

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING A) RESOLUTION NO. 12-4330
REGIONAL POSITION ON THE)
AUTHORIZATION OF A SURFACE) Introduced by Councilor Collette
TRANSPORTATION ACT IN THE US)
CONGRESS)

WHEREAS, the Senate Environment and Public Works Committee of the US Senate has introduced to the 112th Congress a new highway authorization bill entitled “Moving Ahead for Progress in the 21st Century (MAP-21)” and the Senate Committee on Banking, Housing and Urban Affairs has introduced a new transit authorization bill entitled “The Federal Public Transportation Act of 2012;” and

WHEREAS, the Committee on Transportation and Infrastructure of the US House of Representatives has introduced a new transportation authorization bill entitled “The American Energy and Infrastructure Jobs Act of 2012;” and

WHEREAS, federal transportation legislation is critical to the successful implementation of the region’s plans to achieve the six adopted outcomes of a successful region; and

WHEREAS, it will be important for the region to actively engage in development of legislation as it continues to evolve; and

WHEREAS, on February 9, 2012 the Joint Policy Advisory Committee on Transportation recommended adoption of this resolution; now therefore

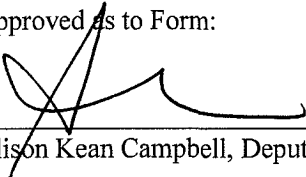
BE IT RESOLVED that the Metro Council endorses Exhibit A reflecting the following key policy positions:

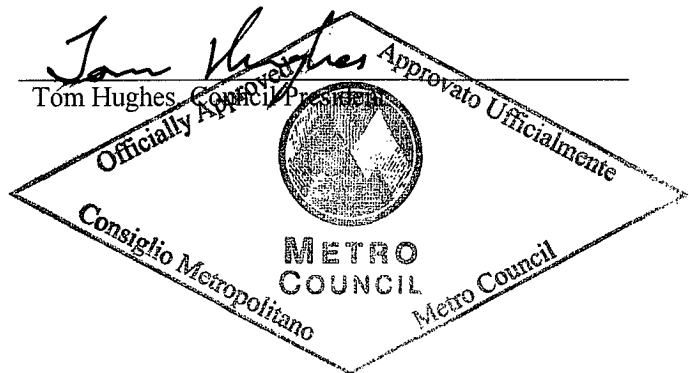
1. The Congress of the United States should invest in America’s prosperity through infrastructure.
2. Congress should end the indecision on transportation authorization legislation in recognition of the need for long lead times for transportation operation, rehabilitation and improvements.
3. The long standing commitment to a funding split between transit and highways should be maintained.
4. The collaborative decision-making of the metropolitan planning organizations should be maintained.
5. The program structure should support the region’s planning for desired outcomes through a program structure that reinforces flexibility with accountability.
6. The federal program should be designed to support discretionary programs to allow for the construction of major transportation projects.

7. The federal program should seek ways to streamline project development and permitting to eliminate wasteful and inefficient requirements while maintaining important environmental protections provided through the National Environmental Policy Act (NEPA).
8. The federal program should support incremental upgrading of intercity passenger rail service.
9. The Sustainable Communities Partnership should be sustained, supported and expanded.
10. Although there will not be project earmarking, Congressional intervention will be required for competitive grant applications for programs such as TIFIA, Projects of National Significance and New Starts.

ADOPTED by the Metro Council this 16 day of February 2012.

Approved as to Form:


Alison Kean Campbell, Deputy Metro Attorney



**Portland Metro Region Position
on
Federal Transportation Authorization Legislation**

The Portland Region urges Congress to take action on transportation authorizing legislation with the region's priority policy emphasis as follows:

1. **The Congress of the United States should invest in America's prosperity through infrastructure:** Continued and increased federal investment in transportation infrastructure is essential to national economic prosperity and competitiveness. While reduced tax collections in the highway trust fund may limit the size of the program for now, supplemental funding is needed just to maintain status quo funding and it is critical to identify the funding mechanism to address the gap. It is equally important to position the program to invest at a higher level needed for economic prosperity in the future as improving economic conditions permit.
2. **Congress should end the indecision and adopt transportation authorization legislation in recognition of the need for long lead times for transportation operation, rehabilitation and improvements:** There is an urgent need to end the Congressional indecision of the past few years and establish a clear federal policy direction. Transportation improvement and rehabilitation projects require significant lead time tied to clear and reliable policy and funding.

In adopting authorizing legislation, the key priority elements of interest to the region are as follows:

- A. **The long standing commitment to a funding split between transit and highways should be maintained:** Equal in importance to the overall funding level is the compact maintained over the past two decades to invest in both highways and transit. The long-standing commitment to an 80/20 balance between dedicated highway and transit funding needs to at least be maintained.
- B. **The collaborative decision-making of the metropolitan planning organizations should be maintained:** The federal transportation program has been built since the 1970's on the principle of collaborative decision-making in metropolitan areas. The proposed Senate bill includes a number of adjustments to ensure metropolitan planning organizations (MPOs) meet a minimum level of capability and employ the best practices in evaluation of transportation issues, which are welcome additions. However, both the Senate and House bills also include a shift in decision-making from the MPO to the state DOTs. It is important to maintain the decision-making structure of metropolitan planning organizations in urban areas to include the effective participation by the various transportation jurisdictions (the state DOT, the transit operators, the port districts and the local governments) and ensure integration with the land use jurisdictions (cities, counties and regions).

- C. **The program structure should support the region’s planning for desired outcomes through a program structure that reinforces flexibility with accountability:** The region has oriented its planning and policy setting around achieving six outcomes that define a great place:

People live, work and play in vibrant communities where their everyday needs are easily accessible.

Current and future residents benefit from the region’s sustained economic competitiveness and prosperity.

People have safe and reliable transportation choices that enhance their quality of life.

The region is a leader in minimizing contributions to global warming.

Current and future generations enjoy clean air, clean water and healthy ecosystems.

The benefits and burdens of growth and change are distributed equitably.



The proposed authorization bill begins to move in a similar direction by establishing a program structure around a few broad programs, with performance standards to measure progress and a required minimum spending level for certain types of projects (particularly bridge and pavement conditions and safety). It establishes clear expected outcomes, provides the needed flexibility for states and MPOs to determine how to best meet those outcomes and ensures accountability. Continued movement in this direction to enable the region to reach its six desired outcomes is a good step.

The basic proposed program structure is as follows:

- a) National Highway Performance Program
- b) Transportation Mobility Program
- c) Safety
- d) Congestion Mitigation/Air Quality
- e) Freight

However, fundamental program structure concerns associated with the relationship between the National Highway Program and the Transportation Mobility Program need to be addressed:

- Funding for bridges **off** the National Highway System needs to follow the assignment of responsibility. Specifically, an amount equivalent to the amount of Bridge funds spent on non-NHS bridges under SAFETEA-LU should be provided under the TMP where the responsibility for addressing non-NHS bridges has been assigned.
- Requirements to spend a minimum funding level on bridges **off** the Federal Aid Highway System should not be retained because it results in more spending on bridges of lower significance in better condition than bridges **on** the Federal Aid Highway System.
- The requirement to meet the minimum standard for NHS bridge and pavement conditions should be funded by shifting spending from NHS expansion rather than by shifting funds from the TMP or STP categories to the NHPP.

- D. The federal program should be designed to support discretionary programs to allow for the construction of major transportation projects:** It is important that the federal program be structured to support implementation of large projects, addressing critical needs that are beyond the capacity of the region to fund. The core formula programs cannot be used to implement these mega-projects without doing so at the expense of transportation needs throughout the rest of the region and state.
- a. For the transit program, the New Starts/Small Starts program is critical to expand and streamline to make project delivery more efficient. Continued implementation of the regional light rail and streetcar system is dependent upon this commitment.
 - b. For the highway program, the Projects of National Significance and TIFIA Programs are important to maintain and expand. Projects of National Significance should be funded at a higher level and be based upon very rigorous and competitive criteria. TIFIA should be awarded competitively, not on a first-come-first-served basis. Implementation of the Columbia River Crossing (CRC) Project is dependent upon these programs.
 - c. With a model track record for a competitive program, the TIGER program should be maintained and expanded for multi-modal projects. The region has submitted a number of high priorities that are beyond the scale of the region to implement.
- E. The federal program should seek ways to streamline project development and permitting to eliminate wasteful and inefficient requirements while maintaining important environmental protections provided through the National Environmental Policy Act (NEPA):** Certain process streamlining changes are welcomed reductions in bureaucratic requirements but others go so far as to undermine the integrity of NEPA.
- F. The federal program should support incremental upgrading of intercity passenger rail service:** To ensure that Oregon and Washington can continue to improve service by reducing travel times, improving reliability, and increasing roundtrips, Congress should provide long-term, dedicated funding for both large-scale corridor projects as well as for small-scale projects that make incremental improvements to service.
- G. The Sustainable Communities Partnership should be sustained, supported and expanded:** The federal partnership between USDOT, HUD and EPA to coordinate their programs toward the goal of achieving sustainable communities should be applauded and reinforced. Unless our federal partners work together, it is difficult for the region to advance efforts to integrate programs locally and regionally.
- H. Although there will not be project earmarking, Congressional intervention will be required for competitive grant applications for programs such as TIFIA, Projects of National Significance and New Starts:** It is clear that there will not be earmarks in the bill. However, there are a few instances in the future that will need some Congressional intervention, including Full-Funding Grant Agreements for New Starts projects (most immediately Portland to Milwaukie and CRC), application for TIFIA funds and Projects of National Significance funds for the Columbia River Crossing project and significant competitive applications like TIGER funds.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 12-4330, FOR THE PURPOSE OF ENDORSING A PORTLAND METRO AREA REGIONAL POSITION ON THE AUTHORIZATION OF A SURFACE TRANSPORTATION ACT IN THE US CONGRESS

Date: January 23, 2012

Prepared by: Andrew Cotugno

BACKGROUND

The region annually produces a position paper that outlines the views of the Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT), a regional body that consists of local elected and appointed officials, on issues concerning transportation funding that are likely to be considered by Congress during the coming year. In the past, the region has adopted a substantial federal authorization position on both policy and programmatic changes as well as project earmarking. This year, after significant delay and indecision by Congress, it is evident that neither is feasible. In the past, it has been possible to consider substantial policy decisions and earmarking based upon the expectation of a significant increase in funding levels (consistent with increases adopted in the past three 6-year bills). However, the funding level in the next authorization is expected to be status quo plus inflation at best, resulting in no earmarks or programmatic expansion. In addition, there is a strong move to consolidate multiple programs into a few broad categories with decision-making delegated to state DOTs and MPOs and new emphasis on performance measures and accountability rather than multiple categories of projects tied to specific funding amounts in specific programs.

In this changing federal environment, it is important to focus the region's priorities on the issues of highest regional importance where there is a prospect of impacting the results. As delineated in further detail in Exhibit A to this resolution, the key priorities are as follows:

1. The Congress of the United States should invest in America's prosperity through infrastructure.
2. Congress should end the indecision on transportation authorization legislation in recognition of the need for long lead times for transportation operation, rehabilitation and improvements.
3. The long standing commitment to a funding split between transit and highways should be maintained.
4. The collaborative decision-making of the metropolitan planning organizations should be maintained.
5. The program structure should support the region's planning for desired outcomes through a program structure that reinforces flexibility with accountability.
6. The federal program should be designed to support discretionary programs to allow for the construction of major transportation projects.
7. The federal program should seek ways to streamline project development and permitting to eliminate wasteful and inefficient requirements while maintaining important environmental protections provided through the National Environmental Policy Act (NEPA).
8. The federal program should support incremental upgrading of intercity passenger rail service.
9. The Sustainable Communities Partnership should be sustained, supported and expanded.
10. Although there will not be project earmarking, Congressional intervention will be required for competitive grant applications for programs such as TIFIA, Projects of National

Significance and New Starts.

Attached to this staff report is a sample list of specific legislative language that would enable the Portland region to meet its objectives through the use of the federal legislation. As the bills continue to evolve additional specific amendments will need to be pursued.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None
- 2. Legal Antecedents:** Policy positions being sought through federal transportation legislation are consistent with the Regional Transportation Plan, adopted by Resolution No. 10-1241B, “For the Purpose of Amending the 2004 Regional Transportation Plan to Comply with State Law; To Add the Regional Transportation Systems Management and Operations Action Plan, the Regional Freight Plan and the High Capacity Transit System Plan; To Amend the Regional Transportation Functional Plan and Add it to the Metro Code; To Amend the Regional Framework Plan; And to Amend the Urban Growth Management Functional Plan.” In addition, changes in federal authorizing legislation will change funding authorities delegated to the Metro Council and JPACT.
- 3. Anticipated Effects:** Resolution would provide the US Congress and the Oregon Congressional delegation with the region's priorities for transportation funding policy for use in the federal transportation authorization and appropriation process.
- 4. Budget Impacts:** Federal transportation legislation will impact the level of federal funding available to the Portland region, a portion of which funds planning and projects at Metro.

RECOMMENDED ACTION

Approve Resolution No. 12-4330 for submission to the Oregon Congressional delegation.

Proposed federal action	To support the following regional objective
Sustain, increase and streamline the New Starts Program	To facilitate securing a Full Funding Grant Agreement for Portland to Milwaukie Light Rail and facilitate the needed New Starts funding contribution toward the Columbia River Crossing Light Rail project
<p>Maintain the 50% set-aside of TMP and CMAQ funds and correct the program structure as follows:</p> <ul style="list-style-type: none"> • assign non-NHS bridge funding to the TMP where the responsibility to fund non-NHS bridges is placed; • shift the NHPP pavement and bridge condition penalty from the TMP to the expansion component of the NHPP; • drop the minimum spending requirement to spend 15% of the bridge program on off-system bridges 	<p>To continue the region’s investment in expansion of the light rail, streetcar and high capacity bus system, demand management programs, system management and operation projects, transit oriented development projects, bike and pedestrian projects, freight projects</p> <ul style="list-style-type: none"> • To ensure bridge repair and replacement on the non-NHS bridges is adequately funded • To link the consequence of inadequate expenditure on NHS system pavement and bridge condition to decisions to invest in NHS expansion • To ensure higher priority bridges are addressed
Increase the maximum amount of Small Starts funding to \$100 million	To support closing the eastside streetcar loop (at OMSI) To help build the streetcar production market for Oregon Ironworks as a regional economic development strategy
Allow for a Documented Categorical Exclusion in the Small Starts program	To facilitate streamlined delivery of future streetcar projects in the right-of-way
Allow the MPO planning funds to be used as match against university research funds (like the State Planning and Research (SPR) funds)	To increase the partnership between the MPOs and OTREC
<p>Increase the funding level for Projects of National Significance</p> <p>Increase the funding level for TIFIA to \$1 billion (as reflected in the MAP-21 bill) and apply competitive criteria rather than awarding on a “first-come, first-served” basis</p>	To ensure the needed federal highway funding contribution to CRC is feasible
Provide for implementation of “practical design”	To facilitate implementation of more economically viable projects in the face of fiscal limits
Implement the proposed Freight Program	This region is disproportionately trade dependent and this program will enable focused attention on the most significant freight routes (for both planning and projects)
Maintain the eligibility of urbanized areas that operate rail systems to access Section 5307 “Bus and bus facilities” funding. This is current law, is maintained in the Senate bill and is proposed for change in the House bill.	This would provide funds to TriMet for routine bus replacement.