to the department a fee at the same time as the application for certification is filed. The fee for a new project shall be \$5,000, and the fee for an existing project needing relicense shall be \$3,000. To the extent possible, the full cost of the investigation shall be paid from the application fee paid under this section. However, if the costs exceed the fee, the applicant shall pay any excess costs shown in an itemized statement prepared by the department. In no event shall the department incur expenses to be borne by the applicant in excess of 110 percent of the fee initially paid without prior notification to the applicant. In no event shall the total fee exceed \$40,000 for a new project or \$30,000 for an existing project needing relicense. If the costs are less than the initial fee paid, the excess shall be refunded to the applicant.

(4) The department may require the submission of plans, specifications and corrections and revisions thereto and such other reasonable information as it considers necessary to determine the eligibility of the applicant for the permit.

(5) The department may require periodic reports from persons who hold permits under ORS 448.305, 454.010 to 454.040, 454.205 to 454.225, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter. The report shall be in a form prescribed by the department and shall contain such information as to the amount and nature or common description of the pollutant, contaminant or waste and such other information as the department may require.

(6) Any fee collected under this section shall be deposited in the State Treasury to the credit of an account of the department. Such fees are continuously appropriated to meet the administrative expenses of the program for which they are collected. The fees accompanying an application to a regional air pollution control authority pursuant to a permit program authorized by the commission shall be retained by and shall be income to the regional authority. Such fees shall be accounted for and expended in the same manner as are other funds of the regional authority. However, if the department finds after hearing that the permit program administered by the regional authority does not conform to the requirements of the permit program approved by the commission pursuant to ORS 468.555, such fees shall be deposited and expended as are permit fees submitted to the department.

SECTION 6. ORS 468.325 is amended to read:

468.325. (1) The commission may require notice prior to the construction of new air contamination sources specified by class or classes in its rules or standards relating to air pollution.

(2) Within 30 days of receipt of such notice, the commission may require, as a condition precedent to approval of the construction, the submission of plans and specifications. After examination thereof, the commission may request corrections and revisions to the plans and specifications. The commission may also require any other information concerning air contaminant emissions as is necessary to determine whether the proposed construction is in accordance with the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter and applicable rules or standards adopted pursuant thereto.

(3) If the commission determines that the proposed construction is in accordance with the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter and applicable rules or standards adopted pursuant thereto, it

shall enter an order approving such construction. If the commission determines that the construction does not comply with the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter and applicable rules or standards adopted pursuant thereto, it shall notify the applicant and enter an order prohibiting the construction.

(4) If within 60 days of the receipt of plans, specifications or any subsequently requested revisions or corrections to the plans and specifications or any other information required pursuant to this section, the commission fails to issue an order, the failure shall be considered a determination that the construction may proceed. The construction must comply with the plans, specifications and any corrections or revisions thereto or other information, if any, previously submitted.

(5) Any person against whom the order is directed may, within 20 days from the date of mailing of the order, demand a hearing. The demand shall be in writing, shall state the grounds for hearing and shall be mailed to the director of the department. The hearing shall be conducted pursuant to the applicable provisions of ORS 183.310 to 183.550.

(6) The commission may delegate its duties under subsections (2) to (4) of this section to the Director of the Department of Environmental Quality. If the commission delegates its duties under this section, any person against whom an order of the director is directed may demand a hearing before the commission as provided in subsection (5) of this section.

(7) Any person applying for a permit required under ORS 468.310 for a new source or a major modification which, upon construction and operation, would be subject to the emission fee assessed under section 4 of this 1991 Act shall submit with the permit application a nonrefundable permit issuance fee. All permit issuance fees shall be in an amount sufficient to pay for the department's extraordinary application processing costs as established by the commission under section 24 of this 1991 Act. All fees collected under this subsection shall be deposited in the State Treasury to the credit of an account of the department and are continuously appropriated to the department to be used to carry out the department's responsibilities relating to processing applications for new sources or major modifications of existing sources.

[(7)] (8) For the purposes of this section, "construction" includes installation and establishment of new air contamination sources. Addition to or enlargement or replacement of an air contamination source, or any major alteration or modification therein that significantly affects the emission of air contaminants shall be considered as construction of a new air contamination source.

SECTION 7. (1) Any federal, state or private land manager providing cordwood shall pay to the Department of Environmental Quality the emission fee imposed under section 3 of this 1991 Act.

(2) Any private land manager whose forestland holdings in this state are less than 1,000 acres shall be exempt from the fee required under subsection (1) of this section.

(3) All fees collected under this section shall be deposited in the State Treasury to the credit of the Residential Wood Heating Subaccount of the Air Quality Improvement Fund created under section 13 of this 1991 Act.

(4) As used in this section, "cordwood" means any split or unsplit logs or branches of any length, other than artificially compressed logs or pelletized fuel, that are to be used, sold or resold as fuel for residential space heating.

SECTION 8. (1) The emission fee imposed under section 3 of this 1991 Act shall be assessed on motor vehicle emissions. This fee shall include a statewide component and a regional component for

1 ozone nonattainment areas to address the significant portion of ozone precursors emitted by motor
2 vehicles.

3 (2) All moneys collected under this section shall be deposited in the State Treasury to the credit
4 of the Transportation Programs Subaccount of the Air Quality Improvement Fund created under
5 section 13 of this 1991 Act.

6 SECTION 9. (1) The emission fee imposed under section 3 of this 1991 Act shall be collected
7 from any person who conducts forest prescribed burning in Class 1 forestland under ORS 526.324
8 that is privately owned or managed by the state or Federal Government.

9 (2) For those forestlands subject to the registration requirements of section 8, chapter 920,
10 Oregon Laws 1989, the fee required under subsection (1) of this section shall be collected as a sur-
11 charge on the fee collected under section 8, chapter 920, Oregon Laws 1989. For all prescribed
12 burning conducted on forestlands not subject to chapter 920, Oregon Laws 1989, the Environmental
13 Quality Commission shall select the lowest cost mechanism for collecting the emission fee.

14 (3) All emission fees collected under this section shall be deposited in the State Treasury to the
15 credit of the Forest Prescribed Burning Subaccount of the Air Quality Improvement Fund created
16 under section 13 of this 1991 Act.

17 (4) As used in this section, "forest prescribed burning" includes broadcast and pile burning.

18 SECTION 10. Section 8, chapter 920, Oregon Laws 1989, is amended to read:

19 Sec. 8. (1) The department shall collect a nonrefundable registration fee for forestland to be
20 burned lying within the restricted area described under ORS 477.515 (3).

21 (2) Any owner of Class 1 forestland under ORS 526.324 and any agency managing Class 1
22 forestland under ORS 526.324 lying within the restricted area as described in the plan required un-
23 der ORS 477.515 (3) shall register with the State Forester, in accordance with rules adopted by the
24 State Forester, the number of acres to be burned prior to December 31 of the same year.

25 (3) The State Forester shall establish by rule the amount of fees to be collected under this sec-
26 tion. The fees shall not exceed:

27 (a) Fifty cents per acre for registration.

28 (b) \$1.50 per acre for forestland classified as Class 1 under ORS 526.324 that has been treated
29 by any prescription burn method authorized by the issuance of a permit under ORS 477.515 (1).

30 (4) Federal lands included within the restricted area under the provision of the smoke manage-
31 ment plan approved under ORS 477.515 (3)(a) shall also be subject to the fees authorized under
32 subsection (3) of this section for forest land to be treated by any prescription burn method subject
33 to the provisions of the State of Oregon Clean Air Act Implementation Plan and the Federal Clean
34 Air Act as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).

35 (5) Except as provided in subsection (6) of this section, notwithstanding ORS 291.233, moneys
36 collected under this section shall be deposited in the Oregon Forest Smoke Management Account
37 established under section 7, chapter 920, Oregon Laws 1989 [of this 1989 Act].

38 (6) For any forestlands subject to the registration under this section, the emission fee
39 imposed under section 3 of this 1991 Act shall be collected as a surcharge from the person
40 conducting the forest prescribed burning. All fees collected as a surcharge under this sub-
41 section shall be deposited in the State Treasury to the credit of the Forest Prescribed
42 Burning Subaccount of the Air Quality Improvement Fund created under section 13 of this
43 1991 Act.

44 (7) As used in this section, "forest prescribed burning" includes broadcast and pile

1 burning.

2 SECTION 11. (1) The emission fee imposed under section 3 of this 1991 Act shall be collected
3 from any person who conducts agricultural field burning.

4 (2) For all agricultural field burning in areas of the state not subject to ORS 468.455 to 468.490,
5 the Environmental Quality Commission shall select the lowest cost mechanism for collecting the
6 emission fee.

7 (3) All emission fees collected under this section shall be deposited in the State Treasury to the
8 credit of the Agricultural Burning Subaccount of the Air Quality Improvement Fund created under
9 section 13 of this 1991 Act.

10 SECTION 12. ORS 468.480 is amended to read:

11 468.480. (1)(a) On or before April 1 of each year, the grower of a grass seed crop shall register
12 with the county court or board of county commissioners or the fire chief of a rural fire protection
13 district, or the designated representative of the fire chief, the number of acres to be burned in the
14 remainder of the year. At the time of registration the Department of Environmental Quality shall
15 collect a nonrefundable fee of \$1 per acre registered. The department may contract with counties
16 and rural fire protection districts for the collection of the fees which shall be forwarded to the de-
17 partment. Any person registering after the dates specified in this subsection shall pay an additional
18 fee of \$1 per acre registered if the late registration is due to the fault of the late registrant or one
19 under the control of the late registrant. Late registrations must be approved by the department.
20 Copies of the registration form shall be forwarded to the department. The required registration must
21 be made and the fee paid before a permit shall be issued under ORS 468.458.

22 (b) Except as provided in paragraph (c) of this subsection, after July 2, 1975, the department
23 shall collect a fee of \$2.50 per acre of crop burned prior to the issuance of any permit for open
24 burning of perennial or annual grass seed crops or cereal grain crops under ORS 468.140, 468.150,
25 468.290 and 468.455 to 468.480. The department may contract with counties and rural fire protection
26 districts for the collection of the fees which shall be forwarded to the department.

27 (c) The fee required by paragraph (b) of this subsection shall be refunded for any acreage where
28 efficient burning of stubble is accomplished with equipment using an auxiliary fuel or mobile field
29 sanitizer which has been approved by the department for field sanitizing purposes or with any other
30 certified alternative method to open field burning. The fee required by paragraph (b) of this sub-
31 section shall be refunded for any acreage not harvested prior to burning and for any acreage not
32 burned.

33 (2) With regard to the disbursement of funds collected pursuant to subsection (1) of this section,
34 the department shall:

35 (a) Pay an amount to the county or board of county commissioners or the fire chief of the rural
36 fire protection district, for each fire protection district 50 cents per acre registered for each of the
37 first 5,000 acres registered in the district, 35 cents per acre registered for each of the second 5,000
38 acres registered in the district and 20 cents per acre registered for all acreage registered in the
39 district in excess of 10,000 acres, to cover the cost of and to be used solely for the purpose of ad-
40 ministering the program of registration of acreage to be burned, issuance of permits, keeping of re-
41 cords and other matters directly related to agricultural field burning.

42 (b) Designate and retain an amount not to exceed \$500,000 for the biennium beginning July 1,
43 1979, to be used for the smoke management program defined in ORS 468.453. The department by
44 contract with the Oregon Seed Council or otherwise shall organize rural fire protection districts and

growers, coordinate and provide communications, hire ground support personnel, provide aircraft surveillance and provide such added support services as are necessary.

(c) Deposit the balance of acreage fees in the State Treasury to be credited to the account of the department. Such fees shall be segregated from other funds and used for the carrying out of the provisions of ORS 468.470, but if the amount designated in paragraph (b) of this subsection is not sufficient to support the carrying out of the smoke management program, the fees shall be used for the smoke management program.

(3) For any area of the state subject to registration under this section, the emission fee imposed under section 3 of this 1991 Act shall be collected as a surcharge from the person conducting the agricultural field burning. All fees collected as a surcharge under this subsection shall be deposited in the State Treasury to the credit of the Agricultural Burning Subaccount of the Air Quality Improvement Fund created under section 13 of this 1991 Act.

SECTION 13. (1) There is created within the State Treasury a fund known as the Air Quality Improvement Fund, separate and distinct from the General Fund. The fund shall include six subaccounts to be managed separately:

- (a) The Transportation Programs Subaccount;
- (b) The Residential Wood Heating Subaccount;
- (c) The Agricultural Burning Subaccount;
- (d) The Forest Prescribed Burning Subaccount;
- (e) The Industrial Programs Subaccount; and
- (f) The Common Subaccount.

(2) The following moneys shall be credited to the Air Quality Improvement Fund:

(a) Such moneys as may be appropriated to the fund and separate subaccounts by the Legislative Assembly.

(b) All moneys received as fees under ORS 468.480, section 8, chapter 920, Oregon Laws 1989, and sections 4, 7 to 9 and 11 of this 1991 Act.

(3) The State Treasurer may invest and reinvest the moneys in the fund as provided in ORS 293.701 to 293.776. Interest from the moneys deposited in the fund and earnings from investment of the moneys in the fund shall accrue to the fund and shall be credited to the subaccount from which the interest or earnings are derived.

SECTION 14. (1) An Air Quality Improvement Fund Advisory Board is established to advise the Environmental Quality Commission on uses of the moneys available in the Air Quality Improvement Fund. The advisory board shall consist of nine members as specified in subsection (2) of this section.

(2) The Air Quality Improvement Fund Advisory Board shall consist of:

- (a) Two members of the public, appointed by the Governor, one of whom shall serve as chair;
- (b) The chair of the Economic Development Commission, or designee;
- (c) The chair of the Energy Facility Siting Council, or designee;
- (d) The chair of the Land Conservation and Development Commission, or designee;
- (e) The chair of the Public Health Advisory Board, or designee;
- (f) The chair of the State Board of Agriculture, or designee;
- (g) The chair of the State Board of Forestry, or designee; and
- (h) The chair of the Oregon Transportation Commission, or designee.

(3) A member of the board is entitled to compensation and expenses as provided in ORS 292.495 which shall be payable from the Air Quality Improvement Fund.

SECTION 15. At least biennially, the Department of Environmental Quality shall solicit and compile a list of projects and programs eligible for air quality improvement funding along with an analysis of the relative merits of each project and present this information to the Air Quality Improvement Fund Advisory Board for consideration. In preparing this analysis, the department shall request comments from other state departments and agencies whose programs may be affected by the projects or programs.

SECTION 16. (1) At least biennially, the Air Quality Improvement Fund Advisory Board shall recommend to the Environmental Quality Commission projects and programs to be funded from the Air Quality Improvement Fund.

(2) Before submitting its recommendations to the commission, the board shall consider the list of projects and programs compiled by the Department of Environmental Quality under section 15 of this 1991 Act and shall conduct public hearings on its proposed recommendations in order to obtain comments from interested persons, including but not limited to persons in industry, city government, county government, automobile organizations, environmental organizations, agriculture, forestry, the woodstove industry and public health. The board shall conduct public hearings according to the provisions under ORS 183.310 to 183.550 applicable to hearings in noncontested cases.

SECTION 17. (1) At least once each biennium, the Environmental Quality Commission shall select the projects and programs to be funded from moneys available in the Air Quality Improvement Fund. In selecting the programs and projects, the commission shall take into consideration the recommendations received under section 16 of this 1991 Act and the public comments received in the public hearings conducted under section 16 of this 1991 Act.

(2) The selected projects and programs shall be submitted to the Legislative Assembly as part of the biennial budget process. Up to 20 percent of available moneys may be budgeted for projects and programs to be selected by the commission during the biennium.

SECTION 18. Moneys remaining in the Air Quality Improvement Fund after paying for refunds, fee collection costs and expenses of the Department of Environmental Quality to administer the federal permit program and the Air Quality Improvement Fund programs shall be allocated in accordance with the following guidelines:

(1) To be eligible, a project or program must relate in some manner to preventing or reducing air contaminant emissions in the State of Oregon.

(2) Moneys may be allocated to a federal, state, local government, public or private project or program including but not limited to those identified in sections 19 to 23 of this 1991 Act.

(3) The moneys may be used in any reasonable and appropriate manner, including but not limited to:

- (a) Capital improvement projects;
- (b) Low or no interest loan programs;
- (c) Program operating subsidies; and
- (d) Grants.

(4) Priority shall be given to those projects or programs that:

- (a) Achieve the largest reductions in emissions and exposure to air contaminants;
- (b) Are principally dedicated to full-scale air quality improvement projects;
- (c) Achieve larger emission reductions per dollar expended than alternate projects or programs;
- (d) Receive additional funding or in-kind services from the Federal Government, state government, local governments or private industry;

(c) Provide energy or other environmental benefits; and

(f) Address airshed problems that are barriers to orderly growth and economic development.

SECTION 19. (1) Moneys credited to the Industrial Programs Subaccount from industrial sources are continuously appropriated for the following purposes:

(a) To pay for partial refunds of the emission fees collected under section 4 of this 1991 Act if actual emissions are less than permitted emissions.

(b) To pay for all costs incurred by the Department of Environmental Quality and any regional authority in administering the federal permit program, collecting emission fees assessed under section 4 of this 1991 Act, maintaining industrial emission inventories, analyzing projects and programs proposed for funding and administering projects and programs selected for funding under this section.

(2) Of the moneys remaining in the Industrial Programs Subaccount after payment of the costs and refunds under subsection (1) of this section:

(a) Eighty percent shall be used for projects and programs relating to the reduction in emissions from industrial sources subject to the federal permit program; and

(b) Twenty percent shall be transferred to the Common Subaccount within the Air Quality Improvement Fund to be used for any eligible project or program. Any moneys remaining in the Industrial Programs Subaccount at the end of a biennium after all eligible projects and programs are funded also shall be transferred to the Common Subaccount.

SECTION 20. (1) Moneys credited to the Residential Wood Heating Subaccount from the cordwood emission fee collected under section 7 of this 1991 Act are continuously appropriated for the following purposes:

(a) To pay all costs incurred by the Department of Environmental Quality to collect the emission fee imposed under section 7 of this 1991 Act; and

(b) To pay all costs incurred by the department in maintaining residential wood heating emissions inventories, analyzing projects and programs proposed for funding in accordance with this section, and administering projects and programs selected for funding in accordance with this section.

(2) Of the moneys remaining in the Residential Wood Heating Subaccount after payment of the costs under subsection (1) of this section:

(a) Eighty percent shall be used for projects and programs relating to the reduction in emissions from residential wood burning; and

(b) Twenty percent shall be transferred to the Common Subaccount to be used for any eligible project or program. Any moneys remaining in the Residential Wood Heating Subaccount at the end of a biennium after all eligible projects and programs are funded also shall be transferred to the Common Subaccount.

(3) A portion of the moneys available under paragraph (a) of subsection (2) of this section shall be used to fund the following projects and programs at the level determined by the commission under section 17 of this 1991 Act:

(a) All reasonable costs of local government public education, curtailment and opacity programs to reduce residential wood heating emissions in an area that is a nonattainment area for suspended particulates with a diameter below 10 microns.

(b) A statewide low or no interest loan program to replace traditional woodstoves. The statewide program shall include the following elements:

(A) All forms of new high efficiency, low air contaminant emitting heating systems are allowed;

(B) Any removed woodstove must be destroyed; and

(C) Installations of used woodstoves that were not certified for sale as new on or after July 1, 1988, under ORS 468.655 (1) shall be prohibited by the state building code as defined in ORS 455.010.

(4) In addition to other projects and programs that comply with the guidelines set forth in section 18 of this 1991 Act, the commission also shall consider for funding at a level determined by the commission under section 17 of this 1991 Act, local government programs to provide subsidies to low income persons in PM10 nonattainment areas for improvements in weatherization and replacement of woodstoves that were not certified under ORS 468.655 for sale as new on or after July 1, 1988. The local government programs must include the following elements to be eligible for funding:

(a) All forms of new high efficiency, low emitting heating systems are allowed.

(b) All woodstoves removed are destroyed.

(c) The local government adopts and enforces an ordinance that limits emissions from woodstoves to no visible smoke, except for steam and heat waves, during periods of air stagnation and to 20 percent opacity at all other times. This requirement shall not be in lieu of any final stage of woodstove curtailment required during air stagnation if the final stage of curtailment is necessary to prevent exceeding air quality standards established under ORS 468.295.

(d) In an airshed requiring more than a 50 percent reduction in woodheating emissions as specified in the PM10 State Implementation Plan control strategy, program participants are required to have a backup heat source if a certified wood stove is selected.

SECTION 21. (1) Moneys credited to the Transportation Programs Subaccount from fees received under section 8 of this 1991 Act are continuously appropriated for the following purposes:

(a) To pay all costs incurred by the Department of Environmental Quality and other entities to collect the emission fees imposed under section 8 of this 1991 Act.

(b) To pay for all costs incurred by the department in maintaining transportation emission inventories, analyzing projects and programs proposed for funding under this section and administering projects and programs selected for funding under this section.

(2) Of the moneys remaining in the Transportation Programs Subaccount after payment of the costs under subsection (1) of this section:

(a) Eighty percent shall be used for projects and programs relating to the reduction in emissions from transportation; and

(b) Twenty percent shall be transferred to the Common Subaccount within the Air Quality Improvement Fund to be used for any eligible project or program. Any moneys remaining in the Transportation Programs Subaccount at the end of a biennium after all eligible projects and programs are funded also shall be transferred to the Common Subaccount.

(3) A portion of the moneys available under paragraph (a) of subsection (2) of this section shall be used to fund the following projects and programs at the level determined by the commission under section 17 of this 1991 Act:

(a) A rebate program for resident individuals who purchase new alternative-fueled vehicles or convert a gasoline or diesel powered vehicle, in whole or in part, to an alternative-fueled vehicle. The amount of a rebate shall not exceed \$2,000 a vehicle;

(b) A feasibility study and pilot demonstration project to collect tolls on transportation routes congested by peak commuter traffic. At least one such study shall be conducted in the Portland metropolitan area;

(c) Transit service improvements including transit equipment acquisition and related operating expenses; and

(d) Work trip reduction projects sponsored by private or public employers of over 100 employees if the project meets the following conditions:

(A) The employer submits a trip reduction plan, in accordance with rules adopted by the commission under section 24 of this 1991 Act, to achieve an average vehicle ridership for employee vehicles of at least 1.5; and

(B) The application provides specific funding requests which may include transit service improvements, van pool or car pool equipment, transit subsidies or other measures designed to achieve the vehicle ridership target specified in the trip reduction plan.

(4) As used in this section, "average vehicle ridership" means the figure derived by dividing the average employee population at a given worksite that reports to work weekdays between 6:00 a.m. and 10:00 a.m. by the number of motor vehicles, excluding transit vehicles and vehicles stopping enroute to other worksites, driven by these employees commuting from home to the worksite during these hours.

SECTION 22. (1) Moneys credited to the Agricultural Burning Subaccount are continuously appropriated for the following purposes:

(a) To pay for all costs incurred by the Department of Environmental Quality and other entities to collect the emission fees imposed under ORS 468.480 and section 11 of this 1991 Act; and

(b) To pay for all costs incurred by the department in maintaining agricultural burning emissions inventories, analyzing projects and programs proposed for funding in accordance with this section and administering projects and programs selected for funding in accordance with this section.

(2) Of the moneys remaining in the Agricultural Burning Subaccount after payment of the costs under subsection (1) of this section:

(a) Eighty percent shall be used for projects and programs relating to the reduction of emissions from agricultural field burning; and

(b) Twenty percent shall be transferred to the Common Subaccount within the Air Quality Improvement Fund to be used for any eligible project or program. Any moneys remaining in the Agricultural Burning Subaccount at the end of a biennium after all eligible projects and programs are funded also shall be transferred returned to the Common Subaccount.

SECTION 23. (1) Moneys credited to the Forest Prescribed Burning Subaccount are continuously appropriated for the following purposes:

(a) To pay for all costs incurred by the Department of Environmental Quality and other entities to collect the forest prescribed burning emission fees imposed under section 8, chapter 920, Oregon Laws 1989, and section 9 of this 1991 Act; and

(b) To pay for all costs incurred by the department in maintaining forest prescribed burning emissions inventories, analyzing projects and programs proposed for funding in accordance with this section and administering projects and programs selected for funding in accordance with this section.

(2) Of the moneys remaining in the Forest Prescribed Burning Subaccount after payment of the costs under subsection (1) of this section:

(a) Eighty percent shall be used for projects and programs relating to the reduction of emissions from forest prescribed burning; and

(b) Twenty percent shall be transferred to the Common Subaccount within the Air Quality Improvement Fund to be used for any eligible project or program. Any moneys remaining in the Forest Prescribed Burning Subaccount at the end of a biennium after all eligible projects and programs are funded also shall be transferred to the Common Subaccount.

SECTION 24. The Environmental Quality Commission shall establish rules necessary to implement the provisions of sections 1 to 4, 7 to 9, 11 and 13 to 24 of this 1991 Act. The rules shall include but need not be limited to:

(1) The specific factor to be used to determine the specific emission fee for any toxic air contaminant under section 3 (2) of this 1991 Act.

(2) Emission calculation methodologies, specific fee schedules based on the fees established under section 3 of this 1991 Act and fee payment due dates for sources subject to emission fees. To the extent practicable, the fee schedule shall relate to actual emissions. The fee schedule for each category of sources shall be enumerated and assessed in the following units:

(a) Dollars per ton of emissions for emissions fees assessed under section 4 of this 1991 Act.

(b) Dollars per cord of wood for residential wood heating emissions fees assessed under section 7 of this 1991 Act. The specific fee schedules established for cordwood shall take into account the effect of wood species on emissions.

(c) Dollars per vehicle for the emission fees assessed under section 8 of this 1991 Act.

(d) Dollars per acre for prescribed forest burning emission fees assessed under section 8, chapter 920, Oregon Laws 1989, or section 9 of this 1991 Act. The specific fee schedule shall take into consideration fuel moisture, fuel loadings, lighting and mop-up techniques.

(e) Dollars per acre for agricultural field burning emission fees assessed under ORS 468.480 and section 11 of this 1991 Act. The specific fee schedule shall take into consideration fuel moisture, fuel loading and lighting techniques.

(3) Procedures for submitting project and program proposals for funding from the Air Quality Improvement Fund including, but not limited to, the content, format and due date for proposals.

(4) Criteria for selecting projects and programs for funding from the Air Quality Improvement Fund.

(5) Minimum conditions to be included in any agreement approving a project or program including but not limited to oversight, evaluation, fiscal control and accounting procedures.

(6) The portion of the emission fees that may be retained by an entity that collects an emission fee to reimburse the entity for the reasonable costs incurred in collecting the fee. The maximum may not exceed 15 percent of the amount of fees collected by the entity.

(7) Requirements for obtaining partial refunds under section 4 of this 1991 Act. The requirements shall specify acceptable and accurate methods for determining actual emissions including but not limited to emission monitoring, material balances, fuel use and production data. The maximum total refund shall be the difference between the revenues actually received from fees collected under section 4 of this 1991 Act and the amount of the fee due when calculated on actual emissions, but in no case shall the refund result in a net fee of less than the total costs, including fee collection costs, incurred by the Department of Environmental Quality and any regional authority to operate the federal permit program in the year for which the refund is being sought. The rules shall establish a method to reduce all refunds by an equal percentage in any year during which the total amount of applications approved for refunds exceeds the maximum available refund.

(8) A graduated schedule for the permit issuance fee imposed under ORS 468.325 based on the

1 anticipated complexity of the analysis and permit issuance process above and beyond normal permit
2 issuance costs. The schedule at a minimum shall reflect work performed in control technology
3 analysis, modeling, toxic risk assessment and emission trading evaluation.

4 (9) Requirements for trip reduction plans and applications for funding under section 21 of this
5 1991 Act. At a minimum, these rules shall specify that trip reduction plans include designation of
6 an individual responsible for implementation of the plan, an estimate of the existing average vehicle
7 ridership, a list of existing incentives used to increase average vehicle ridership and a list of specific
8 incentives the employer will undertake that can reasonably be expected to lead to the achievement
9 and maintenance of the target average vehicle ridership within 12 months after plan approval. The
10 commission also shall prepare guidelines for incentive programs that may be incorporated by an
11 employer in the plan.

12 (10) The lowest cost mechanism for collecting emission fees for:

13 (a) Prescribed burning on land not subject to the registration requirements under section 8,
14 chapter 920, Oregon laws 1989; and

15 (b) Agricultural field burning on land not subject to the requirements of ORS 468.455 to 468.490.

16 SECTION 25. ORS 468.290 is amended to read:

17 468.290. Except as provided in this section and in ORS 468.450, 476.380 and 478.960 and in
18 section 11 of this 1991 Act, the air pollution laws contained in this chapter do not apply to:

19 (1) Agricultural operations and the growing or harvesting of crops and the raising of fowls or
20 animals, except field burning which shall be subject to regulation pursuant to ORS 468.140, 468.150,
21 468.455 to 468.480 and this section;

22 (2) Use of equipment in agricultural operations in the growth of crops or the raising of fowls
23 or animals, except field burning which shall be subject to regulation pursuant to ORS 468.140,
24 468.150, 468.455 to 468.480 and this section;

25 (3) Barbecue equipment used in connection with any residence;

26 (4) Agricultural land clearing operations or land grading;

27 (5) Heating equipment in or used in connection with residences used exclusively as dwellings for
28 not more than four families, except woodstoves which shall be subject to regulation under this sec-
29 tion and ORS 468.630 to 468.655;

30 (6) Fires set or permitted by any public agency when such fire is set or permitted in the per-
31 formance of its official duty for the purpose of weed abatement, prevention or elimination of a fire
32 hazard, or instruction of employees in the methods of fire fighting, which in the opinion of the
33 agency is necessary;

34 (7) Fires set pursuant to permit for the purpose of instruction of employees of private industrial
35 concerns in methods of fire fighting, or for civil defense instruction; or

36 (8) The propagation and raising of nursery stock, except boilers used in connection with the
37 propagation and raising of nursery stock.

38 SECTION 26. The Department of Environmental Quality shall submit a biennial report to the
39 Legislative Assembly evaluating the improvements in the air quality of the state resulting from the
40 air contaminant emission fee program. The report shall include a detailed account of air contam-
41 inants, emissions and changes caused by the program.

42 SECTION 27. The Executive Department shall submit a biennial report to the Legislative As-
43 sembly evaluating the overall effectiveness of the emission fee program including the project and
44 program selection process, the incentives created by emission fees, the management of major

1 projects funded from the Air Quality Improvement Fund, the consistency of major projects with the
2 purpose specified in section 2 of this 1991 Act, the adequacy of the fund to meet air quality im-
3 provement objectives and the reasonableness of the fee collection costs.

4 SECTION 28. (1) The Environmental Quality commission and the Department of Environmental
5 Quality are authorized to perform or cause to be performed any act necessary to gain delegation
6 of authority for regulatory programs under the provisions of the Federal Clean Air Act (42 U.S.C.
7 1857 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549) and federal reg-
8 ulations and interpretive and guidance documents issued pursuant to the Federal Clean Air Act.

9 (2) The commission may adopt, amend or repeal any rule or license and the commission or de-
10 partment may enter into any agreement necessary to implement this section.

11 SECTION 29. Section 8, chapter 920, Oregon Laws 1989, and sections 1 to 4, 7 to 9, 11, 13 to
12 24 and 26 to 28 of this Act are added to and made a part of ORS chapter 468.
13

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1425 FOR THE PURPOSE OF AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREE- MENT ON THE WESTERN BYPASS STUDY

Date: April 1, 1991

Presented by: Andrew C. Cotugno

PROPOSED ACTION

Adopt Resolution No. 91-1425 authorizing execution of an intergovernmental agreement between Metro, ODOT, Washington County and the cities of Washington County defining the decision-making process and the requirements for meeting state and local land use requirements for the Western Bypass Study.

FACTUAL BACKGROUND AND ANALYSIS

The Metro Council approved the recommendations of the Southwest Corridor Study by Resolution No. 87-763 and incorporated the recommendations into the Regional Transportation Plan (RTP) by Ordinance 89-282.

Included as a contingent recommendation was construction of a Western Bypass from I-5 near Tualatin to U.S. 26 near Hillsboro as part of a package of highway, arterial, light rail and bus service improvements. The Western Bypass recommendation was made contingent on satisfying state and local land use requirements. In accordance with Resolution No. 87-763, Metro executed an intergovernmental agreement with Washington County defining responsibilities for addressing these requirements.

At the request of Metro and Washington County, ODOT initiated the Western Bypass Study to proceed with these recommendations. Metro Councilor Richard Devlin sits on the study Policy Committee and Transportation staff person Keith Lawton sits on the Technical Committee. In addition, ODOT has contracted with Metro to provide technical support to the project.

In order to adequately address land use requirements, the ODOT Western Bypass Study is reexamining the "needs" in the study area, developing and evaluating a full range of alternatives and will base the recommendation on an exhaustive re-analysis of these issues, including land use implications.

This intergovernmental agreement establishes the decision-making and jurisdictional responsibilities as summarized in the chart shown on Attachment A. In brief, the key decision-making steps are as follows:

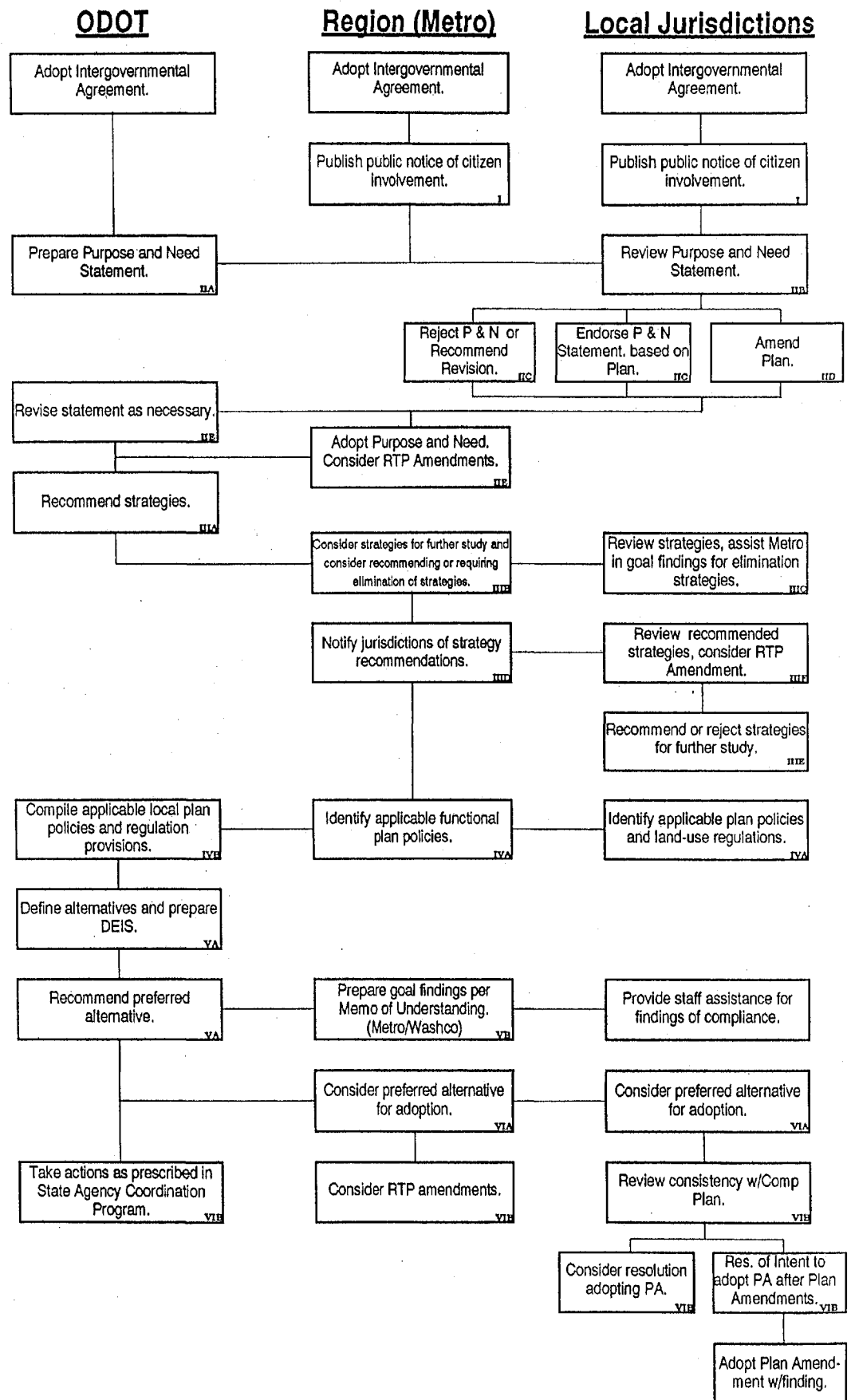
- . Approval of the alternatives to be evaluated in detail and those to be rejected from further consideration; and
- . Approval of the Preferred Alternative.

The process defined in this intergovernmental agreement will ensure that the jurisdictions responsible for the final conclusion are involved throughout the study process.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1425.

Inter-Governmental Agreement Flow Chart



BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

| | | |
|-----------------------------------|---|-----------------------------|
| FOR THE PURPOSE OF AUTHORIZING |) | RESOLUTION NO. 91-1425 |
| EXECUTION OF AN INTERGOVERNMENTAL |) | |
| AGREEMENT ON THE WESTERN BYPASS |) | Introduced by |
| STUDY |) | David Knowles, Chair |
| |) | Joint Policy Advisory |
| |) | Committee on Transportation |

WHEREAS, The Metropolitan Service District (Metro) adopted the Southwest Corridor Study Conclusions and Recommendations by Resolution NO. 87-763; and

WHEREAS, In accordance with that resolution, Metro and Washington County executed an Intergovernmental Agreement to ensure consistency between the corridor study and local comprehensive plans and statewide land use goals; and

WHEREAS, The Oregon Department of Transportation (ODOT) is conducting a "Western Bypass Study" in response to the recommendations of the Southwest Corridor Study; and

WHEREAS, Being a participating jurisdiction in ODOT's study, Metro will be asked to approve the conclusions and amend the Regional Transportation Plan for any recommendations; and

WHEREAS, The Western Bypass Study will evaluate a full range of possible alternatives for the corridor area; and

WHEREAS, A process for approval of the analysis and recommendations by Metro and the affected local governments has been developed to ensure full involvement throughout the process; and

WHEREAS, It is understood that this process does not require approval of the study recommendations and that rejection of any recommended "Preferred Alternative" facility will result in a No-Build conclusion; and

WHEREAS, It is understood that the ODOT Western Bypass Study will be coordinated with other efforts to develop alternatives for the study area; and

WHEREAS, The alternatives considered in the ODOT Western Bypass Study will address the state goal to reduce principal reliance on a single mode of transportation; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District authorizes entering into an Intergovernmental Agreement defining the decision-making process for the Western Bypass Study (as substantially defined in Exhibit A).

ADOPTED by the Council of the Metropolitan Service District this ____ day of _____, 1991.

Tanya Collier, Presiding Officer

ACC:mk
91-1425.RES
04-01-91

WESTERN BYPASS STUDY
PLANNING COORDINATION AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 199__, by the Metropolitan Service District (Metro), Oregon Department of Transportation (ODOT), Washington County, a political subdivision of the State of Oregon, and the Cities of Beaverton, Hillsboro, Tigard, Tualatin, Sherwood, Durham, King City, and Wilsonville, incorporated municipalities of the State of Oregon (hereafter "the Parties").

WHEREAS, ORS chapter 190 authorizes units of local government and state agencies to enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal 11 (Facilities Planning) and Goal 12 (Transportation Planning), ORS 197.190, 268.380(4), 268.385, and OAR 660-11-015(2) require city and county public facility plans and actions related to transportation facilities to be coordinated with each other and other providers of public facilities; and

WHEREAS, ODOT is evaluating Western Bypass Study issues in an Environmental Impact Statement (EIS); and

WHEREAS, ODOT's EIS study will accomplish significant data collection and analysis including organizing citizen advisory committees and agency coordination meetings, data collection, analysis of the physical characteristics of the study area, and traffic and transportation analysis; and

WHEREAS, the ODOT EIS work program anticipates completion of alternative strategies development, evaluation and screening in 1991 that will recommend alternative strategies for further study, thereby eliminating some modes and strategies from further detailed consideration based on the projected transportation need; and

WHEREAS, the ODOT EIS work program provides for refinement of selected alternative strategies and a transportation and environmental analysis prior to selection of the Preferred Alternative in 1992; and

WHEREAS, State, regional, and local governments seek to coordinate facility planning for any major regional transportation project resulting from these studies by establishing a process for review and possible incorporation of selected alternatives from the ODOT study into Metro's functional

transportation plan and the comprehensive plans of other affected local governments;

NOW, THEREFORE, METRO, ODOT, WASHINGTON COUNTY, AND THE CITIES OF BEAVERTON, HILLSBORO, TIGARD, TUALATIN, SHERWOOD, DURHAM, KING CITY, AND WILSONVILLE AGREE AS FOLLOWS:

I. Public Notice

To encourage citizen participation in the Western Bypass Study ("the Study"), Metro, each City, and the County agree:

- A. To provide public notice, in the manner required by their respective comprehensive plans, land use regulations, and other ordinances, as necessary to carry out the terms of this Agreement; and
- B. Within 30 days following its execution of this Agreement, to:
 - 1. Adopt a Resolution in the form attached hereto as Exhibit "A;" and
 - 2. Publish the Notice of Public Hearings contained in Exhibit "A."

II. Purpose and Need Statement

- A. Following review by the Western Bypass Study Committees, ODOT's staff will recommend a Purpose and Need Statement ("the Statement"). The Statement shall specify the underlying purpose of and need for the Western Bypass Study, based upon an analysis of existing conditions, demand forecasts, and projected transportation system deficiencies for the planning period as determined using acknowledged comprehensive plan map designations and zoning.
- B. The County and each City hereby agree to consider endorsement of the Purpose and Need Statement as the foundation for the Study. This endorsement shall be considered at a public hearing. The public hearing shall be held as soon as possible following receipt of the Statement by each local government, either as part of the next regularly scheduled meeting for which adequate public notice can be provided, or at a special meeting of the local government.
- C. Within 60 days following receipt of the Purpose and Need Statement, the County and each City shall submit to ODOT's Special Projects Manager ("Manager") a Resolution responding to the Statement. The Resolution

shall be in the form attached hereto as Exhibit "B" and shall either (a) endorse the Purpose and Need Statement; (b) propose certain changes to the jurisdiction's acknowledged comprehensive plan and zoning; or (c) reject or recommend revisions to the Statement. A party's failure to submit the Resolution within 60 days following receipt of the Statement shall be deemed a rejection of the Statement.

- D. Should the County or a City choose to amend its comprehensive plan or zoning, it shall:
1. Within 60 days following receipt of the Statement, adopt and submit to ODOT's Manager a Resolution (a) stating its intent to work immediately and expeditiously on the proposed plan and zoning amendments, and (b) containing a Work Plan ("the Work Plan") for completing the plan and zoning amendment process;
 2. Include in the Work Plan (a) a map identifying the specific properties which may be affected by proposed plan and zoning amendments, and (b) a description of the proposed amendments with sufficient specificity to allow ODOT's staff and Metro to identify the proposed land uses and estimated densities for the identified properties; and
 3. Within 100 days following adoption of the Resolution, complete the drafting of the proposed comprehensive plan and zoning amendments and establish a timetable for final adoption consistent with this Intergovernmental Agreement.
- E. Following receipt of the responses to the Purpose and Need Statement from the County and each City, ODOT's staff shall consider the responses, provide for review by the Western Bypass Study Committees as it deems appropriate, revise the Statement if necessary, and then submit the Statement to Metro for possible adoption. The Joint Policy Advisory Committee on Transportation (JPACT) and Metro shall consider any appropriate amendments to Metro's Regional Transportation Plan ("the RTP"), including incorporation of the Purpose and Need Statement.

III. Recommendation of Strategies

- A. ODOT's staff will study, develop, and refine strategies to meet the statewide and regional westside

circumferential travel needs identified in the Purpose and Need Statement. Reasonable system modes, including major highways, arterial, major transit (bus and light rail), and demand management measures, shall be considered. ODOT's staff will recommend elimination of some modes and strategies from further detailed consideration by the following steps:

1. Identification of strategies;
 2. Development of conceptual system-level alternatives;
 3. Evaluation of strategies; and
 4. Recommendation of reasonable strategies that meet the identified purpose and need.
- B. Based on the strategies recommended for further study and the strategies recommended for elimination by ODOT's staff, JPACT and Metro shall consider reasonable strategies for further study and shall consider recommending or requiring elimination of strategies considered unreasonable to meet the purposes and needs identified in the Statement. As part of this process, JPACT and Metro shall consider any appropriate amendments to the RTP, including both the incorporation of strategies recommended for further study and the elimination of strategies considered unreasonable to meet the purposes and needs identified in the Statement. The adoption of any RTP amendments eliminating strategies from further study shall be accompanied by findings demonstrating compliance with applicable statewide planning goals and regional goals and objectives, if necessary. For each strategy eliminated, Metro shall demonstrate the reasons why the eliminated strategy cannot meet the identified statewide and regional transportation system needs.
- C. Each City and the County hereby agree to provide staff assistance to Metro in the development of findings demonstrating compliance with applicable statewide planning goals to support an RTP amendment eliminating strategies considered unreasonable to meet the purposes and needs set forth in the Statement.
- D. Upon completion of the activities described in subsection B above, Metro shall transmit correspondence to each City and the County identifying the strategies approved for further study and those recommended to be eliminated from further study. The correspondence shall contain the findings supporting Metro's action.

- E. Within 90 days following receipt of Metro's correspondence, each City and the County shall consider adopting a Resolution in response to Metro's action. The Resolution shall be in the form attached hereto as Exhibit "C" and shall endorse or reject the strategies recommended by JPACT and Metro for further study. Upon adoption, the Resolution shall be submitted to ODOT's Manager. Failure to submit the Resolution shall be considered a rejection of the strategies recommended for further study.

IV. Acknowledged Comprehensive Plan and Zoning Review.

Within 30 days following approval by JPACT and Metro of strategies recommended for further study, Metro, the County, and each City shall assist the Study by:

- A. Initiating staff review of their respective functional or comprehensive plans and land use regulations to determine applicable provisions which apply to the Study; and
- B. Transmitting to ODOT's Manager a copy of those plan and regulation provisions deemed applicable.

V. Recommendation of a Preferred Alternative; Goal Findings

- A. To meet the purposes and needs identified in the Statement, ODOT's staff agrees to refine recommended strategies, identify Draft Environmental Impact Statement (DEIS) alternatives, prepare technical reports, prepare the DEIS, and, following a public hearing, recommend a Preferred Alternative for consideration by each City, the County, JPACT and Metro. The Preferred Alternative may be a "no-build" alternative.
- B. Project goal findings shall be developed pursuant to the Memorandum of Understanding/Agreement for the Tualatin Hillsboro Corridor between Metro and Washington County, adopted on July 18, 1988. All parties agree to provide staff assistance in the development of findings demonstrating compliance of the recommended Preferred Alternative with applicable statewide planning goals.

VI. Adoption of a Preferred Alternative

- A. Within 30 days following the recommendation of the Preferred Alternative and the development of findings demonstrating compliance with applicable statewide

goals, Metro, the County, and each City shall identify any functional or comprehensive plan and land use regulation amendments that would be necessary to adopt the Preferred Alternative.

B. All parties hereby agree to consider and take action on the recommended Preferred Alternative as follows:

1. JPACT and Metro shall consider adopting any appropriate amendments to the RTP at the time Metro considers adoption of a recommended Preferred Alternative for the Western Bypass Study Area.
2. ODOT will take such actions as may be required on the recommended Preferred Alternative in the manner provided in its state agency coordination program certified by the Land Conservation and Development Commission.
3. The County and each City shall consider either (a) a Resolution adopting the recommended Preferred Alternative, if the recommendation is consistent with the jurisdiction's acknowledged comprehensive plan and land use regulations; or (b) a Resolution of Intent to approve the recommended Preferred Alternative, subject to adoption of comprehensive plan or land use regulation amendments needed to accommodate the recommended Preferred Alternative.

C. If adopted by any party, the recommended Preferred Alternative shall be supported by findings demonstrating:

1. Consistency with applicable statewide planning goals; and
2. For each jurisdiction, compliance with applicable provisions of its functional or comprehensive plan and land use regulations. Each jurisdiction adopting the recommended Preferred Alternative shall be responsible for preparing the findings required to demonstrate consistency of the recommended Preferred Alternative with its functional plan or acknowledged comprehensive plan and land use regulations.
3. If the County or a City adopts a Resolution of Intent to approve the recommended Preferred Alternative, subject to adoption of amendments to its comprehensive plan or land use regulations,

the jurisdiction adopting the Resolution of Intent shall be responsible for preparing:

- (a) Findings to demonstrate consistency of those amendments with the statewide planning goals; and
 - (b) Findings to demonstrate consistency of the recommended Preferred Alternative with its comprehensive plan and land use regulations as amended.
- D. If the County or any City adopts the recommended Preferred Alternative or a Resolution of Intent to adopt the recommended Preferred Alternative, it shall immediately authorize its staff to notify the Director of the Land Conservation and Development Commission of any proposed comprehensive plan or land use regulation amendments, and schedule the final hearing to consider adoption of the proposed amendments.

VII. Coordination of Planning and Implementation Actions

- A. Metro, the County and each City shall provide all parties with the appropriate opportunity to participate, review and comment on proposed amendments to the RTP, comprehensive plans or land use regulations relating to the Western Bypass Study. The following procedures shall be used by these parties to notify and involve all parties in this process:
- 1. The party with jurisdiction over a proposed amendment, hereinafter the originating party, shall notify the other parties, hereinafter responding parties, of the proposed action at the time such planning efforts are initiated, but in no case less than forty-five (45) days prior to the final hearing on adoption. The specific method and level of involvement may be finalized by "Memorandums of Understanding" negotiated and signed by the planning directors or other appropriate staff of the respective parties. "Memorandums of Understanding" shall clearly outline the process by which the responding party shall participate in the adoption process.
 - 2. The originating party shall transmit draft recommendations on any proposed actions to the responding parties for review and comment before finalizing. Unless otherwise agreed to in a "Memorandum of Understanding," responding parties shall have ten (10) days after receipt of a draft

to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.

3. The originating party shall respond to the comments made by the responding party either by (a) revising the final recommendations, or (b) by letter to the responding party explaining why the comments cannot be addressed in the final draft.
4. Comments from the responding parties shall be given consideration as a part of the public record on the proposed action. If after such consideration, the originating party acts contrary to the position of a responding party, the responding party may seek appeal of the action through the appropriate appeals body and procedures.
5. Upon final adoption of the proposed action by the originating party, it shall transmit the adopting ordinance to the responding party as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding party of the final actions taken.

VIII. Design or Alignment Decision; Local Implementation

- A. The parties anticipate that a range of policy options will remain following the selection of a Preferred Alternative, including a Design EIS for part or all of the Preferred Alternative, any needed right-of-way acquisition, possible development of detailed mitigation strategies, or further study of specific impacts of any proposed facilities. A subsequent Intergovernmental Agreement or amendments to this Agreement may be required after adoption of the Preferred Alternative.
- B. The Parties acknowledge that implementation of comprehensive plan provisions for any Western Bypass Study project will require detailed project design and mitigation specifications. These details are beyond the scope of the current Western Bypass Study.

IX. Joint Defense of Appeals

- A. All parties hereby agree that an appeal to LUBA or the courts of any party's action required by this Agreement shall cause the remaining parties to intervene as named parties to the appeal with coordinated participation

and representation in defense of the action. Nothing in this section shall financially obligate any agency or jurisdiction.

- B. An appeal based on additional plan or land use regulation amendments and findings in VI, above, or an implementation action under VII, above, shall be the responsibility of the affected jurisdiction with the cooperation of all remaining parties, as appropriate.

X. Amendments to this Western Bypass Study Planning Coordination Agreement

The following procedures shall be followed by all parties to amend the language of this Agreement:

- A. The party originating the proposal shall submit a formal request for amendment to the other parties, hereinafter "responding parties."
- B. The formal request shall contain the following:
 - 1. A statement describing the amendment.
 - 2. A statement of findings indicating why the proposed amendment is necessary.
 - 3. If the request is to amend a recommendation of the Preferred Alternative, a map which clearly indicates the location of the proposed change and surrounding area.
- C. Upon receipt of a request for amendment from the originating party, responding parties shall schedule a review of the request before the appropriate governing bodies within forty-five (45) days of the date the request is received.
- D. All parties shall make good faith efforts to resolve requests to amend this Agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed:
 - 1. All parties shall agree to initiate a joint study. Such a study shall commence within thirty (30) days of the date it is determined that a proposed amendment creates a disagreement, and shall be completed within

ninety (90) days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by all parties prior to commencing the study.

2. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The party considering the proposed amendment shall give careful consideration to the study prior to making a final decision.

XI. Additional Parties.

If, in the course of this Study, it is determined that need exists for other agencies, jurisdictions or special districts, not parties to this Agreement, to amend their comprehensive plans, land use regulations, or plans or programs affecting land use, the parties agree to amend this Agreement as necessary or appropriate to add such agencies, jurisdictions or special districts.

METROPOLITAN SERVICE DISTRICT

OREGON DEPARTMENT OF
TRANSPORTATION

WASHINGTON COUNTY

CITY OF BEAVERTON

CITY OF DURHAM

CITY OF HILLSBORO

CITY OF KING CITY

CITY OF SHERWOOD

CITY OF TIGARD

CITY OF TUALATIN

CITY OF WILSONVILLE

EXHIBIT "A"

IN THE MATTER OF PUBLIC)
INVOLVEMENT IN WESTERN BYPASS) RESOLUTION NO. _____
STUDY ISSUES)

WHEREAS, the Oregon Department of Transportation (ODOT) is conducting a Western Bypass Study to identify and resolve issues related to accommodating major existing and future (year 2010) state, regional, and intra-county travel needs within the project study area; and

WHEREAS, this jurisdiction is in the Western Bypass Study area.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. This [city, county] hereby includes the regular schedule of meetings of the Western Bypass Study Citizen Advisory Committee and Technical Advisory Committee as part of its citizen involvement process and encourages its citizens to participate in that public process.

2. The [city, county] anticipates that the results of the Oregon Department of Transportation (ODOT) study, including public involvement of its citizens, will be utilized to develop its planning alternatives for circumferential travel in coordination with state, regional, and other local governments.

3. The following "Public Notice" of [city, county] participation in the Western Bypass Study process shall be published once in a newspaper of general circulation consistent with the citizen involvement program:

PUBLIC NOTICE

"Notice is hereby given that, with respect to Western Bypass Study issues, in addition to the public involvement provisions set forth in [name of local government]'s comprehensive plan and regulations, the regularly scheduled meetings of the Western Bypass Study Citizen Advisory Committee and Technical Advisory Committee shall be part of the [city, county]'s citizen involvement process.

"This is consistent with adoption of the Western Bypass Study Coordination Agreement by [name of local government]. Under this intergovernmental agreement [name of government] will consider during the two-year study process: (1) the Purpose and Need Statement, (2) recommended strategies, (3) selection of a Preferred Alternative Strategy, (4)

consistency of the Preferred Alternative with [name of local government]'s comprehensive plan, and (5) design or alignment decisions. To obtain information on meeting dates, contact the Oregon Department of Transportation's Project Manager at 653-3298."

EXHIBIT "B": ALTERNATIVE 1

IN THE MATTER OF ENDORSEMENT)
OF THE WESTERN BYPASS STUDY) RESOLUTION NO. _____
PURPOSE AND NEED STATEMENT)

WHEREAS, the Oregon Department of Transportation (ODOT) is conducting a Western Bypass Study to identify and resolve issues related to accommodating major existing and future (year 2010) state, regional, and intra-county travel needs within the project study area; and

WHEREAS, this jurisdiction is in the Western Bypass study area; and

WHEREAS, ODOT is conducting the Western Bypass Study in an open, objective and expeditious manner, allowing input from all sectors of the community; and

WHEREAS, [city, county] has executed a Western Bypass Study Planning Coordination Agreement ("the Agreement") with ODOT, the Metropolitan Service District ("Metro"), and other affected local governments within the project study area; and

WHEREAS, ODOT's staff has prepared a Purpose and Need Statement specifying the underlying purpose and need for the Western Bypass Study, based upon an analysis of existing conditions, demand forecasts, and projected transportation deficiencies for the planning period using acknowledged comprehensive plan map designations and zoning; and

WHEREAS, the Agreement requires the [city, county] to consider endorsement of the Purpose and Need Statement as the foundation of the continued study, following public notice and a public hearing consistent with local public notice and hearing requirements; and

WHEREAS, following public notice, the [city, county] held a public hearing on _____, 199__, to take testimony on and consider endorsement of the Purpose and Need Statement; and

WHEREAS, the [city, county] has considered the testimony and the evidence on this matter.

NOW, THEREFORE, IT IS RESOLVED THAT:

The [city, county] hereby endorses the Purpose and Need Statement recommended by the staff of the Oregon Department of Transportation as the foundation of the Western Bypass Study. With this endorsement, the [city, county] approves of, accepts,

and endorses the methodology and assumptions upon which the Statement is based, including the [city, county]'s acknowledged comprehensive plan map and zoning designations.

EXHIBIT "B": ALTERNATIVE 2

IN THE MATTER OF ENDORSEMENT)
OF THE WESTERN BYPASS STUDY) RESOLUTION NO. _____
PURPOSE AND NEED STATEMENT)

WHEREAS, the Oregon Department of Transportation (ODOT) is conducting a Western Bypass Study to identify and resolve issues related to accommodating major existing and future (year 2010) state, regional, and intra-county travel needs within the project study area; and

WHEREAS, this jurisdiction is in the Western Bypass study area; and

WHEREAS, ODOT is conducting the Western Bypass Study in an open, objective and expeditious manner, allowing input from all sectors of the community; and

WHEREAS, [city, county] has executed a Western Bypass Study Planning Coordination Agreement ("the Agreement") with ODOT, the Metropolitan Service District ("Metro"), and other affected local governments within the project study area; and

WHEREAS, ODOT's staff has prepared a Purpose and Need Statement specifying the underlying purpose and need for the Western Bypass Study, based upon an analysis of existing conditions, demand forecasts, and projected transportation deficiencies for the planning period using acknowledged comprehensive plan map designations and zoning; and

WHEREAS, the Agreement requires the [city, county] to consider endorsement of the Purpose and Need Statement as the foundation of the continued study, following public notice and a public hearing consistent with local public notice and hearing requirements; and

WHEREAS, following public notice, the [city, county] held a public hearing on _____, 199__, to take testimony on and consider endorsement of the Purpose and Need Statement; and

WHEREAS, the [city, county] has considered the testimony and the evidence on this matter.

NOW, THEREFORE, IT IS RESOLVED THAT:

A. Based upon its review of the Purpose and Need Statement, the [city, county] desires to amend its [comprehensive plan, zoning] for certain properties within its boundaries. A map identifying the specific properties which may be affected by proposed

comprehensive plan and zoning amendments is included in the attached Work Plan.

B. Work on proposed plan and zoning amendments will begin promptly and will be handled expeditiously in accordance with the time table contained in the attached Work Plan.

C. The [city, county] requests that ODOT's staff amend the Purpose and Need Statement, as necessary, to reflect the proposed amendments to the [city, county]'s plan. With these changes, the [city, county] accepts and endorses the methodology and assumptions upon which the Statement is based.

D. The [city, county]'s work program shall be as follows:

1. Affected properties: The properties which may be affected by the proposed plan and zoning amendments are identified on the map attached as Exhibit "A".
2. Nature of amendments: [Example]: The [city, county], through proposed plan and zoning text and map amendments, intends to increase the maximum permitted density of development on residentially zoned land within 100 feet of major transit corridors by an overall average density of 4 dwelling units per acre. For some properties [identify on map], this change may be accomplished through redesignation from ____ to _____. For other properties [identify on map], the current plan designation will remain, but the maximum number of units permitted in the zone under the zoning ordinance will be increased. [Provide greater detail on the proposed changes.]
3. Timetable for drafting proposed amendments: Within 100 days following the date of this Resolution, the [city, county] will complete the drafting of the proposed comprehensive plan and zoning amendments and establish a timetable for final adoption of those amendments.

EXHIBIT "B": ALTERNATIVE 3

IN THE MATTER OF ENDORSEMENT)
OF THE WESTERN BYPASS STUDY) RESOLUTION NO. _____
PURPOSE AND NEED STATEMENT)

WHEREAS, the Oregon Department of Transportation (ODOT) is conducting a Western Bypass Study to identify and resolve issues related to accommodating major existing and future (year 2010) state, regional, and intra-county travel needs within the project study area; and

WHEREAS, this jurisdiction is in the Western Bypass study area; and

WHEREAS, ODOT is conducting the Western Bypass Study in an open, objective and expeditious manner, allowing input from all sectors of the community; and

WHEREAS, [city, county] has executed a Western Bypass Study Planning Coordination Agreement ("the Agreement") with ODOT, the Metropolitan Service District ("Metro"), and other affected local governments within the project study area; and

WHEREAS, ODOT's staff has prepared a Purpose and Need Statement specifying the underlying purpose and need for the Western Bypass Study, based upon an analysis of existing conditions, demand forecasts, and projected transportation deficiencies for the planning period using acknowledged comprehensive plan map designations and zoning; and

WHEREAS, the Agreement requires the [city, county] to consider endorsement of the Purpose and Need Statement as the foundation of the continued study, following public notice and a public hearing consistent with local public notice and hearing requirements; and

WHEREAS, following public notice, the [city, county] held a public hearing on _____, 199__, to take testimony on and consider endorsement of the Purpose and Need Statement; and

WHEREAS, the [city, county] has considered the testimony and the evidence on this matter.

NOW, THEREFORE, IT IS RESOLVED THAT:

The [city, county] hereby rejects the Purpose and Need Statement recommended by the staff of the Oregon Department of Transportation as the foundation of the Western Bypass Study. The [city, county] rejects the Statement because [explain why].

In order for the [city, county] to support the Purpose and Need Statement, the following revisions are necessary: [identify and explain]

EXHIBIT "C"

IN THE MATTER OF ENDORSEMENT)
OF FURTHER STUDY OF STRATEGIES) RESOLUTION NO. _____
RECOMMENDED BY JPACT AND METRO)

WHEREAS, the Oregon Department of Transportation (ODOT) is conducting a Western Bypass Study to identify and resolve issues related to accommodating major existing and future state, regional, and intra-county travel needs within the project study area; and

WHEREAS, a Purpose and Need Statement has been prepared identifying the underlying purpose of and need for the Western Bypass Study; and

WHEREAS, ODOT's staff has studied, developed, and refined strategies to meet the regional westside circumferential travel needs identified in the Purpose and Need Statement; and

WHEREAS, ODOT's staff has recommended certain reasonable strategies for further study; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metropolitan Service District (Metro) have considered reasonable strategies for further study as recommended by ODOT's staff.

NOW, THEREFORE, IT IS RESOLVED as follows:

That the [city, county] hereby endorses for further study the reasonable strategies endorsed by JPACT and Metro for further study.

or

That the [city, county] hereby rejects the strategies endorsed by JPACT and Metro for further study because [explain].

COMMITTEE MEETING TITLE JPACT

DATE 4/11/91

NAME

AFFILIATION

| | |
|-----------------------------|------------------------------------|
| M- <u>Earl Blumenauer</u> | <u>City of Portland</u> |
| M- <u>LARRY COLE</u> | <u>CITIES OF WASHINGTON COUNTY</u> |
| M- <u>Pauline Oaderson</u> | <u>Multnomah County</u> |
| MA- <u>Arthur MacNichol</u> | <u>Port of Portland</u> |
| M- <u>George Van Bergen</u> | <u>Metro</u> |
| MA- <u>Keith Ahola</u> | <u>WSDOT</u> |
| M- <u>Bob Barthman</u> | <u>ODOT</u> |
| M- <u>FRED HANSEN</u> | <u>ODEQ</u> |
| M- <u>DAVE STURDEVANT</u> | <u>CLARK County</u> |
| M- <u>BOB LIDDELL</u> | <u>Cities of Clackamas County</u> |
| M- <u>Marge Schmunk</u> | <u>Cities of Mult County</u> |
| M- <u>Roy Rogers</u> | <u>WASHINGTON County</u> |
| M- <u>Ed O'Geist</u> | <u>Clackamas County</u> |
| MA <u>BOB POST</u> | <u>TRI-MET</u> |
| M- <u>RICHARD DEVAIN</u> | <u>METRO</u> |
| M- <u>Jon Ward</u> | <u>Clark County/Vancouver</u> |
| M- <u>Daniel Groulx</u> | <u>Metro</u> |
| S- <u>Andy Gupin</u> | <u>Metro</u> |
| S- <u>Mike Hoglund</u> | <u>Metro</u> |
| S- <u>LEON SKILES</u> | <u>METRO</u> |
| G- <u>MARY WEBER</u> | <u>TRVDC</u> |
| G- <u>Jack Lin O'pist</u> | <u>T PAC</u> |
| G- <u>CRAIG J. Lomnicki</u> | <u>Alternate Clack Cities</u> |
| G- <u>Denny Porter</u> | <u>Tri Met</u> |

COMMITTEE MEETING TITLE JPACT

DATE 4/11/91

| NAME | AFFILIATION |
|-----------------------|--|
| ✓G Ted Spence | ODOT |
| G Rick Root | CITY OF BEAVERTON |
| G Pat Allen | Congressman Mike Kopetski |
| G DAN SALTZMAN | |
| G Steve Greenwood | DEQ |
| ✓G Don Adams | ODOT |
| G Bebe Rucker | Port |
| G Richard Ross | CITY OF GRESHAM |
| -Med. Robert Aldfield | DTC |
| ✓G Tom Vanderzander | CLACKAMAS COUNTY |
| ✓G Ron Sandoz | " " |
| G Ray Polani | TPAC / CBT |
| G Molly O'Reilly | Citizen member TPAC |
| G JIM HOWELL | OREARP / CBT |
| S- Richard Brandman | Metro |
| G Susan Johnson | Mult CO |
| G Peter Fry | CEIC Central Eastside Industrial Council |
| G Les White | C-TRAN |
| G G Mulder | Intergovernmental Resource Center |
| G - Steve Dotterer | CITY OF PORTLAND STAFF |
| G Kim Chan | C-TRAN |
| G Karen Shackston | Metro |
| G Andy Ginsburg | DEQ |
| G Jack Wilson | POP |
| G Diane Downer | TPAC |

COMMITTEE MEETING TITLE JPACT

DATE 4/11/91

NAME

AFFILIATION

/ G Eleanor Roosevelt

Centers City

/ G Margo Nouse

Office of Senator Hatfield