

MEETING REPORT

DATE OF MEETING: November 9, 1989

GROUP/SUBJECT: Joint Policy Advisory Committee on
Transportation

PERSONS ATTENDING: Members: Chairman Mike Ragsdale, Metro Council; Earl Blumenauer, City of Portland; Bob Bothman, ODOT; Wade Byers, Cities of Clackamas County; Clifford Clark, Cities of Washington County; Scott Collier, City of Vancouver; James Cowen, Tri-Met; Gary Demich, WSDOT; Jim Gardner and George Van Bergen, Metro Council; Bonnie Hays, Washington County; Ed Lindquist, Clackamas County; John Magnano, Clark County; Gussie McRobert, Cities of Multnomah County; and Bob Woodell, Port of Portland

Guests: Dave Williams, Don Adams (JPACT alt.) and Ted Spence, ODOT; Bebe Rucker, Port of Portland; Les White, C-TRAN; Bruce Warner, Washington County; Grace Crunican and Steve Dotterer, City of Portland; Susie Lahsene, Multnomah County; Lee Hames, Tri-Met; Rod Sandoz, Clackamas County; Leeanne MacColl, League of Women Voters; Peter Fry, Central Eastside Industrial Council; Ray Polani, Citizens for Better Transit; Richard Ross, Cities of Multnomah County; Kathryn Broderick, Office of Congressman Wyden; Craig Lomnicki (JPACT alt.), Cities of Clackamas County; Victor Dodier, (Public Transit), ODOT; Diane Luther, Office of Commissioner Anderson, Multnomah County; Gil Mallery and Andrew Mortensen, IRC of Clark County; and Richard Devlin (JPACT alt.), Metro Council

Staff: Andrew Cotugno; Richard Brandman; Harlan Miller, FHWA intern; Ethan Seltzer; and Lois Kaplan, Secretary

MEDIA: James Mayer, The Oregonian

SUMMARY:

The meeting was called to order and a quorum declared by Chairman Mike Ragsdale.

MEETING REPORT

Action Taken: It was moved and seconded to amend the last paragraph of page 4 of the October 12 minutes (pertaining to Clifford Clark's comments) to correctly substitute the word three for the word "two" relating to Multnomah County representation on the Transportation 2000 Subcommittee. Motion PASSED unanimously.

AMENDING THE FY 1990 UNIFIED WORK PROGRAM TO INCLUDE AN AA/DEIS FOR THE HILLSBORO SEGMENT OF THE WESTSIDE LIGHT RAIL

Andy Cotugno reviewed the Staff Report/Resolution that would amend the FY 90 UWP to include an Alternatives Analysis between 185th Avenue and the Hillsboro Transit Center. He noted that this resolution would allow the work to start but is not a commitment to build.

Gary Demich questioned the staff level at Metro with regard to this work element. Andy indicated his concern about moving ahead due to staff vacancies and that he was hesitant to proceed until the positions have been filled.

Action Taken: It was moved and seconded to recommend approval of Resolution No. 89-1165 amending the FY 1990 Unified Work Program to include an Alternatives Analysis/DEIS for the Hillsboro segment of the Westside light rail. Motion PASSED unanimously.

TRANSPORTATION 2000 STATUS

Mike Ragsdale indicated two factual handouts that described the context for decisions on the \$15.00 local option vehicle registration fee. The materials provide a status report on what is in place in terms of available dollars and provide a good reference for funding strategies. It further reflects some updated costs and is the background information upon which future decisions will be based.

Andy Cotugno reported that the ballot title is close to being finalized, noting that the final Attorney General's version is pretty reasonable. He cited the importance of including language in the title that provides for the "elderly and handicapped."

Chair Ragsdale indicated that Transportation 2000 would be a monthly agenda item because of its importance to the region. He encouraged Committee members to discuss this matter with their Congressional representatives as opportunities permit.

ESTABLISHMENT OF AN ORGANIZATIONAL STRUCTURE FOR NORTH-SOUTH LRT STUDIES

A draft Metro/IRC resolution for establishment of an organizational structure for overseeing the north-south high capacity transit studies was distributed. Andy Cotugno reported that JPACT had previously reviewed another organizational structure and that this proposal was from IRC of Clark County. Rather than a stand-alone bi-state task force, consideration should be given to quarterly meetings of JPACT and IRC to serve as an Oversight Committee. Andy noted TPAC's concerns on how to organize all the work activities, especially with regard to the I-205 and Milwaukee projects having their own advisory committees.

Gil Mallery reported that the IRC Board has given approval to proceed with the concept of the resolution. He clarified that JPACT and IRC would meet jointly if JPACT adopted the structure as presented. Bob Woodell suggested that a JPACT subcommittee meet with the IRC contingent; he had no problem with an Oversight Committee but felt it would be unnecessary for the full JPACT to meet.

Action Taken: Chairman Ragsdale referred consideration of the Resolution to the December 14 JPACT meeting.

SURFACE TRANSPORTATION ACT UPDATE

Andy Cotugno introduced Dave Williams who has been active on behalf of ODOT in discussions on the Surface Transportation Act update. Dave provided background information and an overview on provisions of the STA update. He noted that Transportation 2020 was formed (comprised of public and private-sector people in the transportation industry) to help gain consensus on the provisions of an STA update.

Dave informed the Committee that a major transportation policy review will be introduced in January 1990 by Secretary of Transportation Skinner. He noted that the five fundamental questions being debated include:

- . Whether to expand the federal program -- who should be paying more, and strings attached to 41 categorical programs;
- . What should be the primary federal role for highways -- whether it should be for construction rather than for preservation, and whether it should be a systems focus or a problem focus;

JPACT

November 9, 1989

Page 4

- . How funds should be allocated -- currently, they are allocated on system characteristics; the possibility of allocating on statewide characteristics is being discussed; also being discussed is the possibility of combining small programs into a rural and urban flexible pot that would also include transit;
- . How to deal with large city transit needs -- it is known that there is a huge backlog for Section 3 funds, especially for rail projects; and
- . Whether the federal gas tax should be increased to obtain the needed dollars -- there is concern about raising the gas tax in light of Gramm-Rudman.

Mr. Williams noted that the transportation program could be expanded if the Highway Trust Fund were drawn down. He also felt that the government would like to move away from the Interstate construction mode but the Interstate system is not yet completed.

Ray Polani, representing Citizens for Better Transit, indicated that his group had submitted a position paper as input to the STA update and asked that JPACT be provided a copy (copy attached).

Commissioner Lindquist spoke of the need to be unified in our approach with Congress and of the opportunity the Oregon Highway Users Conference would bring. Chairman Ragsdale concurred in the need to arrive at consensus, pointing out a possible conflict on whether or not to have a gas tax increase and the relative split on how the funds are put into the urban program. A discussion followed on the overall effect on the state and that the task is to obtain the most money for the state of Oregon.

Bob Bothman felt that the region would have more available dollars than it experienced in 1982, adding that the state program is now about the same size as the federal program whereas before, state funding for construction was non-existent. He emphasized the need for consensus on an STA which maximizes funding to the state as a whole since there is now an ability to use state funding for those areas not addressed by federal funding.

JPACT MEMBERSHIP

Chairman Ragsdale reported that the JPACT Membership Committee had met a number of times regarding a more formal JPACT structure and to discuss other subissues relating to membership. The relationship of TPAC/JPACT was discussed as it was felt that TPAC is often placed in the position of making policy decisions.

JPACT

November 9, 1989

Page 5

Chair Ragsdale felt that issues that need to be discussed include how JPACT runs itself, whether it is properly set up, whether the structure needs to be changed, the need for an equitable membership, and balance. He pointed out that the Membership Committee was not unanimous in its recommendation as there was never a consensus. They were in agreement, however, that bylaws should be in place.

Andy Cotugno then reviewed the memo relating to recommendations of the JPACT Membership Committee accompanied by a proposed set of bylaws.

A letter from Tri-Met was distributed citing opposition to an Executive Committee, noting the inequities between C-TRAN and Tri-Met representation in the proposed bylaws, concurring in the appropriateness of expanding JPACT to include some of the larger communities and C-TRAN, and suggesting that the chief member of the governing board of the transit agencies be given the opportunity to decide who would best serve the interests of their organization (whether board member or principal staff).

A memorandum from Washington County was distributed recommending that no changes be made to the JPACT membership, also citing opposition to creation of an Executive Committee. The memo indicated that JPACT was functioning as intended -- as the regional consensus body. With regard to C-TRAN membership, it proposed that the State of Washington have a total of three members on JPACT and that it be left to the four entities (WSDOT, Clark County, City of Vancouver and C-TRAN) to decide which three agencies should be represented on the Committee.

Mayor Clark stated that the cities of Washington County concur with Washington County in that JPACT is functioning as intended and don't feel there's any problem identification that would warrant a restructuring of the Committee. He also felt that a nine-member committee was too large to function as an Executive Committee. From a "small cities" perspective, it was both too small and too big. He felt it would be unacceptable unless it was bigger because it leaves the cities out and that it would be counterproductive if it had too many members. The cities of Washington County are unanimous in their preference to maintain JPACT as is.

Commissioner Blumenauer pointed out that, as currently structured, nonoperating agencies comprise a majority of JPACT votes and he questioned whether its decisions could ever withstand a legal challenge. He felt that Gresham should be included on the Committee but, after further discussion, agreed that JPACT should

JPACT

November 9, 1989

Page 6

remain status quo but for different reasons. He felt that a crisis will likely be necessary when a crucial decision is made on a split vote to create the urgency to make a change.

Scott Collier stated that, from the City of Vancouver's standpoint, the Executive Committee would create a duplication of effort. If, however, the Executive Committee was created, they would not have a problem with its structure insofar as representation from the Washington side of the river. He cited agreement with the flexible option of allowing the State of Washington to choose which three representatives are seated on JPACT if the choice is made not to expand JPACT membership.

Bob Bothman concurred with the recommendation that JPACT remain status quo.

During discussion, it was noted that any changes to the bylaws would also have to be approved by Metro Council.

Councilor Gardner, Chair of Metro's Intergovernmental Relations Committee, expressed concerns with the JPACT bylaws as proposed and asked that the Committee defer action on this matter until Metro Council has had an opportunity to review the final version. One of their concerns was that the Metro Council might be removed from the review process on matters relating to the Transportation Improvement Program, the Unified Work Program, the Six-Year Highway Improvement Program, light rail transit funding priorities and federal funding priorities. He felt the present procedure worked well and should be retained. He pointed out that the Regional Transportation Plan does require adoption by the Metro Council because of state land use laws.

Gary Demich noted his concern regarding a possible legal challenge and felt it smart to adopt bylaws, questioning further what the comfort level was with TPAC making policy decisions and the matter of timely commitments being made by an Executive Committee.

Ray Polani, representing Citizens for Better Transit, pointed out the need for citizen participation and their willingness to participate and the fact that there is little room for change by the time issues reach Metro Council.

Councilor Van Bergen felt very comfortable operating without a set of bylaws and questioned the need for same. He liked the "looseness" of JPACT without bylaws.

Councilor Devlin felt there was a necessity for bylaws but felt they should reflect current practice. He noted that the Regional

Transportation Plan clearly defines the roles of the various groups, such as JPACT, and meets the requirements of providing a structure.

Commissioner Hays also concurred with the opportunity to formalize JPACT's function with a set of bylaws.

Action Taken: Chairman Ragsdale asked Committee members to contact their constituents in this regard, and directed staff to prepare a draft set of bylaws to comply with JPACT's present structure and function and would allow the State of Washington to select their three representatives. Although the City of Gresham was not included in the membership on JPACT, Chairman Ragsdale felt it would be healthy, and he would propose, to include some mechanism to include larger cities in the region. It was noted that, in Washington County, there are no cities with populations of 50,000 or greater.

Councilor Devlin felt that TPAC's bylaws should perhaps be modified but questions were raised as to whether TPAC or JPACT should initiate such changes.

A discussion followed on whether or not to consider representation from cities of 40,000 or greater population and the potential size of JPACT as cities reach that point (if 40,000 population became a part of the membership criteria).

Gary Demich went on record as favoring a 17-member committee for JPACT.

Mayor Byers questioned whether one vote would make a difference with regard to forum and franchise on JPACT. Mayor McRobert of the City of Gresham felt that there is definitely a different philosophical approach taken by the cities as opposed to the counties, citing the Transportation 2000 package independently supported by the City of Gresham from East County.

LUBA/Westside Bypass

It was explained that there are two significant components of the LUBA decision:

- 1) Governance -- LUBA determined that Metro has comprehensive planning authority and responsibility for the region. Hence, amending the RTP or any other action in regard to any other regional functional plan is interpreted by LUBA to be an action amending Metro's unacknowledged regional comprehensive plan, thereby requiring full goal findings and LCDC acknowledgment. This is a significant departure from the way in

which Metro's enabling statute, ORS 268, has been interpreted in the past.

- 2) Goal 14 -- Metro is responsible for the region's urban growth boundary. LUBA found that Metro is responsible for making all decisions in the region that relate to Goal 14, even when they involve lands outside of Metro's jurisdiction. Therefore, any land use decision associated with the bypass and pertaining to Goal 14, and by extension urban/rural aspects of Goal 11, must be made by the Metro Council and cannot be delegated. This is a clarification of roles.

Andy Cotugno reported that the resolution on ODOT's Six-Year Program priorities, which was pulled from the October 26 Metro Council agenda, has been referred to the Intergovernmental Relations Committee and will be resubmitted to JPACT.

The question was raised as to what happens to the remainder of the projects proposed as priorities in the Six-Year Program. Andy Cotugno responded that the resolution was prepared well in advance of ODOT's deadline for consideration in its final Six-Year Program adoption process.

Bob Bothman indicated that ODOT has tried to sort through what they legally can and cannot do on this project. They want to first establish firm ground before proceeding with P.E. on all the alternatives of the Western Bypass.

Bruce Warner, Director of the Department of Land Use and Transportation in Washington County, expressed concern over the LUBA decision and not making commitments toward right-of-way and construction. He felt we need to look seriously at the LUBA decision and how it impacts Metro and JPACT decisions.

ADJOURNMENT

There being no further business, the meeting was adjourned.

REPORT WRITTEN BY: Lois Kaplan

COPIES TO: Rena Cusma
Dick Engstrom
JPACT Members