

Metro | Agenda

Meeting: Metro Council
Date: Thursday, July 17, 2014
Time: 2 p.m.
Place: Metro Council Chamber

REVISED 7/15/2014

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. CONSENT AGENDA

3.1 Consideration of Council Meeting Minutes for July 10, 2014

3.2 Resolution No. 14-4550, For the Purpose of Authorizing the Chief Operating Officer to Purchase Property in the Johnson Creek and Watershed Target Area.

Kathleen Brennan-Hunter, Metro

4. RESOLUTIONS

4.1 Resolution 14-4545, For the Purpose of Submitting to the Voters on November 4, 2014, the Question of Whether or Not to Retain Metro Charter Provision Chapter ii, Section 5 (4)(b).

Alison Kean, Metro

4.1.1 First Public Hearing as Required by Metro Code 9.02.020(a)

4.2 Resolution No. 14-4533, For the Purpose of Approving the Environmental Justice and Title VI Assessment for the 2014 Regional Transportation Plan and the 2015-2018 Metropolitan Transportation Improvement Program.

**Ted Leybold, Metro
Grace Cho, Metro**

4.3 Resolution No. 14-4534, For the Purpose of Approving the Joint Air Quality Conformity Determination for the 2014 Regional Transportation Plan and the 2015-2018 Metropolitan Transportation Improvement Program.

**Ted Leybold, Metro
Grace Cho, Metro**

4.4 Resolution No. 14-4526, For the Purpose of Adopting the 2014 Regional Active Transportation Plan.

Lake McTighe, Metro

5. ORDINANCES – SECOND READ

5.1 Ordinance 14-1340, For the Purpose of Amending the 2035 Regional Transportation Plan to Comply with Federal and State Law; and to Amend the Regional Framework Plan.

John Mermin, Metro

5.1.1 Public Hearing on Ordinance No. 14-1340

5.2 Ordinance No. 14-1339, For the Purpose of Amending Metro Code 7.03 (Investment Policy) for Fiscal Year 2014-2015.

Calvin Smith, Metro

5.2.1 Public Hearing on Ordinance No. 14-1339

6. ORDINANCES – FIRST READ

- 6.1 **Ordinance No. 14-1331**, For the Purpose of Amending Metro Code Title V to Add Metro Code Chapter 5.00, Solid Waste Definitions, and to Repeal Sections 5.01.010, 5.02.015, 5.04.005, 5.05.010, 5.09.020, and 5.10.010; and Modify Certain Definitions in Section 7.01.010.
- 6.2 **Ordinance No. 14-1332**, For the purpose of Amending Metro Code Title V, Solid Waste, to Revise Chapter 5.01 and to Repeal Chapter 5.03.
- 6.3 **Ordinance No. 14-1333**, For the Purpose of Amending Metro Code Chapter 5.05 to Delete Lakeside Reclamation from the List of Metro Designated Facilities.
- 6.4 **Ordinance No. 14-1334**, For the Purpose of Amending Metro Code Chapter 5.05 to Delete Cedar Grove Composting, Inc. from the List of Metro Designated Facilities.
- 6.5 **Ordinance No. 14-1335**, For the Purpose of Amending Metro Code Chapter 5.05 to Delete Weyerhaeuser Regional Landfill from the List of Metro Designated Facilities Effective January 1, 2015.
- 6.6 **Ordinance No. 14-1337**, For the Purpose of Amending Metro Code Title V, Solid Waste, to Revise Chapter 5.05.
- 6.7 **Ordinance No. 14-1338**, For the Purpose of Amending Metro Code Title V, Solid Waste, to Revise Chapter 5.02.
- 6.8 **Ordinance 14-1342**, For the Purpose of Amending Metro Code Section 2.19.130 to Change the Name of the Solid Waste Advisory Committee.

7. **CHIEF OPERATING OFFICER COMMUNICATION**

Martha Bennett, Metro

8. **COUNCILOR COMMUNICATION**

ADJOURN

AN EXECUTIVE SESSION WILL BE HELD IMMEDIATELY FOLLOWING THE PUBLIC HEARING PURSUANT TO ORS 192.660(2)(d), TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY GOVERNING BODY TO CARRY ON LABOR NEGOTIATIONS.

Television schedule for July 17, 2014 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Thursday, July 17	Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, July 20, 7:30 p.m. <i>Date:</i> Monday, July 21, 9 a.m.
Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, July 21, 2 p.m.	Washington County and West Linn Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Saturday, July 19, 11 p.m. <i>Date:</i> Sunday, July 20, 11 p.m. <i>Date:</i> Tuesday, July 22, 6 a.m. <i>Date:</i> Wednesday, July 23, 4 p.m.
Oregon City and Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.	

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. **Call or check your community access station web site to confirm program times.** Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities.

Metro's nondiscrimination notice

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Agenda Item No. 3.1

**CONSIDERATION OF COUNCIL MEETING MINUTES FOR JULY
10, 2014**

Consent Agenda

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

Agenda Item No. 3.2

Resolution No. 14-4550, For the Purpose of Authorizing the
Chief Operating Officer to Purchase Property in the Johnson
Creek and Watershed Target Area.

Consent Agenda

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 14-4550
CHIEF OPERATING OFFICER TO PURCHASE)
PROPERTY IN THE JOHNSON CREEK AND) Introduced by Chief Operating Officer Martha
WATERSHED TARGET AREA) Bennett in concurrence with Council
) President Tom Hughes

WHEREAS, at the general election held on November 7, 2006, the voters of the Metro region approved the 2006 Natural Areas Bond Measure, authorizing Metro to sell \$227.4 million in general obligation bonds to fund natural area acquisition and water quality protection; and

WHEREAS, the Johnson Creek Target Area was identified in the Bond Measure as one of 27 regional target areas for land acquisition; and

WHEREAS, on September 20, 2007, the Metro Council adopted Resolution No. 07-3851 “Approving the Natural Areas Acquisition Refinement Plan for the Johnson Creek and Watershed Target Area” which resolution approved the acquisition of the properties within the target area; and

WHEREAS, a primary goal of the Johnson Creek and Watershed Area refinement plan is to “protect lands along the mainstream and important tributaries of Johnson Creek”; and

WHEREAS, certain real property legally described and identified in the executive session (the “Property”) that meets this goal and which is identified in the Johnson Creek and Watershed Area refinement plan may be available for purchase; and

WHEREAS, Metro Code Chapter 2.04.026 requires Metro Council authorization for any contract for the purchase of real property to be owned by Metro; now therefore

BE IT RESOLVED that the Metro Council finds that, for the reasons stated and as provided herein and discussed in the executive session on June 24, 2014, it is in the public interest to purchase the Property, and therefore authorizes the Chief Operating Officer to:

1. Acquire the Property on terms and under conditions acceptable to the Chief Operating Officer and the Office of Metro Attorney, consistent with the discussion at the executive session on June 24, 2014; and
2. Execute such ancillary documents as may be required in connection with this acquisition, in the form approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this 17th day of July, 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4550, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE CERTAIN PROPERTY IN THE JOHNSON CREEK AND WATERSHED TARGET AREA

Date: July 17, 2014

Prepared by: Kathleen Brennan-Hunter, 503-797-1948

BACKGROUND

Resolution No. 14-4550 requests authorization for the Chief Operating Officer to purchase real property (the "Property") located within the Johnson Creek and Watershed target area.

The subject Property is a 16-acre parcel located on SE 252nd in Gresham, and includes 600 feet of both stream banks of Johnson Creek, 650 feet of an unnamed perennial tributary, and 2.5 acres of the 100-year floodplain. This Property meets the goals and objectives of the target area refinement plan by protecting lands along the mainstream of Johnson Creek, protecting water quality and connecting existing public holdings. The Tier I acquisition objective in the target area is to "protect lands along the mainstream and important tributaries of Johnson Creek..."

This acquisition would extend contiguous Metro ownership along Johnson Creek to roughly 50 acres. Only one other private property would separate the Property from then connecting to the 40-acre Metro-owned Hogan Cedars Natural Areas in the Ambleside Drive area of Gresham, thus creating nearly 100 acres of Metro protected lands in this area. These property connections allow more extensive stream stabilization work to extend across all the Metro properties in the area, and improves the health of wildlife corridors throughout the watershed.

The Property has high habitat value. Johnson Creek was once host to abundant native fish populations, including threatened salmon species. Ongoing stream bank and riparian forest restoration on this Property and in the watershed will improve habitat and water quality for threatened fish and other associated species. Coho salmon have been spotted upstream of this site. This Property will also provide an attractive, forested backdrop for bicyclists, walkers and joggers who use the nearby Springwater Corridor.

Metro staff has been in negotiations with the property owner for several years. The transaction includes terms that are outside the Due Diligence Guidelines. Therefore according to the Natural Areas Implementation Work Plan, Metro Council approval is necessary to complete the transaction. In order to secure an agreement to acquire the Property, Metro staff is proposing an amended offer to the owners consistent with the discussion at the Metro Council executive session on June 24th, 2014.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

Resolution No. 06-3672B, "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisitions and Water Quality Protection," was adopted on March 9, 2006.

The voters' approved Metro's 2006 Natural Areas Bond Measure at the general election held on November 7, 2006.

Resolution No. 07-3851, “Approving the Natural Areas Acquisition Refinement Plan for the Johnson Creek and Watershed Target Area,” was adopted on September 24, 2007.

Resolution No. 07-3766A “Authorizing the Chief Operating Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan,” was adopted by the Metro Council on March 1, 2007, and established the Acquisition Parameters and Due Diligence Guidelines for the purchase of properties as part of the 2006 Natural Areas Bond Program.

3. Anticipated Effects

Metro will endeavor to acquire the Property, pursuant to the terms discussed by the Metro Council during executive session on June 24th, 2014. If all conditions are met, the transaction will close within 90 days of both parties executing a purchase agreement.

4. Budget Impacts

Funds to acquire the Property will come from the Natural Areas Bond Measure.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution 14-4550.

Agenda Item No. 4.1

Resolution 14-4545, For the Purpose of Submitting to the Voters on November 4, 2014, the Question of Whether or Not to Retain Metro Charter Provision Chapter ii, Section 5 (4)(b).

Resolutions

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF SUBMITTING TO THE	)	RESOLUTION NO. 14-4545
VOTERS ON NOVEMBER 4, 2014, THE)	
QUESTION OF WHETHER OR NOT TO RETAIN	)	Introduced by Chief Operating Officer Martha
METRO CHARTER PROVISION CHAPTER II,	)	Bennett in concurrence with Council
SECTION 5 (4)(b)	)	President Tom Hughes
)	

WHEREAS, on September 7th, 2000 the Metro Council passed Resolution No. 00-2988 (“For the Purpose of Submitting to the Voters on May 21, 2002, an Amendment to the Metro Charter Titled ‘Prohibits, Repeals Metro Housing Density Requirements; requires Notice; and Amends Charter’”); and on February 14, 2002 the Metro Council passed Resolution No. 02-3163 (“For the Purpose of Submitting to the Voters an Amendment to the Metro Charter Requiring Protection of Existing Single Family Neighborhoods, Cost Impact Statements Regarding Urban Growth Boundary Amendments, and Notice to Affected Neighborhoods”); submitting to the voters of the region at the May 21, 2002 primary election a ballot measure amending the Metro Charter, Chapter II, Section 5 subsection (4)(b) of the Metro Charter, which amendment was adopted by the region’s voters in 2002;

WHEREAS, the amended Charter provision includes a footnote sunsetting the provision on January 1, 2016 unless affirmatively retained by public vote at the general election in 2014; and

WHEREAS, pursuant to this Charter provision requirement and Metro Code Chapter 9.02, the Metro Council must submit the measure to the voters in the November 2014 election; now therefore

BE IT RESOLVED by the Metro Council that:

1. The Metro Council hereby submits to the qualified voters of the Metro district the question of whether or not to retain the Metro Charter provision set forth in Charter Chapter II, Section 5, subsection (4) (b) as set forth in Exhibit “A”; and
2. Directing that the measure, be placed on the ballot for the General Election to be held on November 4, 2014; and
3. Directing that this measure, the Ballot Title as set forth in Exhibit B, and the Explanatory Statement as set forth in Exhibit C, be submitted to the Multnomah County Elections Officer and the Oregon Secretary of State for inclusion in the region’s voters’ pamphlets published for the election in a timely manner as required by law.

ADOPTED by the Metro Council this 14th day of August 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Metro Charter Chapter II, Section 5, subsection (4)(b)

(4) Protection of Livability of Existing Neighborhoods.

...

(b) Density Increase Prohibited. Neither the Regional Framework Plan nor any Metro ordinance adopted to implement the plan shall require an increase in the density of single-family neighborhoods within the existing urban growth boundary identified in the plan solely as Inner or Outer Neighborhoods.¹

- ¹
- (a) Subsection 4(b) of Section 5 of the Metro Charter is repealed on June 30, 2031 unless at the general election held in 2030, a majority of the electors voting on the question of whether or not to retain Subsection 4(b) of Section 5 of the Metro Charter as part of the Metro Charter vote to retain the subsection. If the electors vote to retain the subsection, Subsection 4(b) of Section 5 of the Metro Charter of this measure shall remain in effect. If a majority of the electors do not vote to retain Subsection 4(b) of Section 5 of the Metro Charter, then that subsection is repealed on June 30, 2031.
 - (b) By appropriate action of the Metro Council, the question described in subsection (a) of this section shall be submitted to the people for their decision at the general election held in 2030.
 - (c) This section is repealed on January 1, 2032.

BALLOT TITLE
FOR METRO BALLOT MEASURE

Caption (10 words):	Retain prohibition on Metro-required single-family neighborhood density increases.
Question (20 words):	Shall Metro Charter Provision Prohibiting Metro From Requiring Density Increases in Single-Family Neighborhoods Be Retained, with 16-Year Sunset?
Summary (74 words):	Retains provision in Metro Charter prohibiting Metro from requiring local governments to increase density in identified existing single-family neighborhoods. Requires revote in 2030 to remain effective. This prohibition was approved by voters in 2002 and is required by Metro Charter to be voted on again at the November 2014 general election. A “yes” vote on this measure would retain the prohibition for 16 years; a “no” vote repeals the prohibition on June 30, 2015.

**EXPLANATORY STATEMENT
FOR METRO BALLOT MEASURE**

(293 words)

This measure asks voters the question of whether to retain a provision in the Metro Charter at Chapter II, Section 5, subsection (4)(b). This Charter provision was originally approved by the voters in 2002, and the provision includes a clause requiring that it be resubmitted to the electors for a vote at the November 2014 general election.

Metro performs required land-use planning activities under Oregon's land-use planning laws. Oregon law authorizes Metro to adopt "functional plans" addressing matters that affect the development of greater metropolitan Portland. Metro may recommend or require changes to local governments' comprehensive land use plans and to ordinances that implement those plans, unless otherwise limited by state law or its own charter, as in the limitation being voted upon here.

This limitation is contained in Metro Charter Chapter II, Section 5 (4) entitled "Protection of Livability of Existing Neighborhoods," in subsection (b), entitled "Density Increase Prohibited." The provision prohibits Metro from requiring, by the Regional Framework Plan or any ordinance implementing the plan, an increase in the density of single-family neighborhoods within the existing urban growth boundary identified in the plan solely as inner or outer neighborhoods. The provision does not affect the ability of local governments to determine for themselves the density mixes in those areas.

The original provision required that it be re-submitted to the voters in the fall general election in 2014. The provision being voted on at the November 2014 election contains a similar sunset and revote clause. If a majority of the electors vote to retain the provision, it shall remain in effect until the question is again put to the voters in 2030. If a majority of voters do not vote to retain the provision, it will be repealed on June 30, 2015.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4545, FOR THE PURPOSE OF
SUBMITTING TO THE VOTERS ON NOVEMBER 4, 2014, THE QUESTION OF WHETHER
OR NOT TO RETAIN METRO CHARTER PROVISION CHAPTER II, SECTION 5 (4)(B)

Date: August 14, 2014

Prepared by: Alison R. Kean,
Metro Attorney
Ext. 1511

BACKGROUND

The Metro Charter was amended in 2002 to add the following provision to Charter Chapter II Section 5, subsection (4) (b):

(4) Protection of Livability of Existing Neighborhoods.

...

(b) Density Increase Prohibited. Neither the Regional Framework Plan nor any Metro ordinance adopted to implement the plan shall require an increase in the density of single-family neighborhoods within the existing urban growth boundary identified in the plan solely as Inner or Outer Neighborhoods.¹

- ¹
- (a) Subsection 4(b) of Section 5 of the Metro Charter is repealed on June 30, 2015 unless at the general election held in 2014, a majority of the electors voting on the question of whether or not to retain Subsection 4(b) of Section 5 of the Metro Charter as part of the Metro Charter vote to retain the subsection. If the electors vote to retain the subsection, Subsection 4(b) of Section 5 of the Metro Charter of this measure shall remain in effect. If a majority of the electors do not vote to retain Subsection 4(b) of Section 5 of the Metro Charter, then that subsection is repealed on June 30, 2015.
 - (b) By appropriate action of the Metro Council, the question described in subsection (a) of this section shall be submitted to the people for their decision at the general election held in 2014.
 - (c) This section is repealed on January 1, 2016.

The Metro Charter requires the Metro Council to submit to the Metro area voters at the November 2014 general election the question of whether or not to retain this provision of the Metro Charter. If the voters vote yes, the prohibition is retained until a required vote again in 15 years; if they vote no, the prohibition is repealed.

ANALYSIS/INFORMATION

1. **Known Opposition** None known.

2. **Legal Antecedents**

Metro Council Resolutions 00-2988; 02-3163

Metro Charter Chapter II, Section 5, subsection (4) (b)

Metro Code Section 9.02.070

3. **Anticipated Effects** If the voters vote yes at the November 2014 general election, the charter provision is retained until 2031, unless the voters again vote in 2030 to retain the provision. If the voters vote no at the November 2014 general election, the provision is repealed on June 30, 2015.
4. **Budget Impacts** There is a no additional cost to implementing the provision if enacted as it is already part of the Metro Charter; the general election cost is the only cost.

RECOMMENDED ACTION

Adoption of Resolution 14-4545 by the Metro Council.

Agenda Item No. 4.2

Resolution No. 14-4533, For the Purpose of Approving the
Environmental Justice and Title VI Assessment for the 2014
Regional Transportation Plan and the 2015-2018 Metropolitan
Transportation Improvement Program.

Resolutions

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE	)	RESOLUTION NO. 14-4533
ENVIRONMENTAL JUSTICE AND TITLE VI)	
ASSESSMENT FOR THE 2014 REGIONAL)	
TRANSPORTATION PLAN AND THE 2015-2018)	
METROPOLITAN TRANSPORTATION	)	Introduced by Chief Operating Officer Martha
IMPROVEMENT PROGRAM.	)	Bennett in concurrence with Council
		President Tom Hughes

WHEREAS, the region values and celebrates the diversity of its residents; and

WHEREAS, Title VI of the Civil Rights Act of 1964 states, “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance;” and

WHEREAS, Executive Order 12898 on Environmental Justice directs public agencies receiving federal funding, “shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations;” and

WHEREAS, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), as agencies of the United States Department of Transportation, incorporate the principles of and comply with Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on Environmental Justice; and

WHEREAS, FHWA and FTA require all recipients of federal funding to document their compliance with Title VI regulations through its Title VI Program; and

WHEREAS, as part of the analytical requirements of Title VI of the Civil Rights Act of 1964, Metropolitan Planning Organizations (MPOs) must demonstrate regional transportation planning and programming activities that use federal funds, particularly as it relates to public transportation, do not create a disparate impact on people of color, race, and people with limited English proficiency or otherwise appropriately address the disparate impact; and

WHEREAS, as part of the analytical requirements of Executive Order 12898 on Environmental Justice, MPOs must demonstrate regional transportation planning and programming activities that use federal funds do not have a disproportionate negative impact on people of color and people with low-income or otherwise appropriately address the disproportionate burden; and

WHEREAS, Metro undertook a process to develop and conduct a programmatic level environmental justice and Title VI analysis for the 2014 RTP and the 2015-2018 MTIP; and

WHEREAS, analysis of the transportation projects in the financially constrained 2014 RTP and the 2015-2018 MTIP do not indicate a quantifiable programmatic disparate impact in the use of public transportation funds on five indentified communities of concern (people of color, people with limited English proficiency, people with low-income, older adults, and young people); and

WHEREAS, analysis of the transportation projects in the financially constrained 2014 RTP and the 2015-2018 MTIP do not indicate a quantifiable programmatic disproportionate burden on five indentified communities of concern (people of color, people with limited English proficiency, people with low-income, older adults, and young people); and

WHEREAS, a public comment period was held from May 16 – June 20, 2014 on the draft Environmental Justice and Title VI assessment for the 2014 RTP and 2015-2018 MTIP and a summary of the comments is listed in Chapter 5 of Exhibit A; and

WHEREAS, the public comment and analysis of the transportation projects in the financially constrained 2014 RTP and the 2015-2018 MTIP identified areas to improve the analysis process and transportation equity considerations, which have resulted in a set of recommendations identified in Chapter 5 of Exhibit A; and

WHEREAS, Metro staff will work with agency partners, Metro equity strategy staff and interested community parties to propose work program definition, budget, and schedule on the set of recommendations identified in Chapter 5 of Exhibit A; and

WHEREAS, the analysis demonstrates the 2014 RTP and the 2015-2018 MTIP are in compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on Environmental Justice; and

WHEREAS, at its meeting on June 27, 2014, the Transportation Policy Advisory Committee recommended approval of this legislation to the Joint Policy Advisory Committee on Transportation (JPACT); and

WHEREAS, at its meeting on July ___, 2014, JPACT recommended the approval of this resolution to the Metro Council; now therefore

BE IT RESOLVED the Metro Council hereby adopts the recommendation of JPACT and approves the Environmental Justice and Title VI Assessment for the 2014 RTP and 2015-2018 MTIP attached to this resolution as Exhibit A.

ADOPTED by the Metro Council this ____ day of July 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

[Click here to download the document](#)



2014 Regional Transportation Plan and 2015-2018 Metropolitan Transportation Improvement Program Environmental Justice and Title VI

Adoption Draft Report

July 17, 2014

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4533, FOR THE PURPOSE OF APPROVING THE ENVIRONMENTAL JUSTICE AND TITLE VI ASSESSMENT FOR THE 2014 REGIONAL TRANSPORTATION PLAN AND THE 2015-2018 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.

Date: July 2, 2012

Prepared by: Grace Cho

Background

As the metropolitan planning organization (MPO) for the Portland, Oregon region, Metro is obligated to meet the requirements of Executive Order 12898 on Environmental Justice and Title VI of the Civil Rights Act of 1964. As part of those requirements, Metro must conduct analytical assessments the agency's transportation planning and programming activities. Therefore, as part of the 2014 RTP update and the 2015-2018 MTIP, Metro has conducted an investment analysis that assesses where short-term and long-term transportation investments are being made relative to concentrations of five identified communities of concern (younger persons, older adults, people of color, limited English proficiency persons, and persons with low income).

The 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment fulfills federal requirements, and is relevant to the work being concurrently conducted through Metro's Equity Strategy. Metro staff is coordinating to identify areas where work may support both programs, but is also proceeding to meet federal requirements for the RTP and MTIP as the regional equity strategy is finalized.

Overview of the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment

The purpose of the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI assessment is to evaluate at a programmatic scale whether the long-range regional transportation plan and the four-year programming of federal transportation funds are either:

- 1) Causing a disproportionate burden on people of color and people with low income (as required by Executive Order 12898); and/or
- 2) Causing a disparate impact on people of color and people with limited English proficiency as it pertains to public transportation investments (as required by Title VI).

To evaluate the long-range transportation plan and the upcoming four-years of federal programming, the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment was analyzed in the following three phases:

- 1) Definitions, Thresholds, and Methodology Approach Development – The first phase involved identifying and defining people of color, people with limited English proficiency, and people with low income, and any additional communities for consideration as well as the thresholds for locating concentrations of these communities. A total of five communities were identified: younger persons, older adults, people of color, people with limited English proficiency, and people with low income. For the purposes for the analysis these five communities are referred to as communities of concern. Younger persons and older adults are not required as a part of Title VI or environmental justice regulations but included for informational purposes.
- 2) Quantitative Analysis of the 2014 RTP and 2015-2018 MTIP Investments – The second phase involved conducting a quantitative analysis to the region's short-term (via the 2015-2018 MTIP) and long-term (via the 2014 RTP) transportation investments. The quantitative analysis examines where transportation investments are being proposed relative to the locations of communities of concern within the region. The assessment uses benchmarks of transportation investment per

person per acre to make a quantitative determination of whether there is a presence of disproportionate or disparate investments.

- 3) **Qualitative Analysis of the 2014 RTP and 2015-2018 MTIP Investments** – The third phase involved gathering qualitative information on how the transportation investments proposed for the region in the short-term and the long-term affect communities of concern at a programmatic level. Previous stakeholder engagement identified the importance of including a qualitative element when considering environmental justice or civil rights because quantitative analysis may not capture or identify all disproportionate burdens experienced by communities of concern. For the qualitative analysis a 35-day public comment period served as the main method for gathering feedback on whether the disproportionate transportation investments, if any, cause a benefit or burden to different communities of concern.

Further information on each phase is described in Chapters 2-4 in Exhibit A.

2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment – Quantitative Analysis Results

For the evaluation of the 2014 RTP and 2015-2018 MTIP, Metro built upon previous analytical efforts and looked to the work of peer agencies to employ a new quantitative method for the assessment. The quantitative analysis consisted of mapping short-term and long-term transportation investments identified in the 2015-2018 MTIP and the 2014 RTP and assigning these investments to communities of concern based on location. A regional benchmark was developed for both the long and short-term investment to have a quantifiable basis of comparison for looking at the significance of investment levels in communities of concern. Tables 1-3 illustrate the investment levels in the five identified communities of concern relative to the regional benchmark. Further analyses and details of the quantitative analysis methodology can be found in Chapters 2-4 in Exhibit A.

Table 1. Regional Transportation Investment Benchmarks

Policy/Plan Document	Transportation Investment
Long-Term (2014 RTP)	\$.014 per person per acre
Short-Term (2015-2018 MTIP)	\$.0008 per person per acre

Table 2. 2014 RTP Investments Compared to Investments in Communities of Concern

	Regional Total Investment	Young Persons Total Investment	Older Person Total Investment	People of Color Total Investment	Limited English Proficiency Total Investment	Low Income Total Investment
2014 RTP	\$0.01408	\$0.18029	\$0.13027	\$0.12024	\$0.34496	\$0.09506

Table 3. 2015-2018 MTIP Investments Compared to Investments in Community of Concern

	Regional Total Investment	Young Persons Total Investment	Older Person Total Investment	People of Color Total Investment	Limited English Proficiency Total Investment	Low Income Total Investment
2015- 2018 MTIP	\$0.00087	\$0.00712	\$0.01049	\$0.00461	\$0.02372	\$0.00314

Based on the results of the quantitative analysis, the following key findings emerged:

- The region appears to be investing in communities of concern at rates higher than the regional benchmark, the assessment does not show a quantifiable programmatic disparate impact from 2014 RTP and the 2015-18 MTIP investments on any of the five communities of concern.
- The region appears to be investing in communities of concern at rates higher than the regional benchmark, the assessment does not demonstrate a quantifiable programmatically inequitable distribution of benefits and burdens against any of the five communities of concern.

While the initial quantitative findings do not illustrate a programmatic disparate impact or inequitable distribution of benefits and burdens on the five communities of concern, the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment elected not to make formal findings on disproportionate burden or disparate impact on communities of concern at the completion of the quantitative analysis. Instead the public comment process followed the quantitative work to provide opportunity for community members to weigh in with their views regarding whether there is a disproportionate burden on communities of concern in the region.

2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment – Qualitative Analysis Results/Public Comment

Comments from stakeholders during the initial methodology development phase stated that any transportation investment comes with both benefits and burdens and is dependent on the context of the individual persons or communities impacted. As a result, the third phase, focusing on gathering qualitative information for the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment, was initiated through the opening of a formal public comment period from May 16, 2014 through June 20, 2014. The comment period was advertised with a legal notice in placed in the Beaverton Valley Times, Gresham Outlook, Portland Observer, Portland Skanner, Asian Reporter and El Hispanic News. The advertisements had translated text stating the purpose of the notice and providing contact information for more information. Additionally, advertising of the public comment period was provided on Metro's planning enews list and individual emails were sent to community-based organizations, local jurisdiction staff, and other interested parties who were engaged in the definitions and thresholds work. Both the advertisement and the newsfeed directed the public to a web page providing copies of the draft 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment and to submit feedback through an online survey. To understand how the transportation investments proposed for the region in the short-term and the long-term affect communities of concern at a programmatic level the following questions were asked:

- 1) What are the potential benefits and burdens on communities of concern from investments in roads, transit, and active transportation?
- 2) Are there things we can do on a regional level (through policies or programs) to address, mitigate, and/or prevent the potential burdens from road, transit, and active transportation investments on communities of concern?

A total of eight technical and public comments were received. Exhibit A Appendix A provides a summary and lists the individual comments received. The major themes which emerged from public comment include the following:

- Support for the higher levels of investments in communities of concern
- Concerns about the quantitative method to define disparate impacts
- Desire to analyze transportation equity issues to have a more complete context and understanding of potential disparate impacts and disproportionate burdens
- Need to include additional metrics on issues such as safety, access, or market driven displacement for measuring disparate impacts and disproportionate burdens

- Need for more public engagement to define relevant needs and issues that should be addressed in planning, programming and analysis work.

Feedback received during the public comment and through engagement throughout the analysis process facilitated a greater understanding of the positive and negative effects communities of concern experience with transportation investments in the short and long-term. Based on the public comments the following key findings emerged:

- Metro's assessment process and methodology can be improved to better determine potential benefits and burdens to communities of concern
- Metro RTP and MTIP processes can be improved to provide guidance and best practices for determining the needs of and selecting projects that serve communities of concern.

While a quantifiable disproportionate burden and disparate impact were not identified in the analysis, stakeholders expressed concern over the qualitative assessment methodology. The concerns suggested a need for further areas of study to quantitatively and qualitatively measure and address transportation concerns of communities of concern. As a result, a set of recommendations are being made to support further efforts to address the concerns. These recommendations can be found in Chapter 5 of Exhibit A.

ANALYSIS/INFORMATION

1. Known Opposition

The public comments from the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment illustrated there are advocates and community members concerned with details of the quantitative methodology and the lack of engagement conducted during the qualitative analysis.

2. Legal Antecedents

Metro legislation includes:

- Resolution 07-3831B, "For the Purpose of Approving the Federal Component of the 2035 Regional Transportation Plan (RTP) Update, Pending Air Quality Conformity Analysis."
- Resolution 12-4333, "For the Purpose of Adopting the 2012-15 Metropolitan Transportation Improvement Program."

- 3. Anticipated Effects:** Approval of this resolution allows for funding proposed for transportation projects in the 2015-2018 MTIP and advancing the goals of the 2014 RTP. With approval by JPACT and adoption by Metro Council, staff will submit to FHWA and FTA the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment as part of a package of supplemental documentation for the 2014 RTP and the 2015-2018 MTIP.

- 4. Budget Impacts:** None directly by this action.

RECOMMENDED ACTION

Staff recommends approval of Resolution No. 14-4533.

Agenda Item No. 4.3

Resolution No. 14-4534, For the Purpose of Approving the
Joint Air Quality Conformity Determination for the 2014
Regional Transportation Plan and the 2015-2018 Metropolitan
Transportation Improvement Program.

Resolutions

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE	)	RESOLUTION NO. 14-4534
JOINT AIR QUALITY CONFORMITY)	
DETERMINATION FOR THE 2014 REGIONAL)	
TRANSPORTATION PLAN AND THE 2015-2018)	
METROPOLITAN TRANSPORTATION	)	Introduced by Chief Operating Officer Martha
IMPROVEMENT PROGRAM	)	Bennett in concurrence with Council
		President Tom Hughes

WHEREAS, clean air contributes to the health of Metro residents and their quality of life; and

WHEREAS, the federal Clean Air Act and other federal laws and regulations, including 40 Code of Federal Regulations (CFR) 93.100 through CFR 93.129, contain air quality standards designed to ensure federally supported activities meet air quality standards; and

WHEREAS, the federal standards apply to on-road transportation plans, programs and activities in the Metro area; and

WHEREAS, Oregon Administrative Rules Chapter 340, Division 252, Transportation Conformity, was adopted to implement section 176(c) of the federal Clean Air Act, as amended, and these rules also apply to Metro area on-road transportation plans, programs and activities; and

WHEREAS, these federal and state regulations require metropolitan planning organizations (MPOs) to conduct an air quality conformity determination with each update of the regional transportation plan (RTP), the development of each metropolitan transportation improvement program (MTIP) or when substantial amendments are made to the RTP or MTIP; and

WHEREAS, in May 2014, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council accepted the 2014 RTP project list for the purpose of conducting the air quality conformity determination; and

WHEREAS, a joint air quality conformity analysis was conducted according to state and federal laws and regulations, and through consultation with local, state, and federal agencies for the 2014 RTP and 2015-2018 MTIP; and

WHEREAS, the Joint Air Quality Conformity Determination for the 2014 RTP and 2015-2018 MTIP dated June 27, 2014 (Joint AQC Determination), included in Exhibit A and attached hereto, demonstrates the financially-constrained system of the 2014 RTP can be built and the resulting total air quality emissions, to the year 2040, are forecast to be substantially less than the motor vehicle emissions budgets, or maximum transportation source emissions levels; and

WHEREAS, the Joint AQC Determination also demonstrates the timing and design of the projects included in the 2015-2018 MTIP can be built and the resulting total air quality emissions, to the year 2040, are forecast to be substantially less than the motor vehicle emissions budgets, or maximum transportation source emissions levels; and

WHEREAS, analysis of the transportation projects in the financially constrained 2014 RTP and the 2015-2018 MTIP demonstrates compliance with the three identified transportation control measures; and

WHEREAS, a formal public comment period was held from May 16 – June 16, 2014 and staff made refinements to the joint air quality determination according to the comments, as shown in Appendix Q of Exhibit A; and

WHEREAS, the Transportation Policy Advisory Committee recommended approval of this legislation to JPACT at the June 27, 2014 meeting; and

WHEREAS, the JPACT recommended approval of this legislation at the July ____, 2014 meeting; now therefore

BE IT RESOLVED the Metro Council hereby:

1. Adopts the recommendation of JPACT and approves the Joint Air Quality Conformity Determination for the 2014 RTP and 2015-2018 MTIP attached to this resolution as Exhibit A.
2. Directs the Chief Operating Officer to submit the Joint Air Quality Conformity Determination for the 2014 RTP and 2015-2018 MTIP to the U.S. Environmental Protection Agency for review and the Federal Highway Administration and Federal Transit Administration for approval.

ADOPTED by the Metro Council this ____ day of July 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney



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2014 Regional Transportation Plan and 2015-2018 Metropolitan Transportation Improvement Program Joint Air Quality Conformity Determination

July 17, 2014



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4534, FOR THE PURPOSE OF APPROVING THE JOINT AIR QUALITY CONFORMITY DETERMINATION FOR THE 2014 REGIONAL TRANSPORTATION PLAN AND THE 2015-2018 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM

Date: July 2, 2012

Prepared by: Grace Cho

Background

To comply with federal mandates, Metro is required to conduct an air quality analysis with the update of each Regional Transportation Plan (RTP) and development of a new Metropolitan Transportation Improvement Program (MTIP). The air quality conformity determination must demonstrate compliance with all federal and state determined air pollutants for the area to allow the region to be eligible to receive federal funds for transportation projects. Compliance with all applicable air quality standards for both the 2014 RTP and the 2015-2018 MTIP is addressed in the Joint Air Quality Conformity Determination proposed for adoption by the Metro Council (“Joint AQC Determination”).

Metro’s region air quality is currently in a “maintenance” status for carbon monoxide. This means, while the region has greatly reduced carbon monoxide levels and has not exceeded maximum levels since 1989, it must continue to monitor on-road carbon monoxide emissions levels and complete air quality conformity determinations until 2017.

For the region to demonstrate compliance with air quality regulations, the region must:

- Demonstrate the projected carbon monoxide emissions from transportation sources are equal to or less than the motor vehicle emissions budget(s) established for each analysis year (OAR 340-252-0190(b)(A)); and
- Demonstrate the region is meeting performance standards for any adopted transportation control measures (TCMs).

To demonstrate compliance, an air quality analysis is conducted using Metro’s travel forecasting model and the U.S. Environmental Protection Agency’s (EPA) approved MOVES2010b emissions model. The travel model, using the assumptions from region’s projected population and employment growth to the transportation plan horizon year (2040) produces a set of results for different years of interest. The travel model results are then fed into the MOVES2010b emissions model to determine air pollutant emissions from on-road sources. The emissions are assessed against Oregon Department of Environmental Quality (DEQ) established emissions “budgets,” or maximum permitted carbon monoxide levels from on-road transportation sources. The projected carbon monoxide emissions must be equal to or less than the region’s “budgets” in order for the region to demonstrate compliance.

Additionally, the region must demonstrate it has met performance standards for all adopted TCMs. Demonstration of compliance of the TCMs involves off-model assessments. The region has three TCMs: 1) increasing transit service; 2) building bicycle infrastructure; and 3) building pedestrian infrastructure. Progress is tracked with each Regional Flexible Fund Allocation cycle.

Once the region has demonstrated air quality conformity compliance, the air quality conformity determination is adopted by Metro Council and approved by the Federal Highways Administration (FHWA) and Federal Transit Administration (FTA) (after conferring with the U.S. EPA).

Joint AQC Determination - Process

Prior to conducting the analysis, the region must conduct technical consultation with local, regional, state, and federal partners to address and agree to the air quality conformity analysis approach, methodology, inputs, and assumptions. On March 14, 2014, representatives of FHWA, FTA EPA, DEQ, and Oregon Department of Transportation (ODOT) and Metro were contacted via email concerning the upcoming 2014 RTP update and 2015-2018 MTIP conformity analysis. A Pre-Conformity Plan (Appendix I of Exhibit A) outlining the approach and methodology to conducting the air quality analysis, was provided for review. Interagency consultation was held on March 20, 2013. At the interagency consultation, state and federal indicated support for the plan and gave approval to move forward with the air quality analysis. Additionally, the Transportation Policy Alternatives Committee (TPAC), as the official consultation body for the Metro region on air quality issues related to transportation, were provided the Pre-Conformity Plan and consultation was held at the March 28, 2013 meeting. Members of TPAC approved the technical approach to the conformity determination. Table 1 summarizes the method and approach to the air quality conformity analysis.

Table 1. Summary of Approach and Methods for the Joint AQC Analysis

Factor for Analysis	Method/Approach
Travel Model	Metro's travel demand model iteration Joan.
Emissions Model	EPA approved emissions model, MOVES2010b
Analysis Years	2010 (base year), 2017 (Final year of maintenance plan/attainment year), 2040 (horizon year)
Criteria Pollutants for Evaluation	Carbon Monoxide (CO)
Emissions budgets (CO)	2010 – 1,033,578; 2017 – 1,181,341; 2040 – 1,181,341
Inputs for Transportation Networks	Regionally significant projects from the financially constrained 2014 RTP (of which the 2015-2018 MTIP is a subset), as defined federal transportation conformity rules (40 CFR 93.101). Exhibit A Appendix A of the Draft 2014 RTP and 2015-2018 MTIP Joint Air Quality Conformity Determination identifies a list of regionally significant, exempt, and not regionally significant projects included in the analysis.
Inputs for Transportation Control Measures	Transit revenue hours for years 2007-2014; miles of bicycle infrastructure built through Metro's Regional Flexible Fund Allocation for years 2016-2018; miles of pedestrian infrastructure built in centers through Metro's Regional Flexible Fund Allocation

Recently approved changes to the State Implementation Plan (SIP) related to the TCMs were also incorporated into the Joint AQC Determination. In 2013, the increase in transit service TCM was revised to account for cumulative growth in transit service to prevent the potential for a conformity lapse. The substitute TCM was adopted in January 2014 and concurred by EPA in April 2014. The substitute Transit Service Increase TCM is reflected in the 2014 RTP and 2015-2018 MTIP joint air quality conformity determination.

Joint AQC Determination Results

Exhibit A to Resolution No. 14- 4534, "For the Purpose of Approving the Joint Air Quality Conformity Determination for the 2014 Regional Transportation Plan and the 2015-2018 Metropolitan Transportation Improvement Program," is the air quality analysis that demonstrates the projected carbon monoxide emission from on-road transportation sources is equal or less than state approved budgets. The emissions results compared to approved budgets are listed below in the Table 2.

Table 2. Carbon Monoxide Motor Vehicle Emissions Compared to SIP Approved Budgets

Year	Carbon Monoxide Motor Vehicle Emission Budgets (Budgets are Maximum Allowed Emissions) (pounds/ winter day)	Forecast Carbon Monoxide Motor Vehicle Emissions (pounds/ winter day)
2010	1,033,578	448,398
2017	1,181,341	324,234
2040	1,181,341	290,007

The analysis illustrates federal and state air quality standards for carbon monoxide can easily be met now and in the future in the Metro region considering the combined emissions generated from on-road vehicles using: (1) the existing transportation system, (2) the projects included in the 2015-2018 Metropolitan Transportation Improvement Program, (3) all of the other improvements included in the financially constrained system of the 2014 Regional Transportation Plan; and (4) all other local transportation projects considered regionally significant.

The transportation projects in the financially constrained 2014 RTP and the 2015-2018 MTIP were also analyzed to determine whether the performance standards of the region's transportation control measures (TCMs) are being met. The analysis demonstrates the projects identified in the 2014 RTP and the 2015-2018 MTIP meet the performance standards and remain in compliance.

Public Comment Summary and Responses/Recommendation Actions to Comments Received

A public review draft of the Joint Air Quality Conformity Determination was released for public and technical comment from May 16 through June 16, 2014. The public comment period was advertised placed in the Beaverton Valley Times, Gresham Outlook, Portland Observer, Portland Skanner, Asian Reporter and El Hispanic News. The advertisements had translated text stating the purpose of the notice and providing contact information for more information. Additionally, the public comment was advertised on Metro's newsfeed and emails were sent to Metro's planning enews list. A total of eight technical and public comments were received. Exhibit A Appendix Q provides a summary and lists the individual comments received as well as the action taken by Metro in response to the comments.

The public and technical comments were shared with TPAC recommended adoption of this resolution at the June 27, 2014 meeting.

ANALYSIS/INFORMATION

1. **Known Opposition** Some public comments stated the region is not implementing aggressive enough strategies to reduce pollution from transportation sources. Some comments also state the region is not addressing other air quality issues, such as carbon dioxide. Responses to the public comments address these comments.
2. **Legal Antecedents**
 - Resolution 10-150A, "For the Purpose of Approving the Air Quality Conformity Determination for the 2035 Regional Transportation Plan and the 2010-13 Metropolitan Transportation Improvement Program."
 - Resolution 12-4333, "For the Purpose of Adopting the 2012-15 Metropolitan Transportation Improvement Program."
 - Resolution 13-4490, "For the Purpose of Adopting the Substitute Transit Transportation Control Measure (TCM) as part of the State Air Quality Strategy and Regional Air Quality Conformity Determination."

- Resolution 14-4493, “For the Purpose of Approving the Use of Federal Streamlining Provisions for Regional Air Quality Conformity Determinations.”
 - Resolution 14-4527, “For the Purpose of Accepting the 2014 Regional Transportation Plan Project List for the Purpose of Air Quality Conformity Determination.”
3. **Anticipated Effects:** Approval of this resolution allows for funding proposed for transportation projects in the 2015-2018 MTIP and advancing the goals of the 2014 RTP. With approval by JPACT and adoption by Metro Council, staff will submit the Joint AQC Determination for review by the U.S. Environmental Protection Agency and to the Federal Highway Administration and the Federal Transit Administration for approval.
4. **Budget Impacts:** None directly by this action.

RECOMMENDED ACTION

Staff recommends approval of Resolution No. 14-4534.

Appendix Q – Public Comment Report for the 2014 Regional Transportation Plan and 2015-2018 Metropolitan Transportation Improvement Program Joint Air Quality Conformity Determination

**2014 Regional Transportation Plan (MTIP) and 2015-2018 Metropolitan Transportation Improvement Program (MTIP) Joint Air Quality Conformity Determination
Public Comments Summary and Response to Major Themes**

On Friday May 16, 2014, Metro released a public review draft of the 2014 Regional Transportation Plan (RTP) and 2015-2018 Metropolitan Transportation Improvement Program (MTIP) Joint Air Quality Conformity Determination for a 30-day public comment period. The opportunity to comment was advertised in the Beaverton Valley Times, Gresham Outlook, Portland Observer, Portland Scanner, Asian Reporter and El Hispanic News. Each of these advertisements had translated text stating the purpose of the notice and providing contact information for more information. Additionally, advertising of the public comment was placed on the Metro newsfeed and an update went to Metro's planning enews list.

The public comment period was closed on Monday June 16, 2014. The public review draft received a total of eight public comments. Below is a summary of the major themes to emerge from the public comments. The individual comments can be found appended to this summary.

Summary of Major Themes and Corresponding Response

1. The region is on track with its work to reduce pollution from vehicle emissions.

There were three comments which were supportive of the outcomes of the 2014 Regional Transportation Plan (RTP) and 2015-2018 Metropolitan Transportation Improvement Program (MTIP) Joint Air Quality Conformity Determination. These commenters felt the region is implementing progressive strategies, including active transportation projects, to reduce emissions pollutants. However, one comment also expressed concern the region may not be addressing some serious localized air quality issues in the region.

Staff Response: The recognition of Metro's work to help promote clean air for the region is appreciated. Staff also recognizes there are a number of areas which are not currently regulated, but the region can take a proactive stance. As a result, Metro has a memorandum of understanding (MOU) with the Oregon State Department of Environmental Quality (DEQ) to work in partnership to address the transportation sector contribution to air quality issues in the region. Through the MOU, Metro voluntarily conducts emissions modeling of air toxics to provide general monitoring information to DEQ.

2. The region is not addressing the more critical concern: carbon dioxide emissions.

There were two comments which expressed concern the joint air quality conformity determination is not addressing the impact of carbon dioxide (CO₂) from vehicle emissions. The comments state the region has a role to play in reducing carbon dioxide emissions. An example stated is for the region to champion legislation which curb carbon dioxide emissions. The comments also expressed the impact of fuels, particularly diesel, and its impact on carbon dioxide and other pollutants.

Staff Response: Metro is currently looking at addressing carbon dioxide emissions through a separate planning effort slated to be completed in early 2015. In 2009 the Oregon legislature passed legislation directing Metro to develop a strategy which will reduce per capita greenhouse gas emissions from cars and small trucks by 20 percent below 2005 levels by 2035. As a result, Metro has been leading a process and engaging stakeholders throughout the region from elected officials, local jurisdictions, private sector, advocacy organizations, and communities to develop a preferred land use and transportation investment strategy which, once implemented, would achieve the greenhouse gas target. This effort is known as the Climate Smart Communities project.

Appendix Q – Public Comment Report for the 2014 Regional Transportation Plan and 2015-2018 Metropolitan Transportation Improvement Program Joint Air Quality Conformity Determination

Until recently, federal requirements from the Clean Air Act did not place regulatory standards for greenhouse gas emissions for regions to comply. Ultimately since the 2014 RTP and 2015-2018 MTIP Joint Air Quality Conformity Determination is intended to demonstrate the region continues to meet the standards of regulated pollutants (e.g. criteria pollutants including carbon monoxide, ozone, lead, particulate matter, etc.) the emphasis of the report has focused on demonstrating federal regulatory compliance.

More information regarding the Climate Smart Communities project can be found on Metro's website at: <http://www.oregonmetro.gov/public-projects/climate-smart-communities-scenarios>

3. The region is not addressing the root cause of air pollution: vehicle miles traveled (vmt).

There is concern that the air quality analysis is not doing enough towards addressing the root cause of pollutant emissions from vehicles. The comment expressed looking into strategies which curb or reduce vehicle miles traveled.

Staff Response: The Portland metropolitan region has reduced its daily vehicle miles traveled per capita over the past seven years (ending with 2012 data, the most recent available). At a per capita average of 18.62 vehicle miles traveled, this is less than the U.S. national average of 21.64 (as of 2011). Monitoring by the Federal Highway Administration (FHWA) illustrates the Portland metropolitan area per capita vehicle miles traveled has consistently remained under the U.S. national average since 1996.

Additionally, Metro has and continues to support planning and implementation efforts which provide travel options and ultimately curb vehicle miles traveled. Metro has led a two-year effort to develop a regional active transportation plan which identifies a vision, policies and actions to complete a seamless green network of on- and off-street pathways and districts connecting the region and integrating walking, biking and public transit. The region has also invested in local travel options programs through the regional travel options program, which has provided grants to organizations to market and promote commute options.

The FHWA compiled data can be found on Metro's website at:
<http://www.oregonmetro.gov/transportation-system-monitoring-daily-vehicle-miles-travel>

Agenda Item No. 4.4

Resolution No. 14-4526, For the Purpose of Adopting the
2014 Regional Active Transportation Plan.

Resolutions

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE 2014	)	RESOLUTION NO. 14-4526
REGIONAL ACTIVE TRANSPORTATION)	
PLAN	)	Introduced by Chief Operating Officer Martha
	)	Bennett with the Concurrence of Council
		President Tom Hughes

WHEREAS, completing a connected active transportation network that serves the people of the region, including streets with complete pedestrian and bicycle facilities, a connected regional trail network and safe and comfortable access to transit, is a strategy of city, county and regional plans and policies to develop vibrant, prosperous and sustainable communities with safe and reliable transportation choices, to minimize greenhouse gas emissions and to distribute the benefits and burdens of development equitably in the region; and

WHEREAS, the 2035 RTP identified development of a Regional Active Transportation Plan ("ATP") as an implementation activity and a critical part of the RTP strategy to achieve city, county, and regional goals and targets and the region's adopted Six Desired Outcomes (2010); and

WHEREAS, Metro obtained a grant to develop the ATP and in 2012 formed a Stakeholder Advisory Committee ("SAC") with representatives from Clackamas, Multnomah and Washington counties, the Oregon Department of Transportation ("ODOT"), TriMet, the cities of Forest Grove, Gresham, Hillsboro, Portland, Tualatin Hills Park and Recreation District, Elders in Action, Upstream Public Health, the Bicycle Transportation Alliance, and Oregon Walks to guide development of the ATP; and

WHEREAS, with guidance of the SAC and input from other stakeholders, a draft ATP was produced in July, 2013; and

WHEREAS, on September 26, 2013 the Metro Council, with the advice and support of MPAC and JPACT, adopted Resolution No. 13-4454, which acknowledged work completed to date on the draft ATP and directed Metro staff to work with stakeholders to further refine the plan and to prepare amendments to the pedestrian and bicycle elements of the RTP for final public review as part of the RTP update in 2014; and

WHEREAS, the Metro Council dedicated funding July 1, 2013 through June 30, 2015 to support finalizing and implementation of the ATP; and

WHEREAS, Metro refined the ATP to reflect input from the Metro Council, JPACT, MPAC, the Transportation Policy Advisory Committee ("TPAC") and the Metro Technical Advisory Committee ("MTAC"), and a regional work group comprised of staff and representatives from the original SAC, Clackamas, Multnomah and Washington counties, the cities of Cornelius, Beaverton, Fairview, Forest Grove, Gresham, Happy Valley, Hillsboro, Milwaukie, Portland, Sherwood, Tigard, Troutdale, Tualatin, Wilsonville, ODOT, TriMet, Tualatin Hills Park and Recreation District, Safe Routes to School National Partnership, 1,000 Friends of Oregon, the Bicycle Transportation Alliance, Oregon Walks, and other stakeholders; and

WHEREAS, Metro received and responded to additional comments on the ATP during the public review comment period from March 21 to May 5, 2014 as described in the “2014 Regional Active Transportation Public Comment Report,” attached as Exhibit B; and

WHEREAS, the ATP is intended to function as a guiding document that provides a vision, policies and a plan, but is not a component of the RTP and does not create binding obligations on local governments; and

WHEREAS, the 2014 RTP, which is proposed for adoption in Ordinance No. 14-1340, includes updated pedestrian and bicycle network maps, concepts, functional classifications and policies based on the recommendations provided in the ATP; and

WHEREAS, cities, counties and agencies submitted pedestrian and bicycle projects to the 2014 RTP that help complete the regional pedestrian and bicycle networks and programs identified in the ATP; and

WHEREAS, JPACT and MPAC recommend adoption of the 2014 Regional Active Transportation Plan attached as Exhibit A; NOW THEREFORE

BE IT RESOLVED that the Metro Council:

1. Adopts the 2014 Regional Active Transportation Plan attached to this Resolution as Exhibit A, to serve as guidance for development and completion of the regional active transportation network; and
2. Directs Metro staff to begin implementing the 2014 Regional Active Transportation Plan through the Regional Transportation Plan.

ADOPTED by the Metro Council this 17 day of July, 2014.

Tom Hughes, Council President

Approved as to form:

Alison Kean, Metro Attorney

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2014 REGIONAL

ACTIVE
TRANSPORTATION PLAN

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2014 REGIONAL

ACTIVE TRANSPORTATION PLAN

Public comment report | June 2014

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4526, FOR THE PURPOSE OF ADOPTING THE 2014 REGIONAL ACTIVE TRANSPORTATION PLAN

Date: June 10, 2014

Prepared by: Lake Strongheart McTighe
503-797-1660

BACKGROUND

Collectively, the region is nationally recognized for supporting transportation options and reducing vehicle miles traveled, and the Metro Council has demonstrated leadership in improving the ease and safety with which people can ride a bike, walk and use public transportation for daily needs and recreation.¹ In regional plans and policies active transportation is recognized as one of the elements needed to achieve the region's adopted Six Desired Outcomes.²

In 2010, need for a regional plan focused on active transportation was identified as an implementation activity in the Regional Transportation Plan (RTP), based on the recommendations of the Metro Blue Ribbon Committee for Trails in the "[Integrated Mobility Strategy](#)" (November, 2008). In partnership with the region's cities, counties, ODOT, TriMet, other key stakeholders and the public, Metro completed the implementation activity and developed the 2014 Regional Active Transportation Plan ("ATP"), attached as **Exhibit A** to Resolution No. 14-4526.³

This is the region's first "stand alone" plan focused on walking, bicycling, access to transit and other active travel modes.⁴ Prior to development of the ATP, regional pedestrian and bicycle plans were limited to a few pages within in the Regional Transportation Plan ("RTP"). Development of the ATP has provided extensive research, analysis, and thought to developing and completing the regional pedestrian and bicycle networks in a manner that will lead to more active travel and all of the benefits that are associated with it. Completing the regional active transportation networks will help achieve many RTP goals and targets, including increasing levels of walking and bicycling, increasing transportation safety, increasing access to essential daily needs, reducing vehicle miles traveled and green house gas emissions.

ATP updates to the 2014 Regional Transportation Plan

The ATP is proposed for adoption as a "stand alone" modal plan of the RTP. Other modal plans of the RTP are the adopted High Capacity Transit, Freight and Transportation System Management and Operations plans. The ATP is intended to serve as a guiding policy document, and does not create binding obligations on local governments. Rather, the ATP coordinates city, county and agency actions to achieve a vision that is greater than the sum of its parts. The ATP pedestrian and bicycle network maps, concepts, functional classifications and policies updates those same elements in the 2014 RTP, proposed for adoption on July 17, 2014. As a modal plan of the RTP, the ATP will be implemented through the RTP.

¹ Active transportation is defined as: human-powered transportation that engages people in healthy physical activity while they travel from place to place. People walking, bicycling, the use of strollers, wheelchairs /mobility devices, skateboarding, and rollerblading are active transportation. Active transportation supports transit.

² Adopted 2010. 1. Vibrant Communities; 2. Economic competitiveness and prosperity; 3. Safe and reliable transportation choices; 4. Leader in climate change; 5. Clean air, water and healthy ecosystems; 6. Equity.

³ Refer to the 2014 Regional Active Transportation Plan for a complete list of stakeholders.

⁴ Other "modal" plans of the RTP are the High Capacity Transit Plan, the Freight Plan and the Transportation System and Management Plan.

Recommendations of the ATP

The ATP provides a vision, plan and policies. Historically, investment in bicycling and walking facilities has been piecemeal and opportunistic, and the value and benefit of active transportation to the economy and community and environmental health is not fully embraced. This has resulted in the region missing out or passing up opportunities for additional federal and state funding, as well as building out a network that has enough gaps to make active transportation difficult and dangerous in many areas. The ATP identifies these challenges and provides recommendations.

Recommendations in the ATP identify solutions to increase levels of active transportation across the region, enabling cities, counties and the region as a whole to achieve the region's Six Desired Outcomes and experience the wide range of benefits associated with active transportation.

Recommendations

1. Complete the active transportation network. First fill gaps and then improve deficient facilities.
2. Make it safe to walk and ride a bicycle for transportation.
3. Ensure that the regional active transportation network equitably serves all people.
4. Support populations that are already driving less by making it easier to drive less.
5. Increase levels of funding dedicated to active transportation projects and programs and develop a pipeline of projects.
6. Better integrate and connect transit, walking and bicycle networks.
7. Make walking and bicycling the most convenient, safe and enjoyable choices for short trips less than three miles.
8. Utilize data and analyses to guide transportation investments.
9. Include bicycle and walking improvements in roadway preservation projects whenever possible to make all streets in the region complete streets.

Development of the ATP

In January, 2012 Metro, with support from partners, secured a grant to support development of the plan.⁵ In June 2013, a draft plan was completed with input from a regional advisory committee of twenty people, outreach to stakeholders, a public workshop and a public open house. Using technical analysis, transportation modeling tools, geographic information systems (GIS) analysis, and extensive input from stakeholders involved in the process, the regional pedestrian and bicycle networks were refined and updated, identifying a planned active transportation network that provides direct connections to transit, urban centers and regional destinations.

On September 26, 2013 the Metro Council passed Resolution No. 13-4454 acknowledging the draft ATP and directing staff to provide opportunities to local governments, ODOT, TriMet and other stakeholders to further review and refine the draft plan through the comprehensive update of the 2014 Regional Transportation Plan (RTP), prior to the ATP being proposed for adoption. Additionally, the Metro Council dedicated funding to support further refinement of the ATP and a two year work program of implementation activities described in Attachment 1.

Per the acknowledgement resolution, Metro staff convened a regional work group to finalize the ATP. Between October 2013 and January 2014, approximately forty people participated in the work group, including members of the original ATP Stakeholder Advisory Committee, members of TPAC and MTAC, RTP local contacts, bicycle and pedestrian advocacy groups, freight representatives and other stakeholders. The work group provided extensive comments and guidance on the ATP verbally at five

⁵ Metro received thirty-two letters of support from agencies, non-profit organizations and local jurisdictions to pursue development of the ATP.

meetings and in written comments. Additionally, a group of stakeholder organizations interested in equity related to active transportation participated in the review and provided an equity review of the draft ATP.⁶ The review found that the ATP does a good job of addressing equity and provided specific guidance for strengthening language.

Changes were made to the plan based on the input of the work group. The majority of the refinements included adding more explanation and examples and clarifying information (the number of pages in the plan increased by approximately 90 pages). In addition to the work group review, comments were provided during the public review and comment March 21-May 5. Metro staff responded to comments and reflected changes in the plan. **Exhibit B** to Resolution No. 14-4526, the *2014 ATP Public Comment Report*, provides a summary and copies of comments made on the plan between June 2013 and June 2014.

Implementation of the ATP

While completing the ATP is a milestone, the work is hardly done. Implementation of the regional pedestrian and bicycle networks and policies will be completed over time. In the Policy Chapter, the ATP identifies specific actions Metro can take to support and encourage cities, counties, agencies and other partners to implement the recommendations. The Metro Council dedicated funding through June 30, 2015 to finalize the ATP and initial implementation activities.

The ATP provides a starting point and policy direction. Many partners, including city and county governments, agencies, the Metro Council, advocates and other stakeholders will play a role in implementation. Staff's role of engaging, informing, and coordinating will support a variety of ongoing efforts related to funding, and project and program development, within the region.

Opportunities and actions for implementing the ATP are identified in **Attachment 1**, *2013-15 Regional Active Transportation Work Program*, and fall within four general areas:

- A. Policy - Update networks, concepts, actions, policies and projects in regional and local transportation plans.
- B. Partnerships - Communicate, advocate, participate and facilitate the implementation of the ATP with regional partners and through local plans, project lists and activities.
- C. Project Development - Support best practices for implementing a regional active transportation network that is available for all ages and abilities and helps achieve desired regional outcomes.
- D. Funding - Maintain existing levels of funding for active transportation, utilize existing funding effectively and efficiently, and partner on broader efforts to include active transportation in new funding initiatives.

Some of the planned activities are long term and will require ongoing effort; many are already underway. A status report planned for early 2015 will provide a snapshot of accomplishments and allow for work program refinements.

Relationship of the work program to the update of best practices in transportation hand books
Updating the Creating Livable Streets, Trees for Green Streets, Wildlife Crossings, Green Streets, and Green Trails to incorporate new information from the ATP and Regional Freight Plan will be coordinated with the activities of the Regional Active Transportation Program. Funding for the update of the handbooks, and associated activities such as tours of regional best practices and speakers forums, are funded through an MTIP grant. The work scope of the update addresses several of the implementation activities identified in the ATP.

⁶ Oregon Walks, Bicycle Transportation Alliance, Community Cycling Center, Coalition for a Livable Future, Upstream Public Health, 1,000 Friends of Oregon, Safe Routes to School National Partnership
Staff Report for Resolution No. 14-4526
Page 3 of 4

ANALYSIS/INFORMATION

1. **Known Opposition:** NONE

2. **Legal Antecedents:**

- **Resolution No. 13-4454** “For the Purpose of Acknowledging the Work Completed to Date and Initiating Further Review of the Regional Active Transportation Plan Prior to Adoption as a Component of the Regional Transportation Plan;”
- **Ordinances - 13-1300A** “Adopting the Annual Budget For Fiscal Year FY2013-14, Making Appropriations, Levying Ad Valorem Taxes, and Authorizing an Interfund Loan” (provided funds to further refine the ATP and to begin implementation activities);
- **Resolution No. 11-4239** “For the Purpose of Supporting Development of a Regional Active Transportation Action Plan” (authorized staff to seek a TGM grant to develop the plan);
- **Ordinance No. 10-1241B** “For the Purpose of Amending the 2035 Regional Transportation Plan (Federal Component) and the 2004 Regional Transportation Plan to Comply with Federal and 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” (identified development of an active transportation plan as a follow up activity of the 2035 RTP);
- **Ordinance 09-1209** “Amending the FY 2008-09 Budget and Appropriations Schedule Transferring for the Integrated Mobility Strategy, adding 1.0 fte” (created a staff position for active transportation);
- **Resolution 08-3936** “For the Purpose of Establishing the Blue Ribbon Committee For Trails.”

3. **Anticipated Effects:** The ATP updates pedestrian and bicycle elements of the 2014 RTP, proposed for adoption on July 17, 2014. Local transportation system plans (TSP) are updated to be consistent with the 2014 RTP. The ATP is used as a guidance document in TSP updates and as funding is sought, projects are developed and programs are implemented. Additional resources are dedicated to active transportation.

4. **Budget Impacts:** None at this time. Funding dedicated through June 2015 by the Metro FY 2013-14 adopted budget to finalize the ATP and support implementation activities. Funding beyond June 2015 is not identified at this time to continue the Metro Active Transportation Program or for future updates of the ATP. Implementation of the ATP will occur through the Metropolitan Transportation Improvement Program.

RECOMMENDED ACTION

Staff recommends the Metro Council adopt Resolution No. 14-4526, For the Purpose of Adopting the 2014 Regional Active Transportation Plan. On June 25, 2014 the Metro Policy Advisory Committee (MPAC) voted to recommend adoption of the 2014 ATP and on July 10, 2014 the Joint Policy Advisory Committee (JPACT) voted to recommend adoption.

2013-15 Regional Active Transportation Work Program

Metro actions that support implementation of the 2014 Regional Transportation Plan (RTP) and Regional Active Transportation Plan (ATP) and achieve adopted transportation goals and targets are listed below. Activities are based on the ATP recommendations and policy implementing actions. Some of the activities are long term and will require ongoing effort; many are already underway. A status report planned for early 2015 will provide a snapshot of accomplishments and allow for refinements.

A. Policy - update networks, concepts, actions, policies and projects in regional and local transportation plans.

1. Work with partners to add regional pedestrian, bicycle and access to transit projects to the Regional Transportation Plan, local transportation system plans and capital improvement plans. *[Completed]*
2. Update pedestrian and bicycle concepts, network maps, functional classifications and policies in the Regional Transportation Plan to be consistent with the ATP. Develop a guide to support local jurisdiction updates of transportation system plans to be consistent with the updated RTP. *[Completed]*
3. Reflect ATP pedestrian and bicycle networks and recommendations in the Climate Smart Communities Scenarios, SW Corridor Plan, Powell-Division Transit Project, and other corridor projects, and consider ATP policy recommendations in implementation. *[Underway]*
4. Begin work with cities, counties, agencies and other stakeholders on updates to the Regional Transportation Functional Plan in advance of the 2018 RTP update, and in coordination with Climate Smart Communities. *[Start 2015]*
5. Review RTP active transportation related performance measures and targets and potentially refine to better measure progress towards achieving active transportation related goals and targets. *[Underway]*

B. Partnerships - communicate, advocate, participate and facilitate the implementation of the ATP with regional partners and through local plans, project lists and activities

1. Periodically convene partners and stakeholders in committees, work groups, or other appropriate formats to build support and maintain momentum for implementing the ATP, building on relationships developed during development of the ATP and in coordination with the ODOT Active Transportation Department. *[Underway and winter 2014]*
2. Periodically provide updates on the ATP and benefits of active transportation with Metro policy advisory committees, local elected officials, and decision makers and other stakeholder groups and interested parties. Explore providing weekly or monthly email newsletter updates. *[Underway and fall 2014]*

3. Remain a participating partner in developing the annual Oregon Active Transportation Summit. *[completed 2014 summit; Underway]*
4. Provide technical expertise and assistance in the development of state and local active transportation related plans, including the ODOT Bicycle and Pedestrian Plan, the Clackamas County Active Transportation Plan, and the TriMet transit access study. *[Underway]*
5. Track and participate as needed in local pedestrian and bicycle advisory committees. *[Underway]*
6. Share Metro's Public Engagement Guide with partners and continue to develop best practices on engaging underserved communities on topics related to active transportation. *[Underway]*

<p>C. Projects and programs - support best practices for implementing a regional active transportation network that is available for all ages and abilities and helps achieve desired regional outcomes</p>
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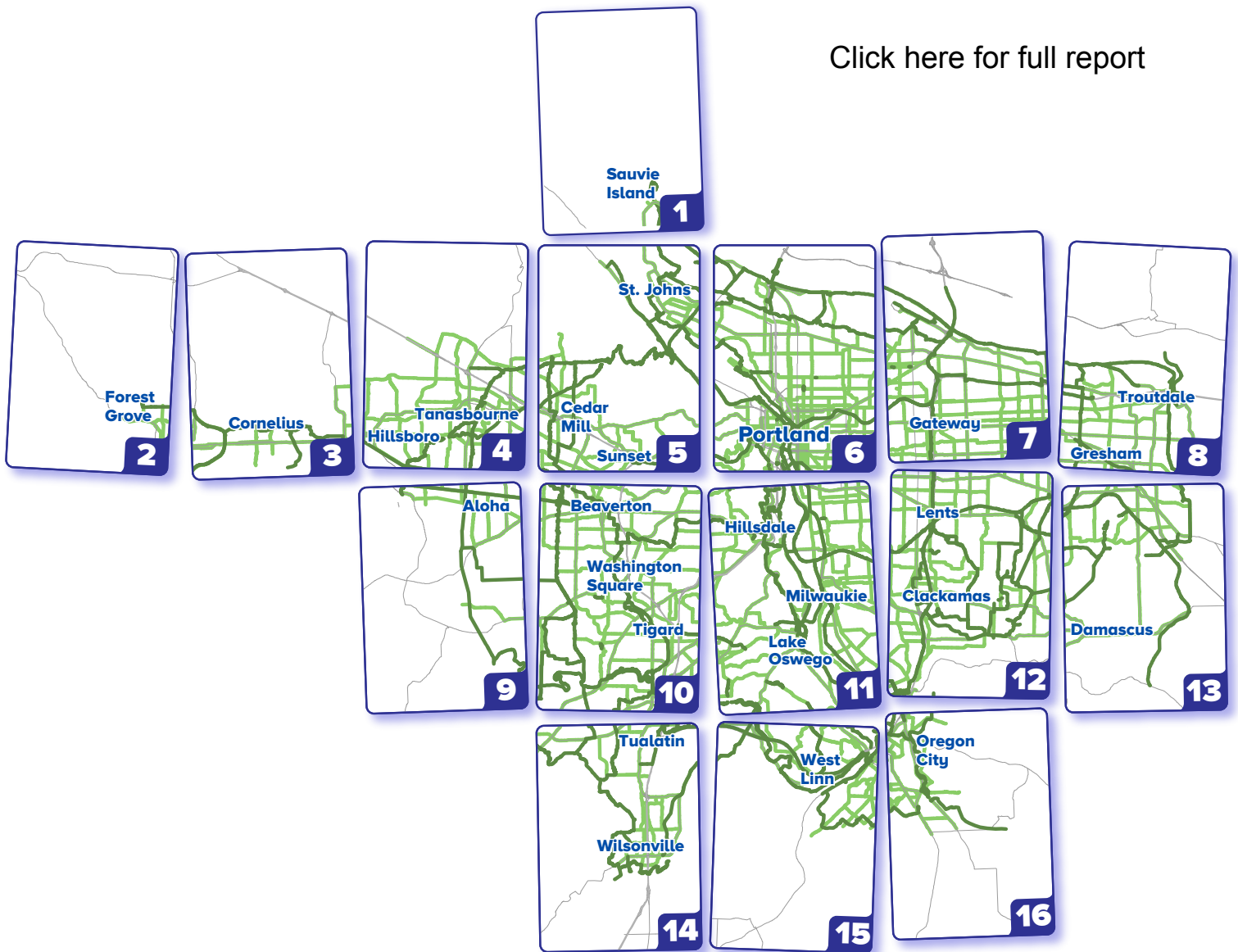
1. Develop the regional bicycle and pedestrian counting program and support development of pedestrian and bicycling modeling tools in partnership with PSU, City of Portland, and other cities and counties. Participate in PORTAL technical advisory committee and coordinate with TRANSPORT. *[Underway]*
2. Update best practices in transportation handbooks (Creating Livable Streets, Trees for Green Streets, Wildlife Crossings, Green Streets, Green Trails). As part of the handbook program, develop best practices tours, a complete streets checklist, expert presentations and technical assistance, such as street audits. *[Start 2015]*
3. Participate in and contribute to ODOT Pedestrian and Bicycle Safety Workgroup. Seek opportunities to implement the recommendations in the 2012 Regional Transportation Safety Plan. *[Underway]*
4. Encourage jurisdictions and agencies to include education and encouragement in transportation projects in order to raise awareness, increase safety and increase the use of completed projects. *[Underway]*
5. Participate in technical and research projects, including those related to health and transportation, which support best practices, increase data collection and maintenance, and advance knowledge, understanding and practice in active transportation. *[Underway]*
6. Develop a cheat sheet of helpful and vetted data points on safety, benefits, costs, etc. for cities, counties and agencies use in developing funding applications and projects. *[Start summer 2014]*

D. Funding - maintain existing levels of funding for active transportation, utilize existing funding effectively and efficiently, and partner on broader efforts to include active transportation in new funding initiatives

1. Provide information from the ATP to support development of the next MTIP policy process. *[Start 2015]*
2. Coordinate with RISE initiative to include regional bicycle and pedestrian infrastructure in package of improvements. *[Underway]*
3. Provide data and information on projects that support including active transportation in potential new sources of transportation funding and maintaining current dedicated funding levels. *[Start 2015]*
4. Develop a Funding Guide Resource that identifies funding opportunities, such as grants and programs, for active transportation, and increases transparency of the funding process. *[Start 2015]*
5. Work with partners to fund and develop programs that increase equity through awareness of and use of transportation options and address physical, economic, cultural and other barriers to active transportation. *[Underway]*

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Pedestrian Network MAP BOOK

2014

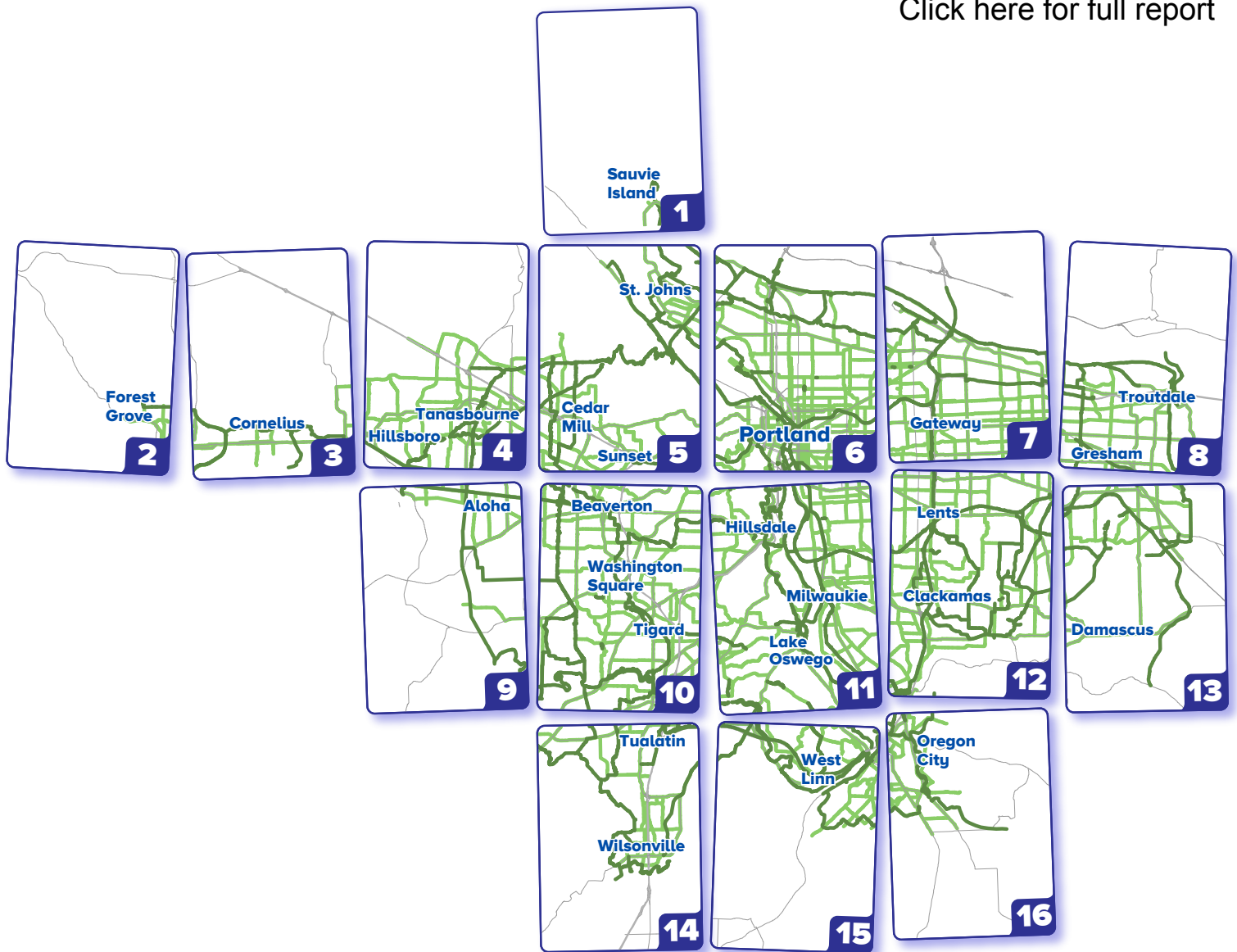


MAKING A
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PLACE



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Bicycle Network MAP BOOK 2014



**MAKING A
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Agenda Item No. 5.1

Ordinance No. 14-1331, For the Purpose of Amending Metro Code Title V to Add Metro Code Chapter 5.00, Solid Waste Definitions, and to Repeal Sections 5.01.010, 5.02.015, 5.04.005, 5.05.010, 5.09.020, and 5.10.010; and Modify Certain Definitions in Section 7.01.010.

Ordinances - First Read

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 14-1331
CODE TITLE V TO ADD METRO CODE)	
CHAPTER 5.00, SOLID WASTE DEFINITIONS,	)	Introduced by Chief Operating Officer Martha
AND TO REPEAL SECTIONS 5.01.010, 5.02.015,	)	Bennett in concurrence with Council
5.04.005, 5.05.010, 5.09.020, AND 5.10.010; AND	)	President Tom Hughes
MODIFY CERTAIN DEFINITIONS IN SECTION)	
7.01.010)	

WHEREAS, the Metro Solid Waste Code is set forth in Title V of the Metro Code; and

WHEREAS, the Metro Solid Waste Code requires updating to consolidate solid waste related definitions and to ensure the definitions are uniform throughout Title V of the Metro Code; and

WHEREAS, to achieve these objectives, the Metro Council must amend Title V to add Chapter 5.00 and to delete solid waste definitions from Chapters 5.01, 5.02, 5.04, 5.05, 5.09, and 5.10; and modify certain definitions in Chapter 7.01 now covered by this new chapter; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Title V, Solid Waste, is amended to add Metro Code Chapter 5.00, Solid Waste Definitions, as set forth in the attached Exhibit A;
2. Metro Code Section 5.01.010 is repealed.
3. Metro Code Section 5.02.015 is repealed.
4. Metro Code Section 5.04.005 is repealed.
5. Metro Code Section 5.05.010 is repealed.
6. Metro Code Section 5.09.020 is repealed.
7. Metro Code Section 5.10.010 is repealed.
8. Metro Code Section 7.01.010 is amended in the attached Exhibit B.

ADOPTED by the Metro Council this [insert date] day of [insert month] 2014.

Tom Hughes, Council President

Attest:

Approved as to Form:

Troy Rayburn, Recording Secretary

Alison R. Kean, Metro Attorney

Exhibit "A" to Ordinance 14-1331

METRO CODE - TITLE V SOLID WASTE CHAPTER 5.00 SOLID WASTE DEFINITIONS

5.00.010 Definitions

For the purposes of Title V Solid Waste, unless the context requires otherwise, the following terms shall have the meaning indicated:

(a) "Act" shall mean Oregon Revised Statutes Chapter 268, as amended, and other applicable provisions of the laws of the state of Oregon.

(b) "Activity" means a primary operation or function that is performed in a Solid Waste Facility or at a Disposal Site, including but not limited to Resource Recovery, Composting, Energy Recovery, and other types of Processing; Recycling; Transfer; incineration; and disposal of Solid Waste; but excluding operations or functions such as Segregation that serve to support the primary Activity.

(c) "Agronomic application rate" has the meaning provided in OAR 340-093-0030(5).

(d) "Alternative Program" means a solid waste management service proposed by a local government that differs from the service required under Chapter 5.10.

(e) "Authorized official" means a person authorized to issue citations under Chapter 5.09.

(f) "Business" means any entity of one or more persons, corporate or otherwise, engaged in commercial, professional, charitable, political, industrial, educational, or other activity that is non-residential in nature, including public bodies and excluding businesses whose primary office is located in a residence.

(g) "Business Recycling Service Customer" means a person who enters into a service agreement with a waste hauler or recycler for business recycling services.

(h) "Chief Operating Officer" means the Metro Chief Operating Officer or the Chief Operating Officer's designee.

(i) "Cleanup Material Contaminated By Hazardous Substances" means solid waste resulting from the cleanup of releases of hazardous substances into the environment, including petroleum contaminated soils and sandbags from chemical spills. Cleanup Material Contaminated By Hazardous Substances does not mean solid waste generated by manufacturing or industrial processes.

(j) "Closure" means the restoration of a Solid Waste Facility or a Disposal Site to its condition prior to the commencement of licensed or franchised Solid Waste activities at the site. Closure includes, but is not limited to, the removal of all accumulations of Solid Waste and Recyclable Materials from the site.

(k) "Code" means the Metro Code.

(l) "Compost" means the stabilized product of composting.

(m) "Compostable Organic Waste" means organic wastes delivered in a single transaction at Metro Central Station or at Metro South Station in a form suitable for making Compost, notwithstanding the presence of incidental amounts or types of non-compostable materials.

(n) "Composting" means the controlled biological decomposition of organic material.

(o) "Conditionally exempt generator" (CEG) means a Conditionally Exempt Small Quantity Generator as defined in 40 CFR 261.5.

(p) "Council" means the Metro Council.

(q) "DEQ" means the Department of Environmental Quality of the State of Oregon.

(r) "Department" means the Metro Finance and Regulatory Services Department in Chapter 5.09.

(s) "Designated facility" means one of the facilities constituting a part of the system designated from time to time pursuant to Chapter 5.05.

(t) "Direct haul" means the delivery of Putrescible Waste from a Solid Waste Facility directly to Metro's contract operator for disposal of Putrescible Waste. Direct Haul is an Activity under this chapter.

(u) "Direct-haul disposal charge" means that fee which pays for the direct unit costs of disposal of solid waste under the disposal contract between Metro and Oregon Waste Systems, Inc. The Direct-haul Disposal Charge is levied on solid waste that is generated or originates within the Metro boundary and is delivered directly to Columbia Ridge Landfill under Metro's disposal contract with Oregon Waste Systems, Inc., by persons other than Metro. The Direct-haul Disposal Charge is equal to the disposal component of the Disposal Fee.

(v) "Director" means the Director of Metro's Solid Waste and Recycling Program in Chapter 5.10.

(w) "Disposal fee" means those fees which pay the direct unit costs of transportation and disposal of general purpose solid waste. Major cost components are the long haul transport contract and the Oregon Waste Systems, Inc., disposal contract.

(x) "Disposal site" means the land and facilities used for the disposal of Solid Wastes whether or not open to the public, but does not include transfer stations or processing facilities.

(y) "District" has the same meaning as in Code Section 1.01.040.

(z) "Energy recovery" means a type of Resource Recovery that is limited to methods in which all or a part of Solid Waste materials are processed to use the heat content, or other forms of energy, of or from the material.

(aa) "Enhancement fees" means those fees collected in addition to general disposal rates that are used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and other solid waste facilities.

(bb) "Franchise" means the grant of authority or privilege given by the Council to operate a Disposal Site, Transfer Station, Energy Recovery facility, or to conduct any other activity that requires such authorization under Chapter 5.01.

(cc) "Franchisee" means the person to whom a Franchise is granted by the Council under Chapter 5.01.

(dd) "Franchise fee" means the fee charged by Metro to the Franchisee for the administration of the Franchise.

(ee) "Hazardous waste" has the meaning provided in ORS 466.005.

(ff) "Hearings officer" means a person designated by Metro to hear and decide cases under this title.

(gg) "Household hazardous waste" means any discarded, useless or unwanted chemical, material, substance or product that is or may be hazardous or toxic to the public or the environment and is commonly used in or around households and is generated by the household. "Household hazardous waste" may include but is not limited to some cleaners, solvents, pesticides, and automotive and paint products.

(hh) "Inert" means containing only constituents that are biologically and chemically inactive and that, when exposed to biodegradation and/or leaching, will not adversely impact the waters of the state or public health.

(ii) "License" means the permission given by the Council or Chief Operating Officer to operate a Solid Waste Facility not exempted or requiring a Franchise under Chapter 5.01.

(jj) "Licensee" means the person to whom a License is granted by the Council or Chief Operating Officer under Chapter 5.01.

(kk) "Local Government" means any city or county that is within Metro's jurisdiction, including the unincorporated areas of Clackamas, Multnomah, and Washington Counties.

(ll) "Local Government Action" means adoption of any ordinance, order, regulation, contract, or program affecting solid waste management.

(mm) "Material recovery" means a type of Resource Recovery that is limited to mechanical methods of obtaining from Solid Waste materials which still have useful physical or chemical properties and can be reused, recycled, or composted for some purpose. Material Recovery includes obtaining from Solid Waste materials used in the preparation of fuel, but excludes the extraction of heat content or other forms of energy from the material.

(nn) "Metro Central Station" is the Metro solid waste transfer and recycling station located at 6161 NW 61st Avenue, Portland, Oregon 97210.

(oo) "Metro Designated Facility" means a facility in the system of solid waste facilities and disposal sites that is authorized under Chapter 5.05 to accept waste generated within the jurisdiction of Metro.

(pp) "Metro disposal system" means Metro South Station, Metro Central Station, Columbia Ridge Landfill and such other facilities, or contracts for service with Metro which transfer or cause solid waste to be disposed at the Columbia Ridge Landfill or other disposal facility.

(qq) "Metro South Station" is the Metro solid waste transfer station and recycling station located at 2001 Washington, Oregon City, Oregon 97045.

(rr) "Metro waste management system" means all associated Metro solid waste services related to management of the whole recycling, processing and disposal system.

(ss) "Non-commercial Customer" means a person who is not primarily engaged in the business of collection or transportation of solid waste and who is not authorized by any federal, state or local government to perform such collection or transportation.

(tt) "Non-putrescible waste" means any Waste that contains no more than trivial amounts of Putrescible materials or minor amounts of Putrescible materials contained in such a way that they can be easily separated from the remainder of the load without causing contamination of the load. This category includes construction waste and demolition waste but excludes Cleanup Materials Contaminated by Hazardous Substances, Source-Separated Recyclable Material, special waste, land clearing debris and yard debris.

(uu) "Non-system facility" means any solid waste facility, disposal site, transfer station, processing facility, recycling drop center, resource recovery facility or other facility for the disposal, recycling or other processing of solid waste which does not constitute part of the system.

(vv) "Non-system license" means a license issued pursuant to and in accordance with Chapter 5.05.

(ww) "Person" has the same meaning as in Code Section 1.01.040. For any person other than an individual, the acts of such person's employees, contractors, and authorized agents shall be considered the acts of the person.

(xx) "Petroleum contaminated soil" means soil into which hydrocarbons, including gasoline, diesel fuel, bunker oil or other petroleum products have been released. Soil that is contaminated with petroleum products but also contaminated with a hazardous waste as defined in ORS 466.005, or a radioactive waste as defined in ORS 469.300, is not included in the term.

(yy) "Process," "Processing" or "Processed" means a method or system of altering the form, condition or content of Wastes, including but not limited to composting, vermiprocessing and other controlled methods of biological decomposition; classifying; separating; shredding, milling, pulverizing, or hydropulping; but excluding incineration or mechanical volume reduction techniques such as baling and compaction.

(zz) "Processing facility" means a place or piece of equipment where or by which Solid Wastes are processed. This definition does not include commercial and home garbage disposal units, which are used to process food wastes and are part of the sewage system, hospital incinerators, crematoriums, paper shredders in commercial establishments, or equipment used by a recycling drop center.

(aaa) "Processing residual" means the Solid Waste destined for disposal which remains after Resource Recovery has taken place.

(bbb) "Putrescible" means rapidly decomposable by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

(ccc) "Putrescible waste" means Waste containing Putrescible material.

(ddd) "Rate" means the amount approved by Metro and charged by the Franchisee, excluding the Regional System Fee as established in Chapter 5.02 of this Title and franchise fee.

(eee) "Recoverable Solid Waste" means source-separated or homogeneous material accepted in a single transaction at Metro Central Station or at Metro South Station in a form that is usable

by existing technologies, notwithstanding the presence of incidental amounts or types of contaminants, for reuse, recycling, controlled biological decomposition of organic material including composting and digestion, and the preparation of fuels that meet an engineering, industrial, or market specification; but excludes mass burning, incineration in refuse derived fuel facilities, and similar methods of extracting energy from mixed solid wastes.

(fff) "Recyclable material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and that can be reused, recycled, or composted for the same or other purpose(s).

(ggg) "Recycle" or "Recycling" means any process by which Waste materials are transformed into new products in such a manner that the original products may lose their identity.

(hhh) "Recycling drop center" means a facility that receives and temporarily stores multiple source separated recyclable materials, including but not limited to glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil, which materials will be transported or sold to third parties for reuse or resale.

(iii) "Regional Solid Waste Management Plan" or "RSWMP" means the Regional Solid Waste Management Plan adopted as a functional plan by Council and approved by DEQ.

(jjj) "Regional System Fee" means those fees which pay the cost of the Metro Waste Management System.

(kkk) "Regional transfer charge" means those fees which pay the direct unit operating costs of the Metro transfer stations. This fee is imposed upon all solid waste delivered to Metro disposal system facilities.

(lll) "Reload" or "Reload facility" means a facility that performs only Transfer and delivers all solid waste received at the facility to another Solid Waste facility after it receives such solid waste, generally within 24 hours of receipt.

(mmm) "Required use order" means a written order issued pursuant to Chapter 5.05 requiring a waste hauler or other person to use a designated facility pursuant to the terms of the order.

(nnn) "Residence" means the place where a person lives.

(ooo) "Resource recovery" means a process by which useful material or energy resources are obtained from Solid Waste.

(ppp) "Resource recovery facility" shall mean a facility described in Chapter 5.01 which has been designated by Metro as constituting part of the system.

(qqq) "Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

(rrr) "RSWMP Requirement" means the portions of the Regional Solid Waste Management Plan that are binding on local governments as set forth and implemented in Chapter 5.10.

(sss) "Segregation" means the removal of prohibited wastes, unauthorized wastes, bulky material (such as but not limited to white goods and metals) incidental to the Transfer of Solid Waste. Segregation does not include Resource Recovery or other Processing of Solid Waste. The sole intent of segregation is not to separate Useful Material from the Solid Waste but to remove prohibited, unauthorized waste or bulky materials that could be hard to handle by either the facility personnel or operation equipment.

(ttt) "Solid waste" means all Putrescible and Non-Putrescible Wastes, including without limitation, garbage, rubbish, refuse, ashes, waste paper and cardboard; discarded or abandoned vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; discarded home and industrial appliances; asphalt, broken concrete and bricks; manure, vegetable or animal solid and semi-Solid Wastes, dead animals; infectious waste as defined in ORS 459.386; and other such wastes, including without limitation cleanup materials contaminated with hazardous substances, commingled recyclable material, petroleum contaminated soil, special waste, source-separated recyclable material, land clearing debris and yard debris; but the term does not include:

- (1) Hazardous wastes as defined in ORS 466.005;
- (2) Radioactive wastes as defined in ORS 469.300;
- (3) Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates; or
- (4) Explosives.

(uuu)"Solid Waste Disposal Transaction" means the usage of Metro transfer station disposal facilities, hazardous waste facilities, or household hazardous waste collection events, by a customer for the purpose of delivering for disposal a single load of solid or hazardous waste during a single visit from a single vehicle (whether or not accompanied by, or transporting, one or more trailers), and shall be determined to occur upon a customer's entrance to Metro transfer station facilities, hazardous waste facilities, or household hazardous waste collection event.

(vvv)"Solid waste facility" means the land and buildings at which Solid Waste is received for Transfer, Resource Recovery, and/or Processing but excludes disposal.

(www)"Solid Waste System Facility" means all facilities designated by Metro as part of its system for the management and disposal of solid and liquid waste including but not limited to all designated facilities set forth in Chapter 5.05 and any non-system facility that receives solid waste from within the Metro Area whether pursuant to an authorized non-system license or otherwise.

(xxx)"Source Separate" or "Source Separated" or "Source Separation" means that the person who last uses recyclable material separates the recyclable material from Solid Waste.

(yyy)"Source-separated recyclable material" or "Source-separated recyclables" means solid waste that has been Source Separated by the waste generator for the purpose of Reuse, Recycling, or Composting. This term includes (1) all homogenous loads of Recyclable Materials that have been Source Separated by material type for the purpose of recycling (i.e., source-sorted) and (2) residential and commercial commingled Recyclable Materials, which include only those recyclable material types that the local jurisdiction, where the materials were collected, permits to be mixed together in a single container as part of its residential curbside recyclable material collection program. This term does not include any other commingled recyclable materials.

(zzz)"Special waste" means any waste (even though it may be part of a delivered load of waste) which one or more of the following categories describes:

- (1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 through 9 and 11 of this definition below.
- (2) Waste transported in a bulk tanker.

- (3) Liquid waste including outdated, off spec liquid food waste or liquids of any type when the quantity and the load would fail the paint filter liquid (Method 9095, SW-846) test or includes 25 or more gallons of free liquid per load, whichever is more restrictive.
- (4) Containers (or drums) which once held commercial products or chemicals, unless the containers (or drums) are empty. A container is empty when:
 - (A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating.
 - (B) One end has been removed (for containers in excess of 25 gallons); and
 - (i) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or
 - (ii) No more than 1 percent by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or
 - (iii) No more than 0.3 percent by weight of the total capacity of the container remains in the container for containers larger than 110 gallons.
 - (C) Containers that once held acutely hazardous wastes must be triple-rinsed with an appropriate solvent or cleaned by an equivalent alternative method. Containers that once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple-rinsed with an appropriate solvent or cleaned by an equivalent method. Plastic containers larger than five gallons that hold any regulated waste must be cut in half or punctured and be dry and free of contamination to be accepted as refuse.
- (5) Sludge waste from septic tanks, food service, grease traps, or wastewater from commercial laundries, Laundromats or car washes.
- (6) Waste from an industrial process.
- (7) Waste from a pollution control process.

- (8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 through 7 or 9 of this definition.
- (9) Soil, water, residue, debris, or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 through 8 of this definition.
- (10) Chemical-containing equipment removed from service (for example: filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks, refrigeration units, or any other chemical containing equipment).
- (11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4, but not empty containers so marked.
- (12) Any waste that requires extraordinary management or special handling.
Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products.
- (13) Medical waste.

(aaaa)"Standard Recyclable Materials" means newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, aluminum, container glass, high-grade office paper, tin/steel cans, yard debris, mixed scrap paper, milk cartons, plastic containers, milk jugs, phone books, magazines, and empty aerosol cans.

(bbbb)"State" shall have the meaning assigned thereto in Chapter 1.01.

(cccc)"Substantial compliance" means local government actions, on the whole, conform to the purposes of the performance standards in Chapter 5.10 and any failure to meet individual performance standard requirements is technical or minor in nature.

(dddd)"System" shall mean any and all facilities now or hereafter designated by Metro as part of its system for the management and disposal of solid and liquid waste, including, but

not limited to recycling and other volume reduction facilities, sanitary landfills, or other disposal means, resource recovery facilities (including steam production and electrical generating facilities using solid waste as fuel), recycling and transfer stations, roads, water lines, wastewater lines and treatment facilities to the extent provided or operated to carry out the provisions of the Act, and all buildings, fixtures, equipment and all property, real and personal now or hereafter owned, leased, operated or used by Metro, all for the purpose of providing for solid and liquid waste disposal; said system consists of the designated facilities described in Chapter 5.05.

(eeee)"Transaction Charge" means that fee which, for each transaction, serves to pay for related scalehouse costs at the Metro transfer stations.

(ffff)"Transfer" means the Activity of receiving Solid Waste for purposes of transferring the Solid Waste from one vehicle or container to another vehicle or container for transport. Transfer may include segregation, temporary storage, consolidation of Solid Waste from more than one vehicle, and compaction, but does not include Resource Recovery or other Processing of Solid Waste.

(gggg)"Transfer station" means a Solid Waste Facility whose primary Activities include, but are not limited to, the Transfer of Solid Waste to a disposal site.

(hhhh)"Unacceptable waste" means waste that is either:
(1) Prohibited from disposal at a sanitary landfill by state or federal law, regulation, rule, code, permit or permit condition;
(2) Special waste without an approved special waste permit. The Chief Operating Officer may deny a special waste application if the special waste poses an unacceptable health and safety risk, or is likely to damage transfer station equipment.

(iiii)"Useful material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and which, when separated from Solid Waste, is suitable for use in the same or other purpose(s). Types of Useful Materials are: material that can be Reused; Recyclable Material; organic material(s) suitable for controlled biological decomposition such as for making Compost; material used in the preparation of fuel; material intended to be used, and which is in fact used, for construction or land reclamation such as Inert material for fill; and material intended to be used, and which is in fact used, productively in the operation of landfills such as roadbeds or alternative daily

cover. For purposes of this Code, Cleanup Material Contaminated By Hazardous Substances are not Useful Materials.

(jjjj) "Vermiprocessing" means a controlled method or system of biological Processing that utilizes worms to consume and digest organic materials, and that produces worm castings for productive uses.

(kkkk) "Waste" means any material considered to be useless, unwanted or discarded by the person who last used the material for its intended and original purpose. For the purpose of Chapter 5.09, the term "waste" shall also include any such material even if it is broken, recoverable, or recyclable.

(llll) "Waste hauler" means any person who is (1) franchised, licensed or permitted by a local government unit pursuant to state law to collect and haul Solid Waste; or (2) engaged, in whole or part, in the collection, transportation, delivery, or disposal of solid waste generated within Metro, including any person engaged in such activities with respect to solid waste generated by such person as well as any person engaged in such activities with respect to solid waste generated by others.

(mmmm) "Waste Reduction Hierarchy" means first, reduce the amount of solid waste generated; second, reuse material for its originally intended purpose; third, recycle or compost material that cannot be reduced or reused; fourth, recover energy from material that cannot be reduced, reused, recycled or composted so long as the energy recovery facility preserves the quality of air, water and land resources; and fifth, landfill solid waste that cannot be reduced, reused, recycled, composted or from which energy cannot be recovered.

(nnnn) "Waste Reduction Program" means the Waste Reduction Program required by ORS 459.055(2)(a), adopted by the Metro Council as part of the RSWMP, and accepted and approved by the DEQ as part of the RSWMP.

(oooo) "Yard debris" means vegetative and woody material generated from residential property or from commercial landscaping activities. "Yard debris" includes landscape waste, grass clippings, leaves, hedge trimmings, stumps and other vegetative waste having similar properties, but does not include demolition debris, painted or treated wood.

(pppp) "Yard debris facility" means a yard debris processing facility or a yard debris reload facility.

(qqqq) "Yard debris reload facility" means an operation or facility that receives yard debris for temporary storage, awaiting transport to a processing facility.

(Ordinance No. 14-1331)

Exhibit "B" to Ordinance 14-1331

METRO CODE - TITLE VII FINANCE
CHAPTER 7.01 EXCISE TAXES

7.01.010 Definitions

For the purposes of this chapter unless the context requires otherwise the following terms shall have the meaning indicated:

(a) "Accrual basis accounting" means revenues are recorded in the accounting period in which they are earned and become measurable whether received or not.

(b) "Cash basis accounting" means revenues are recorded when cash is received.

(c) "Cleanup Material Contaminated By Hazardous Substances" shall have the meaning assigned thereto in Metro Code Section 5.00.010. ~~means solid waste resulting from the cleanup of release of hazardous substances into the environment, including petroleum contaminated soils and sandbags from containment of chemical spills provided that such substances are derived from nonrecurring environmental cleanup activity. Cleanup Material Contaminated By Hazardous Substances does not mean solid waste generated by manufacturing or industrial processes.~~

~~(d) "Facility Recovery Rate" shall have the meaning assigned thereto in Metro Code Section 5.02.015.~~

(~~de~~) "Inert" shall have the meaning assigned thereto in Metro Code Section 5.00.010~~5.01.010~~.

(~~ef~~) "Installment payments" means the payment of any amount that is less than the full payment owed either by any user to Metro or to an operator or by an operator to Metro.

(~~fg~~) "Metro ERC facility" means any facility operated or managed by the Metropolitan Exposition-Recreation Commission.

(~~gh~~) "Metro facility" means any facility, equipment, system, function, service or improvement owned, operated, franchised or provided by Metro. Metro facility includes but is not limited to all services provided for compensation by employees, officers or agents of Metro, including but not limited to the Oregon Zoo, Metro ERC facilities, all solid waste system facilities, and any other facility, equipment, system, function, service or improvement owned, operated, franchised or provided by Metro.

(~~hi~~) "Metro regional park" means any park or park facility, equipment, system, function, service or improvement operated or managed by Metro, including but not limited to Oxbow Regional Park, Blue Lake Regional Park, Smith and Bybee Wetlands Natural Area, Howell Territorial Park, Chinook Landing Marine Park, M. James Gleason Memorial Boat Ramp, and Sauvie Island Boat Ramp. For purposes of this chapter, "Metro regional park" does not include Glendoveer Golf Course.

(~~ij~~) "Operator" means a person other than Metro who receives compensation from any source arising out of the use of a Metro facility. Where the operator performs his/her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his/her principal. Compliance with the provisions of this chapter by either the principal or managing agent shall be considered to be compliance by both.

(~~jk~~) "Payment" means the consideration charged, whether or not received by Metro or an operator, for the use of a Metro facility, valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction.

(~~kl~~) "Person" means any individual, firm, partnership, joint venture, association, governmental body, joint stock company, corporation, estate, trust, syndicate, or any other group or combination acting as a unit.

(~~lm~~) "Processing Residual" shall have the meaning assigned thereto in Metro Code Section 5.00.0105-02.015.

(~~mn~~) "Recoverable solid waste" shall have the meaning assigned thereto in Metro Code Section 5.00.0105-02.015.

(~~ne~~) "Regional Recovery Rate" shall have the meaning assigned thereto in ORS 459A.010(4)(a).

(~~op~~) "Solid waste system facility" shall have the meaning assigned thereto in Metro Code Section 5.00.010.~~means all facilities defined as such pursuant to Section 5.05.010(aa) including but not limited to all designated facilities set forth in Section 5.05.030 and any non-system facility as defined in Section 5.05.010(k) that receives solid waste from within the Metro Area whether pursuant to an authorized non-system license or otherwise.~~

(~~pq~~) "Source Separate" or "Source Separated" or "Source Separation" shall have the meaning assigned thereto in Metro Code Section 5.00.0105-01.010.

(~~q~~r) "Source-separated recyclable material" or "Source-separated recyclables" shall have the meaning assigned thereto in Metro Code Section 5.00.010~~5.01.010~~.

(~~r~~s) "Tax" means the tax imposed in the amount established in Section 7.01.020, and includes both the tax payable by a user and the aggregate amount of taxes due from an operator during the period for which he/she is required to report and pay the tax.

(~~s~~t) "Useful material" shall have the meaning assigned thereto in Metro Code Section 5.00.010~~5.01.010~~.

(~~t~~u) "User" means any person who pays compensation for the use of a Metro facility or receives a product or service from a Metro facility subject to the payment of compensation.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1331 FOR THE PURPOSE OF AMENDING METRO CODE TITLE V TO ADD METRO CODE CHAPTER 5.00, SOLID WASTE DEFINITIONS, AND TO REPEAL SECTIONS 5.01.010, 5.02.015, 5.04.005, 5.05.010, 5.09.020, AND 5.10.010; AND MODIFY CERTAIN DEFINITIONS IN SECTION 7.01.010

July 1, 2014

Prepared by: Warren Johnson
503-797-1836

The proposed ordinance establishes a new chapter (Metro Code Chapter 5.00) for the purpose of standardizing and consolidating all of the solid waste-related definitions in Title V (Solid Waste) in a centralized location in Code. The proposed ordinance also amends each of the other chapters in Title V to delete the defined terms sections and modifies certain definitions in Chapter 7.01 as necessary to update Code citations. There are no substantive changes to any definitions proposed under this ordinance.

BACKGROUND

There are 155 defined terms used throughout Metro Code Title V (Solid Waste). In many instances, the terms and definitions are duplicated in each chapter. However, there are some cases where the defined terms are not actually used in Code or their definitions are slightly different between chapters. This proposed ordinance consolidates and centralizes all solid waste related definitions within a new Chapter 5.00 (Solid Waste Definitions) to ensure that the usage and definition of terms are uniform throughout Title V and continue to be so in the future. Adoption of this ordinance would result in 60 redundant and unnecessary definitions being deleted from Title V while retaining a total of 95 defined terms.

The chart in Attachment 1 provides a detailed listing of 164 definitions that will be affected by the proposed ordinance (i.e., 155 terms from Chapters 5.01, 5.02, 5.04, 5.05, 5.09, 5.10 and nine terms from Chapter 7.01). The chart illustrates where each term is currently located and whether there are any proposed definitional updates under this ordinance. Any terms that are duplicated, no longer used or unnecessary will be deleted and any terms that require technical changes will be updated as indicated in the chart. There are no substantive definitional changes under this proposed ordinance.

This proposed ordinance is part of a package of ordinances that are intended to improve the consistency, access, and usability of the Metro Code. In addition to this action, Metro Council will also consider three similar ordinances for other housekeeping and organizational improvements to the Code at its meeting on July 24, 2014.¹

ANALYSIS/INFORMATION

1. Known Opposition

Adoption of this ordinance would result in the consolidation of defined terms, changes to the organizational structure of Title V, and minor technical corrections. There are no substantive changes to any definitions. As such, there is no known opposition to the proposed ordinance.

¹ Chapter 5.01 (Ord. No. 14-1332), Chapter 5.02 (Ord. No. 14-1338), and Chapter 5.05 (Ord. No. 14-1337)

2. Legal Antecedents

Any change to the Metro Code requires an ordinance of the Metro Council.

3. Anticipated Effects

Adoption of this ordinance would result in the following changes to the Metro Code:

- Establishment of new Chapter 5.00 to consolidate and standardize solid waste definitions throughout Title V.
- The repeal of the defined terms in Sections 5.01.010, 5.02.015, 5.04.005, 5.05.010, 5.09.020, and 5.10.010 to improve consistency and eliminate redundancy.
- Modification of certain definitions in Section 7.01.010 to update Code citations.

4. Budget Impacts

There are no expected budget impacts associated with the adoption of this ordinance.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 14-1331. Approval of this ordinance will establish Metro Code Chapter 5.00 (Solid Waste Definitions) as provided in Exhibit A. In addition, approval of this ordinance will repeal the defined terms in Chapters 5.01, 5.02, 5.04, 5.05, 5.09, and 5.10 and modify certain definitions in Chapter 7.01 to include updated Code citations as provided in Exhibit B.

Attachment "1" to Ordinance 14-1331

	Definitions	Current Code Section						No change	Technical Change	Deleted		
		5.01.010	5.02.015	5.04.005	5.05.010	5.09.020	5.10.010			Deleted (Duplicate)	Deleted (Not Used)	Deleted (Not necessary)
1	Acceptable special waste		X								X	
2	Act.				X			X				
3	Activity	X						X				
4	Agonomic application rate	X						X				
5	Alternative program						X		X			
6	Authorized official					X			X			
7	Business						X	X				
8	Business recycling service customer						X	X				
9	Cash account customer		X								X	
10	Chief Operating Officer	X						X				
11	Cleanup material contaminated by hazardous substances	X						X				
12	Cleanup material contaminated by hazardous substances		X							X		
13	Cleanup material contaminated by hazardous substances				X					X		
14	Cleanup material contaminated by hazardous substances						X		X			
15	Closure	X						X				
16	Code	X						X				
17	Commercial customer		X								X	
18	Compliance & Comply						X					X
19	Compost	X						X				
20	Compost		X							X		
21	Compost					X				X		
22	Composting	X						X				
23	Compostable Organic Waste		X					X				
24	Composting Facility	X									X	
25	Conditionally exempt generator		X						X			
26	Conditionally exempt generator					X				X		
27	Council	X						X				
28	Council				X					X		
29	Credit account customer		X								X	
30	DEQ	X						X				
31	DEQ						X			X		
32	Department					X			X			
33	Designated facility		X						X			
34	Designated facility				X					X		
35	Direct haul	X						X				
36	Direct haul disposal charge		X					X				
37	Director				X							X
38	Director						X		X			
39	Disposal fee		X					X				
40	Disposal site	X						X				
41	Disposal site				X					X		
42	District	X						X				

	Definitions	Current Code Section						No change	Technical Change	Deleted		
		5.01.010	5.02.015	5.04.005	5.05.010	5.09.020	5.10.010			Deleted (Duplicate)	Deleted (Not Used)	Deleted (Not necessary)
43	District				X					X		
44	Energy recovery	X						X				
45	Enhancement Fee		X					X				
46	Facility recovery rate		X								X	
47	Facility recovery rate						X				X	
48	Facility retrieval rate		X								X	
49	Franchise	X							X			
50	Franchisee	X							X			
51	Franchise fee	X						X				
52	Hazardous waste	X						X				
53	Hearings officer					X			X			
54	Household hazardous waste	X									X	
55	Household hazardous waste		X					X				
56	Household hazardous waste					X				X		
57	Inert	X						X				
58	Inert						X		X			
59	License	X							X			
60	Licensee	X							X			
61	Limited purpose solid waste		X								X	
62	Local government						X	X				
63	Local government action						X	X				
64	Material recovery	X						X				
65	Material recovery				X					X		
66	Metro Central Station		X					X				
67	Metro Code				X							X
68	Metro designated facility	X							X			
69	Metro disposal system		X					X				
70	Metro facility fee		X								X	
71	Metro South Station		X					X				
72	Metro waste management system		X					X				
73	Non-commercial customer		X					X				
74	Non-putrescible waste	X						X				
75	Non-putrescible waste				X					X		
76	Non-system facility				X				X			
77	Non-system license				X				X			
78	Person	X								X		
79	Person		X							X		
80	Person				X					X		
81	Person					X		X				
82	Person						X			X		
83	Petroleum contaminated soil	X						X				
84	Process, Processing & Processed	X						X				

	Definitions	Current Code Section						No change	Technical Change	Deleted		
		5.01.010	5.02.015	5.04.005	5.05.010	5.09.020	5.10.010			Deleted (Duplicate)	Deleted (Not Used)	Deleted (Not necessary)
85	Processing facility	X							X			
86	Processing facility				X					X		
87	Processing residual	X						X				
88	Processing residual		X							X		
89	Processing residual				X					X		
90	Processing residual						X		X			
91	Putrescible	X						X				
92	Putrescible				X					X		
93	Putrescible waste	X						X				
94	Putrescible waste				X					X		
95	Rate	X						X				
96	Recoverable Solid Waste		X					X				
97	Recoverable Solid Waste						X		X			
98	Recyclable material	X						X				
99	Recyclable material		X							X		
100	Recyclable material			X						X		
101	Recyclable material				X					X		
102	Recyclable material					X				X		
103	Recycle or Recycling	X						X				
104	Recycle or Recycling					X				X		
105	Recycling drop center	X						X				
106	Regional Solid Waste Management Plan or RSWMP	X						X				
107	Regional Solid Waste Management Plan or RSWMP			X						X		
108	Regional Solid Waste Management Plan or RSWMP				X					X		
109	Regional System Fee		X					X				
110	Regional System Fee				X					X		
111	Regional transfer charge		X					X				
112	Regional transfer station		X								X	
113	Reload or Reload facility	X						X				
114	Required use order				X				X			
115	Residence						X	X				
116	Resource recovery	X						X				
117	Resource recovery facility				X				X			
118	Reuse	X						X				
119	RSWMP						X			X		
120	RSWMP Requirement					X			X			
121	Segregation	X						X				
122	Solid Waste	X						X				
123	Solid Waste		X							X		
124	Solid Waste				X					X		
125	Solid Waste					X				X		
126	Solid Waste disposal transaction		X					X				

	Definitions	Current Code Section						No change	Technical Change	Deleted		
		5.01.010	5.02.015	5.04.005	5.05.010	5.09.020	5.10.010			Deleted (Duplicate)	Deleted (Not Used)	Deleted (Not necessary)
127	Solid waste facility	X						X				
128	Solid waste system facility		X						X			
129	Solid waste system facility						X		X			
130	Source separate, source separated or source separation	X						X				
131	Source separate, source separated or source separation		X							X		
132	Source separate, source separated or source separation						X			X		
133	Source separate, source separated or source separation						X		X			
134	Source-separated recyclable material	X						X				
135	Source-separated recyclable material				X					X		
136	Source-separated recyclable material						X		X			
137	Special waste	X							X			
138	Special waste		X							X		
139	Special waste				X					X		
140	Standard recyclable materials						X	X				
141	State				X				X			
142	Substantial compliance						X		X			
143	System				X				X			
144	Transaction charge		X					X				
145	Transfer	X						X				
146	Transfer facility		X									X
147	Transfer station	X							X			
148	Transfer station				X					X		
149	Unacceptable waste		X					X				
150	Useful material	X						X				
151	Useful material						X		X			
152	Vermicomposting	X						X				
153	Waste	X							X			
154	Waste		X							X		
155	Waste					X				X		
156	Waste						X			X		
157	Waste hauler	X							X			
158	Waste hauler				X					X		
159	Waste Reduction Hierarchy						X	X				
160	Waste Reduction Program						X	X				
161	Yard Debris	X						X				
162	Yard Debris						X			X		
163	Yard Debris facility	X						X				
164	Yard Debris reload facility	X						X				

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Agenda Item No. 5.2

Ordinance No. 14-1332, For the purpose of Amending Metro Code Title V, Solid Waste, to Revise Chapter 5.01 and to Repeal Chapter 5.03.

Ordinances - First Read

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 14-1332
CODE TITLE V, SOLID WASTE, TO REVISE)	
CHAPTER 5.01 AND TO REPEAL CHAPTER	)	Introduced by Chief Operating Officer Martha
5.03.	)	Bennett in concurrence with Council
	)	President Tom Hughes

WHEREAS, the Metro Solid Waste Code is set forth in Title V of the Metro Code; and

WHEREAS, Metro Solid Waste Code Chapter 5.01 contains the requirements for Solid Waste Facility Regulation; and

WHEREAS, the Chief Operating Officer recommends organizational changes to Chapter 5.01 to improve access to the Metro Code, including separating the requirements for solid waste franchising and licensing and relocating certain provisions pertaining to the payment of regional system fees to Chapter 5.02; and

WHEREAS, portions of Metro Code Section 5.01.150 (User Fees) are more appropriate for inclusion in Chapter 5.02;

WHEREAS, the Chief Operating Officer recommends additional modifications to Chapter 5.01, including repealing Metro Code Section 5.01.410(i) to clarify regulatory requirements for certain solid waste facilities;

WHEREAS, Metro adopted a franchise fee ordinance in August 1981 pursuant to Metro Ordinance No. 81-112 (An Ordinance Establishing Solid Waste Disposal Franchise Fees), codified in Metro Code Chapter 5.03; and

WHEREAS, Metro Code Chapter 5.01 contains all necessary franchise fee language, and thus Metro Code Chapter 5.03 is unnecessary; and

WHEREAS, portions of Metro Code Chapter 5.01, including citation references, must be revised to update the code to reflect these changes; and

WHEREAS, to achieve the above-references objectives, it is necessary to revise Metro Code Chapter 5.01, Solid Waste Facility Regulation, and to repeal Metro Code Chapter 5.03, Disposal Site Franchise Fees; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 5.01 is amended as set forth in the attached Exhibit A; and
2. Metro Code Chapter 5.03 is repealed.

ADOPTED by the Metro Council this [insert date] day of [insert month] 2014.

Tom Hughes, Council President

Attest:

Approved as to Form:

Troy Rayburn, Recording Secretary

Alison R. Kean, Metro Attorney

Exhibit "A" to Ordinance 14-1332

CHAPTER 5.01

SOLID WASTE FACILITY REGULATION

SECTIONS TITLE

GENERAL PROVISIONS

5.01.010	Definitions <u>(Repealed & Replaced Ord. 14-1331)</u>
5.01.020	Purpose
5.01.025	Authority and Jurisdiction
5.01.030	Prohibited Activities
5.01.040	Exemptions
5.01.045	License and Franchise Requirements <u>-(Repealed Ord. 14-1332)</u>
5.01.050	Administration (Repealed Ord. 98-762C §10) <u>License Requirements and Fees</u>

APPLICATIONS FOR SOLID WASTE FACILITY LICENSES ~~& FRANCHISES~~

5.01.050	<u>License Requirements and Fees</u>
5.01.051	<u>Pre-Application Conference for Licenses</u>
5.01.052	<u>Applications for Licenses</u>
5.01.053	<u>Issuance and Contents of Licenses</u>
5.01.054	<u>Record-keeping and Reporting for Licenses</u>
5.01.055	<u>Renewal of Licenses</u>
5.01.056	<u>Transfer of Ownership or Control of Licenses</u>
5.01.057	<u>Change of Authorizations for Licenses</u>
5.01.058	<u>Variances for Licenses</u>
5.01.055	Pre Application Conference
5.01.060	Applications for Licenses or Franchises <u>-(Repealed Ord. 14-1332)</u>
5.01.062	Application Fees <u>(Repealed Ord. 14-1332)</u>
5.01.065	Issuance and Contents of Certificates (Repealed Ord. 03-1018A §7)
5.01.067	Issuance and Contents of Licenses <u>(Repealed Ord. 14-1332)</u>

APPLICATIONS FOR SOLID WASTE FACILITY FRANCHISES

5.01.070	<u>Franchise Requirements and Fees</u>
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- 5.01.071 Pre-Application Conference for Franchises
- 5.01.072 Applications for Franchises
- 5.01.073 Issuance and Contents of Franchises
- 5.01.074 Record-keeping and Reporting for Franchises
- 5.01.075 Renewal of Franchises
- 5.01.076 Transfer of Ownership or Control of Franchises
- 5.01.077 Change of Authorizations for Franchises
- 5.01.078 Variances for Franchises
- ~~5.01.070 Issuance of Franchise~~
- ~~5.01.075 Contents of Franchise~~
- 5.01.080 Term of Franchise (Repealed Ord. 98-762C §21)
- 5.01.085 Franchises for Major Disposal System Components
(Repealed Ord. 98-762C §21)
- 5.01.087 Renewal of Licenses and Franchises
(Repealed Ord. 14-1332)
- 5.01.090 Transfer of Ownership or Control (Repealed Ord. 14-1332)
- 5.01.095 Change of Authorizations (Repealed Ord. 14-1332)
- 5.01.100 Appeals
- 5.01.110 Variances (Repealed Ord. 14-1332)

OBLIGATIONS AND LIMITATIONS FOR SOLID WASTE FACILITIES

- 5.01.120 General Obligations of All Regulated Parties
- 5.01.125 Obligations and Limits for Selected Types of Activities
- 5.01.127 Direct Haul of Putrescible Waste

REGULATORY ADMINISTRATION OF SOLID WASTE FACILITIES

- 5.01.130 Administrative Procedures for Franchisees (Repealed Ord. 98-762C §29)
- 5.01.131 Designation and Review of Service Areas and of Demand
(Repealed Ord. 12-1272 § 4)
- 5.01.132 Adoption & Amendment of Administrative Procedures and
Performance Standards
- 5.01.135 Inspections and Audits of Solid Waste Facilities
- 5.01.137 Record-keeping and Reporting
- 5.01.140 License and Franchise Fees
- 5.01.150 User-Regional System Fees
- 5.01.160 Reports from Collection Services (Repealed Ord. 98-762C
§42)
- 5.01.170 Determination of Rates

ENFORCEMENT AND APPEALS

- 5.01.180 Enforcement of Franchise or License Provisions
- 5.01.190 Right to Purchase (Repealed Ord. 98-762C §46)
- 5.01.200 Penalties

- 5.01.210 Acceptance of Tires at a Disposal Site (Repealed Ord. 98-762C §48)
- 5.01.220 Additional Provisions Relating to Issuance of a Franchise for a Facility Processing Petroleum Contaminated Soil (Repealed Ord. 98-762C §48)

ADDITIONAL PROVISIONS RELATING TO THE LICENSING OF YARD DEBRIS PROCESSING FACILITIES AND YARD DEBRIS RELOAD FACILITIES

- 5.01.230-.380 (Repealed Ord. 98-762C §49)

MISCELLANEOUS PROVISIONS

- 5.01.400 Treatment of Existing Licenses and Franchises (Repealed Ord. 03-1018A §23)
- 5.01.410 Miscellaneous Provisions

GENERAL PROVISIONS

(5.01.010 Definitions. Repealed Ord. 14-1331)

5.01.020 Purpose

This chapter governs the regulation of Solid Waste Disposal Sites and Solid Waste Facilities within Metro. The purposes of this chapter are to protect and preserve the health, safety and welfare of Metro's residents; to implement cooperatively with federal, state and local agencies the Regional Solid Waste Management Plan; to provide a coordinated regional disposal and resource recovery program and a solid waste management plan to benefit all citizens of Metro; and to reduce the volume of Solid Waste disposal through source reduction, recycling, reuse and resource recovery. The provisions of this chapter shall be liberally construed to accomplish these purposes.

(Ordinance No. 81-111, Sec. 3. Amended by Ordinance No. 95-621A, Sec. 2. Repealed by Ordinance No. 98-762C, Sec. 2; replaced by Ordinance No. 98-762C, Sec. 3. Amended by Ordinance No. 02-974, Sec. 1.)

5.01.025 Authority and Jurisdiction

(a) Metro's Solid Waste regulatory authority is established under the Constitution of the State of Oregon, ORS Chapter 268 for Solid Waste and the Metro Charter and includes authority to regulate Solid Waste generated or disposed within Metro and all Solid Waste Facilities located within Metro.

(b) All Solid Waste regulation shall be subject to the authority of all other applicable laws, regulations or requirements in addition to those contained in this chapter. Nothing in this chapter is intended to abridge or alter the rights of action by the State or by a person which exist in equity, common law, or other statutes to abate pollution or to abate a nuisance.

(Ordinance No. 98-762C, Secs. 4-5. Amended by Ordinance No. 02-974, Sec. 1.)

5.01.030 Prohibited Activities

Except as otherwise provided in this chapter, or in Metro Code Chapter 5.05, it shall be unlawful:

(a) For any person to establish, operate, maintain or expand a Solid Waste Facility or Disposal Site within Metro without an appropriate License or Franchise from Metro.

(b) For any person or Solid Waste Facility to either (1) mix Source-Separated Recyclable Material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal, or (2) to dispose of Source-Separated Recyclable Material by any method other than reuse or recycling. As used in this subsection, "reuse or recycling" includes the transfer, transport or delivery of such materials to a person or facility that will reuse or recycle them.

(c) For a recipient of a License or Franchise to receive, process or dispose of any Solid Waste not authorized under the recipient's License or Franchise.

(d) For any person to deliver or transport any Solid Waste to or to dispose of any Solid Waste at any place other than a Solid Waste Facility or Disposal Site that is operated by a holder of a License or Franchise or is exempt under Section 5.01.040 of this chapter.

(e) For a holder of a License or Franchise to fail to comply with the administrative procedures or fail to meet the performance standards adopted pursuant to Section 5.01.132 of this chapter.

(f) For any person to treat or dispose of petroleum contaminated soil by ventilation or aeration except at the site of origin.

(Ordinance No. 81-111, Sec. 4. Amended by Ordinance No. 87-217, Sec. 1; Ordinance No. 95-621A, Sec. 3; Ordinance No. 98-762C, Sec. 6; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec.2; Ordinance No. 06-1102, Sec. 1.)

5.01.040 Exemptions

(a) In furtherance of the purposes set forth in this chapter, except as provided in Sections 5.01.040(b) through (d) below, the Metro Council declares the provisions of this chapter shall not apply to:

- (1) Municipal or industrial sewage treatment plants accepting sewage, sludge, septic tank and cesspool pumpings or other sludge.
- (2) Disposal Sites, Transfer Stations, or Solid Waste Facilities owned or operated by Metro.
- (3) Facilities that (A) exclusively receive non-Putrescible Source-Separated Recyclable Materials, and (B) reuse or recycle such materials, or transfer, transport or deliver such materials to a person or facility that will reuse or recycle them.

- (4) Facilities that exclusively receive, process, transfer or dispose of Inert Wastes.
- (5) The following operations, which do not constitute Yard Debris Facilities:
 - (A) Persons who generate and maintain residential compost piles for residential garden or landscaping purposes.
 - (B) Residences, parks, community gardens and homeowner associations.
 - (C) Universities, schools, hospitals, golf courses, industrial parks, and other similar facilities, if the landscape waste or yard debris was generated from the facility's own activities, the product remains on the facility grounds, and the product is not offered for off-site sale or use.
 - (D) Operations or facilities that chip or grind wood wastes, unless:
 - (i) such chipped or ground wood wastes are processed for composting; or
 - (ii) such operations or facilities are otherwise regulated under Metro Code Section 5.01.045.
- (6) Temporary transfer stations or processing centers established and operated by a government for 60 days or less to temporarily receive, store or process Solid Waste if Metro finds an emergency situation exists.
- (7) Any Reload facility that:
 - (A) Accepts Solid Waste collected under the authority of a single solid waste collection franchise granted by a local government unit, or from multiple solid waste collection franchises so long as the area encompassed by the franchises is geographically contiguous; and
 - (B) Is owned or controlled by the same person granted franchise authority ascribed in subsection (A); and
 - (C) Delivers any Putrescible Waste accepted at the operation or facility to a Transfer

Station owned, operated, Licensed or Franchised by Metro; and

(D) Delivers all other Solid Waste accepted at the facility except Inert Wastes to a Metro Designated Facility authorized to accept said Solid Waste, or to another solid waste facility under authority of a Metro Non-System License issued pursuant to Chapter 5.05.

(8) Persons who own or operate a mobile facility that processes Petroleum Contaminated Soil at the site of origin and retains any treated Petroleum Contaminated Soil on the site of origin.

(b) Notwithstanding Section 5.01.040(a), all persons shall comply with Sections 5.01.030(a), (b), (d) and (f).

(c) Notwithstanding Section 5.01.040(a)(2) of this chapter, Metro shall comply with Section 5.01.150 of this chapter.

(d) Notwithstanding Sections 5.01.040(a)(3) through 5.01.040(a)(8) of this chapter, the provisions of Section 5.01.135 of this chapter shall apply to operations and facilities described in Sections 5.01.040(a)(3) through 5.01.040(a)(8) of this chapter.

(Ordinance No. 81-111, Sec. 5. Amended by Ordinance No. 82-136, Sec. 1; Ordinance No. 91-422B, Sec. 2; Ordinance No. 95-621A, Sec. 4; Ordinance No. 98-762C, Sec. 7; Ordinance No. 00-866, Sec. 2; Ordinance No. 02-933, Sec. 1; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec.3; Ordinance No. 06-1102, Sec. 2; and Ordinance No. 07-1147B, Sec. 2.)

(5.01.045 License and Franchise Requirements. Repealed Ord. 14-1332)

LICENSING REQUIREMENTS

5.01.050 License Requirements and Fees

(a) A Metro Solid Waste License shall be required of the Person owning or controlling a facility at which any of the following Activities are performed:

(1) Processing of Non-Putrescible Waste.

(2) Processing of Petroleum Contaminated Soil by thermal destruction, distillation, bioremediation, or by any other methods that destroy or remove such petroleum contamination from the soil.

(3) Processing or Reloading of Yard Debris. A local government that owns or operates a Yard Debris

Facility may enter into an intergovernmental agreement with Metro under which the local government will administer and enforce yard debris standards at the facility in lieu of compliance with this chapter.

(4) Operating a Reload.

(5) Chipping or grinding wood waste for use as an industrial fuel if such facility is otherwise regulated under this Section 5.01.045 of this chapter.

(b) The annual fee for a solid waste License shall not exceed three hundred dollars (\$300.00). The Council may revise these fees upon 90 days written notice to each Licensee Franchisee and an opportunity to be heard.

(c) Upon the filing of an application, every applicant for a License ~~or Franchise~~, or for renewal of an existing License ~~or Franchise~~, shall submit an application fee of three hundred dollars (\$300.00).

(d) The License fee shall be in addition to any other fee, tax or charge imposed upon a Licensee.

(e) The Licensee shall pay the License fee in the manner and at the time required by the Chief Operating Officer.

(Ordinance No. 81-111, Sec. 15. Amended by Ordinance No. 98-762C, Sec. 40; Ordinance No. 98-767, Sec. 5; Ordinance No. 02-974, Sec. 1.)

(Ordinance No. 98-762C, Secs. 8-9. Amended by Ordinance No. 00-866, Sec. 3; Ordinance No. 02-933, Sec. 2; Ordinance No. 03-1018A, Sec.4.)

(5.01.050 Administration. Repealed Ord. 98-762C §10)

APPLICATIONS FOR SOLID WASTE FACILITY LICENSES

5.01.051 Pre-Application Conference for Licenses

(a) All prospective applicants for a License shall participate in a pre-application conference. The purpose of such conference shall be to provide the prospective applicant with information regarding the applicable requirements for the proposed facility and to obtain from the prospective applicant a description of the location, site conditions and operations of the proposed facility.

(b) If a prospective applicant for a License does not file an application for a License ~~or Franchise~~ within one year from the

date of the pre-application conference, such applicant shall participate in a subsequent pre-application conference prior to filing another application.

(Ordinance No. 98-762C, Secs. 11-12. Amended by Ordinance No. 02-974, Sec. 1.)

5.01.052 Applications for Licenses

(a) Applications for a License or for renewal of an existing License shall be filed on forms or in the format provided by the Chief Operating Officer.

(b) In addition to any information required on the forms or in the format provided by the Chief Operating Officer, all applications shall include a description of the Activities proposed to be conducted and a description of Wastes sought to be accepted.

(c) In addition to the information required on the forms or in the format provided by the Chief Operating Officer, applications for a License shall include the following information to the Chief Operating Officer:

- (1) Proof that the applicant can obtain the types of insurance specified by the Chief Operating Officer during the term of the License;
- (2) A duplicate copy of all applications for necessary DEQ permits and any other information required by or submitted to DEQ;
- (3) A duplicate copy of any Closure plan required to be submitted to DEQ, or if DEQ does not require a Closure plan, a Closure document describing Closure protocol for the Solid Waste Facility at any point in its active life;
- (4) A duplicate copy of any documents required to be submitted to DEQ demonstrating financial assurance for the costs of Closure, or if DEQ does not require such documents or does not intend to issue a permit to such facility, the applicant must demonstrate financial assurance or submit a proposal for providing financial assurance prior to the commencement of Metro-regulated activities for the costs of Closure of the facility. The proposal shall include an estimate of the cost to implement the Closure plan required in Section 5.01.05260(c)(3). If an application is approved, the license or franchise shall require that financial assurance is in place prior to beginning

any activities authorized by the license or franchise. However, regarding applications for licenses, if DEQ does not issue a permit or require such financial assurance documents, then the Chief Operating Officer may waive this requirement if the applicant provides written documentation demonstrating that the cost to implement the Closure plan required in Section 5.01.05260(ce)(3) will be less than \$10,000.00;

- (5) Signed consent by the owner(s) of the property to the proposed use of the property. The consent shall disclose the property interest held by the Licensee, the duration of that interest and shall include a statement that the property owner(s) have read and agree to be bound by the provisions of Section 5.01.180(e) of this chapter if the License or Franchise is revoked or any License or Franchise renewal is refused;
- (6) Proof that the applicant has received proper land use approval; or, if land use approval has not been obtained, a written recommendation of the planning director of the local governmental unit having land use jurisdiction regarding new or existing disposal sites, or alterations, expansions, improvements or changes in the method or type of disposal at new or existing disposal sites. Such recommendation may include, but is not limited to a statement of compatibility of the site, the Solid Waste Disposal Facility located thereon and the proposed operation with the acknowledged local comprehensive plan and zoning requirements or with the Statewide Planning Goals of the Land Conservation and Development Commission; and
- (7) Identify any other known or anticipated permits required from any other governmental agency. If application for such other permits has been previously made, a copy of such permit application and any permit that has been granted shall be provided.

(Ordinance No. 81-111, Sec. 7. Amended by Ordinance No. 82-136, Sec. 2; Ordinance No. 91-422B, Sec. 3; Ordinance No. 95-621A, Sec. 5; Ordinance No. 98-762C, Sec. 13; Ordinance No. 00-866, Sec. 4; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec.5; Ordinance No. 04-1056, Sec. 1; Ordinance No. 05-1093, Sec. 1; Ordinance No. 06-1098B, Sec. 1;

Ordinance No. 06-1101; Ordinance No. 07-1139, Sec. 1; and Ordinance No. 07-1161, Sec. 1.)

5.01.053 Issuance and Contents of Licenses

(a) Applications for Licenses filed in accordance with Section 5.01.052~~60~~ shall be subject to approval or denial by the Chief Operating Officer, with such conditions as the Chief Operating Officer may deem appropriate.

(b) The Chief Operating Officer shall make such investigation concerning the application as the Chief Operating Officer deems appropriate, including the right of entry onto the applicant's proposed site.

(c) Prior to determining whether to approve or deny each License application, the Chief Operating Officer shall provide public notice and the opportunity for the public to comment on the License application.

(d) On the basis of the application submitted, the Chief Operating Officer's investigation concerning the application, and public comments, the Chief Operating Officer shall determine whether the proposed License meets the requirements of Section 5.01.052~~60~~ and whether to approve or deny the application.

(e) Notwithstanding the authority to approve or deny any application for a solid waste license set forth in subsection (d), if the Chief Operating Officer (i) decides to approve an application for a new license for any facility whose operations will have a substantial effect on any adjacent residential neighborhood, or (ii) decides to approve an amendment to an existing solid waste license to allow for a substantial change in the configuration used at a site for processing solid waste or to allow for a substantial change in the type or quantity of solid waste processed at the facility, the Chief Operating Officer shall inform the Council President in writing no fewer than ten (10) days before the Chief Operating Officer approves any such solid waste license application. The Council President shall immediately cause copies of the notice to be furnished to all members of the Council. Thereafter, the majority of the Council may determine whether to review and consider the license application within ten (10) days of receipt of the notice from the Chief Operating Officer. If the Council determines to review and consider the application for the license, execution by the Chief Operating Officer shall be subject to the Council's authorization. If the Council determines not to review and consider the application, the Chief Operating Officer may execute the license. For the purpose of this subsection (e), a "substantial effect" shall include any occurrence that arises from the solid waste

operation conditions that are regulated under the license and affects the residents' quiet enjoyment of the property on which they reside.

(f) If the Chief Operating Officer does not act to grant or deny a License application within 120 days after the filing of a complete application, the License shall be deemed granted for the Solid Waste Facility or Activity requested in the application, and the Chief Operating Officer shall issue a License containing the standard terms and conditions included in other comparable licenses issued by Metro.

(g) If the applicant substantially modifies the application during the course of the review, the review period for the decision shall be restarted. The review period can be extended by mutual agreement of the applicant and the Chief Operating Officer. An applicant may withdraw its application at any time prior to the Chief Operating Officer's decision and may submit a new application at any time thereafter.

(h) If a request for a License is denied, no new application for this same or substantially similar License shall be filed by the applicant for at least six (6) months from the date of denial.

(i) Licenses shall specify the Activities authorized to be performed, the types and amounts of Wastes authorized to be accepted at the Solid Waste Facility, and any other limitations or conditions attached by the Chief Operating Officer. In addition to all other requirements of this section, a license approving acceptance of mixed non-putrescible waste for the purpose of conducting material recovery or reloading shall be subject to the performance standards, design requirements, and operating requirements adopted as administrative procedures pursuant to Section 5.01.132, and shall require that the facility operate in a manner that meets the following general performance goals:

- (1) Environment. Facilities shall be designed and operated to preclude the creation of undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste asbestos and other prohibited wastes.
- (2) Health and Safety. Facilities shall be designed and operated to preclude the creation of conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.

- (3) Nuisances. Facilities shall be designed and operated to preclude the creation of nuisance conditions including, but not limited to, litter, dust, odors, and noise.
- (4) Material Recovery. Facilities conducting material recovery on non-putrescible waste shall be designed and operated to assure materials are recovered in a timely manner, to meet standards in Section 5.01.125, and to protect the quality of non-putrescible waste that has not yet undergone material recovery.
- (5) Reloading. Facilities conducting reloading of non-putrescible waste shall be designed and operated to assure that the reloading and transfer of non-putrescible waste to Metro authorized processing facility is conducted rapidly and efficiently while protecting the quality of non-putrescible waste that has not yet undergone material recovery.
- (6) Record-keeping. Facilities shall keep and maintain complete and accurate records of the amount of all solid waste and recyclable materials received, recycled, reloaded and disposed.

(j) The term of a new or renewed License shall be not more than five (5) years.

(Ordinance No. 98-762C, Secs. 16-17. Amended by Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec.8; Ordinance No. 06-1098B, Sec. 2; Ordinance No. 07-1138, Sec. 1; Ordinance No. 07-1139, Sec. 2.)

5.01.054 Record-keeping and Reporting for Licenses

(a) Licensees shall maintain accurate records of the information required by the Chief Operating Officer and shall report such required information on the forms or in the format and within the reporting periods and deadlines established by the Chief Operating Officer. Reports shall be signed and certified as accurate by an authorized representative of the Licensee or Franchisee.

(b) Licensees shall maintain evidence of all financial assurance mechanisms unless or until the Licensee is released from the financial assurance requirements as specified in this chapter.

(c) Licensees shall provide copies of any correspondence or information received from or provided to any federal, state or local government agency related to the regulation of a Solid Waste facility within five (5) days of the receipt or provision of the correspondence or information.

(d) Licensees shall maintain records of any written complaints received from the public or a customer, including but not limited to, information on the nature of the complaint, name, address and phone number of the complainant, date the complaint was received and any action taken to respond to the complaint.

(e) All records required by this chapter shall be retained by the Licensee, or its operator for three (3) years and shall be available for inspection by the Chief Operating Officer.

(f) All information submitted by the Licensee shall be public record and subject to disclosure pursuant to the Oregon Public Records Act, except such portion of the records and reports for which the Licensee requests exception from disclosure consistent with Oregon Law.

(Ordinance No. 98-762C, Secs. 38-39. Amended by Ordinance No. 02-974, Sec. 1.)

5.01.055 Renewal of Licenses

The Chief Operating Officer shall renew a Solid Waste Facility License unless the Chief Operating Officer determines that the proposed renewal is not in the public interest, provided that the Licensee files a completed application for renewal accompanied by payment of an application fee of three hundred dollars (\$300.00) not less than 120 days prior to the expiration of the License term, together with a statement of proposed material changes from its initial application for the License and any other information required by the Chief Operating Officer. The Chief Operating Officer may attach conditions or limitations to any renewed License.

(Ordinance No. 98-762C, Secs. 22-23. Amended by Ordinance No. 98-767, Sec. 3; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec.11.)

5.01.056 Transfer of Ownership or Control of Licenses

(a) Any Person in control of a License may not lease, assign, mortgage, sell or otherwise transfer, either in whole or in part, control of the License to another person unless an application therefore has been filed in accordance with Section 5.01.050 and has been granted. The proposed transferee of a License must meet the requirements of this chapter.

(b) The Chief Operating Officer shall not unreasonably deny an application for transfer of a License. If the Chief Operating Officer does not act on the application for transfer within 120 days after filing of a complete application, the application shall be deemed granted.

(c) The term for any transferred License shall be for the remainder of the original term unless the Chief Operating Officer establishes a different term based on the facts and circumstances at the time of transfer.

(Ordinance No. 81-111, Sec. 10. Amended by Ordinance No. 98-762C, Sec. 24; Ordinance No. 02-974, Sec. 1; and Ordinance No. 03-1018A, Sec. 12.)

5.01.057 Change of Authorizations for Licenses

(a) A Person holding a License shall submit an application pursuant to Section 5.01.052~~0~~ when said Person seeks authorization to:

- (1) Accept Wastes other than those authorized by the applicant's License, or
- (2) Perform Activities other than those authorized by the applicant's License, or
- (3) Modify other limiting conditions of the applicant's License.

(b) Applications for a change in authorization or limits shall be filed on forms or in the format provided by the Chief Operating Officer.

(c) An application for a change in authorizations or limits to the applicant's License shall not substitute for an application that would otherwise be required under Section 5.01.050~~45~~ of this chapter.

(d) A Person holding a License shall notify Metro in writing when said Person proposes to cease accepting authorized Wastes or cease performing authorized Activities at the Solid Waste Facility or Disposal Site.

(e) The fee for applications for changes of authorizations or limits shall be one hundred dollars (\$100.00).

(Ordinance No. 98-762C, Secs. 25-26. Amended by Ordinance No. 98-767, Sec. 4; Ordinance No. 02-974, Sec. 1; and Ordinance No. 03-1018A, Sec. 13.)

5.01.058 Variances for Licenses

(a) The Chief Operating Officer, may grant specific variances from particular requirements of this chapter to applicants for Licenses or to Licensees upon such conditions as is necessary to protect public health, safety and welfare, if the Chief Operating Officer finds that the purpose and intent of the particular License requirement can be achieved without compliance and that compliance with the particular requirement:

(1) Is inappropriate because of conditions beyond the control of the applicant, or Licensee requesting the variance; or

(2) Due to special physical conditions or causes, will be rendered extremely burdensome or highly impractical.

(b) A variance must be requested by a License applicant, or a Licensee, in writing and state in a concise manner facts to show cause why such variance should be granted. The Chief Operating Officer may make such investigation as the Chief Operating Officer deems necessary and shall approve or deny the variance coincident with any recommendation made on approval or denial of any License application; or, upon a request for variance from an existing Licensee, within 60 days after receipt of the variance request.

(c) A request for a variance shall not substitute for an application that would otherwise be required under Section 5.01.050 of this chapter.

(d) If the Chief Operating Officer denies a variance request, the Chief Operating Officer shall notify the person requesting the variance of the right to a contested case hearing pursuant to Code Chapter 2.05.

(e) If a request for a variance is denied, no new application for this same or substantially similar variance shall be filed for at least six (6) months from the date of denial.

(Ordinance No. 81-111, Sec. 12. Amended by Ordinance No. 98-762C, Sec. 27; and Ordinance No. 02-974, Sec. 1.)

FRANCHISING REQUIREMENTS

5.01.070 Franchise Requirements and Fees

(a) Metro Solid Waste Franchise shall be required for the Person owning or controlling a facility at which any of the following Activities are performed:

(1) Processing of Putrescible Waste other than Yard Debris.

(2) Operating a Transfer Station.

(3) Operating a Disposal Site or an Energy Recovery Facility.

(4) Any process using chemical or biological methods whose primary purpose is reduction of Solid Waste weight or volumes.

(5) Any other Activity not listed in this section or exempted by Metro Code Section 5.01.040.

(b) The annual fee for a solid waste Franchise shall not exceed five hundred dollars (\$500.00). The Council may revise these fees upon 90 days written notice to each Franchisee and an opportunity to be heard.

(c) The Franchise fee shall be in addition to any other fee, tax or charge imposed upon a Franchisee.

(d) The Franchisee shall pay the Franchise fee in the manner and at the time required by the Chief Operating Officer.

(e) Upon the filing of an application, every applicant for a Franchise, or for renewal of an existing Franchise, shall submit an application fee of five hundred dollars (\$500).

(Ordinance No. 98-762C, Secs. 8-9. Amended by Ordinance No. 00-866, Sec. 3; Ordinance No. 02-933, Sec. 2; Ordinance No. 03-1018A, Sec.4.)

APPLICATIONS FOR SOLID WASTE FACILITY FRANCHISES

5.01.071 Pre-Application Conference for Franchises

(a) All prospective applicants for a Franchise shall participate in a pre-application conference. The purpose of such conference shall be to provide the prospective applicant with information regarding the applicable requirements for the proposed facility and to obtain from the prospective applicant a description of the location, site conditions and operations of the proposed facility.

(b) If a prospective applicant for a Franchise does not file an application for a ~~License or Franchise~~ within one year from the date of the pre-application conference, such applicant shall participate in a subsequent pre-application conference prior to filing any application.

(Ordinance No. 98-762C, Secs. 11-12. Amended by Ordinance No. 02-974, Sec. 1.)

5.01.072 Applications for Franchises

(a) Applications for a Franchise or for renewal of an existing Franchise shall be filed on forms or in the format provided by the Chief Operating Officer.

(b) In addition to any information required on the forms or in the format provided by the Chief Operating Officer, all applications shall include a description of the Activities

proposed to be conducted and a description of Wastes sought to be accepted.

(c) In addition to the information required on the forms or in the format provided by the Chief Operating Officer, applications for a Franchise shall include the following information to the Chief Operating Officer:

- (1) Proof that the applicant can obtain the types of insurance specified by the Chief Operating Officer during the term of the Franchise;
- (2) A duplicate copy of all applications for necessary DEQ permits and any other information required by or submitted to DEQ;
- (3) A duplicate copy of any Closure plan required to be submitted to DEQ, or if DEQ does not require a Closure plan, a Closure document describing Closure protocol for the Solid Waste Facility at any point in its active life;
- (4) A duplicate copy of any documents required to be submitted to DEQ demonstrating financial assurance for the costs of Closure, or if DEQ does not require such documents or does not intend to issue a permit to such facility, the applicant must demonstrate financial assurance or submit a proposal for providing financial assurance prior to the commencement of Metro-regulated activities for the costs of Closure of the facility. The proposal shall include an estimate of the cost to implement the Closure plan required in Section 5.01.07260(c)(3). If an application is approved, the license or franchise shall require that financial assurance is in place prior to beginning any activities authorized by the license or franchise. However, regarding applications for licenses, if DEQ does not issue a permit or require such financial assurance documents, then the Chief Operating Officer may waive this requirement if the applicant provides written documentation demonstrating that the cost to implement the Closure plan required in Section 5.01.07260(ce)(3) will be less than \$10,000.00;
- (5) Signed consent by the owner(s) of the property to the proposed use of the property. The consent shall disclose the property interest held by the Franchisee, the duration of that interest and shall include a statement that the property owner(s) have

read and agree to be bound by the provisions of Section 5.01.180(e) of this chapter if the Franchise is revoked or any Franchise renewal is refused;

- (6) Proof that the applicant has received proper land use approval; or, if land use approval has not been obtained, a written recommendation of the planning director of the local governmental unit having land use jurisdiction regarding new or existing disposal sites, or alterations, expansions, improvements or changes in the method or type of disposal at new or existing disposal sites. Such recommendation may include, but is not limited to a statement of compatibility of the site, the Solid Waste Disposal Facility located thereon and the proposed operation with the acknowledged local comprehensive plan and zoning requirements or with the Statewide Planning Goals of the Land Conservation and Development Commission; and
- (7) Identify any other known or anticipated permits required from any other governmental agency. If application for such other permits has been previously made, a copy of such permit application and any permit that has been granted shall be provided.

(d) An application for a Franchise shall be accompanied by an analysis of the factors described in Section 5.01.0730(f) of this chapter.

(e~~1~~) Notwithstanding any other provision in this section, Metro shall not accept an application for a new Franchise for authority to operate a Transfer Station until January 1, 2016.

(Ordinance No. 81-111, Sec. 7. Amended by Ordinance No. 82-136, Sec. 2; Ordinance No. 91-422B, Sec. 3; Ordinance No. 95-621A, Sec. 5; Ordinance No. 98-762C, Sec. 13; Ordinance No. 00-866, Sec. 4; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec.5; Ordinance No. 04-1056, Sec. 1; Ordinance No. 05-1093, Sec. 1; Ordinance No. 06-1098B, Sec. 1; Ordinance No. 06-1101; Ordinance No. 07-1139, Sec. 1; and Ordinance No. 07-1161, Sec. 1.)

5.01.073 Issuance and Contents of Franchise

(a) Applications for Franchises filed in accordance with Section 5.01.07260 shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council.

(b) The Chief Operating Officer shall make such investigation concerning the application as the Chief Operating Officer deems appropriate, including the right of entry onto the applicant's proposed Franchise site.

(c) Upon the basis of the application, evidence submitted and results of the investigation, the Chief Operating Officer shall formulate recommendations regarding whether the applicant is qualified, whether the proposed Franchise complies with the Regional Solid Waste Management Plan, whether the proposed Franchise meets the requirements of Section 5.01.07260, and whether or not the applicant has complied or can comply with all other applicable regulatory requirements.

(d) The Chief Operating Officer shall provide the recommendations required by subsection (c) of this section to the Council, together with the Chief Operating Officer's recommendation regarding whether the application should be granted or denied. If the Chief Operating Officer recommends that the application be granted, the Chief Operating Officer shall recommend to the Council specific conditions of the Franchise.

(e) Subsequent to receiving the recommendation of the Chief Operating Officer, the Council shall issue an order granting or denying the application. The Council may attach conditions to the order or limit the number of franchises granted. If the Council issues an order to deny the application, such order shall be effective immediately.

(f) In determining whether to authorize the issuance of a Franchise, the Council shall consider, but not be limited by, the following factors:

- (1) Whether the applicant has demonstrated that the proposed Solid Waste Facility and authorized Activities will be consistent with the Regional Solid Waste Management Plan;
- (2) The effect that granting a Franchise to the applicant will have on the cost of solid waste disposal and recycling services for the citizens of the region;
- (3) Whether granting a Franchise to the applicant would be unlikely to unreasonably adversely affect the health, safety and welfare of Metro's residents;
- (4) Whether granting a Franchise to the applicant would be unlikely to unreasonably adversely affect nearby residents, property owners or the existing character or expected future development of the surrounding neighborhood;

(5) Whether the applicant has demonstrated the strong likelihood that it will comply with all the requirements and standards of this chapter, the administrative rules and performance standards adopted pursuant to Section 5.01.132 of this chapter and other applicable local, state and federal laws, rules, regulations, ordinances, orders or permits pertaining in any manner to the proposed Franchise.

(g) The Council shall act to grant or deny a Franchise application within 120 days after the filing of a complete application. The deadline for the Council to act to grant or deny an application may be extended as provided in this section. If the Council does not act to grant or deny an application by the deadline for such action, the Franchise shall be deemed granted for the Solid Waste Facility or Disposal Site requested in the application, and the Chief Operating Officer shall issue a Franchise containing the standard terms and conditions included in other comparable franchises issued by Metro.

(h) At any time after the filing of a complete Franchise application the deadline for the Council to act to grant or deny the application shall be extended if:

- (1) The Council acts to extend the deadline for up to an additional 60 days, which the Council may do one time for any single application;
- (2) The applicant substantially modifies the application during the course of the review, in which case the 120 days review period for the Council to act shall be restarted as of the date Metro receives the applicant's modifications; or
- (3) The applicant and the Chief Operating Officer agree to extend the deadline for the Council to act for a specified period of time.

(i) An applicant may withdraw its application at any time prior to the Council's decision and may submit a new application at any time thereafter.

(j) If a request for a Franchise is denied, no new application for this same or substantially similar Franchise shall be filed by the applicant for at least six (6) months from the date of denial.

(k) The term of a new or renewed Franchise shall be not more than five (5) years.

~~(1) Notwithstanding any other provision in this section, Metro shall not accept an application for a new Franchise for authority to operate a Transfer Station until January 1, 2016.~~

~~(lm) The Franchise shall constitute a grant of authority from the Council to accept the Waste(s) and perform the Activity(ies) described therein, the conditions under which these Activities may take place and the conditions under which the authority may be revoked.~~

~~(mn) Franchises approved by the Council shall be in writing and shall include the following:~~

- ~~(1) The term of the Franchise;~~
- ~~(2) The specific Activities authorized to be performed and the types and amounts of Wastes authorized to be accepted at the Solid Waste Facility;~~
- ~~(3) Such other conditions as the Council deems necessary to insure that the intent and purpose of this chapter will in all respects be observed; and~~
- ~~(4) Indemnification of Metro in a form acceptable to the Metro Attorney.~~

~~(ne) In addition to all other requirements of this section, a franchise approving acceptance of mixed non-putrescible waste for the purpose of conducting material recovery or reloading shall be subject to the performance standards, design requirements, and operating requirements adopted as administrative procedures pursuant to Section 5.01.132, and shall require that the facility operate in a manner that meets the following general performance goals:~~

- ~~(1) Environment. Facilities shall be designed and operated to preclude the creation of undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste asbestos and other prohibited wastes.~~
- ~~(2) Health and Safety. Facilities shall be designed and operated to preclude the creation of conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.~~
- ~~(3) Nuisances. Facilities shall be designed and operated to preclude the creation of nuisance conditions including, but not limited to, litter, dust, odors, and noise.~~

- (4) Material Recovery. Facilities conducting material recovery on non-putrescible waste shall be designed and operated to assure materials are recovered in a timely manner, to meet standards in Section 5.01.125, and to protect the quality of non-putrescible waste that has not yet undergone material recovery.
- (5) Reloading. Facilities conducting reloading of non-putrescible waste shall be designed and operated to assure that the reloading and transfer of non-putrescible waste to Metro authorized processing facility is conducted rapidly and efficiently while protecting the quality of non-putrescible waste that has not yet undergone material recovery.
- (6) Record-keeping. Facilities shall keep and maintain complete and accurate records of the amount of all solid waste and recyclable materials received, recycled, reloaded and disposed.

(Ordinance No. 98-762C, Secs. 19-20. Amended by Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec.10; and Ordinance No. 07-1138, Sec. 2.)

(5.01.080 Term of Franchise. Repealed Ord. 98-762C §21)

(5.01.085 Franchises for Major Disposal System Components. Repealed Ord. 98-762C §21)

5.01.074 Record-keeping and Reporting for Franchises

(a) Franchisees shall maintain accurate records of the information required by the Chief Operating Officer and shall report such required information on the forms or in the format and within the reporting periods and deadlines established by the Chief Operating Officer. Reports shall be signed and certified as accurate by an authorized representative of the Licensee or Franchisee.

(b) Franchisees shall maintain evidence of all financial assurance mechanisms unless or until the Licensee or Franchisee is released from the financial assurance requirements as specified in this chapter.

(c) Franchisees shall provide copies of any correspondence or information received from or provided to any federal, state or local government agency related to the regulation of a Solid Waste facility within five (5) days of the receipt or provision of the correspondence or information.

(d) Franchisees shall maintain records of any written complaints received from the public or a customer, including but

not limited to, information on the nature of the complaint, name, address and phone number of the complainant, date the complaint was received and any action taken to respond to the complaint.

(e) All records required by this chapter shall be retained by the Franchisee or its operator for three (3) years and shall be available for inspection by the Chief Operating Officer.

(f) All information submitted by the Franchisee shall be public record and subject to disclosure pursuant to the Oregon Public Records Act, except such portion of the records and reports for which the Franchisee requests exception from disclosure consistent with Oregon Law.

5.01.075 Renewal of Franchises

The Council shall approve or deny renewals of Solid Waste Facility Franchises. A Franchisee seeking renewal of a Franchise shall file a completed application for renewal accompanied by payment of an application fee of five hundred dollars (\$500.00) not less than 120 days prior to the expiration of the Franchise term, together with a statement of proposed material changes from its initial application for the Franchise and any other information required by the Chief Operating Officer or by the Council. The Chief Operating Officer shall formulate recommendations regarding whether the renewal meets the criteria in Section 5.01.0730 of this chapter. The Council shall approve renewal of a Solid Waste Facility Franchise unless the Council determines that the proposed renewal is not in the public interest or does not meet the criteria contained in Section 5.01.0730. The Council may attach conditions or limitations to the renewed Franchise.

(Ordinance No. 98-762C, Secs. 22-23. Amended by Ordinance No. 98-767, Sec. 3; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec.11.)

5.01.076 Transfer of Ownership or Control of Licenses

(a) Any Person in control of a Franchise may not lease, assign, mortgage, sell or otherwise transfer, either in whole or in part, control of the Franchise to another person unless an application ~~therefor~~therefore has been filed in accordance with Section 5.01.07260 and has been granted. The proposed transferee of a Franchise must meet the requirements of this chapter.

(b) The Council shall not unreasonably deny an application for transfer of a Franchise. If the Council does not act on the application for transfer within 120 days after filing of a complete application, the application shall be deemed granted.

(d) The term for any transferred Franchise shall be for the remainder of the original term unless the Council establishes a different term based on the facts and circumstances at the time of transfer.

(Ordinance No. 81-111, Sec. 10. Amended by Ordinance No. 98-762C, Sec. 24; Ordinance No. 02-974, Sec. 1; and Ordinance No. 03-1018A, Sec. 12.)

5.01.077 Change of Authorizations for Franchises

(a) A Person holding a Franchise shall submit an application pursuant to Section 5.01.0720 when said Person seeks authorization to:

- (1) Accept Wastes other than those authorized by the applicant's Franchise, or
- (2) Perform Activities other than those authorized by the applicant's or Franchise, or
- (3) Modify other limiting conditions of the applicant's Franchise.

(b) Applications for a change in authorization or limits shall be filed on forms or in the format provided by the Chief Operating Officer.

(c) An application for a change in authorizations or limits to the applicant's Franchise shall not substitute for an application that would otherwise be required under Section 5.01.07045 of this chapter.

(d) A Person holding a or Franchise shall notify Metro in writing when said Person proposes to cease accepting authorized Wastes or cease performing authorized Activities at the Solid Waste Facility or Disposal Site.

(e) The fee for applications for changes of authorizations or limits shall be one hundred dollars (\$100.00).

(Ordinance No. 98-762C, Secs. 25-26. Amended by Ordinance No. 98-767, Sec. 4; Ordinance No. 02-974, Sec. 1; and Ordinance No. 03-1018A, Sec. 13.)

5.01.078 Variances for Franchises

(a) The Council, upon recommendation of the Chief Operating Officer, may grant specific variances from particular requirements of this chapter to applicants for Franchises or to Franchisees upon such conditions as the Council may deem necessary to protect public health, safety and welfare, if the Council finds that the purpose and intent of the particular Franchise requirement can be

achieved without compliance and that compliance with the particular requirement:

- (1) Is inappropriate because of conditions beyond the control of the applicant, or Franchisee requesting the variance; or
- (2) Due to special physical conditions or causes, will be rendered extremely burdensome or highly impractical.

(b) A variance must be requested by a Franchise applicant, or a Franchisee, in writing and state in a concise manner facts to show cause why such variance should be granted. The Chief Operating Officer may make such investigation as the Chief Operating Officer deems necessary and shall make a recommendation to the Council to approve or deny the variance coincident with any recommendation made on approval or denial of any Franchise application; or, upon a request for variance from an existing Franchisee, within 120 days after receipt of the variance request.

(c) A request for a variance shall not substitute for an application that would otherwise be required under Section 5.01.050 or 5.01.070 of this chapter.

(d) If the Council denies a variance request, the Chief Operating Officer shall notify the person requesting the variance of the right to a contested case hearing pursuant to Code Chapter 2.05.

(e) If a request for a variance is denied, no new application for this same or substantially similar variance shall be filed for at least six (6) months from the date of denial.

(Ordinance No. 81-111, Sec. 12. Amended by Ordinance No. 98-762C, Sec. 27; and Ordinance No. 02-974, Sec. 1.)

~~5.01.045 License and Franchise Requirements~~

~~— (a) A Metro Solid Waste License shall be required of the Person owning or controlling a facility at which any of the following Activities are performed:~~

- ~~(1) Processing of Non-Putrescible Waste.~~
- ~~(2) Processing of Petroleum Contaminated Soil by thermal destruction, distillation, bioremediation, or by any other methods that destroy or remove such petroleum contamination from the soil.~~
- ~~(3) Processing or Reloading of Yard Debris. A local government that owns or operates a Yard Debris Facility may enter into an intergovernmental~~

~~agreement with Metro under which the local government will administer and enforce yard debris standards at the facility in lieu of compliance with this chapter.~~

~~(4) Operating a Reload.~~

~~(5) Chipping or grinding wood waste for use as an industrial fuel if such facility is otherwise regulated under this Section 5.01.045 of this chapter.~~

~~(b) A Metro Solid Waste Franchise shall be required for the Person owning or controlling a facility at which any of the following Activities are performed:~~

~~(1) Processing of Putrescible Waste other than Yard Debris.~~

~~(2) Operating a Transfer Station.~~

~~(3) Operating a Disposal Site or an Energy Recovery Facility.~~

~~(4) Any process using chemical or biological methods whose primary purpose is reduction of Solid Waste weight or volumes.~~

~~(5) Any other Activity not listed in this section or exempted by Metro Code Section 5.01.040.~~

~~(Ordinance No. 98-762C, Secs. 8-9. Amended by Ordinance No. 00-866, Sec. 3; Ordinance No. 02-933, Sec. 2; Ordinance No. 03-1018A, Sec.4.)~~

~~(5.01.050 Administration. Repealed Ord. 98-762C §10)~~

~~APPLICATIONS FOR SOLID WASTE FACILITY LICENSES & FRANCHISES~~

~~5.01.055 Pre Application Conference~~

~~(a) All prospective applicants for a Franchise or License shall participate in a pre-application conference. The purpose of such conference shall be to provide the prospective applicant with information regarding the applicable requirements for the proposed facility and to obtain from the prospective applicant a description of the location, site conditions and operations of the proposed facility.~~

~~(b) If a prospective applicant for a License or Franchise does not file an application for a License or Franchise within one year from the date of the pre-application conference, such applicant shall participate in a subsequent pre-application conference prior to filing any License or Franchise application.~~

~~(Ordinance No. 98-762C, Secs. 11-12. Amended by Ordinance No. 02-974, Sec. 1.)~~

~~5.01.060 Applications for Licenses or Franchises~~

~~(a) Applications for a Franchise or License or for renewal of an existing Franchise or License shall be filed on forms or in the format provided by the Chief Operating Officer.~~

~~(b) In addition to any information required on the forms or in the format provided by the Chief Operating Officer, all applications shall include a description of the Activities proposed to be conducted and a description of Wastes sought to be accepted.~~

~~(c) In addition to the information required on the forms or in the format provided by the Chief Operating Officer, applications for a License or Franchise shall include the following information to the Chief Operating Officer:~~

- ~~(1) Proof that the applicant can obtain the types of insurance specified by the Chief Operating Officer during the term of the Franchise or License;~~
- ~~(2) A duplicate copy of all applications for necessary DEQ permits and any other information required by or submitted to DEQ;~~
- ~~(3) A duplicate copy of any Closure plan required to be submitted to DEQ, or if DEQ does not require a Closure plan, a Closure document describing Closure protocol for the Solid Waste Facility at any point in its active life;~~

- ~~(4) A duplicate copy of any documents required to be submitted to DEQ demonstrating financial assurance for the costs of Closure, or if DEQ does not require such documents or does not intend to issue a permit to such facility, the applicant must demonstrate financial assurance or submit a proposal for providing financial assurance prior to the commencement of Metro-regulated activities for the costs of Closure of the facility. The proposal shall include an estimate of the cost to implement the Closure plan required in Section 5.01.060(c)(3). If an application is approved, the license or franchise shall require that financial assurance is in place prior to beginning any activities authorized by the license or franchise. However, regarding applications for licenses, if DEQ does not issue a permit or require such financial assurance documents, then the Chief Operating Officer may waive this requirement if the applicant provides written documentation demonstrating that the cost to implement the Closure plan required in Section 5.01.060(c) will be less than \$10,000.00;~~
- ~~(5) Signed consent by the owner(s) of the property to the proposed use of the property. The consent shall disclose the property interest held by the Licensee or Franchisee, the duration of that interest and shall include a statement that the property owner(s) have read and agree to be bound by the provisions of Section 5.01.180(e) of this chapter if the License or Franchise is revoked or any License or Franchise renewal is refused;~~
- ~~(6) Proof that the applicant has received proper land use approval; or, if land use approval has not been obtained, a written recommendation of the planning director of the local governmental unit having land use jurisdiction regarding new or existing disposal sites, or alterations, expansions, improvements or changes in the method or type of disposal at new or existing disposal sites. Such recommendation may include, but is not limited to a statement of compatibility of the site, the Solid Waste Disposal Facility located thereon and the proposed operation with the acknowledged local comprehensive plan and zoning requirements or with the Statewide Planning~~

~~Goals of the Land Conservation and Development Commission; and~~

- ~~(7) Identify any other known or anticipated permits required from any other governmental agency. If application for such other permits has been previously made, a copy of such permit application and any permit that has been granted shall be provided.~~

~~— (d) An application for a Franchise shall be accompanied by an analysis of the factors described in Section 5.01.070(f) of this chapter.~~

~~— (e) Notwithstanding any other provision in this section, the Chief Operating Officer shall not accept for filing any application for authority to operate a new Transfer Station until December 31, 2008.~~

~~(Ordinance No. 81-111, Sec. 7. Amended by Ordinance No. 82-136, Sec. 2; Ordinance No. 91-422B, Sec. 3; Ordinance No. 95-621A, Sec. 5; Ordinance No. 98-762C, Sec. 13; Ordinance No. 00-866, Sec. 4; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec. 5; Ordinance No. 04-1056, Sec. 1; Ordinance No. 05-1093, Sec. 1; Ordinance No. 06-1098B, Sec. 1; Ordinance No. 06-1101; Ordinance No. 07-1139, Sec. 1; and Ordinance No. 07-1161, Sec. 1.)~~

~~5.01.062 Application Fees~~

~~— (a) Upon the filing of an application, every applicant for a License or Franchise, or for renewal of an existing License or Franchise, shall submit an application fee as provided in this section.~~

~~— (b) Application fees shall be as follows:~~

- ~~(1) For a Solid Waste Facility License, three hundred dollars (\$300.00).~~

- ~~(2) For a Solid Waste Facility Franchise, five hundred dollars (\$500.00).~~

~~(Ordinance No. 98-767, Secs. 1-2. Amended by Ordinance No. 03-1018A, Sec. 6.)~~

~~(5.01.065 Issuance and Contents of Certificates. Repealed Ord. 03-1018A §7)~~

~~5.01.067 Issuance and Contents of Licenses~~

~~— (a) Applications for Licenses filed in accordance with Section 5.01.060 shall be subject to approval or denial by the Chief Operating Officer, with such conditions as the Chief Operating Officer may deem appropriate.~~

~~———— (b) The Chief Operating Officer shall make such investigation concerning the application as the Chief Operating Officer deems appropriate, including the right of entry onto the applicant's proposed site.~~

~~———— (c) Prior to determining whether to approve or deny each License application, the Chief Operating Officer shall provide public notice and the opportunity for the public to comment on the License application.~~

~~———— (d) On the basis of the application submitted, the Chief Operating Officer's investigation concerning the application, and public comments, the Chief Operating Officer shall determine whether the proposed License meets the requirements of Section 5.01.060 and whether to approve or deny the application.~~

~~———— (e) Notwithstanding the authority to approve or deny any application for a solid waste license set forth in subsection (d), if the Chief Operating Officer (i) decides to approve an application for a new license for any facility whose operations will have a substantial effect on any adjacent residential neighborhood, or (ii) decides to approve an amendment to an existing solid waste license to allow for a substantial change in the configuration used at a site for processing solid waste or to allow for a substantial change in the type or quantity of solid waste processed at the facility, the Chief Operating Officer shall inform the Council President in writing no fewer than ten (10) days before the Chief Operating Officer approves any such solid waste license application. The Council President shall immediately cause copies of the notice to be furnished to all members of the Council. Thereafter, the majority of the Council may determine whether to review and consider the license application within ten (10) days of receipt of the notice from the Chief Operating Officer. If the Council determines to review and consider the application for the license, execution by the Chief Operating Officer shall be subject to the Council's authorization. If the Council determines not to review and consider the application, the Chief Operating Officer may execute the license. For the purpose of this subsection (e), a "substantial effect" shall include any occurrence that arises from the solid waste operation conditions that are regulated under the license and affects the residents' quiet enjoyment of the property on which they reside.~~

~~———— (f) If the Chief Operating Officer does not act to grant or deny a License application within 120 days after the filing of a complete application, the License shall be deemed granted for the Solid Waste Facility or Activity requested in the application, and the Chief Operating Officer shall issue a License containing the~~

~~standard terms and conditions included in other comparable licenses issued by Metro.~~

~~(g) If the applicant substantially modifies the application during the course of the review, the review period for the decision shall be restarted. The review period can be extended by mutual agreement of the applicant and the Chief Operating Officer. An applicant may withdraw its application at any time prior to the Chief Operating Officer's decision and may submit a new application at any time thereafter.~~

~~(h) If a request for a License is denied, no new application for this same or substantially similar License shall be filed by the applicant for at least six (6) months from the date of denial.~~

~~(i) Licenses shall specify the Activities authorized to be performed, the types and amounts of Wastes authorized to be accepted at the Solid Waste Facility, and any other limitations or conditions attached by the Chief Operating Officer. In addition to all other requirements of this section, a license approving acceptance of mixed non putrescible waste for the purpose of conducting material recovery or reloading shall be subject to the performance standards, design requirements, and operating requirements adopted as administrative procedures pursuant to Section 5.01.132, and shall require that the facility operate in a manner that meets the following general performance goals:~~

- ~~(1) Environment. Facilities shall be designed and operated to preclude the creation of undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste asbestos and other prohibited wastes.~~
- ~~(2) Health and Safety. Facilities shall be designed and operated to preclude the creation of conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.~~
- ~~(3) Nuisances. Facilities shall be designed and operated to preclude the creation of nuisance conditions including, but not limited to, litter, dust, odors, and noise.~~
- ~~(4) Material Recovery. Facilities conducting material recovery on non putrescible waste shall be designed and operated to assure materials are recovered in a timely manner, to meet standards in Section 5.01.125, and to protect the quality of non-~~

~~putrescible waste that has not yet undergone material recovery.~~

~~(5) Reloading. Facilities conducting reloading of non-putrescible waste shall be designed and operated to assure that the reloading and transfer of non-putrescible waste to Metro authorized processing facility is conducted rapidly and efficiently while protecting the quality of non-putrescible waste that has not yet undergone material recovery.~~

~~(6) Record keeping. Facilities shall keep and maintain complete and accurate records of the amount of all solid waste and recyclable materials received, recycled, reloaded and disposed.~~

~~(j) The term of a new or renewed License shall be not more than five (5) years.~~

~~(Ordinance No. 98-762C, Secs. 16-17. Amended by Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec. 8; Ordinance No. 06-1098B, Sec. 2; Ordinance No. 07-1138, Sec. 1; Ordinance No. 07-1139, Sec. 2.)~~

5.01.070 Issuance of Franchise

~~(a) Applications for Franchises filed in accordance with Section 5.01.060 shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council.~~

~~(b) The Chief Operating Officer shall make such investigation concerning the application as the Chief Operating Officer deems appropriate, including the right of entry onto the applicant's proposed Franchise site.~~

~~(c) Upon the basis of the application, evidence submitted and results of the investigation, the Chief Operating Officer shall formulate recommendations regarding whether the applicant is qualified, whether the proposed Franchise complies with the Regional Solid Waste Management Plan, whether the proposed Franchise meets the requirements of Section 5.01.060, and whether or not the applicant has complied or can comply with all other applicable regulatory requirements.~~

~~(d) The Chief Operating Officer shall provide the recommendations required by subsection (c) of this section to the Council, together with the Chief Operating Officer's recommendation regarding whether the application should be granted or denied. If the Chief Operating Officer recommends that the application be granted, the Chief Operating Officer shall recommend to the Council specific conditions of the Franchise.~~

~~(e) Subsequent to receiving the recommendation of the Chief Operating Officer, the Council shall issue an order granting or~~

~~denying the application. The Council may attach conditions to the order or limit the number of franchises granted. If the Council issues an order to deny the application, such order shall be effective immediately.~~

~~— (f) In determining whether to authorize the issuance of a Franchise, the Council shall consider, but not be limited by, the following factors:~~

- ~~(1) Whether the applicant has demonstrated that the proposed Solid Waste Facility and authorized Activities will be consistent with the Regional Solid Waste Management Plan;~~
- ~~(2) The effect that granting a Franchise to the applicant will have on the cost of solid waste disposal and recycling services for the citizens of the region;~~
- ~~(3) Whether granting a Franchise to the applicant would be unlikely to unreasonably adversely affect the health, safety and welfare of Metro's residents;~~
- ~~(4) Whether granting a Franchise to the applicant would be unlikely to unreasonably adversely affect nearby residents, property owners or the existing character or expected future development of the surrounding neighborhood;~~
- ~~(5) Whether the applicant has demonstrated the strong likelihood that it will comply with all the requirements and standards of this chapter, the administrative rules and performance standards adopted pursuant to Section 5.01.132 of this chapter and other applicable local, state and federal laws, rules, regulations, ordinances, orders or permits pertaining in any manner to the proposed Franchise.~~

~~— (g) The Council shall act to grant or deny a Franchise application within 120 days after the filing of a complete application. The deadline for the Council to act to grant or deny an application may be extended as provided in this section. If the Council does not act to grant or deny an application by the deadline for such action, the Franchise shall be deemed granted for the Solid Waste Facility or Disposal Site requested in the application, and the Chief Operating Officer shall issue a Franchise containing the standard terms and conditions included in other comparable franchises issued by Metro.~~

~~— (h) At any time after the filing of a complete Franchise application the deadline for the Council to act to grant or deny the application shall be extended if:~~

- ~~(1) The Council acts to extend the deadline for up to an additional 60 days, which the Council may do one time for any single application;~~
- ~~(2) The applicant substantially modifies the application during the course of the review, in which case the 120 days review period for the Council to act shall be restarted as of the date Metro receives the applicant's modifications; or~~
- ~~(3) The applicant and the Chief Operating Officer agree to extend the deadline for the Council to act for a specified period of time.~~

~~— (i) An applicant may withdraw its application at any time prior to the Council's decision and may submit a new application at any time thereafter.~~

~~— (j) If a request for a Franchise is denied, no new application for this same or substantially similar Franchise shall be filed by the applicant for at least six (6) months from the date of denial.~~

~~— (k) The term of a new or renewed Franchise shall be not more than five (5) years.~~

~~— (l) Notwithstanding any other provision in this section, Metro shall not accept an application for a new Franchise for authority to operate a Transfer Station until January 1, 2016.~~

~~(Ordinance No. 81-111, Sec. 8. Amended by Ordinance No. 82-136, Sec. 3; Ordinance No. 98-762C, Sec. 18; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec. 9; Ordinance No. 04-1056, Sec. 2; Ordinance No. 05-1093, Sec. 2; and Ordinance No. 13-1306 Sec. 2.)~~

5.01.075 Contents of Franchise

~~— (a) The Franchise shall constitute a grant of authority from the Council to accept the Waste(s) and perform the Activity(ies) described therein, the conditions under which these Activities may take place and the conditions under which the authority may be revoked.~~

~~— (b) Franchises approved by the Council shall be in writing and shall include the following:~~

- ~~(1) The term of the Franchise;~~

- ~~(2) The specific Activities authorized to be performed and the types and amounts of Wastes authorized to be accepted at the Solid Waste Facility;~~
- ~~(3) Such other conditions as the Council deems necessary to insure that the intent and purpose of this chapter will in all respects be observed; and~~
- ~~(4) Indemnification of Metro in a form acceptable to the Metro Attorney.~~

~~(c) In addition to all other requirements of this section, a franchise approving acceptance of mixed non putrescible waste for the purpose of conducting material recovery or reloading shall be subject to the performance standards, design requirements, and operating requirements adopted as administrative procedures pursuant to Section 5.01.132, and shall require that the facility operate in a manner that meets the following general performance goals:~~

- ~~(1) Environment. Facilities shall be designed and operated to preclude the creation of undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste asbestos and other prohibited wastes.~~
- ~~(2) Health and Safety. Facilities shall be designed and operated to preclude the creation of conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.~~
- ~~(3) Nuisances. Facilities shall be designed and operated to preclude the creation of nuisance conditions including, but not limited to, litter, dust, odors, and noise.~~
- ~~(4) Material Recovery. Facilities conducting material recovery on non putrescible waste shall be designed and operated to assure materials are recovered in a timely manner, to meet standards in Section 5.01.125, and to protect the quality of non-putrescible waste that has not yet undergone material recovery.~~
- ~~(5) Reloading. Facilities conducting reloading of non-putrescible waste shall be designed and operated to assure that the reloading and transfer of non-putrescible waste to Metro authorized processing facility is conducted rapidly and efficiently while~~

~~protecting the quality of non putrescible waste that has not yet undergone material recovery.~~

- ~~(6) Record-keeping. Facilities shall keep and maintain complete and accurate records of the amount of all solid waste and recyclable materials received, recycled, reloaded and disposed.~~

~~(Ordinance No. 98-762C, Secs. 19-20. Amended by Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec.10; and Ordinance No. 07-1138, Sec. 2.)~~

~~(5.01.080 Term of Franchise. Repealed Ord. 98-762C §21)~~

~~(5.01.085 Franchises for Major Disposal System Components. Repealed Ord. 98-762C §21)~~

5.01.087 Renewal of Licenses and Franchises

~~— (a) The Chief Operating Officer shall renew a Solid Waste Facility License unless the Chief Operating Officer determines that the proposed renewal is not in the public interest, provided that the Licensee files a completed application for renewal accompanied by payment of an application fee of three hundred dollars (\$300.00) not less than 120 days prior to the expiration of the License term, together with a statement of proposed material changes from its initial application for the License and any other information required by the Chief Operating Officer. The Chief Operating Officer may attach conditions or limitations to any renewed License.~~

~~— (b) The Council shall approve or deny renewals of Solid Waste Facility Franchises. A Franchisee seeking renewal of a Franchise shall file a completed application for renewal accompanied by payment of an application fee of five hundred dollars (\$500.00) not less than 120 days prior to the expiration of the Franchise term, together with a statement of proposed material changes from its initial application for the Franchise and any other information required by the Chief Operating Officer or by the Council. The Chief Operating Officer shall formulate recommendations regarding whether the renewal meets the criteria in Section 5.01.070 of this chapter. The Council shall approve renewal of a Solid Waste Facility Franchise unless the Council determines that the proposed renewal is not in the public interest or does not meet the criteria contained in Section 5.01.070. The Council may attach conditions or limitations to the renewed Franchise.~~

~~(Ordinance No. 98-762C, Secs. 22-23. Amended by Ordinance No. 98-767, Sec. 3; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec.11.)~~

~~5.01.090 Transfer of Ownership or Control~~

~~(a) Any Person in control of a License or Franchise may not lease, assign, mortgage, sell or otherwise transfer, either in whole or in part, control of the License or Franchise to another person unless an application therefor has been filed in accordance with Section 5.01.060 and has been granted. The proposed transferee of a License or Franchise must meet the requirements of this chapter.~~

~~(b) The Council shall not unreasonably deny an application for transfer of a Franchise. If the Council does not act on the application for transfer within 120 days after filing of a complete application, the application shall be deemed granted.~~

~~(c) The Chief Operating Officer shall not unreasonably deny an application for transfer of a License. If the Chief Operating Officer does not act on the application for transfer within 120 days after filing of a complete application, the application shall be deemed granted.~~

~~(d) The term for any transferred Franchise shall be for the remainder of the original term unless the Council establishes a different term based on the facts and circumstances at the time of transfer.~~

~~(e) The term for any transferred License shall be for the remainder of the original term unless the Chief Operating Officer establishes a different term based on the facts and circumstances at the time of transfer.~~

~~(Ordinance No. 81-111, Sec. 10. Amended by Ordinance No. 98-762C, Sec. 24; Ordinance No. 02-974, Sec. 1; and Ordinance No. 03-1018A, Sec. 12.)~~

~~5.01.095 Change of Authorizations~~

~~(a) A Person holding a License or Franchise shall submit an application pursuant to Section 5.01.060 when said Person seeks authorization to:~~

- ~~(1) Accept Wastes other than those authorized by the applicant's License or Franchise, or~~
- ~~(2) Perform Activities other than those authorized by the applicant's License or Franchise, or~~
- ~~(3) Modify other limiting conditions of the applicant's License or Franchise.~~

~~(b) Applications for a change in authorization or limits shall be filed on forms or in the format provided by the Chief Operating Officer.~~

~~— (c) An application for a change in authorizations or limits to the applicant's License or Franchise shall not substitute for an application that would otherwise be required under Section 5.01.045 of this chapter.~~

~~— (d) A Person holding a License or Franchise shall notify Metro in writing when said Person proposes to cease accepting authorized Wastes or cease performing authorized Activities at the Solid Waste Facility or Disposal Site.~~

~~— (e) The fee for applications for changes of authorizations or limits shall be one hundred dollars (\$100.00).~~

~~(Ordinance No. 98-762C, Secs. 25-26. Amended by Ordinance No. 98-767, Sec. 4; Ordinance No. 02-974, Sec. 1; and Ordinance No. 03-1018A, Sec. 13.)~~

5.01.100 Appeals

Any applicant, Franchisee or Licensee is entitled to a contested case hearing pursuant to Code Chapter 2.05 upon the suspension, modification, revocation or refusal by the Council or Chief Operating Officer, as appropriate, to issue, renew, modify or transfer a Franchise or License or to grant a variance, as follows:

(a) Except as provided in subsection (c) of this section, refusal to renew a Franchise or License by the Council or Chief Operating Officer, as appropriate, shall not become effective until the Franchisee or Licensee has been afforded an opportunity to request a contested case hearing and an opportunity for a contested case hearing if one is requested.

(b) The refusal by the Council or Chief Operating Officer, as appropriate, to grant a variance, or to issue, modify or transfer a Franchise or License shall be effective immediately. The Franchisee, Licensee or applicant may request a hearing on such refusal within 30 days of notice of such refusal.

(c) Upon a finding of serious danger to the public health or safety, the Chief Operating Officer may suspend a Franchise or License or the Council or Chief Operating Officer, as appropriate, may refuse to renew a Franchise or License and such action shall be effective immediately. If a Franchise or License renewal is refused effective immediately, the Franchisee or Licensee shall have 30 days from the date of such action to request a contested case hearing.

(Ordinance No. 81-111, Sec. 11. Amended by Ordinance No. 95-621A, Sec. 6; Ordinance No. 02-974, Sec. 1; and Ordinance No. 03-1018A, Sec. 14.)

5.01.110 Variances

~~— (a) The Council, upon recommendation of the Chief Operating Officer, may grant specific variances from particular requirements of this chapter to applicants for Licenses or Franchises or to Licensees or Franchisees upon such conditions as the Council may deem necessary to protect public health, safety and welfare, if the Council finds that the purpose and intent of the particular License or Franchise requirement can be achieved without compliance and that compliance with the particular requirement:~~

- ~~(1) Is inappropriate because of conditions beyond the control of the applicant, Licensee, or Franchisee requesting the variance; or~~
- ~~(2) Due to special physical conditions or causes, will be rendered extremely burdensome or highly impractical.~~

~~— (b) A variance must be requested by a License or Franchise applicant, or a Licensee or Franchisee, in writing and state in a concise manner facts to show cause why such variance should be granted. The Chief Operating Officer may make such investigation as the Chief Operating Officer deems necessary and shall make a recommendation to the Council to approve or deny the variance coincident with any recommendation made on approval or denial of any License or Franchise application; or, upon a request for variance from an existing Licensee or Franchisee, within 60 days after receipt of the variance request.~~

~~— (c) A request for a variance shall not substitute for an application that would otherwise be required under Section 5.01.045 of this chapter.~~

~~— (d) If the Council denies a variance request, the Chief Operating Officer shall notify the person requesting the variance of the right to a contested case hearing pursuant to Code Chapter 2.05.~~

~~— (e) If a request for a variance is denied, no new application for this same or substantially similar variance shall be filed for at least six (6) months from the date of denial.~~

~~(Ordinance No. 81-111, Sec. 12. Amended by Ordinance No. 98-762C, Sec. 27; and Ordinance No. 02-974, Sec. 1.)~~

OBLIGATIONS AND LIMITATIONS FOR SOLID WASTE FACILITIES

5.01.120 General Obligations of All Regulated Parties

All Persons regulated by this chapter shall:

(a) Allow the Chief Operating Officer to have reasonable access to the premises for purposes of inspection and audit to determine compliance with this chapter, the Code, the License or Franchise, and the performance standards and administrative procedures adopted pursuant to Section 5.01.132 of this chapter.

(b) Ensure that Solid Waste transferred from the facility goes to the appropriate destination under Section 5.01.132(a) of this chapter, under Metro Code Chapter 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.

(c) Maintain during the term of the License or Franchise the types of insurance in the amounts specified in the License or Franchise or such other amounts as may be required by state law for public contracts and shall give 30 days' written notice to the Chief Operating Officer of any lapse or proposed cancellation of insurance coverage or performance bond.

(d) Shall indemnify Metro, the Council, the Chief Operating Officer, and any of their employees or agents and save them harmless from any and all loss, damage, claim, expense including attorney's fees, or liability related to or arising out of the Licensee's or Franchisee's performance of or failure to perform any of its obligations under the License or Franchise or this chapter.

(e) Shall have no recourse whatsoever against Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of the License or Franchise or because of the enforcement of the License or Franchise or in the event the License or Franchise or any part thereof is determined to be invalid.

(Ordinance No. 81-111, Sec. 13. Amended by Ordinance No. 98-762C, Sec. 28; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec.15.)

5.01.125 Obligations and Limits for Selected Types of Activities

(a) A holder of a License or Franchise for a Material Recovery facility or Transfer Station shall perform Material Recovery from Non-Putrescible Waste accepted at the facility as specified in this section or as otherwise specified in its license or franchise, or shall deliver such Non-Putrescible Waste to a Solid Waste facility authorized by Metro to recover useful materials from Solid Waste.

(b) A licensee or franchisee subject to subsection (a) of this section shall recover at least 25 percent by weight of Non-Putrescible waste accepted at the facility and waste delivered by public customers. For the purposes of calculating the amount of recovery required by this subsection, recovered waste shall exclude both waste from industrial processes and ash, inert rock, concrete, concrete block, foundry brick, asphalt, dirt, and sand. Failure to maintain the minimum recovery rate specified in this section shall constitute a violation enforceable under Metro Code Sections 5.01.180 and 5.01.200. After December 31, 2008, the requirements of this subsection will not be applicable to licensees or franchisees unless Metro Council determines that this standard should be reinstated to replace the processing residual standard established in 5.01.125(c).

(c) Effective January 1, 2009, a licensee or franchisee subject to subsection (a) of this section shall:

- (1) Process non-putrescible waste accepted at the facility and delivered in drop boxes and self-tipping trucks to recover cardboard, wood, and metals, including aluminum. Processing residual from such a facility shall not contain more than 15 percent, by total combined weight, of cardboard or wood pieces of greater than 12 inches in size in any dimension and metal pieces greater than eight (8) inches in size in any dimension.
- (2) Take quarterly samples of processing residual that are statistically valid and representative of the facility's residual (not less than a 300-pound sample) and provide results of such sampling to Metro in the monthly report due the month following the end of that quarter.
- (3) Based on observation, audits, inspections and reports, Metro inspectors shall conduct or require additional analysis of waste residual at the facility in accordance with Section 5.01.135(c). Failure to maintain the recovery level specified in subsection (c)(1) of this section shall constitute a violation enforceable under Metro Code. The first two violations of this subsection by a single licensee or franchisee shall not result in the imposition of a civil penalty.
- (4) Failure to meet the reporting requirements in subsection (c)(2) of this section shall constitute a violation enforceable under Metro Code.

(d) A holder of a Franchise for a Transfer Station:

- (1) Shall accept Putrescible Waste originating within the Metro boundary only from persons who are franchised or permitted by a local government unit to collect and haul Putrescible Waste.
- (2) Shall not accept hazardous waste unless the franchisee provides written authorization from the DEQ or evidence of exemption from such requirement.
- (3) Shall be limited in accepting Putrescible Waste during any year to an amount of Putrescible Waste as established by the Metro Council in approving the Transfer Station Franchise application.
- (4) Shall provide an area for collecting source-separated recyclable materials without charge at the Franchised Solid Waste Facility, or at another location more convenient to the population being served by the franchised Solid Waste Facility.

(e) A holder of a license for a reload facility shall deliver all non-putrescible waste received at the facility to a solid waste facility authorized by Metro to recover useful materials from solid waste.

(f) A holder of a license or franchise for a solid waste facility shall not crush, grind or otherwise reduce the size of non-putrescible waste except when such size reduction constitutes a specific step in the facility's material recovery operations, reload operations, or processing residual consolidation or loading operations, and such size reduction is described and approved by Metro in an operating plan.

(Ordinance No. 98-762C, Secs. 30-31. Amended by Ordinance No. 00-866, Sec. 5; Ordinance No. 01-916C, Sec. 4; Ordinance No. 02-952A, Sec. 1; Ordinance No. 03-1018A, Sec. 16; Ordinance No. 07-1147B, Sec. 3; Ordinance No. 12-1272, Sec. 3; and Ordinance No. 13-1306, Sec. 3.)

5.01.127 Direct Haul of Putrescible Waste

Franchisees authorized by Metro to deliver Putrescible Waste directly to a Disposal Site shall:

(a) Deliver said Putrescible Waste to Metro's contract operator for disposal of Putrescible Waste; and

(b) Comply with the performance standards for management of unacceptable waste adopted by the Chief Operating Officer pursuant to Section 5.01.132 of this chapter; and

(c) Provide transportation or arrange for transportation by a transportation service provider complying with the following performance standards for long-haul transportation by highway:

- (1) All solid waste transported through the city limits of Arlington, Oregon, shall be subject to any routing, timing, parking or other operational requirements established by the city of Arlington.
- (2) All equipment shall fulfill all federal, state, and local regulations. In addition, the use of exhaust brakes shall be prohibited altogether.
- (3) All solid waste shall be transported in completely sealed containers with leak-proof design considered wind-, water-, and odor-tight, and shall be capable of withstanding arduous, heavy-duty, repetitive service associated with the long-haul transport of solid waste. Containers using tarps or flip-tops are prohibited. Any spillage from the transport vehicles is prohibited.
- (4) The average weight of solid waste payloads transported during each calendar month shall be no less than 25 tons.
- (5) Any staging areas used shall be located in areas outside or excluded from the Columbia River Gorge National Scenic Area (NSA).
- (6) All transport vehicles shall use only designated stopping points outside the Columbia River Gorge NSA except in cases of emergency.
- (7) Use of rest areas, turnouts, scenic vista points, and state parks shall be limited to cases of emergency.
- (8) Transportation shall not be conducted in the Columbia River Gorge NSA during the following times:
 - (A) 4:00 p.m. to 10:00 p.m. Friday afternoons in June, July, August, and September.
 - (B) Daylight hours on Saturdays in June, July, August, and September.
 - (C) All hours on Sunday in June, July, August, and September.
- (9) All solid waste shall be transported by use of vehicles utilizing splash and spray suppressant devices behind each wheel, and utilizing rain suppressant side flaps on all non-turning axles.

- (10) All solid waste shall be transported by use of vehicles and equipment that shall be suitably painted and present an acceptable appearance.
- (11) A representative of Franchisee and its transportation carrier shall annually meet with the gorge communities and interested parties to receive input and discuss issues related to transportation of solid waste.
- (12) The Franchisee shall report to Metro any accidents, citations, and vehicle inspections involving vehicles of their transportation carrier during the transporting of solid waste on behalf of the Franchisee.
- (13) A representative of Franchisee and its transportation carrier shall meet monthly with Metro to discuss operational problems, complaints and any extraordinary occurrences.
- (14) The Franchisee shall immediately report any violations of this subsection to Metro.

(Ordinance No. 98-762C, Secs. 32-33. Amended by Ordinance No. 02-974, Sec. 1.)

REGULATORY ADMINISTRATION OF SOLID WASTE FACILITIES

(5.01.130 Administrative Procedures for Franchisees. Repealed Ord. 98-762C Sec. 29)

(5.01.131 Designation and Review of Service Areas and of Demand. Ordinance No. 01-916C, Secs. 2-3. Amended by Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec. 17; and repealed Ord. 12-1272. Sec. 4.)

5.01.132 Adoption & Amendment of Administrative Procedures and Performance Standards

(a) The Chief Operating Officer may issue administrative procedures and performance standards governing the obligations of Licensees and Franchisees under this chapter, including but not limited to procedures and performance standards for nuisance control, public notification of facility operations, management of unacceptable wastes, facility record-keeping and reporting, yard debris composting operations, non-putrescible waste material recovery, non-putrescible waste reloading, transportation of Putrescible Waste.

(b) The Chief Operating Officer may issue administrative procedures and performance standards to implement all provisions of this chapter.

(c) The Chief Operating Officer shall substantially amend the administrative procedures and performance standards issued under subsections (a) or (b) of this section only after providing public notice and the opportunity to comment on the proposed amendment.

(d) The Chief Operating Officer may hold a public hearing on any proposed new administrative procedure and performance standard or on any proposed amendment to any administrative procedure and performance standard, if the Chief Operating Officer determines that there is sufficient public interest in any such proposal.

(Ordinance No. 98-762C, Secs. 34-35. Amended by Ordinance No. 01-916C, Sec. 5; Ordinance No. 02-974, Sec. 1; Ordinance No. 07-1138, Sec. 3; and Ordinance No. 12-1272, Sec. 5.)

5.01.135 Inspections and Audits of Solid Waste Facilities

(a) The Chief Operating Officer shall be authorized to make such inspection or audit as the Chief Operating Officer deems appropriate, and shall be permitted access to the premises of a licensed or franchised facility, and all other Solid Waste Facilities, at all reasonable times during business hours with or without notice or at such other times with 24 hours notice after the Franchise or License is granted to assure compliance with this

chapter, the Code, the Franchise or License, and administrative procedures and performance standards adopted pursuant to Section 5.01.132 of this chapter.

(b) Inspections or audits authorized under subsection (a) of this section shall occur regularly and as determined necessary by the Chief Operating Officer. Results of each inspection shall be reported on a standard form specified by the Chief Operating Officer.

(c) The Chief Operating Officer shall have access to and may examine during such inspections or audits any records pertinent in the opinion of the Chief Operating Officer to the License or Franchise, or to the provisions of this chapter, including but not limited to the books, papers, records, equipment, blueprints, operation and maintenance records and logs and operating rules and procedures of the Licensee, Franchisee or Solid Waste Facility operator. Such inspections or audits may include taking samples and conducting analysis of any waste or other material, including storm water runoff, water treatment or holding facilities, leachate, soil and solid waste. The Chief Operating Officer shall coordinate any sampling or follow-up activities with DEQ or local jurisdictions as necessary to prevent the imposition of redundant requirements on operations.

(d) Any violations discovered by the inspection or audit shall be subject to the penalties provided in Section 5.01.200.

(Ordinance No. 98-762C, Secs. 36-37. Amended by Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec. 18; and Ordinance No. 07-1147B, Sec. 4.)

5.01.137 Record-keeping and Reporting

(a) Franchisees and licensees shall maintain accurate records of the information required by the Chief Operating Officer and shall report such required information on the forms or in the format and within the reporting periods and deadlines established by the Chief Operating Officer. Reports shall be signed and certified as accurate by an authorized representative of the Licensee or Franchisee.

(b) Licensees or Franchisees shall maintain evidence of all financial assurance mechanisms unless or until the Licensee or Franchisee is released from the financial assurance requirements as specified in this chapter.

(c) Licensees or Franchisees shall provide copies of any correspondence or information received from or provided to any federal, state or local government agency related to the

regulation of a Solid Waste facility within five (5) days of the receipt or provision of the correspondence or information.

(d) Licensees or Franchisees shall maintain records of any written complaints received from the public or a customer, including but not limited to, information on the nature of the complaint, name, address and phone number of the complainant, date the complaint was received and any action taken to respond to the complaint.

(e) All records required by this chapter shall be retained by the Licensee, Franchisee or its operator for three (3) years and shall be available for inspection by the Chief Operating Officer.

(f) All information submitted by the Licensee or Franchisee shall be public record and subject to disclosure pursuant to the Oregon Public Records Act, except such portion of the records and reports for which the Licensee or Franchisee requests exception from disclosure consistent with Oregon Law.

(Ordinance No. 98-762C, Secs. 38-39. Amended by Ordinance No. 02-974, Sec. 1.)

5.01.140 License and Franchise Fees

(a) The annual fee for a solid waste License shall not exceed three hundred dollars (\$300.00), and the annual fee for a solid waste Franchise shall not exceed five hundred dollars (\$500.00). The Council may revise these fees upon 90 days written notice to each Licensee or Franchisee and an opportunity to be heard.

(b) The License or Franchise fee shall be in addition to any other fee, tax or charge imposed upon a Licensee or Franchisee.

(c) The Licensee or Franchisee shall pay the License or Franchise fee in the manner and at the time required by the Chief Operating Officer.

(Ordinance No. 81-111, Sec. 15. Amended by Ordinance No. 98-762C, Sec. 40; Ordinance No. 98-767, Sec. 5; Ordinance No. 02-974, Sec. 1.)

5.01.150 ~~User Fees~~Regional System Fees

(a) ~~Notwithstanding Section 5.01.040(a)(2) of this chapter, the Council shall set user fees annually, and more frequently if necessary, which~~ In accordance with Chapter 5.02 of this title, regional system fees shall apply to Solid Waste Facilities and

Disposal Sites which are owned, operated, licensed or franchised by Metro or which are liable for payment of ~~user~~ such fees pursuant to a special agreement with Metro.

~~(b) User fees shall not apply to:~~

~~(1) Solid waste received at facilities that are licensed, franchised or exempt from regulation under this Chapter, other than any Disposal Sites or Transfer Stations that are not subject to the requirements of Section 5.01.125(a);~~

~~(2) Cleanup Material Contaminated By Hazardous Substances accepted at facilities that treat said Cleanup Material Contaminated By Hazardous Substances to applicable DEQ standards;~~

~~(3) Useful Material that is accepted at a Disposal Site that is listed as a Metro Designated Facility in Chapter 5.05 or accepted at a Disposal Site under authority of a Metro Non System License issued pursuant to Chapter 5.05, provided that the Useful Material: (A) is intended to be used, and is in fact used, productively in the operation of the Disposal Site such as for roadbeds or alternative daily cover; and (B) is accepted at the Disposal Site at no charge; or~~

~~(4) Processing Residual produced by any tire processor that is regulated pursuant to this chapter and that sorts, classifies or processes used tires into fuel or other products, provided said Processing Residual conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent, and under the terms, specified in the Metro license or franchise.~~

~~(c) Notwithstanding any other provisions of this Code, user fees shall apply to Cleanup Material Contaminated By Hazardous Substances that is derived from an environmental cleanup of a nonrecurring event, and delivered to any Solid Waste System Facility authorized to accept such substances. Such Cleanup Materials Contaminated By Hazardous Substances may be subject to credits against user fees pursuant to Section 5.02.047 of this Title.~~

~~(bd) User-Regional system~~ fees shall be in addition to any other fee, tax or charge imposed upon a Solid Waste Facility or Disposal Site.

~~(ce) User-Regional system~~ fees shall be separately stated upon records of the Solid Waste Facility or Disposal Site.

~~(df) User-Regional system~~ fees and finance charges on ~~user~~ such fees shall be paid as specified in Section 5.02.055 of this Title.

~~(g) There is no liability for user fees on charge accounts that are worthless and charged off as uncollectible, provided that an affidavit is filed with Metro stating the name and amount of each uncollectible charge account and documenting good faith efforts that have been made to collect the accounts. User fees may not be deemed uncollectible unless the underlying account is also uncollectible. If the fees have previously been paid, a deduction may be taken from the next payment due to Metro for the amount found worthless and charged off. If any such account is thereafter collected, in whole or in part, the amount so collected shall be included in the first return filed after such collection, and the fees shall be paid with the return.~~

~~(h) All user fees shall be paid in the form of a remittance payable to Metro. All user fees received by Metro shall be deposited in the solid waste operating fund and used only for the administration, implementation, operation and enforcement of the Regional Solid Waste Management Plan.~~

~~(i) License or Franchise holders are eligible to apply for and receive Regional System Fee Credits pursuant to Section 5.02.047 of this Title.~~

(Ordinance No. 81-111, Sec. 16. Amended by Ordinance No. 86-214, Sec. 1; Ordinance No. 91-422B, Sec. 4; Ordinance No. 93-509, Sec. 2; Ordinance No. 95-621A, Sec. 7; Ordinance No. 98-762C, Sec. 41; Ordinance No. 00-866, Sec. 6; Ordinance No. 02-974, Sec. 1; and Ordinance No. 03-1018A, Sec. 19.)

(5.01.160 Reports from Collection Services. Repealed Ord. 98-762C §42)

5.01.170 Determination of Rates

(a) The Council may establish facility Rates upon finding that setting such rates is in the public interest as a matter of metropolitan concern.

(b) Notwithstanding any other provision of this section,

(1) Licensees shall be exempt from all rate setting;
and

(2) Franchisees shall be exempt from rate setting unless rate setting is required as a condition of their Franchise.

(Ordinance No. 81-111, Sec. 19. Amended by Ordinance No. 82-136, Sec. 4. Renumbered by Ordinance No. 91-436A, Sec. 2, which repealed former Section 5.01.170, "Rate Review Committee." Repealed by Ordinance No. 98-762C, Sec. 43; replaced by Ordinance No. 98-762C, Sec. 44; and amended by Ordinance No. 03-1018A, Sec. 20.)

ENFORCEMENT AND APPEALS

5.01.180 Enforcement of Franchise or License Provisions

(a) The Chief Operating Officer may, at any time, make an investigation to determine if there is sufficient reason and cause to suspend, modify or revoke a Franchise or License as provided in this section. If, in the opinion of the Chief Operating Officer, there is sufficient evidence to suspend, modify, or to revoke a Franchise or License, the Chief Operating Officer shall notify the Franchisee or Licensee in writing of the alleged violation, and the steps necessary to be taken to ~~eure~~correct the violation. Upon a finding that violation exists and that the Franchisee or Licensee is unable to or refuses to ~~eure~~correct the violation within a reasonable time after receiving written notice thereof, the Chief Operating Officer may provide notice to the Franchisee or Licensee that penalties pursuant to Section 5.01.200 of this chapter shall be imposed or that the Franchise or License is suspended, modified or revoked.

(b) The notice authorized by this subsection shall be based upon the Chief Operating Officer's finding that the Franchisee or Licensee has:

- (1) Violated the Franchise or License agreement, the administrative procedures or performance standards issued by the Chief Operating Officer, this chapter, the Code, state law, local ordinance or the rules promulgated thereunder or any other applicable law or regulation; or
- (2) Misrepresented material facts or information in the Franchise or License application, or other information required to be submitted to Metro;
- (3) Refused to provide adequate service at a Licensed or Franchised site, facility or station, after written notification and reasonable opportunity to do so;
- (4) Misrepresented the gross receipts from the operation of the Licensed or Franchised site, facility or station;
- (5) Failed to pay when due the fees required to be paid under this chapter; or
- (6) Been found to be in violation of a city or county ordinance if such ordinances require Licensees or Franchisees to comply with the Metro solid waste facility regulation code.

(c) Except as provided in subsection (d) of this section, the Chief Operating Officer's revocation, modification or suspension of a Franchise shall not become effective until the Franchisee has been afforded an opportunity to request a contested case hearing and an opportunity for a contested case hearing if one is requested.

(d) Upon a finding of serious danger to the public health or safety as a result of the actions or inactions of a Franchisee or Licensee under this chapter, the Chief Operating Officer may in accordance with Code Chapter 2.05 immediately suspend the Franchise or License and may take whatever steps may be necessary to abate the danger. In addition, in the case of a Franchise, the Chief Operating Officer may authorize another Franchisee or another person to provide service or to use and operate the site, station, facilities and equipment of an affected Franchisee for reasonable compensation in order to provide service or abate the danger for so long as the danger continues. If a Franchise is immediately suspended, the Franchisee shall have 90 days from the date of such action to request a contested case hearing in accordance with Code Chapter 2.05.

(e) Upon revocation or refusal to renew the Franchise or License, all rights of the Franchisee or Licensee in the Franchise or License shall immediately be divested.

(Ordinance No. 81-111, Sec. 20. Amended by Ordinance No. 82-136, Sec. 5; Ordinance No. 95-621A, Sec. 8. Renumbered by Ordinance No. 91-436A, Sec. 2. Amended by Ordinance No. 98-762C, Sec. 45; Ordinance No. 02-974, Sec. 1; and Ordinance No. 03-1018A, Sec. 21.)

(5.01.190 Right to Purchase. Repealed Ord. 98-762C §46)

5.01.200 Penalties

(a) Each violation of this chapter shall be punishable by a fine of not more than \$500.00. Each day a violation continues constitutes a separate violation. Separate offenses may be joined in one indictment or complaint or information in several counts.

(b) Upon a finding that a Licensee or Franchisee is in violation of this chapter, the Code, the License or Franchise agreement, or the administrative procedures or performance standards adopted pursuant to Section 5.01.132 of this chapter during an inspection or audit conducted pursuant to Section 5.01.135 of this chapter, the Chief Operating Officer shall provide written notice to the Licensee or Franchisee describing the violation at the time of the inspection, and requiring the Licensee or Franchisee to correct the violation within the time specified on the notice.

(c) Upon a finding that the Licensee or Franchisee has failed to ~~abate~~correct the violation within the specified time period, the Chief Operating Officer shall issue a citation, indicating the continuing violation, the date of re-inspection and imposing a fine as specified in subsection (a) of this section on Licensees or Franchisees.

(d) If after re-inspection, the Chief Operating Officer finds the Licensee or Franchisee has failed to ~~abate~~correct the violation, such violation shall be punishable by a fine of \$1,000.00. Notice of a final deadline for ~~abating~~correcting the violation shall be given at the time of re-inspection.

(e) Upon a finding that the Licensee or Franchisee has failed to ~~abate~~correct the violation after the final deadline, the Licensee or Franchisee shall be required to cease performing the Activity resulting in the violation.

(f) Further inspections shall be conducted to ensure suspension of the offending Activity. If the Licensee or Franchisee has failed to suspend the offending Activity, the Chief Operating Officer shall conduct an investigation which may result in the:

- (1) Imposition of a remedy suitable to Metro to be implemented by and at the expense of the Licensee or Franchisee;
- (2) Suspension of all solid waste Activities on site;
- (3) Imposition of a lien on the property for the amount of the fines; or
- (4) Suspension, modification or revocation of the License or Franchise pursuant to Section 5.01.180 of this chapter.

(g) In addition to subsection (a) of this section, any violation of this chapter may be enjoined by Metro upon suit in a court of competent jurisdiction and shall also be subject to a civil penalty not to exceed \$500.00 per day for each day of violation.

(Ordinance No. 81-111, Sec. 22. Renumbered by Ordinance No. 91-436A, Sec. 2. Amended by Ordinance No. 98-762C, Sec. 47; Ordinance No. 98-767, Sec. 6; Ordinance No. 02-974, Sec. 1; and Ordinance No. 03-1018A, Sec.22.)

(5.01.210 Acceptance of Tires at a Disposal Site. Repealed Ord. 98-762C §48)

(5.01.220 Additional Provisions Relating to Issuance of a Franchise for a Facility Processing Petroleum Contaminated Soil. Repealed Ord. 98-762C §48)

(5.01.230-380 Additional Provisions Relating to the Licensing of Yard Debris Processing Facilities and Yard Debris Reload Facilities. Repealed Ord. 98-762C §49)

MISCELLANEOUS PROVISIONS

(5.01.400 Treatment of Existing Licenses and Franchises. Repealed Ord. 03-1018A §23)

5.01.410 Miscellaneous Provisions

(a) The Chief Operating Officer shall be responsible for the administration and enforcement of this chapter.

(b) The granting of a License or Franchise shall not vest any right or privilege in the Licensee or Franchisee to receive specific quantities of Solid Waste during the term of the License or Franchise.

(c) The power and right to regulate, in the public interest, the exercise of the privileges granted by a License or Franchise shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority and to enforce all such requirements against holders of Licenses or Franchises.

(d) To be effective, a waiver of any term or condition of a License or Franchise must be in writing, signed by the Chief Operating Officer. Waiver of a term or conditions of a License or Franchise shall not waive nor prejudice Metro's right of Metro otherwise to require performance of the same term or conditions or any other term or condition.

(e) A License or Franchise shall be construed, applied and enforced in accordance with the laws of the State of Oregon.

(f) If any provision of a License or Franchise is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in the License or Franchise shall not be affected.

(g) Nothing in this chapter is intended to limit the power of a federal, state, or local agency to enforce any provision of law relating to any Solid Waste Facility or Disposal Site that it is authorized or required to enforce or administer.

(h) Nothing in this chapter shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, reports or other requirements

of other regulatory agencies, including but not limited to, local health departments, regional water quality control boards, local land use authorities, and fire authorities.

~~(i) Nothing in this chapter is intended to establish standards or other regulatory requirements for inadvertent composting resulting from the storage of organic materials.~~

(Ordinance No. 98-762C, Secs. 52-53. Amended by Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1018A, Sec. 24.)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1332 FOR THE PURPOSE OF AMENDING METRO CODE TITLE V, SOLID WASTE, TO REVISE CHAPTER 5.01 AND TO REPEAL CHAPTER 5.03.

July 1, 2014

Prepared by: Warren Johnson
503-797-1836

The proposed ordinance amends Title V (Solid Waste) to revise and reorganize Chapter 5.01 (Solid Waste Facility Regulation) to separate licensing and franchising requirements, revise and repeal certain provisions related to regional systems fees, and make various technical corrections to improve the readability and organizational structure of the Code. In addition, the proposed ordinance repeals the obsolete Chapter 5.03 (Disposal Site Franchise Fees) since such provisions are already included in Chapter 5.01. There are no substantive changes to any current policies, practices, or regulatory requirements under this proposed ordinance.

BACKGROUND

Metro Code Chapter 5.01 (Solid Waste Facility Regulation) governs the regulation of solid waste facilities and disposal sites within the region. Applicants seeking solid waste facility authorizations often find it difficult to navigate the applicable requirements in Chapter 5.01 because the license and franchise provisions are intermingled throughout the chapter. In order to make the Code more accessible and easier to use, the Chief Operating Officer recommends reorganizing Chapter 5.01 to separate licensing and franchising requirements into distinct sections. The proposed reorganization also includes various technical corrections and revisions to improve the readability and continuity of the Code. The Chief Operating Officer also recommends that certain provisions related to the payment of regional system fees be repealed from Chapter 5.01 and replaced in Chapter 5.02 (Disposal Charges and User Fees) under a separate ordinance for further organizational improvement.¹ In addition the Chief Operating Officer recommends that the obsolete Chapter 5.03 (Disposal Site Franchise Fees) be repealed since its provisions are redundant and currently covered under Chapter 5.01.

This proposed ordinance is part of a package of ordinances that are intended to improve the consistency, access, and usability of Metro's solid waste Code. In addition to this action, Metro Council will also consider three similar ordinances for other housekeeping and organizational improvements to the Code at its meeting on July 24, 2014.²

ANALYSIS/INFORMATION

1. Known Opposition

Adoption of this ordinance would result in changes to the organizational structure of Title V, including reorganization and minor technical corrections to Chapter 5.01 and the repeal of Chapter 5.03. There are no substantive changes to any current policies, practices, or regulatory requirements. As such, there is no known opposition to the proposed ordinance.

¹ Ordinance No. 14-1338

² Chapter 5.00 (Ord. No. 14-1331), Chapter 5.02 (Ord. No. 14-1338), and Chapter 5.05 (Ord. No. 14-1337)

2. Legal Antecedents

Any change to the Metro Code requires an ordinance of the Metro Council.

3. Anticipated Effects

Adoption of this ordinance would result in the following changes to the Metro Code:

- Reorganization of Chapter 5.01 so that licensing and franchising requirements for solid waste facilities are organized separately in distinct sections.
- Revisions to and repeal of portions of 5.01.150 for relocation to Chapter 5.02 (under separate Ordinance No. 14-1338).
- Repeal of Section 5.01.410(i) to improve regulatory consistency.
- Minor technical corrections and renumbering of sections as necessary.
- Repeal of obsolete Chapter 5.03 (Disposal Site Franchise Fees) to improve consistency and eliminate redundancy.

4. Budget Impacts

There are no expected budget impacts associated with the adoption of this ordinance.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 14-1332. Approval of this ordinance will revise and reorganize Chapter 5.01 (Solid Waste Facility Regulation) to separate licensing and franchising requirements, repeal certain provisions related to regional systems fees, make various technical corrections, as provided in Exhibit A, and repeal the obsolete Chapter 5.03 (Disposal Site Franchise Fees).

Agenda Item No. 5.3

Ordinance No. 14-1333, For the Purpose of Amending Metro
Code Chapter 5.05 to Delete Lakeside Reclamation from the List
of Metro Designated Facilities.

Ordinances - First Read

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 14-1333
CODE CHAPTER 5.05 TO DELETE LAKESIDE)	
RECLAMATION FROM THE LIST OF METRO	)	Introduced by Chief Operating Officer Martha
DESIGNATED FACILITIES	)	Bennett in concurrence with Council
		President Tom Hughes

WHEREAS, Metro Code Section 5.05.030 authorizes the Metro Council to add and delete facilities from the list of designated facilities included in that section; and

WHEREAS, in Metro Ordinance No. 89-319, the Metro Council adopted Metro Code Section 5.05.030 and added Lakeside Reclamation as a designated facility of the system; and

WHEREAS, in Metro Resolution No. 08-4009, the Metro Council terminated the Designated Facility Agreement with Lakeside Reclamation, effective December 31, 2008; and

WHEREAS, Metro Code Section 5.05.030(b) requires the Metro Council to consider seven criteria when deciding whether to amend or delete an existing designation; and

WHEREAS, as set forth in the staff report accompanying this Ordinance, the Chief Operating Officer analyzed the criteria set forth in Metro Code Section 5.05.030(b) and recommends that the Metro Council delete Lakeside Reclamation from the list of designated facilities; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Section 5.05.030 (a) (4) listing Lakeside Reclamation as a Designated Facility of the System is deleted.
2. The remaining provisions are renumbered as provided in Ordinance No. 14-1337.

ADOPTED by the Metro Council this [insert date] day of [insert month] 2014.

Tom Hughes, Council President

Attest:

Approved as to Form:

Troy Rayburn, Recording Secretary

Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1333, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.05 TO DELETE LAKESIDE RECLAMATION FROM THE LIST OF METRO DESIGNATED FACILITIES

Date: July 1, 2014

Prepared by: Bill Metzler, 503-797-1666

The proposed Ordinance, if approved by Council, will delete Lakeside Reclamation from the list of designated facilities of the system described in Metro Code Chapter 5.05.

BACKGROUND

Metro solid waste flow control provisions (Chapter 5.05 of the Code) allow Council to “designate” facilities located outside the Metro boundary to be part of the Metro solid waste system. Metro Code Section 5.05.030 describes the designated facilities of the system. Once designated, these facilities enter into contracts (designated facility agreements) with Metro to receive specific waste streams from in the Metro region without the need for individual haulers to obtain a Metro non-system license (NSL). Designated facilities also collect and remit to Metro Regional System Fee and Excise Tax on waste when applicable. Designated facility agreements are a way for Metro and the private sector to cooperatively allow the free flow of certain wastes, and gives Metro some level of regulatory oversight at the facility; thereby ensuring proper management of the waste generated in the Metro region.

Lakeside Reclamation has been listed as a designated facility in Metro Code Chapter 5.05 since 1989 (Ordinance No. 89-319) and was subject to the terms of an agreement with Metro. Metro Ordinance No. 93-483 modified the designated facility listing of Lakeside Reclamation in Metro Code Chapter 5.05. As a result, Metro and Lakeside Reclamation entered into a designated facility agreement in April 1993 (Metro Contract No. 902857), until it was terminated by the Metro Council on December 31, 2008 (Resolution No. 08-4009). During this time the landfill received primarily construction and demolition debris generated in the Metro region.

On July 1, 2009, Lakeside Reclamation initiated closure of the landfill and ceased accepting solid waste for disposal in accordance with its Solid Waste Disposal Site Closure Permit No. 214 issued by the Oregon Department of Environmental Quality (DEQ).

Deleting an existing designated facility

Metro Code Section 5.05.030(a) contains a list of designated facilities. Metro Code Section 5.05.030(b) states that, pursuant to a duly enacted ordinance, the Metro Council may add facilities or delete them from the list. In deciding whether to designate an additional facility, or amend or delete an existing designation, the Council shall consider several factors listed in Code.

These factors may be relevant when considering whether or not to designate an additional facility or amend an existing designation. However, these factors are not particularly relevant for deleting an existing designation for a closed disposal site such as Lakeside Reclamation. Lakeside Reclamation is no longer an active disposal site and it has been closed since July 1, 2009 in accordance with its DEQ Solid Waste Disposal Site Closure Permit No. 214.

Below is a list of the factors listed in Section 5.05.030(b), followed by staff consideration.

- 1) *The degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination;*

Lakeside Reclamation has been a designated facility since 1993. Metro and Lakeside Reclamation held a designated facility agreement from April 1993 (Metro Contract No. 902857) until it was terminated by the Metro Council on December 31, 2008 (Resolution No. 08-4009). During this time the landfill received primarily construction and demolition debris generated in the Metro region.

The disposal site is closed. On July 1, 2009, Lakeside Reclamation Landfill ceased accepting solid waste for disposal in accordance with its Solid Waste Disposal Site Closure Permit No. 214 issued by the DEQ. The permit no longer authorizes Lakeside accept solid waste for disposal and required the landfill to close in accordance with DEQ specifications and protocols set forth in its Closure Permit.

- 2) *The record of regulatory compliance of the facility's owner and operator with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations;*

The disposal site is closed. On July 1, 2009, Lakeside Reclamation ceased accepting solid waste for disposal in accordance with its Solid Waste Site Closure Permit No. 214 issued by the DEQ.

Lakeside Reclamation operated under a Solid Waste Disposal Site Permit and closed in accordance with its Solid Waste Disposal Site Closure Permit No.214 issued by the DEQ. According to DEQ reports, during the DEQ permit period from 1998 through 2008, DEQ compliance inspectors cited Lakeside Reclamation several times for accepting prohibited materials for disposal.

The Metro Council terminated the designated facility agreement between Lakeside Reclamation and Metro on December 31, 2008 (Resolution No. 08-4009) because Lakeside Reclamation failed to establish a modified agreement with the Chief Operating Officer by the required deadline established in Metro Code which constituted good cause for termination of the agreement.

- 3) *The adequacy of operational practices and management controls at the facility;*

The disposal site is closed. On July 1, 2009, Lakeside Reclamation ceased accepting solid waste for disposal in accordance with its Solid Waste Site Closure Permit No. 214 issued by the DEQ.

Lakeside Reclamation operated under a Solid Waste Disposal Site Permit and closed in accordance with its Solid Waste Disposal Site Closure Permit No.214 issued by the DEQ. According to DEQ reports, during the DEQ permit period from 1998 through 2008, DEQ compliance inspectors cited Lakeside Reclamation several times for accepting prohibited materials for disposal.

The Metro Council terminated the designated facility agreement between Lakeside Reclamation and Metro on December 31, 2008 (Resolution No. 08-4009) because Lakeside Reclamation failed to establish a modified agreement with the Chief Operating Officer by the required deadline established in Metro Code which constituted good cause for termination of the agreement.

4) *The expected impact on the region's recycling and waste reduction efforts;*

The disposal site is closed. On July 1, 2009, Lakeside Reclamation ceased accepting solid waste for disposal pursuant to its Solid Waste Site Closure Permit No. 214 issued by the DEQ.

The Metro Council terminated the designated facility agreement between Lakeside Reclamation and Metro on December 31, 2008 (Resolution No. 08-4009) because Lakeside Reclamation failed to establish a modified agreement with the Chief Operating Officer by the required deadline established in Metro Code which constituted good cause for termination of the agreement.

Starting on January 1, 2009, any landfill accepting non-putrescible waste (such as construction and demolition debris) from the Metro region has been prohibited from accepting and disposing of non-putrescible waste that has not first undergone material recovery. This has resulted in an increase in the region's recycling and waste reduction efforts.

5) *The consistency of the designation with Metro's existing contractual arrangements;*

Deleting Lakeside Reclamation from the list of designated facilities in Metro Code Section 5.05.030(a) does not conflict with Metro's disposal contract or any other of Metro's existing contractual arrangements.

6) *The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement;*

The Metro Council terminated the designated facility agreement between Lakeside Reclamation and Metro on December 31, 2008 (Resolution No. 08-4009) because Lakeside Reclamation failed to establish a modified agreement with the Chief Operating Officer by the required deadline established in Metro Code which constituted good cause for termination of the agreement.

7) *Other benefits or detriments accruing to residents of the region from Council action in designating a facility, or amending or deleting an existing designation.*

There are no other benefits or detriments regarding deleting the existing designation other than providing consistency with the following actions taken by Metro and the DEQ: (1) the Metro Council's action to terminate the designated facility agreement between Lakeside Reclamation and Metro on December 31, 2008 (Resolution No. 08-4009), and (2) on July 1, 2009, Lakeside Reclamation ceased accepting solid waste for disposal pursuant to its Solid Waste Site Closure Permit No. 214 issued by the DEQ. There are no regional impacts since Lakeside Reclamation has not accepted waste from the Metro region for disposal since January 1, 2009.

The proposed Ordinance No. 14-1333 serves as a companion to Ordinance No. 14-1334 and Ordinance No. 14-1335 in which it is recommended that Cedar Grove Composting, Inc. and Weyerhaeuser Regional Landfill also be removed from the list of designated facilities of the system in Metro Code Section 5.05.030 (a).

ANALYSIS/INFORMATION

1. Known Opposition. There is no known opposition to this Ordinance.

- 2. Legal Antecedents.** Metro Code Section 5.05.030 (b) provides that Metro Council may, from time to time, acting pursuant to a duly enacted ordinance, may remove a facility from the list of designated facilities described in Metro Code Section 5.05.030 (a).
- 3. Anticipated Effects.** Adoption of Ordinance 14-1333 will delete Metro Code Section 5.05.030 (a) (4) that lists Lakeside Reclamation as a Designated Facility of the System. The remaining provisions will be renumbered as provided in Ordinance No. 14-1337.
- 4. Budget Impacts.** There are no budget impacts associated with the adoption of this Ordinance.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 14-1333

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Agenda Item No. 5.4

Ordinance No. 14-1334, For the Purpose of Amending Metro Code Chapter 5.05 to Delete Cedar Grove Composting, Inc. from the List of Metro Designated Facilities.

Ordinances – First Read

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 14-1334
CODE CHAPTER 5.05 TO DELETE CEDAR)	
GROVE COMPOSTING, INC. FROM THE LIST	)	Introduced by Chief Operating Officer Martha
OF METRO DESIGNATED FACILITIES	)	Bennett in concurrence with Council
		President Tom Hughes

WHEREAS, Metro Code Section 5.05.030 authorizes the Metro Council to add and delete facilities from the list of designated facilities included in that section; and

WHEREAS, in Metro Ordinance No. 05-1081, the Metro Council amended Metro Code Section 5.05.030 to add Cedar Grove Composting, Inc. as a designated facility of the system; and

WHEREAS, Metro Code Section 5.05.030(b) requires the Metro Council to consider seven criteria when deciding whether to amend or delete an existing designation; and

WHEREAS, as set forth in the staff report accompanying this Ordinance, the Chief Operating Officer analyzed the criteria set forth in Metro Code Section 5.05.030(b) and recommends that the Metro Council delete Cedar Grove Composting, Inc. from the list of designated facilities; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Section 5.05.030 (a) (11) listing Cedar Grove Composting, Inc. as a Designated Facility of the System is deleted.
2. The remaining provisions are renumbered as provided in Ordinance No. 14-1337.

ADOPTED by the Metro Council this [insert date] day of [insert month] 2014.

Tom Hughes, Council President

Attest:

Approved as to Form:

Troy Rayburn, Recording Secretary

Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1334, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.05 TO DELETE CEDAR GROVE COMPOSTING, INC. FROM THE LIST OF METRO DESIGNATED FACILITIES

Date: July 1, 2014

Prepared by: Bill Metzler 797-1666

The proposed Ordinance, if approved by Council, will delete Cedar Grove Composting, Inc. from the list of designated facilities of the system described in Metro Code Chapter 5.05.

BACKGROUND

Metro solid waste flow control provisions (Chapter 5.05 of the Code) allow Council to “designate” facilities located outside the Metro boundary to be part of the Metro solid waste system. Metro Code Section 5.05.030 describes the designated facilities of the system. Once designated, these facilities enter into contracts (designated facility agreements) with Metro to receive specific waste streams from in the Metro region without the need to obtain a Metro non-system license (NSL). Designated facilities also collect and remit to Metro Regional System Fee and Excise Tax on waste when applicable. Designated facility agreements are a way for Metro and the private sector to cooperatively allow the free flow of certain wastes, and gives Metro some level of regulatory oversight at the facility; thereby ensuring proper management of the waste generated in the Metro region.

The two Cedar Grove Composting, Inc. facilities are located in Maple Valley, Washington and Everett, Washington. Cedar Grove Composting, Inc. has been a designated facility in Metro Code Chapter 5.05 since 2005 (Metro Ordinance No. 05-1081). Cedar Grove Composting, Inc. entered a designated facility agreement of five year’s duration with Metro in June of 2005 (Metro Contract No. 926533). In June 2010 an amendment was executed to extend the expiration of the designated facility agreement to December 31, 2011. Metro also entered into a separate contract with the facility for processing organic waste from the Metro Central Transfer Station. Since its designation in 2005, the facility has only received organics (food waste) from the Metro Central Transfer Station under its operations contract with Metro. As a result, Cedar Grove Composting, Inc. never received organics from any other source within the Metro region under the terms of the designated facility agreement.

The designated facility agreement expired on December 31, 2011 to align with the expiration of Metro’s operations contract with the facility. Cedar Grove Composting, Inc. has not sought to enter into a new agreement with Metro since that time. Further, a facility representative informed Metro staff that Cedar Grove Composting, Inc. does not intend to make application in the future nor does the facility object to the removal of Cedar Grove Composting, Inc. from the list of designated facilities in Metro Code. Cedar Grove Composting, Inc. has not accepted organic waste from the Metro region since 2009.

Currently, residentially generated organics from the city of Portland program (food waste with yard debris) that are delivered to the Metro Central Station are transferred to the Recology owned and operated Nature’s Needs composting facility located in North Plains. Organics generated from the commercial sector that are delivered to the Metro Central Station are transferred to the JC-Biomethane facility in Junction City where they are digested in-vessel to produce biogas and useful by-products including soil amendments for agricultural use.

Deleting an existing designated facility

Metro Code Section 5.05.030(a) contains a list of designated facilities. Metro Code Section 5.05.030(b) states that, pursuant to a duly enacted ordinance, the Metro Council may add facilities or remove them from the list. In deciding whether to designate an additional facility, or amend or delete an existing designation, the Council shall consider several factors listed in Code. However, these factors are not particularly relevant for deleting an existing designation such as Cedar Grove Composting, Inc. This is because Cedar Grove Composting, Inc. no longer seeks to accept organics generated from the Metro region or to be listed as a designated facility of Metro's system. As a result, Cedar Gove Composting, Inc. has allowed its designated facility agreement with Metro to expire on December 31, 2011 and does not seek to maintain its designated facility status.

Below is a list of the factors listed in Section 5.05.030(b), followed by staff consideration.

- 1) *The degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination;*

Cedar Grove Composting, Inc. has been operating its Maple Valley facility since 1989. The Everett facility began operations in July 2004. The facilities have accepted only source-separated organics for composting. Therefore, it is highly unlikely that the organic waste accepted at the facilities is likely to pose a risk of environmental contamination. Metro area waste is no longer delivered to or accepted by the facility.

- 2) *The record of regulatory compliance of the facility's owner and operator with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations;*

The Maple Valley facility operates under a Solid Waste Permit issued by Seattle-King County, a Puget Sound Clean Air Agency Permit, and a King County Industrial Waste Discharge Permit. The Everett facility's solid waste permit was issued by the Snohomish County Health Department. Both facilities are considered by their regulatory agencies to be well run and in compliance with all federal, state, and local requirements including those related to public health, safety and environmental rules and regulations. In 2011, the facility was fined for odor violation notices during 2009 and 2010 at the Maple Valley and Everett facilities. Over the years, both facilities have had to make operational changes and facility modifications in order to help mitigate odor impacts. Metro area waste is no longer delivered to or accepted by the facility.

- 3) *The adequacy of operational practices and management controls at the facility;*

Metro staff have periodically visited both the Maple Valley and Everett facilities during the term of the now expired designated facility agreement. Both facilities used operational practices and management controls that were judged by Metro staff to be adequate for the protection of health, safety and the environment.

- 4) *The expected impact on the region's recycling and waste reduction efforts;*

Deleting the facility from Metro's designated facility list will not result in any negative impact on the region's recycling and waste reduction efforts. Organic waste from the region that was diverted from Cedar Grove Composting Inc. is now being delivered to less distant processing facilities. Currently, organic waste generated in the Metro region is being processed at other composting or anaerobic digestion facilities.

- 5) *The consistency of the designation with Metro's existing contractual arrangements;*

The designation or deletion of the designation does not conflict with Metro's disposal contract or any other of Metro's existing contractual obligations.

- 6) *The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement;*

Cedar Grove Composting, Inc. operated in compliance with its Metro designated facility agreement.

- 7) *Other benefits or detriments accruing to residents of the region from Council action in designating a facility, or amending or deleting an existing designation.*

Staff are not aware of any other benefits or detriments regarding deleting the existing designation other than providing consistency with the wishes of Cedar Grove Composting, Inc.

The proposed Ordinance No. 14-1334 serves as a companion to Ordinance No. 14-1333 and Ordinance No. 14-1335 for the purpose of also removing Lakeside Reclamation and Weyerhaeuser Regional Landfill from the list of designated facilities of the system in Metro Code Section 5.05.030 (a).

ANALYSIS/INFORMATION

- 1. Known Opposition.** There is no known opposition to this Ordinance.
- 2. Legal Antecedents.** Metro Code Section 5.05.030 (b) provides that Metro Council may, from time to time, acting pursuant to a duly enacted ordinance, may remove a facility from the list of designated facilities described in Metro Code Section 5.05.030 (a).
- 3. Anticipated Effects.** Adoption of Ordinance 14-1334 will delete Metro Code Section 5.05.030 (a) (11) that lists Cedar Grove Composting, Inc. as a Designated Facility of the System. The remaining provisions will be renumbered as provided in Ordinance No. 14-1337.
- 4. Budget Impacts.** There are no budget impacts associated with the adoption of this Ordinance.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 14-1334.

Agenda Item No. 5.5

Ordinance No. 14-1335, For the Purpose of Amending Metro
Code Chapter 5.05 to Delete Weyerhaeuser Regional Landfill
from the List of Metro Designated Facilities Effective January 1,
2015.

Ordinances - First Read

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 14-1335
CODE CHAPTER 5.05 TO DELETE)	
WEYERHAEUSER REGIONAL LANDFILL	)	Introduced by Chief Operating Officer Martha
FROM THE LIST OF METRO DESIGNATED	)	Bennett in concurrence with Council
FACILITIES EFFECTIVE JANUARY 1, 2015	)	President Tom Hughes

WHEREAS, Metro Code Section 5.05.030 authorizes the Metro Council to add and delete facilities from the list of designated facilities included in that section; and

WHEREAS, in Metro Ordinance No. 05-1083, the Metro Council amended Metro Code Section 5.05.030 to add Weyerhaeuser Regional Landfill as a designated facility of the system; and

WHEREAS, Weyerhaeuser has transferred ownership of the landfill to Cowlitz County, and Metro has consented to assignment of the designated facility agreement to Cowlitz County; and

WHEREAS, the designated facility agreement for the landfill expires December 31, 2014; and

WHEREAS, Metro Code Section 5.05.030(b) requires the Metro Council to consider seven criteria when deciding whether to amend or delete an existing designation; and

WHEREAS, as set forth in the staff report accompanying this Ordinance, the Chief Operating Officer analyzed the criteria set forth in Metro Code Section 5.05.030(b) and recommends that the Metro Council delete Weyerhaeuser Regional Landfill from the list of designated facilities; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Section 5.05.030 (a) (12) listing Weyerhaeuser Regional Landfill as a Designated Facility of the System is deleted.
2. The remaining provisions are renumbered as provided in Ordinance No. 14-1337.
3. These changes are effective January 1, 2015.

ADOPTED by the Metro Council this [insert date] day of [insert month] 2014.

Tom Hughes, Council President

Attest:

Approved as to Form:

Troy Rayburn, Recording Secretary

Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1335, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.05 TO DELETE WEYERHAEUSER REGIONAL LANDFILL FROM THE LIST OF METRO DESIGNATED FACILITIES EFFECTIVE JANUARY 1, 2015

Date: July 1, 2014

Prepared by: Bill Metzler, 503-797-1666

The proposed Ordinance, if approved by Council, will delete Weyerhaeuser Regional Landfill from the list of designated facilities of the system described in Metro Code Chapter 5.05 effective January 1, 2015.

BACKGROUND

Metro solid waste flow control provisions (Chapter 5.05 of the Code) allow Council to “designate” facilities located outside the Metro boundary to be part of the Metro solid waste system. Metro Code Section 5.05.030 describes the designated facilities of the system. Once designated, these facilities enter into contracts (designated facility agreements) with Metro to receive specific waste streams from in the Metro region without the need for individual waste haulers to obtain a Metro non-system license (NSL). Designated facilities also collect and remit to Metro Regional System Fee and Excise Tax on waste when applicable. Designated facility agreements are a way for Metro and the private sector to cooperatively allow the free flow of certain wastes, and gives Metro some level of regulatory oversight at the facility; thereby ensuring proper management of the waste generated in the Metro region.

The Weyerhaeuser Regional Landfill located in Castle Rock Washington, and the Weyerhaeuser Material Recovery Facility, located in Longview Washington, together, have been a designated facility in Metro Code Chapter 5.05 since 2005 (Metro Ordinance No. 05-1083). The Weyerhaeuser Material Recovery Facility was designated only for the purpose of accepting non-putrescible solid waste processing residual and alternative daily cover for transfer to the Weyerhaeuser Regional Landfill. As a designated facility, Weyerhaeuser Regional Landfill has operated under the terms of a designated facility agreement with Metro since 2005 (Metro Contract No. 930885). During this time the landfill received primarily automobile shredder residue and non-putrescible waste residual from Metro regional material recovery facilities.

On February 18, 2014, Weyerhaeuser entered into an agreement with Cowlitz County to sell the assets of Weyerhaeuser’s Regional Landfill to the County. The transaction closed in March 2014, and Cowlitz County assumed control and began performing Weyerhaeuser’s obligations related to the Weyerhaeuser Regional Landfill. On March 31, 2014, at the request of Weyerhaeuser, Metro consented to the assignment of the designated facility agreement (Contract No. 930885) to Cowlitz County in order to minimize disruption through the end of 2014. The term of the designated facility agreement expires on December 31, 2014. The landfill has been renamed the Cowlitz County Headquarters Landfill.

Deleting an existing designated facility

Metro Code Section 5.05.030(a) contains a list of designated facilities. Metro Code Section 5.05.030(b) states that, pursuant to a duly enacted ordinance, the Metro Council may add facilities or remove them from the list. In deciding whether to designate an additional facility, or amend or delete an existing designation, the Council shall consider several factors listed in Code.

However, these factors are not particularly relevant for deleting the existing designation for the Weyerhaeuser Regional Landfill. This is because the Weyerhaeuser Regional Landfill no longer exists as initially designated, because it has been sold to Cowlitz County and was renamed the Cowlitz County

Headquarters Landfill. Furthermore, the operational practices and types of waste received at the Cowlitz County Headquarters Landfill are no longer consistent with the designation that was approved by Council for the Weyerhaeuser Regional Landfill on May 19, 2005 (Ordinance No. 05-1083). In particular, Cowlitz County Headquarters Landfill now accepts mixed municipal putrescible solid waste and uses a third-party transfer station (Waste Control, located in Longview, Washington) for receiving and reloading waste prior to disposal at the landfill. Therefore, the Cowlitz County Headquarters Landfill is now a significantly different facility than that which was initially approved by the Metro Council and listed in Metro Code Section 5.05.030(a)(12). As a result, the landfill must apply for and obtain Metro Council approval to be designated in its own right beyond the term of the current contract. The current designated facility agreement (Contract No. 930885) that has been assigned to Cowlitz County Headquarters Landfill from the Weyerhaeuser Regional Landfill will expire on December 31, 2014. Therefore, the effective date for deleting the designation for Weyerhaeuser Regional Landfill will be January 1, 2015.

Below is a list of the factors listed in Section 5.05.030(b), followed by staff consideration.

- 1) *The degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination;*

The disposal site was a Weyerhaeuser owned and operated limited-purpose landfill located near Castle Rock, Washington in Cowlitz County. The landfill began operations in 1993 and primarily served as a disposal site for wastes generated by Weyerhaeuser's own forest products and manufacturing operations. The landfill permit was approved by the Cowlitz County Department of Building and Planning under authority of a Memorandum of Agreement with the Washington Department of Ecology. Staff research did not uncover any evidence of any waste accepted at the landfill that was likely to pose a risk of environmental contamination.

However, in March 2014 Cowlitz County Public Works took over ownership and operations of the landfill. At the request of Weyerhaeuser, Metro assigned the designated facility agreement to Cowlitz County (Contract No. 930885). The landfill is now permitted by Cowlitz County to accept different waste streams than previously accepted by Weyerhaeuser. For example, Cowlitz County has authorized the landfill to accept mixed municipal solid waste (putrescible waste). Further, the Weyerhaeuser Material Recovery Facility located in Longview, Washington will no longer be used by Cowlitz County as a point of transfer for solid waste destined to be delivered to the landfill. However, Weyerhaeuser will continue to send waste from its own operations to the landfill through its Weyerhaeuser Material Recovery Facility located in Longview, Washington.

- 2) *The record of regulatory compliance of the facility's owner and operator with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations;*

With respect to the Weyerhaeuser Regional Landfill operations, Weyerhaeuser was considered by the Cowlitz County to be a well run facility that was in compliance with all federal, state, and local requirements including those related to public health, safety and environmental rules and regulations.

- 3) *The adequacy of operational practices and management controls at the facility;*

Metro staff visited the landfill several times over the term of the designated facility agreement. Weyerhaeuser Regional Landfill's operational practices and management controls were judged by Metro staff and Cowlitz County staff to be adequate and consistent with other similar facilities. The Weyerhaeuser Regional Landfill used operational practices and management controls that are

typical of limited-purpose landfills and considered adequate for the protection of health, safety and the environment. The landfill has since changed ownership and operational practices that are not consistent with the designation originally approved by the Metro Council and Section 5.05.030(a)(12) of the Metro Code.

4) *The expected impact on the region's recycling and waste reduction efforts;*

The waste authorized for disposal under the existing designated facility agreement includes only solid wastes that do not have a potential for recycling. Such wastes include special waste and processing residue from recycling facilities. Thus, deleting the facility from Metro Code Chapter 5.05 is not expected to have an impact of the region's recycling and waste reduction efforts.

5) *The consistency of the designation with Metro's existing contractual arrangements;*

Deleting Weyerhaeuser Regional Landfill from the list of designated facilities in Metro Code Section 5.05.030(a) does not conflict with Metro's disposal contract or any other of Metro's existing contractual arrangements.

6) *The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement;*

Weyerhaeuser Regional Landfill has been cooperative with Metro and has a good record of compliance with Metro ordinances and agreements.

7) *Other benefits or detriments accruing to residents of the region from Council action in designating a facility, or amending or deleting an existing designation.*

Deleting the Weyerhaeuser Regional Landfill from Metro Code Chapter 5.05 will ensure that the designated facilities of the system that are approved by the Metro Council and when listed in Metro Code Section 5.05.030(a) are accurate and up to date.

The Weyerhaeuser Regional Landfill no longer exists as initially designated because it has been sold to Cowlitz County and was renamed the Cowlitz County Headquarters Landfill. Furthermore, the Cowlitz County Headquarters Landfill's operations and types of waste accepted are no longer consistent with the Weyerhaeuser Regional Landfill designation as provided in Section 5.05.030(a)(12) and as approved by the Metro Council on May 19, 2005 (Ordinance No. 05-1083). The Cowlitz County Headquarters Landfill is now a different facility and must apply for and obtain Metro Council approval in order to be designated in its own right beyond the term of the current contract. The current designated facility agreement (Contract No. 930885) that has been assigned to Cowlitz County Headquarters Landfill from the Weyerhaeuser Regional Landfill will expire on December 31, 2014. Therefore, the effective date for deleting the designation for Weyerhaeuser Regional Landfill will be January 1, 2015.

The proposed Ordinance No. 14-1335 serves as a companion to Ordinance No. 14-1333 and Ordinance No. 14-1334 in which it is recommended that Lakeside Reclamation and Cedar Grove Composting, Inc. also be removed from the list of designated facilities of the system in Metro Code Section 5.05.030 (a).

ANALYSIS/INFORMATION

1. **Known Opposition.** There is no known opposition to this Ordinance.
2. **Legal Antecedents.** Metro Code Section 5.05.030 (b) provides that Metro Council may, from time to time, acting pursuant to a duly enacted ordinance, may remove a facility from the list of designated facilities described in Metro Code Section 5.05.030 (a).
3. **Anticipated Effects.** Adoption of Ordinance 14-1335 will delete Metro Code Section 5.05.030 (a) (12) that lists Weyerhaeuser Regional Landfill as a Designated Facility of the System. The remaining provisions will be renumbered as provided in Ordinance No. 14-1337.
4. **Budget Impacts.** There are no budget impacts associated with the adoption of this Ordinance.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 14-1335

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Agenda Item No. 5.6

Ordinance No. 14-1337, For the Purpose of Amending Metro
Code Title V, Solid Waste, to Revise Chapter 5.05.

Ordinances - First Read

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 14-1337
CODE TITLE V, SOLID WASTE, TO REVISE)	
CHAPTER 5.05.	)	Introduced by Chief Operating Officer Martha
	)	Bennett in concurrence with Council
	)	President Tom Hughes

WHEREAS, the Metro Solid Waste Code is set forth in Title V of the Metro Code; and

WHEREAS, Metro Solid Waste Code Chapter 5.05 contains the requirements for Solid Waste Flow Control; and

WHEREAS, Metro Code Section 5.05.030 identifies the designated facilities of the system and identifies individual designated facilities; and

WHEREAS, Metro Code Section 5.05.030 provides a seven-element analysis for the Council when designating a facility or when amending or deleting an existing designation; and

WHEREAS, the Chief Operating Officer recommends revisions to the Metro Code to remove references to individual facilities and to provide for a different analysis when the Council considers amending or deleting a facility designation; and

WHEREAS, portions of Metro Code Chapter 5.05 must be revised to update the code to reflect these changes and other necessary changes; and

WHEREAS, to achieve these objectives, the Metro Council must amend Metro Code Chapter 5.05; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Metro Code Chapter 5.05 is amended as set forth in the attached Exhibit A.

ADOPTED by the Metro Council this [insert date] day of [insert month] 2014.

Tom Hughes, Council President

Attest:

Approved as to Form:

Troy Rayburn, Recording Secretary

Alison R. Kean, Metro Attorney

Exhibit "A" to Ordinance 14-1337

CHAPTER 5.05

SOLID WASTE FLOW CONTROL

SECTIONS	TITLE
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5.05.010	Definitions <u>(repealed Ord. 14-1331</u>
5.05.015	Special Findings for Solid Waste Flow Control
5.05.020	Authority, Jurisdiction, and Application
5.05.025	Prohibited Activities
5.05.027	Exemptions
5.05.030	Designated Facilities of the System
5.05.035 <u>5.05.031</u>	<u>Addition to the List of Designated Facilities</u>
5.05.032	<u>Deletions and Amendments to the List of Designated Facilities</u>
5.05.033	<u>Contents of Designated Facility List and Council Adoption Every Five Years</u>
5.05.034	<u>Agreements with Designated Facilities</u>
5.05.040	<u>License to Use Non-System Facility</u>
5.05.038	<u>Limitations on Treatment or Disposal of Petroleum Contaminated Soil (repealed Ord. 01-917 §10)</u>
041	<u>Application for License</u>
5.05.040 <u>5.05.042</u>	<u>License Application Fees</u>
5.05.043	<u>Factors to Consider to Determine whether to issue License</u>
5.05.044	<u>Timetables to Determine whether to issue License</u>
5.05.045	<u>Issuance of Non-System License; Contents</u>
5.05.046	<u>Requirements to be met by License Holder</u>
5.05.047	<u>Failure to Comply with License</u>
5.05.050	<u>Issuance of Required Use Orders</u>
5.05.050 <u>5.05.055</u>	<u>Content of Required Use Orders; Notice</u>
5.05.052 <u>5.05.060</u>	<u>Requests for Reconsideration</u>
5.05.054 <u>5.05.065</u>	<u>Appeals to the Chief Operating <u>Hearings</u> Officer</u>
5.05.060 <u>5.05.070</u>	<u>Solid Waste Tracking System to be Developed</u>
5.05.070 <u>5.05.080</u>	<u>Solid Waste Flow Control Enforcement; Fines, Penalties and Damages for Violations</u>
5.05.080 <u>5.05.090</u>	<u>Administrative Rules</u>
5.05.090 <u>5.05.100</u>	<u>Contested Case Proceedings</u>

5.05.015 Special Findings for Solid Waste Flow Control

In connection with the enactment of the provisions of this chapter 5.05 of the Metro Code (as defined below), the Council of Metro hereby finds and determines the following:

(a) Metro has limited land and resources for the disposal, transfer and recovery of resources from solid and liquid waste, it is the responsibility of the Council to protect and judiciously utilize such limited land and resources.

(b) Metro has developed the system as a regional waste disposal and recovery system within the framework of a regional solid waste management plan in cooperation with federal, state and local agencies for the benefit of all citizens of Metro.

(c) The purposes of this chapter are to protect and preserve the health, safety and welfare of Metro's residents; to implement cooperatively with federal, state and local agencies the Regional Solid Waste Management Plan; to provide a coordinated regional disposal and resource recovery program and a solid waste management plan to benefit all citizens of Metro; to reduce the volume of Solid Waste disposal through source reduction, recycling, reuse and resource recovery; and to protect the citizens of the region from liability arising from the use of a disposal site subject to federal law.

(d) Pursuant to the authority granted to Metro under ORS 268.317 and 268.360, as amended, Metro may require any person or class of persons who generate solid or liquid waste to make use of disposal, transfer or resource recovery sites or facilities of the system or disposal, transfer or resource recovery sites designated by Metro.

(e) ORS 268.317 and 268.360, as amended, also provides Metro the authority to require any person or class of persons who pickup, collect, or transport solid or liquid wastes to make use of the disposal, transfer or resource recovery sites of the system or disposal, transfer or resource recovery sites or facilities designated by Metro.

(f) The provisions of this chapter 5.05 are intended to be, and they shall constitute, the exercise by Metro of the powers and authority granted to it under ORS 268.317 and 268.360, as amended, and the regional solid waste management plan to require the persons and classes of persons specified herein who generate, pickup, collect or transport solid or

liquid wastes to make use of the disposal, transfer or resource recovery sites of the system or disposal, transfer or resource recovery sites or facilities designated by Metro.

(Ordinance No. 89-319. Amended by Ordinance No. 01-917, Sec. 2; Ordinance No. 02-974, Sec. 1.)

5.05.020 Authority, Jurisdiction, and Application

(a) Metro's Solid Waste flow control authority is established under ORS Chapter 268 for Solid Waste and the Metro Charter and includes authority to regulate Solid Waste generated within Metro.

(b) This chapter shall govern the transportation, transfer, disposal and other processing of all solid waste generated within Metro as authorized by state law, and shall govern all waste haulers and other persons who generate solid waste within Metro or who transport, transfer, dispose or otherwise deal with or process solid waste generated within Metro; provided that notwithstanding the foregoing, this chapter does not apply to or govern the transportation, transfer or processing of, or other dealing with, non-putrescible source separated recyclable materials that are reused or recycled, or are transferred, transported or delivered to a person or facility that will reuse or recycle them.

(c) All Solid Waste regulation shall be subject to the authority of all other applicable laws, regulations or requirements in addition to those contained in this chapter. Nothing in this chapter is intended to abridge or alter the rights of action by the State or by a person which exist in equity, common law, or other statutes to abate pollution or to abate a nuisance. The provisions of this chapter shall be liberally construed to accomplish these purposes.

(Ordinance No. 89-319. Amended by Ordinance No. 01-917, Sec. 3; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1019, Sec. 2.)

5.05.025 Prohibited Activities

(a) Except as otherwise provided in this chapter, it shall be unlawful for any waste hauler or other person to transport solid waste generated within Metro to, or to utilize or cause to be utilized for the disposal or other processing of any solid waste generated within the District, any solid waste facility or disposal site without an appropriate license from Metro.

(b) It shall be unlawful for any solid waste generator, hauler, contractor, or other person to state falsely, or to direct another person to state falsely, to the operator of a System facility that solid waste delivered to the facility for disposal was generated outside the District when, in fact, such solid waste was generated within the District. A solid waste generator, hauler, or contractor shall be deemed to have directed another person to make false statements regarding the origin of solid waste under this section if the solid waste generator, hauler, or contractor knew or should have known that the person that transported the solid waste to the System facility would state falsely to the operator of a System facility that the solid waste delivered to the facility for disposal or other processing was generated outside the District when, in fact, such solid waste was generated within the District.

(Ordinance No. 01-917, Secs. 4-5. Amended by Ordinance No. 02-974, Sec. 1; Ordinance No. 06-1104, Sec. 1.)

5.05.027 Exemptions

(a) A license is not required of any waste hauler or other person to transport solid waste generated within Metro to, or to utilize or cause to be utilized for the disposal or other processing of solid waste generated within Metro, a designated facility of the system that is in compliance with all local, state, federal and Metro regulations, including any agreement entered into between Metro and the system facility.

(b) A license is not required for a government agency to transport solid wastes to the Covanta Waste-to-Energy facility located in Brooks, Oregon, for the primary purpose of destroying such wastes in order to assure public safety or for the public good. Solid wastes exempted under this subsection include, but are not limited to, contraband, postage stamps, expired pharmaceuticals, and lottery tickets.

(Ordinance No. 01-917, Secs. 6-7. Amended by Ordinance No. 02-974, Sec. 1; Ordinance No. 06-1106.)

5.05.030 Designated Facilities of the System

(a) Designated Facilities. The following described facilities constitute the designated facilities of the system,

the Metro Council having found that said facilities meet the criteria set forth in Metro Code ~~Section~~Chapter 5.05-030(b)++:

(1) Disposal sites or solid waste facilities owned or operated by Metro.

(2) Disposal sites or solid waste facilities within Metro's boundary that are subject to Metro regulatory authority under Chapter 5.01.

(3) Disposal sites or solid waste facilities located outside Metro's boundary that the Metro Council has designated as part of the system and are authorized to accept waste generated from inside the Metro boundary as specified by and subject to:

(A) An agreement between Metro and the owner of the disposal site or solid waste facility; or

(B) A non-system license issued to the waste generator or the person transporting the waste to the disposal site or solid waste facility.

(b) The Metro Council will consider for adoption a list of designated facilities by resolution (1) every five years beginning in 2015 as set forth in Metro Code Section 5.05.033; or (2) any time there is a proposed change to the list under Metro Code Sections 5.05.031 or 5.05.032.

(c) A disposal site or solid waste facility located outside the Metro boundary may (1) apply to Metro to become a designated facility of the system; or (2) request to be removed from the list of designated facilities. The Chief Operating Officer will provide a form of application and will consider the factors set forth in Metro Code Sections 5.05.031 when determining whether to recommend to the Council addition to the designated facility list.

~~(1) Metro South Station. The Metro South Station located at 2001 Washington, Oregon City, Oregon 97045.~~

~~(2) Metro Central Station. The Metro Central Station located at 6161 N.W. 61st Avenue, Portland, Oregon 97210.~~

~~(3) Facilities Subject to Metro Regulatory Authority. All disposal sites and solid waste facilities within Metro which are subject to Metro regulatory authority under Chapter 5.01 of the Metro Code.~~

~~(4) Lakeside Reclamation (limited purpose landfill). The Lakeside Reclamation limited purpose landfill, Route 1, Box 849, Beaverton, Oregon 97005, subject to the terms of an agreement between Metro and the owner of Lakeside Reclamation authorizing receipt of solid waste generated within Metro only as follows:~~

~~(A) As specified in an agreement entered into between Metro and the owner of the Lakeside Reclamation Landfill authorizing receipt of such waste; or~~

~~(B) Subject to a non-system license issued to a person transporting to the facility solid waste not specified in the agreement.~~

~~(5) Hillsboro Landfill (limited purpose landfill). The Hillsboro Landfill, 3205 S.E. Minter Bridge Road, Hillsboro, Oregon 97123, subject to the terms of an agreement between Metro and the owner of Hillsboro Landfill authorizing receipt of solid waste generated within Metro only as follows:~~

~~(A) As specified in an agreement entered into between Metro and the owner of the Hillsboro Landfill authorizing receipt of such waste; or~~

~~(B) Subject to a non-system license issued to a person transporting to the facility solid waste not specified in the agreement.~~

~~(6) Columbia Ridge Landfill. The Columbia Ridge Landfill owned and operated by Waste Management Disposal Services of Oregon, Inc. (dba Oregon Waste Systems, Inc.), subject to the terms of the agreements in existence on November 14, 1989, between Metro and Oregon Waste Systems, Inc., and between Metro and Jack Gray Transport, Inc.,~~

~~including any subsequent amendments thereto. In addition, Columbia Ridge Landfill may accept solid waste generated within Metro:~~

~~(A) As specified in an agreement entered into between Metro and Waste Management Disposal Services of Oregon, Inc., authorizing receipt of such waste; or~~

~~(B) Subject to a non-system license issued to a person transporting to the facility solid waste not specified in the agreement.~~

~~(7) Roosevelt Regional Landfill. The Roosevelt Regional Landfill, located in Klickitat County, Washington. Roosevelt Regional Landfill may accept solid waste generated within Metro only as follows:~~

~~(A) As specified in an agreement entered into between Metro and Regional Disposal Company authorizing receipt of such waste; or~~

~~(B) Subject to a non-system license issued to a person transporting to the facility solid waste not specified in the agreement.~~

~~(8) Finley Buttes Regional Landfill. The Finley Buttes Regional Landfill, located in Morrow County, Oregon. Finley Buttes Regional Landfill may accept solid waste generated within Metro only as follows:~~

~~(A) As specified in an agreement entered into between Metro and Finley Buttes Landfill Company authorizing receipt of such waste; or~~

~~(B) Subject to a non-system license issued to a person transporting to the facility solid waste not specified in the agreement.~~

~~(9) Coffin Butte Landfill. The Coffin Butte Landfill, located in Benton County, Oregon, which may accept solid waste generated within Metro only as follows:~~

~~(A) As specified in an agreement entered into between Metro and the owner of the Coffin Butte Landfill authorizing receipt of such waste; or~~

~~(B) Subject to a non-system license issued to a person transporting to the facility solid waste not specified in the agreement.~~

~~(10) Wasco County Landfill. The Wasco County Landfill, located in The Dalles, Oregon, which may accept solid waste generated within Metro only as follows:~~

~~(A) As specified in an agreement entered into between Metro and the owner of the Wasco County Landfill authorizing receipt of such waste; or~~

~~(B) Subject to a non-system license issued to a person transporting to the facility solid waste not specified in the agreement.~~

~~(11) Cedar Grove Composting, Inc. The Cedar Grove Composting, Inc., facilities located in Maple Valley, Washington, and Everett, Washington. Cedar Grove Composting, Inc., may accept solid waste generated within Metro only as follows:~~

~~(A) As specified in an agreement entered into between Metro and Cedar Grove composting, Inc., authorizing receipt of such waste; or~~

~~(B) Subject to a non-system license issued to a person transporting to Cedar Grove Composting, Inc., solid waste not specified in the agreement.~~

~~(12) Weyerhaeuser Regional Landfill. The Weyerhaeuser Regional Landfill, located in Castle Rock, Washington, and the Weyerhaeuser Material Recovery Facility, located in Longview, Washington. The Weyerhaeuser Material Recovery Facility is hereby designated only for the purpose of accepting solid waste for transfer to the Weyerhaeuser Regional Landfill. The Weyerhaeuser Regional Landfill and the~~

~~Weyerhaeuser Material Recovery Facility may accept solid waste generated within Metro only as follows:~~

- ~~_____ (A) As specified in an agreement entered into between Metro and Weyerhaeuser, Inc., authorizing receipt of such waste; or~~
- ~~_____ (B) Subject to a non-system license issued to a person transporting to the Weyerhaeuser Regional Landfill or the Weyerhaeuser Material Recovery Facility solid waste not specified in the agreement.~~

~~_____ (13) Tualatin Valley Waste Recovery. The Tualatin Valley Recovery facility, located at 3205 SE Minter Bridge Road, Hillsboro, Oregon, authorizing receipt of solid waste generated within Metro only as follows:~~

- ~~(A) As specified in an agreement entered into between Metro and the owner of the Tualatin Valley Waste Recovery facility authorizing receipt of such waste; or~~
- ~~(B) Subject to a non-system license issued to a person transporting to the facility solid wastes not specified in the agreement.~~

~~(14) Riverbend Landfill. Riverbend Landfill, 13469 SW Highway 18, McMinnville, Oregon, subject to the terms of an agreement between Metro and the owner of Riverbend Landfill authorizing receipt of solid waste generated within Metro only as follows:~~

- ~~(A) As specified in an agreement entered into between Metro and the owner of Riverbend Landfill authorizing receipt of such waste; or~~
- ~~(B) Subject to a non-system license issued to a person transporting to the facility solid wastes not specified in the agreement.~~

~~_____ (b) Changes to Designated Facilities to be Made by Council. From time to time, the Council, acting~~

~~pursuant to a duly enacted ordinance, may remove from the list of designated facilities any one or more of the facilities described in Metro Code Section 5.05.030(a). In addition, from time to time, the Council, acting pursuant to a duly enacted ordinance, may add to or delete a facility from the list of designated facilities.~~

5.05.031 Addition to the List of Designated Facilities

The Council may add a facility to the list of designated facilities on its own motion, by recommendation of the Chief Operating Officer, or upon application by a facility under Metro Code Section 5.05.030(c). In deciding whether to ~~designate an additional facility, or amend or delete an existing designation,~~ add a facility to the list of designated facilities the Council shall consider:

- (1) The degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination;
- (2) The record of regulatory compliance of the facility's owner and operator with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations;
- (3) The adequacy of operational practices and management controls at the facility;
- (4) The expected impact on the region's recycling and waste reduction efforts;
- (5) The consistency of the designation with Metro's existing contractual arrangements;
- (6) The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement; and
- (7) Other benefits or detriments accruing to residents of the region from Council action in designating a facility, ~~or amending or deleting an existing designation.~~

~~5.05.032 Deletions from and Amendments to the List of Designated Facilities~~

~~(a) The Council may delete a facility from the list of designated facilities on its own motion, by recommendation of the Chief Operating Officer, or upon request by a facility under Metro Code Section 5.05.030(c). In deciding whether to delete a facility from the list of designated facilities, the Council shall consider:~~

- ~~(1) Changes in facility operations, including without limitation whether the facility is not operating or whether the facility has changed the type of waste it accepts or the method for accepting the waste;~~
- ~~(2) Changes in legal requirements that apply to the facility;~~
- ~~(3) The facility's record of regulatory compliance, including but not limited to public health and safety and environmental rules and regulations;~~
- ~~(4) Changes in ownership of the facility; and~~
- ~~(5) Other benefits or detriments accruing to residents of the region from Council action to delete the facility from the list of designated facilities.~~

~~(b) Council may delete a facility from the list of designated facilities upon request by the facility under Metro Code Section 5.05.030(c) without considering the factors set forth in (a).~~

~~(c) The Chief Operating Officer may change the name or the address of a facility on the list of designated facilities without Council approval of a resolution so long as no substantive change, as set forth above in (a), has occurred.~~

~~5.05.033 Contents of Designated Facility List and Council Adoption Every Five Years~~

~~(a) The designated facility list will include (1) the name and address of the designated facilities located outside the Metro region; and (2) the name and address of Metro-owned facilities. Disposal sites or solid waste facilities within~~

Metro's boundary that are subject to Metro regulatory authority are designated facilities of the system but will not be included on the list.

(b) In addition to any resolution adopted under Metro Code Sections 5.05.031 and 5.05.032, no later than July 2015 and every five years thereafter, the Metro Council will adopt by resolution a list of designated facilities.

5.05.034 Agreements with Designated Facilities

(a) The Chief Operating Officer is authorized to execute an agreement, or an amendment to an agreement, between Metro and a designated facility ~~for Non-~~located outside the region for any solid wastes other than putrescible waste. — Effective July 1, 2008, an existing designated facility authorized to receive non-putrescible waste shall notify Metro of its intent to seek an agreement to recover non putrescible waste from the Metro region in accordance with subsection (g), or to only take processed non-putrescible waste from authorized facilities included in subsection (f). No later than December 31, 2008, the Chief Operating Officer shall modify existing agreements to ensure substantial compliance with either subsection (f) or (g) of this section as appropriate. If the Chief Operating Officer and a designated facility are not able to establish an agreement by November 1, 2008, then the Chief Operating Officer shall terminate the existing agreement following termination procedures described in the existing agreement, but no later than December 31, 2008.

(~~db~~) An agreement or amendment to an agreement between Metro and a designated facility located outside the region for Putrescible waste shall be subject to approval by the Metro Council ~~prior to~~before execution by the Chief Operating Officer.

(~~ec~~) An agreement between Metro and a designated facility shall specify the types of wastes from within Metro boundaries that may be delivered to, or accepted at, the facility.

(~~fd~~) An agreement between Metro and a designated facility shall not authorize the ~~facility to accept~~acceptance of non-putrescible waste, which has not yet undergone material recovery, originating or generated with Metro boundaries ~~after December 31, 2008,~~ unless:

- (1) Such non-putrescible waste is received from a facility that has been issued a license or

franchise pursuant to Chapter 5.01 authorizing such facility to perform material recovery on non-putrescible waste;

(2) Such non-putrescible waste is received from a designated facility that has entered into an agreement with Metro, ~~in accordance with subsection (f) of this section,~~ authorizing ~~such designated facility~~ it to perform material recovery on non-putrescible waste; or

(3) The designated facility has entered into an agreement with Metro, ~~in accordance with subsection (f) of this section,~~ authorizing ~~the facility~~ it to perform material recovery on non-putrescible waste ~~that has not yet undergone material recovery~~ in accordance with subsection (e) of this section.

(~~ge~~) An agreement between Metro and a designated facility that, ~~after December 31, 2008,~~ authorizes the facility to accept non-putrescible waste that has not yet undergone material recovery, is not comprised of processing residual, and originated or ~~was~~ generated within Metro boundaries shall:

(1) Require such designated facility to perform material recovery on such waste; and

(2) Demonstrate, in a manner that can be verified and audited, that such processing achieves material recovery substantially comparable to that required of in-region material recovery facilities by Metro Code ~~subsections~~ Section 5.01.125 ~~(a) and (b)~~ by either:

- (A) Meeting such material recovery requirements for all non-putrescible waste received at the facility, whether or not from within Metro boundaries; or
- (B) Keeping all non-putrescible waste received from within Metro boundaries segregated from other waste throughout processing, keeping processing residual from such processing segregated from other solid waste after processing, and meeting such material

recovery requirements for all such non-putrescible waste.

- (3) Demonstrate, in a manner that can be verified and audited, that such facility substantially complies with—:

- (A) ~~the~~The performance goals described in Metro Code Sections 5.01.067053(i) ~~(as amended by Section 1 of Metro Ordinance No. 07-1138)~~ and 5.01.075(c) ~~(as amended by Section 2 of Metro Ordinance No. 07-1138)~~, 073(n); and
- (B) ~~the~~The performance standards, design requirements, and operating requirements applicable to licensed and franchised material recovery facilities operating within the Metro region and adopted by Metro as administrative procedures pursuant to Metro Code Section 5.01.132 ~~(as amended by Section 3 of Metro Ordinance No. 07-1138)~~.

(Ordinance No. 89-319. Amended by Ordinance No. 91-388, Sec. 2; Ordinance No. 92-471C, Sec. 1; Ordinance No. 93-483A, Sec. 1; Ordinance No. 01-917, Sec. 8; Ordinance No. 02-979, Sec. 1; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-1019, Sec. 3; Ordinance No. 03-999; Ordinance No. 05-1081, Sec. 1; Ordinance No. 05-1083, Sec. 1; Ordinance No. 07-1138, Sec. 4; Ordinance No. 07-1147B, Sec. 10.; Ordinance No. 08-1195; and Ordinance No. 08-1197A.)

5.05.035040 License to Use Non-System Facility

_____ A waste hauler or other person may transport solid waste generated within Metro to, or to utilize or cause to be utilized for the disposal or other processing of any solid waste generated within Metro, any non-system facility only by obtaining a non-system license in the manner provided for in this Section ~~5.05.035~~. Applications for non-system licenses for Non-putrescible waste, Special waste and Cleanup Material Contaminated By Hazardous Substances shall be subject to approval or denial by the Chief Operating Officer. Applications for non-system licenses for Putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council.

~~—(a)~~ 5.05.041 Application for License

| Any waste hauler or other person desiring to obtain a non-system license shall make application to the Chief Operating Officer, which application shall be filed on forms or in the format provided by the Chief Operating Officer. Applicants may apply for a limited-duration non-system license which has a term of not more than 120 days and is not renewable. An application for any non-system license shall set forth the following information:

- (1) The name and address of the waste hauler or person making such application;
- (2) The location of the site or sites at which the solid waste proposed to be covered by the non-system license is to be generated;
- (3) The nature of the solid waste proposed to be covered by the non-system license;
- (4) The expected tonnage of the solid waste proposed to be covered by the non-system license:
 - (A) The total tonnage if the application is for a limited duration non-system license; or
 - (B) The annual tonnage if the application is for any other non-system license;
- (5) A statement of the facts and circumstances which, in the opinion of the applicant, warrant the issuance of the proposed non-system license;
- (6) The non-system facility at which the solid waste proposed to be covered by the non-system license is proposed to be transported, disposed of or otherwise processed; and
- (7) The date the non-system license is to commence; and, for limited duration non-system licenses, the period of time the license is to remain valid not to exceed 120 days.

In addition, the Chief Operating Officer may require the applicant to provide, in writing, such additional information concerning the proposed non-system license as the Chief Operating Officer deems necessary or appropriate in order

to determine whether or not to issue the proposed non-system license.

An applicant for a non-system license that authorizes the licensee to transport non-putrescible waste that has not yet undergone material recovery, is not processing residual, and originated or was generated within Metro boundaries shall provide documentation that the non-system facility is in substantial compliance with the facility performance standards, design requirements and operating requirements adopted pursuant to Metro Code Chapter 5.01 ~~-.132-~~ for non-putrescible waste material recovery facilities. Any applicant or licensee that is authorized or seeks to deliver non-putrescible waste to a non-system facility ~~after December 31, 2008,~~ must demonstrate that the non-system facility will be in substantial compliance with the material recovery requirements in Metro Code Section 5.01.125.

~~(b)~~ 5.05.041 License Application Fees

Every application shall be accompanied by payment of an application fee, part of which may be refunded to the applicant in the event that the application is denied, as provided in this section. The following application fees shall apply:

- (~~1~~a) For an application for a limited duration non-system license, the application fee shall be two hundred fifty dollars (\$250), no part of which shall be refunded to the applicant in the event that the application is denied.
- (~~2~~b) For an application for a non-system license seeking authority to deliver no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be five hundred dollars (\$500), two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250); provided, however, that if the result of granting the application would be to give the applicant the authority to deliver more than 500 tons of solid waste per year to a non-

system facility, the application fee shall be \$500, two hundred fifty dollars (\$250) of which shall be refunded to the applicant in the event the application is denied. An application for renewal of a non-system license authorizing the delivery of no more than 500 tons of solid waste per year to a non-system facility shall be one hundred dollars (\$100).

(~~3~~c) For all applications for a non-system license seeking authority to deliver more than 500 tons of solid waste per year to a non-system facility, whether they be new applications or applications for the renewal of existing licenses, the application fee shall be one thousand dollars (\$1,000), five hundred dollars (\$500) of which shall be refunded to the applicant in the event the application is denied. For an application for a change in authorization to an existing non-system license authorizing the delivery of more than 500 tons of solid waste per year to a non-system facility, the application fee shall be two hundred fifty dollars (\$250).

(~~4~~d) For an application for a non-system license seeking to deliver solid waste that is exempt from paying the Metro fees described in Section ~~5.01.15002.045~~, the application fee shall be one hundred dollars (\$100) as well as a fifty dollar (\$50) fee to either renew or amend such licenses.

~~(e)~~5.05.043 Factors to Consider To Determine Whether to Issue ~~Non-System~~ License.

 The Chief Operating Officer or Metro Council, as applicable, shall consider the following factors to the extent relevant to determine whether or not to issue a non-system license:

- (1) The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;
- (2) The record of regulatory compliance of the non-system facility's owner and operator with

federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations;

- (3) The adequacy of operational practices and management controls at the non-system facility;
- (4) The expected impact on the region's recycling and waste reduction efforts;
- (5) The consistency of issuing the designation license with Metro's existing contractual arrangements;
- (6) The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations; and
- (7) Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.

~~(d)~~ 5.05.044 Timetables To Determine Whether to Issue a Non-System License.

- (1) Non-system licenses for Non-putrescible waste, Special waste, Cleanup Material Contaminated By Hazardous Substances, or any other solid waste other than Putrescible waste.
 - (A) New licenses. The Chief Operating Officer shall determine whether or not to issue the non-system license and shall inform the applicant in writing of such determination within 60 days after receipt of a new completed application, including receipt of any additional information required by the Chief Operating Officer in connection therewith.
 - (B) License renewals. An application for renewal of an existing non-system license shall be substantially similar to the existing non-system license with regard to

waste type, quantity and destination. A holder of a non-system license shall submit a completed application to renew the license at least 60 days ~~prior to~~before the expiration of the existing non-system license, including receipt of any additional information required by the Chief Operating Officer in connection therewith. The Chief Operating Officer shall determine whether or not to renew the non-system license and shall inform the applicant in writing of such determination ~~prior to~~before the expiration of the existing non-system license. The Chief Operating Officer is not obligated to make a determination earlier than the expiration date of the existing license even if the renewal request is filed more than 60 days before the existing license expires.

- (2) Non-system licenses for Putrescible waste. The Chief Operating Officer shall formulate and provide to the Council recommendations regarding whether or not to issue or renew a non-system license for Putrescible waste. If the Chief Operating Officer recommends that the non-system license be issued or renewed, the Chief Operating Officer shall recommend to the council specific conditions of the non-system license.
 - (A) New licenses. The Council shall determine whether or not to issue the non-system license and shall direct the Chief Operating Officer to inform the applicant in writing of such determination within 120 days after receipt of a completed application for a non-system license for Putrescible waste, including receipt of any additional information required by the Chief Operating Officer in connection therewith.
 - (B) License renewals. An application for renewal of an existing non-system license shall be substantially similar to the existing non-system license with regard to waste type, quantity and destination. A holder of a non-system license shall submit

a completed application to renew the license at least 120 days ~~prior to~~before the expiration of the existing non-system license, including receipt of any additional information required by the Chief Operating Officer in connection therewith. The Council shall determine whether or not to renew the non-system license and shall inform the applicant in writing of such determination ~~prior to~~before the expiration of the existing non-system license. The Council is not obligated to make a determination earlier than the expiration date of the existing license even if the renewal request is filed more than 120 days before the existing license expires.

- (3) At the discretion of the Chief Operating Officer or the Council, the Chief Operating Officer or Council may impose such conditions on the issuance of a new or renewed non-system license as deemed necessary or appropriate under the circumstances.

~~(e)~~5.05.045 Issuance of Non-System License; Contents.

Each non-system license shall be in writing and shall set forth the following:

- (1) The name and address of the waste hauler or other person to whom such non-system license is issued;
- (2) The nature of the solid waste to be covered by the non-system license;
- (3) The maximum total, weekly, monthly or annual quantity of solid waste to be covered by the non-system license;
- (4) The non-system facility or facilities at which or to which the solid waste covered by the non-system license is to be transported or otherwise processed;
- (5) The expiration date of the non-system license, which date shall be not more than:

- (A) 120 days from the date of issuance for a limited-duration non-system license;
 - (B) Three years from the date of issuance for a new full-term license; and
 - (C) Two years from the date of issuance of a renewed full-term non-system license.
- (6) Any conditions imposed by the Chief Operating Officer as provided above which must be complied with by the licensee during the term of such non-system license, including but not limited to conditions that address the factors in Section 5.05.~~043035(e)~~.

~~(f)~~5.05.046 Requirements to be met by License Holder.

Each waste hauler or other person to whom a non-system license is issued shall be required to:

- (1) Maintain complete and accurate records regarding all solid waste transported, disposed of or otherwise processed pursuant to the non-system license, and make such records available to Metro or its duly designated agents for inspection, auditing and copying upon not less than three days written notice from Metro;
- (2) Report in writing to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, the number of tons of solid waste transported, disposed or otherwise processed pursuant to such non-system license during the preceding month; and
- (3) Pay to Metro, not later than the 15th day of each month, commencing the 15th day of the month following the month in which the non-system license is issued and continuing through the 15th day of the month next following the month in which the non-system license expires, a fee equal to the Regional System Fee multiplied by the

number of tons (or fractions thereof) of solid waste transported, disposed or otherwise processed pursuant to such non-system license during the preceding month.

- (4) When solid waste generated from within the Metro boundary is mixed in the same vehicle or container with solid waste generated outside the Metro boundary, the load in its entirety shall be reported to Metro by the non-system licensee as having been generated within the Metro boundary and the Regional System Fee and Excise Tax shall be paid on the entire load unless the licensee provides Metro with documentation regarding the total weight of the solid waste in the vehicle or container that was generated within the Metro boundary, or unless Metro has agreed in writing to another method of reporting.

~~(g)5.05.047~~ Failure to Comply with ~~Non-System License~~.

 In the event that any waste hauler or other person to whom a non-system license is issued fails to fully and promptly comply with the requirements set forth in Section 5.05.~~035(e)~~045 above or any conditions of such non-system license imposed pursuant to Section 5.05.~~035(e)~~,043, then, upon discovery of such non-compliance, the Chief Operating Officer shall issue to such licensee a written notice of non-compliance briefly describing such failure. If, within 20 days following the date of such notice of non-compliance or such longer period as the Chief Operating Officer may determine to grant as provided below, the licensee fails to:

- (1) Demonstrate to the satisfaction of the Chief Operating Officer either that the licensee has at all times fully and promptly complied with the foregoing requirements and the conditions of such non-system license or that the licensee has fully corrected such non-compliance; and
- (2) Paid in full, or made arrangements satisfactory to the Chief Operating Officer for the payment in full of, all fines owing as a result of such non-compliance;

Then, and in such event such non-system license shall automatically terminate, effective as of 5:00 p.m. (local time)

on such 20th day or on the last day of such longer period as the Chief Operating Officer may determine to grant as provided below. If, in the judgment of the Chief Operating Officer, such non-compliance cannot be corrected within such 20-day period but the licensee is capable of correcting it and within such 20-day period diligently commences such appropriate corrective action as shall be approved by the Chief Operating Officer, then and in such event such 20-day period shall be extended for such additional number of days as shall be specified by the Chief Operating Officer in writing, but in no event shall such the local period as so extended be more than 60 days from the date of the notice of non-compliance.

~~(h) Notwithstanding any other provision in this section, and unless contrary to any other applicable law, the Chief Operating Officer shall not accept any application for a new non-system license for mixed putrescible solid waste until September 2, 2008. Neither the Chief Operating Officer nor the Metro Council shall issue a new non-system license for mixed putrescible solid waste whose term commences before January 1, 2009.~~

(Ordinance No. 89-319. Amended by Ordinance No. 91-388; Ordinance No. 01-917, Sec. 9; Ordinance No. 02-979, Sec. 2; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-992B, Sec. 1; Ordinance No. 03-1019, Sec. 4; Ordinance No. 06-1098B, Sec. 3; Ordinance No. 06-1105; Ordinance No. 07-1138, Sec. 5; Ordinance No. 07-1139, Sec. 3; Ordinance No. 07-1161, Sec. 2; Ordinance No. 07-1147B, Sec. 11.)

5.05.040050 Issuance of Required Use Orders

(a) The ~~Director~~Chief Operating Officer may issue a required use order to any waste hauler or other person within Metro, requiring the recipient to deliver waste to a specific designated facility. In issuing a required use order, the ~~Director~~Chief Operating Officer shall comply with the provisions of this section and Section 5.05.~~050055~~.

(b) The following priorities shall govern the ~~Director~~Chief Operating Officer in determining whether to issue required use orders:

- (1) To the extent consistent with state, Metro and local regulations, and facility obligations and facility limitations, waste haulers and other

persons should be allowed to utilize the designated facility of their choice; and

- (2) It may be necessary for the ~~Director~~Chief Operating Officer to override the facility choice of a waste hauler or other person if the ~~Director~~Chief Operating Officer finds that allowing specific haulers to exercise their choice appears likely to result in:

- (A) The overloading or under-utilization of a specific designated facility or facilities; or

- (B) Other system inefficiencies or negative impacts on the public health, safety or welfare specified by the ~~Director~~Chief Operating Officer.

(c) If, after considering the priorities in subsection (b) of this section, the ~~Director~~Chief Operating Officer determines that it is necessary to issue or amend required use order(s), the ~~Director~~Chief Operating Officer may do so giving due regard to the following factors:

- (1) The location of the waste hauler or other person's route and/or facilities in relation to designated facilities, in terms of travel time and/or distance;
- (2) The equipment being utilized by the hauler at the time of issuance of the order in relation to the equipment handling capabilities of designated facilities;
- (3) The types of waste being disposed of by the waste hauler or other person, in relation to the capabilities of designated facilities to most appropriately process those wastes; and
- (4) Other considerations deemed relevant by the ~~Director~~Chief Operating Officer, including but not limited to other health, safety and welfare considerations.

(Ordinance No. 89-319. Sec. 5.05.040 repealed and replaced with Ordinance No. 91-388, Sec. 3. Amended by Ordinance No. 01-917, Sec. 11; Ordinance No. 02-974, Sec. 1.)

5.05.050055 Content of Required Use Orders; Notice

(a) Required use orders issued by the ~~Director~~Chief Operating Officer shall set forth the following:

- (1) The names of the waste haulers or persons to be subject to the required use order together with their addresses or places of business and telephone numbers;
- (2) The type and quantity of solid waste subject to the required use order;
- (3) The name and location of the designated facility that the recipient is required to use pursuant to the order;
- (4) The effective date of the required use order, which date, in the absence of an emergency, shall not be less than 10 days from the date of the order; and a brief description of the procedure for requesting that the ~~Director~~Chief Operating Officer reconsider issuance of the order, or specific details of the order; and
- (5) A brief description of the procedure for requesting that the ~~Director~~Chief Operating Officer reconsider issuance of the order, or specific details of the order; and
- (6) Such other information as the ~~Director~~Chief Operating Officer may consider necessary or appropriate.

(b) Within two days after the date of any required use order, the ~~Director~~Chief Operating Officer shall cause notice of such required use order— to be given as follows:

- (1) By United States mail, postage prepaid, to each waste hauler and person to be subject to such required use order at the last known address thereof; and

- (2) By any other method deemed by the ~~Director~~Chief Operating Officer as necessary, and most likely, to ensure actual notice to the waste hauler or other person subject to the order.

(c) The failure of any waste hauler or person subject to a required use order to receive notice thereof shall not affect the validity of such required use order nor excuse such waste hauler or person from complying with the terms thereof.

(Ordinance No. 89-319. Amended by Ordinance No. 91-388, Sec. 4.)

5.05.~~052060~~ Requests for Reconsideration

(a) Any waste hauler or other person receiving a required use order may request that the ~~Director~~Chief Operating Officer reconsider issuance of the order or specific details of the order. The request may be premised on any matter that was relevant to issuance of the order, as specified in Metro Code Section 5.05.~~040050~~.

(b) A request for reconsideration must be in writing, on a form provided by Metro. To be timely, a request for reconsideration must be received by the ~~Director~~Chief Operating Officer within 30 days of the date of issuance of the required use order, as specified in the order.

(c) The ~~Director~~Chief Operating Officer shall review a request for reconsideration and, within 15 days of receipt, issue a written affirmance of the original order, or a modified order.

- (1) The affirmance or modification shall be considered timely if it is deposited in the mail within the 15-day period, with regular first class postage and addressed to the person requesting review.
- (2) The affirmance or modification shall include a brief statement of the basis for the decision, and a brief statement of the procedure for requesting review of the decision by the Chief Operating Officer.

(d) Review by the ~~Director~~Chief Operating Officer of a request for reconsideration is intended to be informal, and may

include personal, written, or telephone contact between the waste hauler or other persons and the ~~Director or solid waste department~~Chief Operating Officer or Finance and Regulatory Services staff.

(e) If the ~~Director~~Chief Operating Officer fails to issue a timely decision, the waste hauler or other person receiving the order may appeal the decision to ~~the Chief Operating Officer~~a hearings officer as specified in Metro Code Section 5.05.~~054065~~.

(f) A request for reconsideration shall not stay the order issued. A required use order shall be effective on the date issued, and shall remain in effect until modified or revoked.

(Ordinance No. 91-388, Sec. 5. Amended by Ordinance No. 02-974, Sec. 1.)

~~5.05.054065~~ Appeals to the ~~Chief Operating Hearings~~ Officer

(a) A waste hauler or other person receiving a required use order may appeal the ~~Director's~~Chief Operating Officer's affirmance or modification of the order to ~~the Chief Operating Officer~~a hearings officer. The ~~Chief Operating Officer~~hearings officer may be asked to review any matter that was relevant to issuance of the order, as specified in Metro Code Section 5.05.~~040050~~.

(b) An appeal to the ~~Chief Operating Officer~~hearings officer shall be in writing and on a form provided by Metro. To be timely, the appeal must be received by the ~~Chief Operating Officer~~hearings officer within 30 days of the date of issuance of the ~~Director's~~Chief Operating Officer's affirmed or modified order.

(c) The ~~Chief Operating Officer~~hearings officer shall review a request for reconsideration and, within 15 days of receipt, issue a written order affirming or modifying the decision of the ~~Director~~Chief Operating Officer.

- (1) The affirmance or modification shall be considered timely if it is deposited in the mail within the 15-day period, with regular first class postage and addressed to the person requesting review.

- (2) The affirmance or modification shall include a brief statement of the basis for the decision, and a brief statement of the process for contested case review of the decision by the Metro Council.

~~— (d) Review by the Chief Operating Officer of the Director's decision is intended to be informal, and may include personal, written, or telephone contact between the waste hauler or other person and the Chief Operating Officer.~~

~~— (e~~ (d) If a waste hauler or other person is not satisfied with the ~~Chief Operating Officer's~~ hearings officer's decision, or if the ~~Chief Operating Officer~~ hearings officer fails to issue a timely decision, the waste hauler or other person receiving the Order may appeal the decision to the Metro Council as a contested case proceeding. Review in such proceedings shall be limited to the following:

- (1) Whether exceptional circumstances of the waste hauler or other person warrant revocation or modification of the order; or
- (2) Whether the order is likely to cause extreme financial hardship to the waste hauler or other person subject to the order, warranting revocation or modification of the order.

(f) A request for reconsideration shall not stay the order issued. A required use order shall be effective on the date issued, and shall remain in effect until modified or revoked.

(Ordinance No. 91-388, Sec. 5. Amended by Ordinance No. 02-974, Sec. 1.)

5.05.06070 Solid Waste Tracking System ~~to be Developed~~

The Chief Operating Officer shall ~~develop and~~ establish and maintain a system for tracking of solid waste generated, collected, transported or disposed within or outside Metro for the purpose of ensuring compliance with the requirements of this chapter and to ensure equitable application of the requirements of this chapter. ~~The tracking system shall be subject to other review and approval of the Council.~~ The Chief Operating Officer in developing the tracking system shall consider the following:

(a) Establishment of a permit or licensing system for waste haulers or persons generating, collecting, transporting or disposing of solid waste.

(b) Use of franchises.

(c) Use of personnel to monitor compliance with the requirements of this chapter.

(d) Intergovernmental agreements for exchange of information.

(e) Equipment identification.

(f) Reporting requirements by waste haulers or persons generating, transporting or disposing of solid waste.

(g) Such other criteria or methods which the Chief Operating Officer considers reasonable and appropriate.

(Ordinance No. 89-319. Amended by Ordinance No. 02-974, Sec. 1.)

5.05.~~070~~080 Solid Waste Flow Control Enforcement; Fines, Penalties and Damages for Violations

(a) Any waste hauler or person who violates or fails to comply with any provision of this chapter~~5.05~~ or who fails to comply with the terms and conditions of any non-system license or required use order shall be subject to the fines and penalties set forth in this section, which fines and penalties shall be assessed by the Chief Operating Officer.

(1) A fine in the amount of not to exceed \$500 for each violation; and

(2) Such waste hauler or person shall not be extended any credit by Metro for the use of any facility constituting a part of the system until such time as all fines owing under this chapter as a result of such violation or failure to comply have been paid in full.

(b) In addition to the foregoing fines and penalties:

(1) Any waste hauler or person who fails to comply with the terms and conditions of any non-system

license shall be required to pay to Metro a fine in the amount equal to the Regional System Fee multiplied by the number of tons (or fractions thereof) of solid waste generated within Metro transported, disposed of or otherwise processed in violation of the terms and conditions of such non-system license;

- (2) Any waste hauler or person who, without having a non-system license then in effect, transports solid waste generated within Metro to, or utilizes or causes to be utilized for the disposal or other processing of any solid waste generated within Metro, any non-system facility shall be required to pay to Metro a fine in an amount equal to the non-system license application fee that would have otherwise been required to authorize the waste disposed, plus an amount equal to the Regional System Fee and Excise Tax multiplied by the number of tons (or fractions thereof) of solid waste generated within Metro transported, recycled, disposed of or otherwise processed to or at any non-system facility; and
- (3) Any waste hauler or person who violates Metro Code Section 5.05.025(b) by falsely stating the origin of waste transported to a System facility shall be required to pay to Metro a fine in an amount equal to the Regional System Fee multiplied by the number of tons (or fractions thereof) of solid waste generated within the District transported to such System facility, plus the excise tax multiplied by the number of tons (or fractions thereof) of solid waste generated within the District transported to such System facility.

(c) If in the judgment of the Chief Operating Officer such action is warranted, Metro shall commence an appropriate action in a state court of competent jurisdiction for the purpose of collecting the fines and penalties provided for above and/or enjoining any violations of the provisions of this Chapter 5.05 or any non-compliance with the terms and conditions of any non-system license or required use order.

(d) A required use order may be enforced by authorized gatehouse employees at any Metro facility, by denying facility access to a waste hauler or other person who is subject to a required use order and is attempting to deliver waste to a facility not specified in the order. This enforcement shall be in addition to the fines and penalties that may be levied pursuant to this section.

(Ordinance No. 89-319. Amended by Ordinance No. 91-388, Sec. 6; Ordinance No. 01-917, Sec. 12; Ordinance No. 02-974, Sec. 1; Ordinance No. 03-992B, Sec. 2; Ordinance No. 06-1104, Sec. 2.)

5.05.~~080090~~ Administrative Rules

 Except for the system tracking pursuant to Section 5.05.~~060070~~ hereof, the Chief Operating Officer is hereby authorized and empowered to make such administrative rules and regulations as the Chief Operating Officer considers proper to effectively carry out the purposes of this chapter 5.05.

(Ordinance No. 89-319. Amended by Ordinance No. 91-388, Sec. 7; Ordinance No. 02-974, Sec. 1.)

5.05.~~090100~~ Contested Case Proceedings

 Any waste hauler or other person desiring to contest any decision made by the Chief Operating Officer under this chapter 5.05 shall commence a contested case proceeding pursuant to Chapter 2.05 of the Metro Code.

(Ordinance No. 89-319. Amended by Ordinance No. 02-974, Sec. 1.)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1337 FOR THE PURPOSE OF AMENDING METRO CODE TITLE V, SOLID WASTE, TO REVISE CHAPTER 5.05.

July 1, 2014

Prepared by: Warren Johnson
503-797-1836

The proposed ordinance amends Title V (Solid Waste) to revise Chapter 5.05 (Solid Waste Flow Control) to remove references to individual designated facilities, provide for a different analysis to amend or delete facility designations, and make various technical corrections to improve the readability and organizational structure of the Code. There are no substantive changes to any current policies or regulatory requirements under this proposed ordinance.

BACKGROUND

Metro Code Chapter 5.05 (Solid Waste Flow Control) governs the transportation, transfer, disposal, and other processing of all solid waste generated within the Metro region. Metro-area waste that is transported outside of the region must be delivered to a designated facility or hauled under authority of a non-system license. Currently, disposal sites and solid waste facilities located outside the Metro region must first be listed and specifically named as designated facilities in Metro Code in order for the Chief Operating Officer to negotiate an agreement with the facility that would allow it to receive solid waste without the need of a non-system license.

Under the proposed ordinance, the Chief Operating Officer recommends a new listing approach that continues the same designation process, but eliminates the need to individually list each designated facility in Code. Specially, under this proposed ordinance, the Metro Council would consider the adoption of an official list of designated facilities by resolution every five years beginning in 2015. This provides the Council with an opportunity to periodically review the facility list on a routine and holistic basis. Furthermore, as provided in Code, the Council would also retain the ability to review and change the list of designated facilities at any other time it deems necessary.

The Metro Code also currently stipulates that in order to delete a facility from the list of designated facilities the Metro Council shall consider the same factors as those that were used when it was initially added. However, those factors are generally more pertinent to adding designated facilities and are not as relevant to considering deletions from the list. As such, the proposed ordinance also revises Chapter 5.05 to clarify and establish separate factors that Council shall consider when deciding whether to delete a facility from the list which are different than those factors considered for adding designated facilities.

In addition to the changes described above, the proposed ordinance also revises certain sections of Chapter 5.05 to clarify the roles of the Chief Operating Officer and hearings officer with respect to the issuance of required use orders and appeals of such orders. The remainder of Chapter 5.05 will also be renumbered and updated with various technical corrections and revisions to improve the readability and continuity of the Code.

This proposed ordinance is part of a package of six related ordinances that are intended to improve the consistency, access, and usability of Metro's solid waste Code. Specifically, Metro Council will

consider three similar ordinances¹ for other housekeeping and organizational improvements to the Code and three other ordinances² for the proposed deletion of certain designated facilities at its meeting on July 24, 2014.

ANALYSIS/INFORMATION

1. Known Opposition

Adoption of this ordinance would remove references to individual designated facilities, provide for a different analysis to amend or delete facility designations, and make various technical corrections to improve the readability and organizational structure of the Code. There are no substantive changes to any current policies or regulatory requirements. As such, there is no known opposition to the proposed ordinance.

Legal Antecedents

Any change to the Metro Code requires an ordinance of the Metro Council.

2. Anticipated Effects

Adoption of this ordinance would result in the following changes to the Metro Code:

- Removal of the specific listing and references to individual designated facilities in Chapter 5.05.
- Establishment of a new listing process in which the Metro Council will consider adopting an official list of designated facilities by resolution every five years beginning in 2015.
- Establishment of separate factors for the Metro Council to consider when deciding whether to delete a facility from the list of designated facilities.
- Revisions throughout Metro Code Sections 5.05.040 (Issuance of Required Use Orders), 5.05.050 (Content of Required Use Orders; Notice), and 5.05.052 (Requests for Reconsideration) to replace the term “Director” with “Chief Operating Officer.”
- Revisions throughout Metro Code Section 5.05.054 (Appeals to the Chief Operating Officer) to replace the term “Chief Operating Officer” with “Hearings Officer.”
- Minor technical corrections and renumbering of sections as necessary.

3. Budget Impacts

There are no expected budget impacts associated with the adoption of this ordinance.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 14-1337. Approval of this ordinance will revise and reorganize Chapter 5.05 (Solid Waste Flow Control) to remove references

¹ Chapter 5.00 (Ord. No. 14-1331), Chapter 5.02 (Ord. No. 14-1338), and Chapter 5.01 (Ord. No. 14-1332)

² Cedar Grove Composting, Inc. (Ord. No. 14-1334), Lakeside Reclamation (Ord. No. 14-1333), and Weyerhaeuser Regional Landfill (Ord. No. 14-1335)

to individual designated facilities, provide for a different analysis to amend or delete facility designations, and make various technical corrections to improve the readability and organizational structure of the Code, as provided in Exhibit A.

WJ:bjl

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Agenda Item No. 5.7

Ordinance No. 14-1338, For the Purpose of Amending Metro
Code Title V, Solid Waste, to Revise Chapter 5.02.

Ordinances - First Read

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 14-1338
CODE TITLE V, SOLID WASTE, TO REVISE)	
CHAPTER 5.02.	)	Introduced by Chief Operating Officer Martha
	)	Bennett in concurrence with Council
	)	President Tom Hughes

WHEREAS, the Metro Solid Waste Code is set forth in Title V of the Metro Code; and

WHEREAS, Metro Solid Waste Code Chapter 5.02 contains the requirements for Disposal Charges and User Fees; and

WHEREAS, the Chief Operating Officer recommends organizational changes to Chapter 5.02 to improve access and readability of the Metro Code, including incorporating certain provisions pertaining to the payment of regional system fees; and

WHEREAS, Metro revised Chapter 5.01 in July 2014 pursuant to Ordinance No. 14-1332 to repeal certain regional system fee exemptions and requirements for relocation to Chapter 5.02;

WHEREAS, portions of Metro Code Chapter 5.02 must be revised to update the code to reflect these changes and other necessary changes; and

WHEREAS, to achieve the above-referenced objectives, it is necessary to revise Metro Code Chapter 5.02, Disposal Charges and User Fees; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Amendment. Metro Code Section 5.02.045 is amended as set forth in the attached Exhibit A.
2. Metro Code Amendment. Metro Code Section 5.02.055 is amended as set forth in the attached Exhibit B.
3. Metro Code Amendment. The term “Community Enhancement Fee” shall replace the term “Community Rehabilitation and Enhancement Fee” in Metro Code subsection 5.02.025(a)(1)(C), and all other subsections of Metro Code Section 5.02.025 shall remain unchanged.

ADOPTED by the Metro Council this [insert date] day of [insert month] 2014.

Tom Hughes, Council President

Attest:

Approved as to Form:

Troy Rayburn, Recording Secretary

Alison R. Kean, Metro Attorney

Exhibit "A" to Ordinance 14-1338

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

5.02.045 Regional System Fees

(a) The Regional System Fee shall be the dollar amount per ton of solid waste adopted by an ordinance of the Metro Council, prorated based on the actual weight of solid waste at issue rounded to the nearest one-hundredth of a ton.

(b) Any waste hauler or other person transporting solid waste generated, originating, or collected from inside the Metro region shall pay Regional System Fees to Metro for the disposal of such solid waste. Payment of applicable system fees to the operator of a Designated Facility shall satisfy the obligation to pay system fees, provided that, if such solid waste is transported to a Designated Facility outside of the Metro region, then such waste hauler or other person must have informed the operator of the Designated Facility that the solid waste was generated, originated or collected inside the Metro region. In any dispute regarding whether such waste hauler or other person informed such operator that the solid waste was generated, originated, or collected inside the Metro region, such waste hauler or other person shall have the burden of proving that such information was communicated.

~~——(e)(c) Regional system fees shall not apply to:~~

- ~~(1) Solid waste received at solid waste facilities that are licensed, franchised or exempt from regulation under Chapter 5.01;~~
- ~~(2) Cleanup material contaminated by hazardous substances accepted at facilities that treat said cleanup material contaminated by hazardous substances to applicable DEQ standards;~~
- ~~(3) Useful material that is accepted at a disposal site that is listed as a Metro Designated Facility in Chapter 5.05 or accepted at a disposal site under authority of a Metro Non-System License issued pursuant to Chapter 5.05, provided that the useful material: (A) is intended to be used, and is in fact used, productively in the operation of the disposal site such as for roadbeds or alternative~~

daily cover; and (B) is accepted at the disposal site at no charge; or

- (4) Processing residual produced by any tire processor that is regulated pursuant to Chapter 5.01 and that sorts, classifies or processes used tires into fuel or other products, provided said processing residual conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent, and under the terms, specified in the Metro license or franchise.

(d) Designated Facility operators shall collect and pay to Metro the Regional System Fee for the disposal of solid waste generated, originating, collected, or disposed of within Metro boundaries, in accordance with ~~Metro Code Section 5.01.150~~this chapter. There is no liability for regional system fees on charge accounts that are worthless and charged off as uncollectible, provided that an affidavit is filed with Metro stating the name and amount of each uncollectible charge account and documenting good faith efforts that have been made to collect the accounts. Regional system fees may not be deemed uncollectible unless the underlying account is also uncollectible. If the fees have previously been paid, a deduction may be taken from the next payment due to Metro for the amount found worthless and charged off. If any such account is thereafter collected, in whole or in part, the amount so collected shall be included in the first return filed after such collection, and the fees shall be paid with the return.

~~(d)~~(e) All regional system fees shall be paid in the form of a remittance payable to Metro. All regional system fees received by Metro shall be deposited in the solid waste operating fund and used only for the administration, implementation, operation and enforcement of the Regional Solid Waste Management Plan.

(f) When solid waste generated from within the Metro boundary is mixed in the same vehicle or container with solid waste generated from outside the Metro boundary, the load in its entirety shall be reported at the disposal site by the generator or hauler as having been generated within the Metro boundary, and the Regional System Fee shall be paid on the entire load unless the generator or hauler provides the disposal site operator with documentation regarding the total weight of the solid waste in the vehicle or container that was generated within the Metro boundary and the disposal site operator

forwards such documentation to Metro, or unless Metro has agreed in writing to another method of reporting.

~~(c) System fees described in this Section 5.02.045 shall not apply to exemptions listed in Section 5.01.150(b) of this Code.~~

(Ordinance No. 82-146, Sec. 8. Amended by Ordinance No. 85-191, Sec. 4; Ordinance No. 86-214, Sec. 4; Ordinance No. 88-257, Sec. 6; Ordinance No. 88-278, Sec. 4; Ordinance No. 89-269, Sec. 2; Ordinance No. 90-337, Sec. 6; Ordinance No. 90-351, Sec. 1; Ordinance No. 90-372, Sec. 3; Ordinance No. 91-386C, Sec. 6; Ordinance No. 92-455B, Sec. 1; Ordinance No. 94-531, Sec. 6; Ordinance No. 97-681B, Sec. 4. Repealed by Ordinance No. 98-720A, Sec. 19; replaced by Ordinance No. 98-720A, Sec. 20. Amended by Ordinance No. 99-823A, Sec. 2; Ordinance No. 00-867, Sec. 3; Ordinance No. 01-918A, Sec. 3; Ordinance No. 03-1000A, Sec. 2; Ordinance No. 04-1042A, Sec. 2; Ordinance No. 05-1080, Sec. 3; Ordinance No. 06-1103, Sec. 2; Ordinance No. 06-1118, Sec. 4; Ordinance No. 07-1146, Sec. 3; Ordinance No. 08-1186A, Sec. 2; Ordinance No. 09-1217A, Sec. 2; Ordinance No. 10-1237, Secs. 2 and 4; Ordinance No. 11-1257A, Sec. 2; Ordinance No. 12-1277, Sec. 2 and Ordinance No. 13-1323, Sec 3.)

(5.02.046 Special Findings for Regional System Fee Credits. Repealed Ord. 07-1147B, effective 7/01/09)

Exhibit "B" to Ordinance 14-1338

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

5.02.055 Remittance to Metro of Fees and Other Charges

(a) Fees and charges owed to Metro by any person pursuant to this Chapter shall constitute a debt owed to Metro, and such debt shall be extinguished only by payment of such fees and charges to Metro as provided in this section. Franchisees and other operators of Designated Facilities shall remit fees and charges other than excise taxes to Metro as specified in this section. In addition, waste haulers and other persons liable for the payment of user fees as provided in Metro Code Section 5.02.045(b) shall remit fees and charges other than excise taxes to Metro as specified in this section.

(b) Fees shall accrue on a monthly basis and shall be remitted to Metro by the 15th day of the month for waste disposed of in the preceding month. Fees and other charges will be delinquent if not received by Metro on or before the due date, ~~either by personal delivery to the Metro Department of Administrative Services during business hours or, if delivered by mail, by receipt in Metro's mail room on or before the due date.~~ If the due date falls on a holiday or weekend, amounts are delinquent at the end of the first business day that follows.

(Ordinance No. 93-509, Sec. 3. Amended by Ordinance No. 94-533, Sec. 1; Ordinance No. 97-681B, Sec. 5; Ordinance No. 98-720A, Sec. 23; Ordinance No. 06-1103, Sec. 3.)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1338 FOR THE PURPOSE OF AMENDING METRO CODE TITLE V, SOLID WASTE, TO REVISE CHAPTER 5.02.

July 1, 2014

Prepared by: Warren Johnson
503-797-1836

The proposed ordinance amends Title V (Solid Waste) to revise Chapter 5.02 (Disposal Charges and User Fees) to include certain provisions related to the payment of regional systems fees and other technical corrections to improve the readability and organizational structure of the Code. There are no substantive changes to any current policies, practices, or regulatory requirements under this proposed ordinance.

BACKGROUND

Metro Code Chapter 5.02 (Disposal Charges and Fees) governs the establishment and assessment of disposal charges and regional system fees on solid waste within the region. In order to make the Code more accessible and easier to use, the Chief Operating Officer recommends revising Chapter 5.02 to add certain provisions related to the payment of regional system fees that were repealed from Chapter 5.01 under a separate ordinance.¹ Such fee-related provisions are more appropriate for Chapter 5.02. The proposed ordinance also includes two minor technical corrections to update and improve the readability the Code.

This proposed ordinance is part of a package of ordinances that are intended to improve the consistency, access, and usability of Metro's solid waste Code. In addition to this action, Metro Council will also consider three similar ordinances for other housekeeping and organizational improvements to the Code at its meeting on July 24, 2014.²

ANALYSIS/INFORMATION

1. Known Opposition

Adoption of this ordinance would result in changes to the organizational structure of Title V, including relocating certain fee-related provisions from Chapter 5.01 to Chapter 5.02. The proposed ordinance also includes two minor technical corrections to Chapter 5.02. There are no substantive changes to any current policies, practices, or regulatory requirements. As such, there is no known opposition to the proposed ordinance.

Legal Antecedents

Any change to the Metro Code requires an ordinance of the Metro Council.

2. Anticipated Effects

Adoption of this ordinance would result in the following changes to the Metro Code:

- Revisions to Metro Code Section 5.02.045 to incorporate certain fee-related provisions that were repealed from Section 5.01.150 (under separate Ordinance No. 14-1332).

¹ Ordinance No. 14-1332

² Chapter 5.00 (Ord. No. 14-1331), Chapter 5.01 (Ord. No. 14-1332), and Chapter 5.05 (Ord. No. 14-1337)

- Revision of subsection 5.02.055(b) to delete certain obsolete specifications regarding fee remittance procedures.
- Minor technical correction in subsection 5.02.025(a)(1)(C).

3. Budget Impacts

There are no expected budget impacts associated with the adoption of this ordinance.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 14-1338. Approval of this ordinance will revise Chapter 5.02 (Disposal Charges and User Fees) to include certain provisions related to the payment of regional systems fees, as provided in Exhibit A, and other technical corrections, as provided in Exhibit B, to improve the readability and organizational structure of the Code.

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Agenda Item No. 5.8

Ordinance 14-1342, For the Purpose of Amending Metro Code
Section 2.19.130 to Change the Name of the Solid Waste
Advisory Committee.

Ordinances - First Read

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 14-1342
CODE SECTION 2.19.130 TO CHANGE THE)	
NAME OF THE SOLID WASTE ADVISORY	)	Introduced by Chief Operating Officer Martha
COMMITTEE	)	Bennett in concurrence with Council
	)	President Tom Hughes

WHEREAS, Metro Code Chapter 2.19 provides the authority for the Metro Council to establish advisory committees, including the purpose, authority and membership of those committees; and

WHEREAS, the Metro Council established the Solid Waste Advisory Committee to provide advice regarding regional solid waste management and planning; and

WHEREAS, the Metro Council wishes to change the name of the committee to Solid Waste Alternatives Advisory Committee to better reflect the purpose of the committee; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Metro Code Amendment. Metro Code Section 2.19.130, "Metro Solid Waste Advisory Committee (SWAC)" is amended as set forth in the attached Exhibit A.

ADOPTED by the Metro Council this _____ day of _____ 2014.

Tom Hughes, Council President

Attest:

Approved as to Form:

Troy Rayburn, Recording Secretary

Alison R. Kean, Metro Attorney

Exhibit “A” to Ordinance No. 14-1342

CHAPTER 2.19

METRO ADVISORY COMMITTEES

2.19.020 Definitions

For the purposes of this chapter, unless the context requires otherwise, the following terms shall have the meanings indicated:

(1) "SWAAC" means Solid Waste Alternatives Advisory Committee.

2.19.130 Metro Solid Waste Alternatives Advisory Committee (SWAAC)

(a) Purpose. The purpose of the Metro Solid Waste Alternatives Advisory Committee (SWAAC) is to develop policy options that, if implemented, would serve the public interest by reducing the amount and toxicity of waste generated and disposed, or enhancing the effectiveness and sustainability of the system through which the region’s solid waste is managed. For the purpose of this Section, the term sustainability is as defined in Metro Council Resolution No. 08-3931.

(b) Membership. Members are categorized as follows:

(1)	<u>Regular Voting Members:</u>	
	Jurisdictions with a population under 50,000	3
	Jurisdictions with a population between 50,000 and 500,000	3
	Jurisdiction with a population over 500,000	<u>1</u>
	Total Local Government Members:	7
(2)	<u>Non-Voting Members:</u>	
	Oregon Department of Environmental Quality	1
	Non Governmental	1
	Solid Waste Industry	3
	Chair, Metro	<u>1</u>

Total Non-Voting Members:	6
TOTAL MEMBERS	13

(c) Appointment of Members.

- (1) Local government members shall be nominated by a jurisdiction's presiding executive, appointed by the Metro Council President, and subject to confirmation by the Metro Council. In making the local government appointments, the Metro Council President will seek members directly involved in solid waste regulation or oversight and those involved in resource conservation.
- (2) The Oregon Department of Environmental Quality (DEQ) member shall be nominated by DEQ's presiding executive, appointed by the Metro Council President, and subject to confirmation by the Metro Council.
- (3) The Metro member shall be nominated by the Chief Operating Officer, appointed by the Metro Council President, and subject to confirmation by the Metro Council. The Chief Operating Officer also shall nominate an alternate Metro member who can serve when the confirmed member is unavailable.
- (4) The remaining non-voting members shall be nominated through a public application process, appointed by the Metro Council President, and subject to confirmation by the Metro Council.

(d) Membership.

(1) Terms of Office.

- (a) The local government members shall serve for a term of two (2) years. A member may be reappointed for additional terms through the process set forth above.
- (b) The DEQ member shall serve until a replacement is nominated by the DEQ executive.
- (c) The Metro member shall serve until a replacement is nominated by the Chief Operating Officer.
- (d) The remaining non-voting members shall serve for a term of two (2) years. A non-voting member in this category may serve for a second consecutive two (2) year term.

- (2) Meetings. SWAAC shall meet on a schedule determined by the Chairperson, with no fewer than two meetings per calendar year. The Chairperson shall schedule additional meetings as needed to respond to requests from the Metro Council for analysis of particular issues.
- (3) Attendance. Members should be present at and participate in all regular meetings. Members who are absent for more than one regular meeting in a calendar year may be asked by the Council President to resign.
- (4) Local government. For the members from jurisdictions with a population under 50,000, the Metro Council shall confirm at least one member each from a community west and east of the Willamette River. A County's population includes only those residents of the County's unincorporated areas.
- (5) Solid Waste Industry. Solid Waste Industry members shall include persons involved in the collection, transfer, processing, disposal, or recycling of Solid Waste generated in the Metro Region.
- (6) Non Governmental. The Non Governmental member shall be from a non-profit organization whose mission related to advancing sustainability in the Metro Region.

(e) Chair. The Chairperson of SWAAC shall be the Metro member or, in the Metro's member's absence, the Metro alternate member.

(f) Reports to Council. SWAAC shall include a summary of the minority opinions of voting and non-voting members when describing the policy options that it recommends to the Metro Council for consideration.

(g) Subcommittees. SWAAC may establish subcommittees of a limited and defined duration. Membership composition shall be determined by SWAAC and may include individuals who are not members of the Committee. All such subcommittees shall report to SWAAC.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1342, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 2.19.130 TO CHANGE THE NAME OF THE SOLID WASTE ADVISORY COMMITTEE

Date: July 17, 2014

Prepared by: Matt Korot, 503-797-1760

BACKGROUND

The proposed ordinance would change the name of the Metro Solid Waste Advisory Committee (SWAC) to the Metro Solid Waste Alternatives Advisory Committee (SWAAC).

Metro Code section 2.19.130 establishes that the purpose of the Metro Solid Waste Advisory Committee is:

... to develop policy options that, if implemented, would serve the public interest by reducing the amount and toxicity of waste generated and disposed, or enhancing the effectiveness and sustainability of the system through which the region's solid waste is managed.

The "policy options" component of this statement, which dates to the reestablishment of SWAC in 2009, purposefully distinguishes the committee's scope of work from that of its predecessor, which was charged with "... present[ing] policy recommendations to the Metro Council." While the current SWAC is operating in accordance with its chartering code language, staff recommends changing the name to more explicitly communicate that the committee should be identifying and/or providing input on a range of alternative courses of action in order to provide the Council with a broad spectrum of potential choices to make. The new name would also more closely align with that of TPAC, the Transportation Policy Alternatives Committee.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

Change to Metro Code requires an ordinance of the Metro Council.

3. Anticipated Effects

Adoption of this ordinance would result in changes to the Metro Code, as indicated in Exhibit A.

4. Budget Impacts

There are no expected budget impacts associated with the adoption of this ordinance.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 14-1342.

Agenda Item No. 6.1

Ordinance 14-1340, For the Purpose of Amending the 2035
Regional Transportation Plan to Comply with Federal and State
Law; and to Amend the Regional Framework Plan.

Ordinances - Second Read

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2035	)	Ordinance No. 14-1340
REGIONAL TRANSPORTATION PLAN TO)	
COMPLY WITH FEDERAL AND STATE LAW; AND	)	Introduced by Chief Operating Officer
TO AMEND THE REGIONAL FRAMEWORK PLAN	)	Martha Bennett with the Concurrence of
		Council President Tom Hughes

WHEREAS, the Regional Transportation Plan (RTP) is the federally recognized transportation policy for the metropolitan region, and must be updated every four years; and

WHEREAS, the RTP fulfills statewide planning requirements to implement Goal 12 Transportation, as implemented through the Transportation Planning Rule, and must be updated every 5-7 years; and

WHEREAS, the RTP is a central tool for implementing the Region 2040 Growth Concept, and constitutes a policy component of the Regional Framework Plan; and

WHEREAS, the most recent update to the RTP was completed in June 2010 and approved and acknowledged by US Department of Transportation and US Environmental Protection Agency on September 20, 2010; and

WHEREAS, on September 12, 2013 the Metro Council and the Joint Policy Advisory Committee on Transportation approved the proposed 2014 RTP work program identified as Exhibit A; and

WHEREAS, subsequent to adoption of the work program Metro solicited projects pursuant to the criteria included in the work program; and

WHEREAS, a 45-day public comment period on the 2014 RTP was provided from March 21 to May 5, 2014; and

WHEREAS, Metro Council held a public hearing on May 8, 2014 and accepted the 2014 RTP project list for purpose of air quality conformity determination by Resolution No. 14-4527; and

WHEREAS, the Metro Council adopted the Regional Active Transportation Plan (ATP) by Resolution No. 14-4526 on July 17, 2014 and the 2014 RTP includes updated bicycle and pedestrian policies and maps that reflect direction from the ATP; and

WHEREAS, the Metro Council adopted the Environmental Justice and Title VI Assessment for the 2014 RTP and 2015-2018 MTIP by Resolution No. 14-4533 on July 17, 2014; and

WHEREAS, the Metro Council adopted a substitution for the transit Transportation Control Measure as part of the state air quality strategy and the region's Air Quality Conformity Determination by Resolution No. 13-4490 on December 19, 2013, which was later approved by the U.S. Environmental Protection Agency (EPA); and

WHEREAS, the Metro Council adopted the joint Air Quality Conformity Determination for the 2014 RTP and 2015-2018 MTIP by Resolution No. 14-4534 on July 17, 2014 ; and

WHEREAS, the adopted joint Air Quality Conformity Determination reflects the substitute transit Transportation Control Measure as part of the state air quality strategy adopted by the Metro

Council by Resolution No. 13-4490 on December 19, 2013 and concurred by the U.S. Environmental Protection Agency (EPA); and

WHEREAS, the Metro Council, the Joint Policy Advisory Committee on Transportation (“JPACT”), the Metro Policy Advisory Committee (“MPAC”), the Metro Technical Advisory Committee (“MTAC”), the Transportation Policy Advisory Committee (“TPAC”), the Federal Highway Administration and the Federal Transit Administration, and other elected officials and advocates assisted in the development of the 2014 RTP and provided comment on the RTP throughout the planning process; and

WHEREAS, JPACT and MPAC have recommended approval of the 2014 RTP by the Council; and

WHEREAS, the Metro Council held a public hearing on the 2014 RTP and its components identified in Exhibit A, Exhibit B, Exhibit C, and Exhibit D, on July 17, 2014; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The 2035 Regional Transportation Plan is hereby amended to become the 2014 Regional Transportation Plan (RTP), as indicated in Exhibit A and Appendices and the addendum to Exhibit A, attached and incorporated into this ordinance.
2. Chapter 2 (Transportation) of Metro’s Regional Framework Plan is hereby amended, as indicated in Exhibit B, attached and incorporated into this ordinance, to reflect the updated transportation policies in the 2014 RTP in Exhibit A.
3. The “Summary of Comments Received and Recommended Actions,” attached as Exhibit C, is incorporated by reference and any amendments based on these comments are included in Exhibit A.
4. The Findings of Fact and Conclusions of Law in Exhibit D, attached and incorporated into this ordinance, explain how these amendments comply with the Regional Framework Plan, statewide planning laws and the Oregon Transportation Plan and its applicable components.
5. Staff is directed to submit this ordinance and exhibits to the Land Conservation and Development Commission (LCDC).
6. The 2014 RTP is hereby adopted as the federally-recognized metropolitan transportation plan and shall be transmitted to the U.S. Department of Transportation.

ADOPTED by the Metro Council this 17th day of July, 2014.

Tom Hughes, Council President

Attest:

Approved as to form:

Troy Rayburn, Recording Secretary

Alison Kean, Metro Attorney

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Final draft | June 2014

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Technical appendix for the

.....
**Regional
Transportation Plan**
.....

June 2014

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2014

EXHIBIT B TO ORDINANCE NO. 14-1340

CHAPTER 2

REGIONAL FRAMEWORK PLAN

The policies of Chapter 2, Transportation, are amended as follows:

Goal 1: Foster Vibrant Communities and Efficient Urban Form

Land use and transportation decisions are linked to optimize public investments and support active transportation options and jobs, schools, shopping, services, recreational opportunities and housing proximity.

- **Objective 1.1 Compact Urban Form and Design** - Use transportation investments to reinforce growth in and multi-modal access to 2040 Target Areas and ensure that development in 2040 Target Areas is consistent with and supports the transportation investments.
- **Objective 1.2 Parking Management** – Minimize the amount and promote the efficient use of land dedicated to vehicle parking.
- **Objective 1.3 Affordable Housing** – Support the preservation and production of affordable housing in the region.

Goal 2: Sustain Economic Competitiveness and Prosperity

Multi-modal transportation infrastructure and services support the region's well-being and a diverse, innovative, sustainable and growing regional and state economy.

- **Objective 2.1 Reliable and Efficient Travel and Market Area Access** - Provide for reliable and efficient multi-modal regional, interstate and intrastate travel and market area access through a seamless and well-connected system of throughways, arterial streets, freight services, transit services and bicycle and pedestrian facilities.
- **Objective 2.2 Regional Passenger Connectivity** – Ensure reliable and efficient connections between passenger intermodal facilities and destinations in and beyond the region to improve non-auto access to and from the region and promote the region's function as a gateway for tourism.
- **Objective 2.3 Metropolitan Mobility** - Maintain sufficient total person-trip and freight capacity among the various modes operating in the Regional Mobility Corridors to allow reasonable and reliable travel times through those corridors.
- **Objective 2.4 Freight Reliability** – Maintain reasonable and reliable travel times and access through the region as well as between freight intermodal facilities and destinations within and beyond the region to promote the region's function as a gateway for commerce.
- **Objective 2.5 – Job Retention and Creation** – Attract new businesses and family-wage jobs and retain those that are already located in the region.

Goal 3: Expand Transportation Choices

Multi-modal transportation infrastructure and services provide all residents of the region with affordable and equitable options for accessing housing, jobs, services, shopping, educational,

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cultural and recreational opportunities, and facilitate competitive choices for goods movement for all businesses in the region.

- **Objective 3.1 Travel Choices** - Achieve modal targets for increased walking, bicycling, use of transit and shared ride and reduced reliance on the automobile and drive alone trips.
- **Objective 3.2 Vehicle Miles of Travel** - Reduce vehicle miles traveled per capita.
- **Objective 3.3 Equitable Access and Barrier Free Transportation** - Provide affordable and equitable access to travel choices and serve the needs of all people and businesses, including people with low income, children, elders and people with disabilities, to connect with jobs, education, services, recreation, social and cultural activities.
- **Objective 3.4 Shipping Choices** – Support multi-modal freight transportation system that includes air cargo, pipeline, trucking, rail, and marine services to facilitate competitive choices for goods movement for businesses in the region.

Goal 4: Emphasize Effective and Efficient Management of the Transportation System

Existing and future multi-modal transportation infrastructure and services are well-managed to optimize capacity, improve travel conditions and address air quality goals.

- **Objective 4.1 Traffic Management** – Apply technology solutions to actively manage the transportation system.
- **Objective 4.2 Traveler Information** – Provide comprehensive real-time traveler information to people and businesses in the region.
- **Objective 4.3 Incident Management** – Improve traffic incident detection and clearance times on the region's transit, arterial and throughways networks.
- **Objective 4.4 Demand Management** – Implement services, incentives and supportive infrastructure to increase telecommuting, walking, biking, taking transit, and carpooling, and shift travel to off-peak periods.
- **Objective 4.5 Value Pricing** – Consider a wide range of value pricing strategies and techniques as a management tool, including but not limited to parking management to encourage walking, biking and transit ridership and selectively promote short-term and long-term strategies as appropriate.

Goal 5: Enhance Safety and Security

Multi-modal transportation infrastructure and services are safe and secure for the public and goods movement.

- **Objective 5.1 Operational and Public Safety** - Reduce fatalities, and severe injuries and crashes per capita for all modes of travel.
- **Objective 5.2 Crime** - Reduce vulnerability of the public, goods movement and critical transportation infrastructure to crime.
- **Objective 5.3 Terrorism, Natural Disasters and Hazardous Material Incidents** - Reduce vulnerability of the public, goods movement and critical transportation infrastructure to acts of terrorism, natural disasters, hazardous material spills or other hazardous incidents.

Goal 6: Promote Environmental Stewardship

Promote responsible stewardship of the region's natural, community, and cultural resources.

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- **Objective 6.1 Natural Environment** – Avoid or minimize undesirable impacts on fish and wildlife habitat conservation areas, wildlife corridors, significant flora and open spaces.
- **Objective 6.2 Clean Air** – Reduce transportation-related vehicle emissions to improve air quality so that as growth occurs, the view of the Cascades and the Coast Range from within the region are maintained.
- **Objective 6.3 Water Quality and Quantity** – Protect the region’s water quality and natural stream flows.
- **Objective 6.4 Energy and Land Consumption** - Reduce transportation-related energy and land consumption and the region’s dependence on unstable energy sources.
- **Objective 6.5 Climate Change** – Reduce transportation-related greenhouse gas emissions.

Goal 7: Enhance Human Health

Multi-modal transportation infrastructure and services provide safe, comfortable and convenient options that support active living and physical activity, and minimize transportation-related pollution that negatively impacts human health.

- **Objective 7.1 Active Living** – Provide safe, comfortable and convenient transportation options that support active living and physical activity to meet daily needs and access services.
- **Objective 7.2 Pollution Impacts** – Minimize noise, impervious surface and other transportation-related pollution impacts on residents in the region to reduce negative health effects.

Goal 8: Ensure Equity

The benefits and adverse impacts of regional transportation planning, programs and investment decisions are equitably distributed among population demographics and geography, considering different parts of the region and census block groups with different incomes, races and ethnicities.

- **Objective 8.1 Environmental Justice** – Ensure benefits and impacts of investments are equitably distributed by population demographics and geography.
- **Objective 8.2 Coordinated Human Services Transportation Needs** - Ensure investments in the transportation system provide a full range of affordable options for people with low income, elders and people with disabilities consistent with the Tri-County Coordinated Human Services Transportation Plan (CHSTP).
- **Objective 8.3 Housing Diversity** - Use transportation investments to achieve greater diversity of housing opportunities by linking investments to measures taken by the local governments to increase housing diversity.
- **Objective 8.4 Transportation and Housing Costs**– Reduce the share of households in the region spending more than 50 percent of household income on housing and transportation combined.

Goal 9: Ensure Fiscal Stewardship

Regional transportation planning and investment decisions ensure the best return on public investments in infrastructure and programs [and are guided by data and analyses.](#)

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- **Objective 9.1 Asset Management**– Adequately update, repair and maintain transportation facilities and services to preserve their function, maintain their useful life and eliminate maintenance backlogs.
- **Objective 9.2 Maximize Return on Public Investment** - Make transportation investment decisions that use public resources effectively and efficiently, using performance-based planning approach supported by data and analyses that include all transportation modes.
- **Objective 9.3 Stable and Innovative Funding** – Stabilize existing transportation revenue while securing new and innovative long-term sources of funding adequate to build, operate and maintain the regional transportation system for all modes of travel at the federal, state, regional and local level.

Goal 10: Deliver Accountability

The region’s government, business, institutional and community leaders work together in an open and transparent manner so the public has meaningful opportunities for input on transportation decisions and experiences an integrated, comprehensive system of transportation facilities and services that bridge governance, institutional and fiscal barriers.

- **Objective 10.1 Meaningful Input Opportunities** - Provide meaningful input opportunities for interested and affected stakeholders, including people who have traditionally been underrepresented, resource agencies, business, institutional and community stakeholders, and local, regional and state jurisdictions that own and operate the region’s transportation system in plan development and review.
- **Objective 10.2 Coordination and Cooperation** - Ensure representation in regional transportation decision-making is equitable from among all affected jurisdictions and stakeholders and improve coordination and cooperation among the public and private owners and operators of the region’s transportation system so the system can function in a coordinated manner and better provide for state and regional transportation needs.

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1	More funding should be spent on bus service. There is good guidance and flexibility in the ATP. This will be necessary as jurisdictions are faced with restricted funding.	Karen Buehrig	3/21/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
2	Stop wasting our money on roads and car traffic infrastructure. It's a dead end.	Glen Ropella	3/21/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
3	the funds should be used maintain and improve operations on the existing system. Bike lanes and sidewalk should be added as the region upgrades the existing system. How can we support more bike lanes and sidewalks if we cannot maintain the existing system.(all aspects). Also more attention is needed within the suburban areas not Portland	Ronald Weinman	3/21/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
4	Moving percent of funding closer to actual percent of total number of projects. I would like to see the Sullivan's Gulch Trail get some attention. I will work to see that it is understood and gets some support.	Brittain Brewer	3/22/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
5	Reduce transit spend to 10%: Serves a lot less of the population. Very expensive to operate. Tri-met cuts service. Not accessible / useful to majority of population (no service provided and doesn't take people to where they need to go). Increase roads and bridges (to 43%) & throughways (to 36%): serves the most people, provides access from 'any point' to 'any point'. Reduce Active Transportation to 5%: surprisingly high percentage, esp. considering that the roads/bridges also includes active transportation improvements. Serves a very small slice of the population. Too much focus on transportation modes that are used by very small parts of the population. It is unrealistic to believe that transportation issues/needs will be met by walking, biking and mass transit.	Sam Jones	3/22/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
6	Put buses back on out lining areas. Like South End in Ore. City. Use the money and do the projects right the first time and not make it a project that has to be added to years later. more buses for those that need it, and longer hours.	K H	3/22/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
7	As the left pie chart shows, the lion's share of the money continues to go for more auto capacity. There continues to be a significant disconnect between the policy summarized in question 1 and where the money actually goes. Until this changes, this is a Regional Transportation Fantasy, which really offers lots of talk about big shifts to walk, bike, and transit, GHG reductions, Climate Smart Communities, blah, blah, blah, but the region fails to put its money where its mouth is. Align the transportation improvement investments with the policy. I realize easy to say and harder to do with most regional communities not really buying into the RTP - they really want more road capacity.	Keith Liden	3/22/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
8	Roads and Bridges 75%. Hwy 217 in a couple of decades! get real do it now. NOW.	Jim M Alder	3/23/2014	No change recommended. This comment has been forwarded to Washington County, Tigard, Beaverton, and ODOT.	10599: Hwy 217/72nd Ave. Interchange Improvements; 11582: Hwy. 217 Capacity Improvements; 11439: Southbound Hwy 217 Allen/Denny Split Diamond Interchange; 11400: OR 217: Southbound Auxiliary Lane; 11302: I-5/OR 217 Interchange Phase 2 - southbound OR 217 to southbound I-5 entrance ramp; southbound I-5 exit to Kruse Way loop ramp; 10747: Hwy. 217 Overcrossing - Cascade Plaza; 10596: Scholls Ferry Rd. Improvements;

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9	Transit should be receiving more funds, and growing. I think ALL discretionary funds should be put toward Transit, and, after Transit is fully funded, toward Active Transportation. Roads and freight investments should be made using the dedicated taxes (gas taxes & auto fees) and not discretionary funds. If there's not enough money for Roads & Freight from these sources (that our constitution dedicates to them), then these dedicated taxes should be increased.	Carl VanderZanden	3/24/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
10	Overall, I support spending for active and public transit. As a resident of Lake Oswego who works, volunteers, and pursues entertainment in Portland, I'd like to see a safer bicycling route between the two, and better transit options on the weekends. Generally speaking, I support using public funds to get more cars off the road by increasing public and active transit options.	Nicholas Tahrán	3/24/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
11	More improvements needed in the active transportation funding section to increase walking and biking...to make healthier people and to get more cars off the road.	Liz Jones	3/24/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
12	I would like to see expansion of throughways, specifically the Abernathy Bridge I-205 Willamette River crossing. An additional bridge from Lake Oswego to Milwaukie or West Linn to Milwaukie would be most helpful. Many of the projected needs for roads from 20 years ago should be dismissed, adopting a new transportation plan would be wise. The active transportation plan is good, I would like to see some additions to rural areas to provide bike/pedestrian access to rural towns.	Levi Manselle	3/24/2014	No change recommended. This comment has been forwarded to Lake Oswego, Oregon City, Clackamas County, and ODOT.	11585: I-205 Southbound and Northbound Abernathy Bridge widening; 10144 (related): SB 99E/I-205 Interchange Access; 11305: I-205 operational improvements; 11497: I-205. 10085: Lake Oswego Milwaukie Bike Ped Bridge Over the Willamette River
13	The spending is way off kilter, the bids system is tainted by people pushing expensive requirements from the start. We have spent so much and except occasional use these are not being used. A once or twice a year usage scale is not validating the costs.	Michael Harrington	3/24/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
14	Throughways come with an added cost to communities. For example, I do not benefit at all from the several lanes of congested car traffic that clog up McLoughlin Blvd for miles. But my neighbors and I do pay the price for it. Rather than building more and safer bike and pedestrian crossing along that throughway to help remedy a problem it created, ODOT erected a "safety screen" and demanded that TriMet close two bus stops. When building a throughway that cuts through dense residential neighborhoods like Ardenwald-Johnson Creek and Sellwood-Moreland, there should be requirements that facilities guaranteeing safe crossing and access be included in the funding.	Angelene Falconer	3/24/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
15	Emphasis should be on expanding the bus system into underserved neighborhoods. Freight transfer can be centralized at a city's periphery. Creation of a "ring road" such as exist in Europe would speed freight delivery while easing the wear-and-tear on the city streets. Do not widen any roads as an answer to congestion.; Reward drivers who take transit to work by lowering their taxes. Reward parents who send children to school on public transit by lowering their taxes. Give free bus passes to middle-school children (you already give passes to high schoolers). Pave streets and trails where pedestrians walk. When planning to put in a greenway project, first notify the homeowners. Too much emphasis is placed on a rail system. Perhaps \$100 million is too much for the PMLR; there's no reason to emphasize light rail as is currently being done. Some of that money should go to neighborhood new bus service.	Gerri Lent	3/25/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
16	Roads and bridges are top. There needs to be budgeted \$ for yearly issues: potholes, etc. Can't improve throughways without also doing roads/bridges. They go together. Transit to outlying areas is also important as the Metro region continues to grow.	Saly Quimby	3/25/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
17	Stay far away from TriMet. I have very little regard for this agency. After spending time in NY, Wash DC, I admired how easy, CLEAN, and SAFE their transportation systems were. TriMet is incapable of doing anything similar. I also pay the same as folks living in the metro area with very little and inconvenient service.	Peggy Powell	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	

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18	Higher funding for transit for both capital and operating expenses, at the expense of spending to support automobiles (throughways). We have to face up to the problems of automobile traffic in urban Portland. The only hope I see is through emphasis on public transit (expand it and make it free, increasing business and property taxes to make up for the lost fare revenue, and to support bonds for transit capital expenses). I pay about \$20000 in property tax in Portland, and would be happy to pay more if spent in this way.	Robert Lee	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
19	Less transit more on roads and bridges	Jerad Hampton	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
20	I support this plan and its focus on more sustainable types of transportation. I hope that the elderly and disabled and their unique transportation needs are being considered in the planning process.	Marilyn Veomett	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
21	All plans to do with motor vehicle infrastructure should be solely for maintenance, not expansion. If anything, as mass and active transport infrastructures improve, motor vehicle use should be targeted for gradual draw-down. (inevitable anyway, so sooner and more voluntarily the better) Freight is tricky and is a nation wide disaster; basically insane for a semi to drive from NY to LA. VAST majority of long haul freight should be by rail, with truck only final connection from local rail head to destination. You know the increases in road use being advocated by trucking lobby - absolutely unsustainable and seriously deluded in feasibility. Cost in dollars, safety, quality of life, environmental toll is beyond reason.	Ed Rae	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
22	2014 RTP #10772 David Hill connection to Hwy 47 involve upgrading a driveway connection to Hwy 47 to a street connection without ODOT review. There is NO public ROW at that location, needs to be reviewed. #10774, 23rd Avenue Extension intersection rework proposed design ISOLATES the existing Industrial zone on 24th Avenue from access to Hwy 47. Wrong location, should connect to 23rd not Martin Rd. #10780 Hwy 47/Pacific Avenue Intersection Improvements - totally within the Forest Grove city limits - but the proposed improvements do not address 2020 peak East-West traffic demand, multi-signal queue delay, queuing into adjacent intersection at Poplar, left turn traffic using the median as a traffic lane, pedestrian crossing at Poplar or Rose Garden mobile estates, etc. It is a flawed design at the busiest and most accident prone intersection in the city. A different design is needed. #10788 10th Avenue - the intersections of 10th/Adair and 10th/Baseline should have ALL left turns replaced by right turns at 10th with J-turns at 9th and 11th to allow North-South traffic to have two through lanes, with the East-West turn traffic removed from the volume. #11380 Yew St/Adair St Intersection Improvements. Second most accident prone intersection in the city. It needs a light that is synchronized with the lights on Adair in Cornelius to preserve flow while increasing safety for cross traffic and pedestrians. All of Adair/Baseline should have timed flow. #11661 Hwy 47/Martin Road Intersection Improvements - the Holliday connection will delay the construction. The 24th connection will isolate the 23rd Industrial zone. Bad design. #11663 Hwy 47/Purdin Rd. Intersection Improvements - absolutely necessary! #11672 Holladay Ext(West) requires a road outside the UGB. A shorter route exists within the UGB by connecting to 23rd Avenue. Need to extend 19th from Oak through Quince to rebuild Hwy 8 & Hwy 47 to the same design as Hwy 8 and Hwy 219 in Hillsboro, a major highway as a one-way couplet crossing a lessor highway. That Pacific/19th couplet should extend to the Cornelius city limits to join Adair/Baseline with timed progression, three travel lanes, and safer pedestrian crossings.	David Morelli	3/26/2014	No change recommended. This comment has been forwarded to Forest Grove, Cornelius and ODOT.	10772: David Hill; 10774: 23rd Avenue Extension; 10780: Hwy 47/ Pacific Avenue Intersection Improvements; 10788: 10th Ave; 11380: Yew St / Adair St Intersection Improvements; 11661: Hwy 47/ Martin Road Intersection Improvements; 11663: Hwy 47/ Purdin Rd. Intersection Improvements; 11672: Holladay Ext (west)
23	because older folk do not ride bikes i find them distracting, arrogant, and a way for thugs to get around. less bikes and more cops on max.	John Kleeve	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	

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24	Privatize mass transit. If it can't support itself, then close it down. Don't steal from the taxpayers to support your egos.	Richard Whitehead	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
25	Maintaining our existing roads is most vital. I'm less open to adding bike lanes at the expense of vehicular lanes as has been proposed along Barbur Blvd. All planning should focus on making neighborhood town centers into vibrant live/work centers.	Thomas Riese	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
26	It looks like a good mix (maybe more on roads and bridges. Like, fix potholes so drivers stop whining about them (I'm not a driver myself; I'm trying to be a little more balanced here).	Dona Hertel	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
27	Increase freight at the expense of active transportation. Active transportation projects take 11% of the budget but only used for 3-5% of transportation mode used.	Stuart Long	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
28	We spend too much on bike lanes. Use bike boulevards instead. I am also not a huge proponent of light rail. Many of the metro counties do not want it. Listen to them. You need to invest in freight more so or else Portland will be a service society of low wage jobs. When you look at the percent of people in the metro area that actually use Trimet versus those who do not, what is the cost benefit analysis? I would wager that we pay a lot of money per tax payer for a system that few use. We are not going to be Europe. The West Coast was developed with the car. Embrace that fact. Try to get more metro driver's into electric cars or smaller cars. Assess a tax that is based on the number of miles driven per year multiplied by the weight of the vehicle. Use GPS tracking to toll people going over bridges, which cost a lot of money to maintain.	Greg Wilhelm	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
29	I appreciate all the active transportation projects. It doesn't cost much to make big improvements to quality of life this way.	Mary Jean Williams	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
30	It is unclear if the connection of sidewalks/bikeways will be supported anywhere outside of the downtown area. The unincorporated areas of Portland 97229 has a huge need for sidewalks/bikeways. If this plan includes all areas that is great if not please consider including areas not connected with downtown Portland.	Paige Dickson	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
31	Freight and transit should be a higher priority over Active transportation as I see that is where the biggest problems and congestion are.	Rick Scrivns	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
32	Drop the spending on bike painting paths, Green boxes, re striping and spend it on bridge and road infrastructure. Government run a-muck. You are not listening to your voters and residence	Kelly Sweeney	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
33	Increase Transit & include increasing routes/frequency. After the Milw Max is completed - no more new Max or Streetcar lines.	Susan O'Neill	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
34	Cut back active transportation and put more into roads and bridges. Active transportation is a nice idea that is not grounded in reality. Very few people do it nor will many ever do it. Our population is aging and the elderly will not use bikes or trails. There is only one convenient way to get things like groceries to homes - autos. To think that people can be driven out of their cars is a pipe dream. Weather alone argues heavily against this. Most bike use today is for recreation and fitness, not commuting.	Gerald Good	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
35	Bridges need to be maintained and updated for seismic. My understanding is that while many of our bridges are updated -- the approaches are not -- hence we need to have these critical links updated seismically. We need to continue to increase the use of mass transit over individual vehicle trips. This is a paradigm shift in thinking for Oregonians and Americans in general -- away from the "individual" and convenience to "community" and shared resources.	Nancy Gibson	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
36	I think that the focus should be on regional bottlenecks whether freight, transit, or auto to maximize the use of the system. For instance it makes little sense to expand capacity over the Columbia river only to hit bottlenecks on either.	Rick Michaelson	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	

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37	More funding \$\$ for roads and bridges, less for transit. For Throughways to take 26% of the funding but only 3% of the projects indicate that much higher cost of these projects. Although necessary, some outside review may be necessary to ensure the funds are going to needed projects. I didn't see any HWY 26 and connecting projects. The East-West traffic flow between Multnomah and Washington County needs improving. It won't be long before the Vista Ridge Tunnel needs augmenting with additional lanes or another route for commuters. Current options include Cornell Rd and Barnes/Burnside - neither are preferred high traffic alternatives.	John Metcalf	3/26/2014	No change recommended. This comment has been forwarded to Hillsboro, Portland, Washington County, and ODOT.	10558: Cornell Rd. Improvements; 10559: Cornell Improvements; 10873: US 26W: Widen highway to 6 lanes; 11275: Walker Rd. Extension; 11279: US26/185th Interchange Refinement Plan and Implementation; 11359: Northbound Cornelius Pass Road to US 26 Eastbound; 11365: Brookwood Parkway; 11367: Cornelius Pass Road; 11368: US 26 Westbound Off Ramp; 11393: US 26; 10547: 173rd/174th Under Crossing Improvement; 11574: Cornell Road; 10166: NW Burnside at Skyline Rd.;
38	To much money is being spent on bike lanes and not enough to support the road repairs and maintenance	John Atherton	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
39	All transit investments in planning of future Light Rail expansion should ended, until TriMet is in an accrual sound financial footing. Unfunded TriMet obligations must reflect 25% reductions over the next 5-year and again another 25% reduction over the subsequent next 5-years. These planned reductions in TriMet obligations must be verified and come from an Independently Auditing Entity - Source. Active Transportation investments should be reduced in half. Freight movement investments should double, plus some. Strategic incremental improvements in the elimination of "Choke Points" on our roads, that can Improve our Economy and Create JOB's, must the highest prioritization - in weighted value. Fund road maintenance, to where we are holding our own, at that point where the lack of funding - maintenance, is reverses to a point where the cost of deferred maintenance, does not cause us to lose ground annually, in financial terms. We are cutting our own throats in this degree of prioritization given to Active Transportation and Transit within a regional perspective. The City of Portland and most local governmental entity must step to the plate, (not federal or state dollars) to back fill funding, the Active Transportation Model/Plan. We have to create "sustainability of funding and taxation" and that takes a more rapidly expanded economic footprint and our current and planned road infrastructure does not support, economic expansion. That has to change.	Paul Edgar	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
40		Larry Conrad	3/26/2014	No comments submitted by Larry Conrad. There was a formatting error for the three comments above (Larry Metcalf, John Atherton, Paul Edgar) which inadvertently caused part of Paul Edgar's comment to be attributed to Larry Conrad in the 6/10/14 version of this comment log.	

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41	Not another dime for light rail. Or street cars, which are even worse. They are expensive and the result is we get more in-street rails which create a hazard for bicyclists. And the resulting "trains" are a whole 1 or 2 cars long. If you want to build a subway, build a real subway, with grade separated rails that don't cross streets, and minimum 6 car trains. Otherwise, don't bother with rail-based transit. Emphasize better bus service. As far as what to spend the money on, FIX THE GAPS IN THE EXISTING BICYCLE INFRASTRUCTURE. That is, twist ODOT's arm and get them to either widen the bridges on Barbur or put Barbur on a road diet so that we can have continuous bike lanes. Similarly, fix the gaps in the bike lane on Hall Blvd. in Beaverton where it goes over 217 and at Allen. AND MOST OF ALL FIX CRASH CORNER: Beaverton-Hillsdale, Oleson and Scholls. I took a look at the Active Transportation Plan map. The graphic artist who did those needs to be fired. The legends or the decoration on the corners obscure important parts of the map. For example, crash corner, also known as the intersection of Beaverton-Hillsdale, Oleson, and Scholls, is obscured. So I have no idea what you have planned to fix that. So it's hard to comment on it when I can't see it. The other thing I noticed was what happens to Capitol Highway between Wilson High School and Barbur? Do I lose my bike lanes there? I don't want to be relegated to some trail that SWNI thinks is a nice idea but which will be crowded with dog walkers and joggers and force me to ride my bike at 3 mph. No thanks. I'd rather ride on Capitol.	Seth Alford	3/26/2014	No change recommended. This comment has been forwarded to Portland, Tigard, Beaverton, Washington County, ODOT, and TriMet.	BARBUR - 10282: Barbur/ Capitol/ Huber/Taylor's Ferry, SW: Intersection Improvements; 10283: Barbur Blvd, SW (3rd - Terwilliger): Multi-modal Improvements; 11324: Barbur Bridges; 11351 (related): SW Multnomah Blvd. (Barbur Blvd. to 45th Ave.; 11412 (related): Corridor Safety and Access to Transit: Barbur-99W; 11564: Barbur Demonstration Project 19th Ave. to 26th Ave.; 11571 (related): Barbur/99W Corridor Safety and Access to Transit; 10277 (related): Bertha, SW (B-H Hwy - Barbur): Multi-modal Improvements; HALL BLVD - 11220: Hall Blvd. Improvements; 10633: Allen Blvd. safety, bicycle and pedestrian improvements; 11439: Southbound Hwy 217 Allen/Denny Split Diamond Interchange; 10747: Hwy. 217 Overcrossing - Cascade Plaza; BEAVERTON-HILLSDALE HWY/OLESON/SCHOLLS - 10545: OR 10: Oleson Rd. Improvement; 11460: OR 10: Oleson Rd. Improvement; CAPITOL HIGHWAY - 10273: Capitol Hwy, SW (Terwilliger - Sunset): Multi-modal Improvements;
42	Funding of roads and bridges should be decreased. Per capita vehicle miles have been steadily declining for more than a decade and it's time for Metro to acknowledge this long-term demographic trend in their priorities and planning. Funding for public transport, active transport, and efficient movement of freight should be increased and funding for any new thoroughways should be eliminated. Funding for road and bridge maintenance should focus on making essential repairs only. Long-term cost savings via decommissioning of unnecessary roads and highways should be sought.	Soren Impey	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
43	Would like to see automated traffic enforcement managed by PBOT not the police. Being OK at active transportation is a far cry from being the best, when we are talking about Portland's ability to attract top talent in cutting edge industries.	J Chris Anderson	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
44	Residents of East Multnomah County moved to this area because it was the "suburbs", not the inner City. We did not expect sidewalks, bicycle lanes, stores that we could all walk to. The residents of inner city would expect those, not us. But, thanks to Urban renewal the inner city neighborhoods have been updated and now attract the younger families.....property values increased.....therefore lower income families, people, have now moved out of the inner city neighborhoods to the NE and SE areas east of 82nd Avenue. Therefore, we now have gang activity, high crime rates, tagging on abandoned buildings. As far as I am concerned the Urban Renewal policies have ruined my neighborhood and lowered my property values and have created a unsafe neighborhood, which used to be very safe.	Darlene Bensin	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
45	You have shoved mass transit down our throats, including building a light rail to Milwaukie that was voted down twice. People in Oregon don't seem to use mass transit as you envisioned. Fix the roads and bridges. Instead of crowding out vehicles, plan for their continued use.	Michael Halloran	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
46	I would like to see public transit receive higher priority	Barbara Walden	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	

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47	Transit expenditures are out of hand and reflect an irresponsible use of available funding when the critical infrastructure of roads and bridges are falling apart. Active transportation expenditures are also higher than needed.	Robert Bachelder	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
48	I support the balance (relative proportion) of investments on the "percent of funding" left chart. I would change how the "Transit" budget was spent - we still do not have light rail down to Oregon City.	Helen Hays	3/26/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
49	Improved ... Frequency and speed in Sw	Don Darby	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
50	Less investment in mass transit and more on new and expanded roads. The group needs to take a comprehensive view and also look at housing locations and densities. There needs to be lower housing density in the outlying areas (particularly SW/Beaverton/Tigard). Creating a lower population density would decrease the timing and amount of traffic on the roads. The group should also decrease its focus on mass transit and increase focus on new and expanded roads.	P McKnight	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
51	Increase Freight decrease Transit.	D H	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
52	Not enough for roads and bridges in the city of bridges. Have you determined off truly effective transit is here?	Randall Murray	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
53	I would increase the funding for roads and bridges by decreasing the funding for active transportation. Frankly, we need a bigger pool to draw from. I would be in favor of increasing the mass transit district tax, gas tax, and any other method for increasing transportation and infrastructure investments.	Daniel Hauser	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
54	agree with percent of funding, It is hard to judge bang for the buck with the number of projects	Dennis Hodge	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
55	The money is still weighted heavily in the direction of supporting individual drivers (i.e.. roads and bridges) when the need in the future is for us to be decreasing our dependence on fossil fuels and developing a more sustainable and green culture. Like the emphasis on supporting walking and biking. (Does this mean sidewalks will get some attention in Lents? :>)	Mary Lou Bonham	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
56	More Transit funding.	Mark Rogers	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
57	I support the focus on infrastructure and transit. Please consider restricting truck and commuter traffic from neighborhood streets.	Kathleen Sharp	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
58	So, 58% spent on roads and freeways? That is shocking for this place and this day and age. That is a we-are-in-denial level of funding. It should be 58% on transit/active transportation, and 35% on roads, bridges and freeways, if even that much. Just because we inherited a big crumbling mansion of an automotive transportation system that we can neither make the payments on nor afford to maintain doesn't mean we should keep trying to maintain it. At some point, we are going to have to move out, and stop killing ourselves trying to keep it up.	Michelle Poyourow	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
59	More emphasis on Transit and Active Transportation is always welcome.	Kathleen Anson	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
60	I would put most of the money into public transport, buses and light rail. Please make Tri-met more affordable. It is less expensive for me to drive downtown even with parking than it is to take the bus. That isn't right. I would like to see the bus and light rail be free.	Natalie Leavenworth	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	

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61	I don't think roads should be widened for cars. It is unfortunate that the "Roads and bridges" category lumps together required bridge repair with "new connections for automobiles."	Lisa Caballero	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
62	More funding for active transportation and less for throughways. regional bicycle connections should be a priority, either through trails or neighborhood greenways.	Timur Ender	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
63	ODOT does not have any planned investment for N. Lombard (HWY 30 BYP) and it should. The street is in disrepair and doesn't safely accommodate all modes of traffic or provide safe crossings.	Clinton Doxsee	3/27/2014	No change recommended. This comment has been forwarded to Portland and ODOT.	10299: Lombard, N (I-5 - Denver): Street Improvements; 10332: Lombard, N/NE (MLK Jr - Philadelphia) (US 30): ITS
64	the investments made in bicycle projects (in dollars) should be closer to 30%. It is the least-built-out of our networks and is the best bang for our transportation buck. [The RTP] doesn't include enough bicycle projects.	Allan Rudwick	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
65	Prioritize people by prioritizing the walking and bicycling networks to be built first. Build the entire active transportation system now, get it complete, and then look at widening of roads for vehicles. Active transportation represents 32 percent of total number of projects, yet receives only 11 percent of funding. We already have a system that serves private vehicle drivers very well, and yes it needs maintenance, but our active transportation system comes nowhere near to being well-connected and complete for bicyclists, pedestrians, and transit users. Build the entire active transportation system now, get it complete, and then look at widening of roads for vehicles. The RTP and the ATP state that the region won't reach our targets for mode-share if we stay on our current path that provides only 11% of funding to active transportation; if we were to prioritize the active transportation system by building the entire walking and bicycling network in the next 5 years, there's a pretty good chance we'll meet those targets. That would also go a long way towards reaching greenhouse gas reduction targets from vehicle emissions. Finally, a completed active transportation network would allow our children to safely access schools with their own two feet or wheels, instead of having to be driven by an adult because there are not sidewalks around too many schools.	Kari Schlosshauer	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
66	Investments should be made where most needed, regardless of what category they fall into	Mare Stern	3/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
67	I do not support light rail. Improve, resurface, widen, make safer our roads and bridges, but stop wasting money on light rail...it serves a minority of travelers...more buses for those who want public transportation, but no more light rail. Light rail does nothing to foster vibrant communities...it turns the areas into ghettos...who wants to live near that??? It's good to look towards the future but stop trying to turn the suburbs into high density housing nightmares...we live in the suburbs by choice and we prefer to drive our personal cars wherever we need to go.	Carolyn Scrutton	3/28/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
68	I would support more allocation to active transportation and sincerely appreciate the investment in expanding transit options in our region	Joe Hardman	3/28/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
69	I support the Active Transportation projects. I think we should increase Freight projects. In the long run it will help regional economics. The RTP is a good long term plan to strive to meet. The Active Transportation Plan is important to made sure we consider all modes of	Sandra Doubleday	3/28/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
70	I encourage investment in transportation alternatives that do not involve burning carbon. I encourage extending community partnerships beyond the Metro area to include Yamhill County, Salem, and Lincoln City and the coast communities (the 99E side to Salem, and the 99W side to Hwy 18 to the coast).	Jim Diamond	3/28/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	

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71	Implement the South Portland Circulation Study! Use it as the basis for all work in the SW Portland corridor -- it is a completed and approved project that would greatly benefit all of us! The streets in Portland need to be repaved and re-stripped to make all of us much safer. Fixing existing roads should take precedence over new construction. Bike lanes need to be expanded and made safer. There is too much emphasis on new construction and car traffic. What we have in place now needs to be properly maintained. Our bridges are in desperate need of repair. The South Portland Circulation Study needs to be implemented right now. We have waited far too long for this solution to multiple traffic problems in SW Portland.	Cheryl McDowell	3/28/2014	No change recommended. This comment has been forwarded to Portland and ODOT	SOUTH PORTLAND CIRCULATION STUDY - 10235: South Portland Improvements, SW
72	quit wasting our money. total waste	David Goliath	3/28/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
73	Seems reasonable but you are asking for support of some pretty general priorities. I would like to see more emphasis on connectivity for walking, biking and parking. I would definitely like to see more "big picture" approach to these things, where you are proactively looking ahead and not doing projects that are micro in focus. Don't put getting money in front of public safety. Don't put more parking ahead of protecting our environment. And why the heck are there so many parking spots for battery cars when in Oregon, we really don't have very many of those cars? What a waste of money. Frustrates me to see all those parking spots empty, and right by the doors to places, while I have to park blocks away. I would also like to see some support for equestrian trails or shared trails, within the metropolitan area. Please always think big picture and don't play politics. Make the right choices not the convenient choices. Look out for the little guy. Enforce the "left lane for passing only" rule and ticket people who drive poorly.	Kristi Beyer	3/29/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
74	I would at least triple the investment in transit - not into rail-base modes but into bus routes.	Cliff Lehman	3/29/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
75	light rail is a black hole for money, is expensive to run and maintain. Invest in efficient buses that have many more transportation options .Fares and payroll taxes are not enough. Tri-met is poorly run. better roads, the majority of our population gets around via automobile and wants the option to continue to do so on roads that can handle the growth Metro jams down our	Richard Smith	3/29/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
76	More money for public transit	Jennifer Cobb	3/29/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
77	Two projects that should be moved to the FC list are #10235 and #10247, and given earlier timeframes for implementation. Both these projects would greatly improve access to alternative modes and reduce VMT and emissions by strengthening close-in neighborhoods. Some projects that could be removed from the RTP include #10216, 11192, 11323, 11361, and 11639. These serve limited purposes and do little to improve the system's efficiency.	Jim Gardner	3/29/2014	No change recommended. This comment has been forwarded to Portland and ODOT.	10235: South Portland Improvements, SW; 10247: Corbett/Hood/Sheridan, SW: Pedestrian and Bike Improvements; 10216: Smart Trips Portland, a city-wide individualized marketing strategy; 11192: Streetcar Planning/ Alternatives Analysis; 11323: Sullivan's Gulch; 11361: Portland Bike Share; 11639: Johns Landing Streetcar
78	Not enough allocated for local auto Max electric rails to connect to major arteries. People need to be able to walk no more than a block to get to a mini-max and then be able to reach a weather safe waiting/connect to next artery mini-max. Local communities like Sherwood have not used the online feed-back and review format; thus the participation rate is too low and too	Kurt Kristensen	3/29/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
79	Drop transit 24% and active transportation 11%. That would give us almost twice as much money for roads which is what over 90% of people use.	Travis Camp	3/29/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	

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80	I think there should be more of a transit focus to make transit more accessible, frequent and affordable rather than widening roads that encourages more people to drive rather than take transit. I still agree with improving our streets to meet safety standards. I fully agree with the Active transportation goal and the transit goal.	Nolan Plese	3/29/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
81	Bike riders create unsafe driving conditions. They need to have mandatory insurance, they need mandatory seat belts, basically paying for transportation. Too much spent on Active transportation. Walking paths are ok. Bike paths no. The majority of bike riders do not know or follow driving laws. They must pay their way and they must be licensed to ride a bike, that meaning they know the rules of the road. I live on a road that bike riders think they own. Keeping traffic backed up. They seem to think they own the roads.	K D	3/29/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
82	Where are Interstate Noise Barriers in the funding? It is essential to the neighborhoods that there be allocations for these. Freight = 4%. Ensure that the safety and integrity of the impacted neighborhoods is of the highest priority. Neighborhood associations should have direct input to facilitate this happening.	Vicki McNamara	3/29/2014	No change recommended. This comment has been forwarded to Portland and ODOT.	
83	I believe that investments used to strengthen the existing dependence on cars and other vehicles that use fossil fuels are being misused and actually dis-incentivizing the move that the future WII require: transportation that is fossil fuel free. The analysis and charts used should reflect this. Focus the plan, its presentation on how the plan will help gradually move the region to a fossil fuel free system.	Craig Loftin	3/29/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
84	It seems evenly decided among all transportation areas. Keep progressing.	Janet Arndorfer	3/29/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
85	It is disappointing to see 1/4 of our funding going to freeways and only 11% to active transportation; while I appreciate the need to preserve our valuable existing highway assets from deteriorating, there also exists tremendous need for active transportation improvements, which have the potential to be far more cost-effective over the long term, as do systems management and ITS improvements. I'd like to advocate that greater priority be given to several important projects in central northeast Portland. Project 11647 - "I-205 Undercrossing" would connect central-northeast and outer-northeast neighborhoods, and has been a community priority for many years now, and is essential to the successful completion of the "Gateway Green" project. Project 10180 - "Sandy Blvd Multi-Modal Improvements Phase 2" would greatly improve the livability and bikeability of NE Portland neighborhoods consistent with city, regional, and statewide planning goals. Sandy Blvd is diagonal to the street grid and provides direct connection to important destination centers, so this project would greatly improve non-motorized mobility. On a personal level, I would appreciate being able to comfortably cycle this corridor while I'm still young enough to do so, and the current 2024 timeframe doesn't offer much hope in this regard. This project is particularly well paired with Project 10301 - "Sandy Blvd ITS" to improve the movement of transit and freight through the corridor as well, and to offset any minor capacity loss that might potentially result from the multimodal project.	Chase Ballew	3/30/2014	No change recommended. This comment has been forwarded to the City of Portland and ODOT.	11647: I-205 Undercrossing; 10180: Sandy Blvd., NE (47th - 101st): Multi-modal Improvements, Phase II; 10301: Sandy Blvd., NE (82nd - Burnside): ITS
86	Less funding for throughways and more for active transportation and transit. It may be important to have a system for the MAX like other regional subways that require passengers to have paid tickets or passes in order to use the system. That would be an important transit investment for long-term sustainability and to encourage rider safety.	Evelyn Whitlock	3/31/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
87	Active transportation percent is too high and that decrease should be given to transit. To me the allocation to improvements in freeways should always be minimal as a regional government priority. Priorities for consideration are in this order accessibility Sidewalks and safety Economic stability	Marlene Byrne	3/31/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
88	Freeways need to move faster as they go through Portland, perhaps by widening them. Bottlenecks throughout the city for automobiles are terrible and need to be improved. Not just widen roads, but widen freeways in the Portland area to reduce the "funnel effect".	Brian Knapp	3/31/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	

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89	I support the 24% investment in transit and 11% in active transportation, and am encouraged to hear that some of the investment for roads and bridges will also benefit active transportation	Fred Dobson	3/31/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
90	I'd put more emphasis on Active transportation than throughways since most of them will be changed if Roads and bridges is done properly. Ground transportation such as walking and riding between metro areas and downtown Portland need to be created.	Sue Nelson	3/31/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
91	I think it is really great that there is so much focus on active transportation. I wish there was a greater focus of transit improvements related to dedicated bus lanes that would help decrease bus travel times - making transit a more viable and popular option for commuters.	Brandy Steffen	3/31/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
92	Transit 30% Active 30% Freight 30% (should include roads, bridges, and throughways) Other 10%. Too much focus on moving people in single occupancy vehicles. In a generation we will be embarrassed to have put so much focus on such an expensive and inefficient mode of travel.	Joseph Edge	3/31/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
93	Active transportation and transit is crucial to my lifestyle in Portland, I like seeing them prioritized in the percentages indicated above.	Sarah Larsen	3/31/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
94	Regional bicycle transportation and recreation requires a lined network of off road trails. Implementation will get more people on their bikes both in local communities and in the region. These need to be linked to transit and bikeshare systems need to be in place to provide the last mile link. Work with the Intel project on creating employer based bike share programs for job access. Implementation of these could be tied to freight improvements to encourage intergroup cooperation.	Christopher Achterman	3/31/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
95	Still too much focus on EXISTING throughways. They are a legacy of the PAST not the tools for the FUTURE. Focus needs to shift to preservation of PDX Central City from through traffic (I-5 and I-84) and facilitation of industrial expansion for the "traded sector" in east county and Washington county via a NEW WESTSIDE By-PASS and improvements to I-205. We don't need a "new" Interstate Bridge, we need ANOTHER bridge, one in Washington County the Westside Bypass. We need to reduce the role I-5 and I-84 play as routes THRU Portland and make them primarily routes TO downtown and close in Portland.	Mike Warwick	3/31/2014	No change recommended. This comment has been forwarded to Clackamas County, ODOT and TriMet.	10865: I-205/Airport Way interchange; 11305: I-205 operational improvements; 11332: I-205 BRT; 11369: Interstate 205 Southbound Auxiliary Lane; 11370: Interstate 205 Northbound Phase 1 Auxiliary Lane; 11398: I-205 Northbound Auxiliary Lane; 11399: I-205 Northbound Phase 2: Auxiliary Lane Extension; 11497: I-205; 11585: I-205 Southbound and Northbound Abernethy Bridge widening; 11586: I-205 Southbound and Northbound widening
96	Any increase in Active Transportation would be welcomed. Only to increase Active Transportation Funding and implement the low-cost projects sooner, rather than later.	Phil Richman	3/31/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
97	a greater percentage of the regional investments should be made in active transportation and transit	Tara Brock	3/31/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
98	I don't see much value in the graph on the right because "number" of projects is a highly manipulatable and somewhat meaningless number. I'm very glad to see Active transportation and Transit where they are. I had assumed they were much lower.	Lois Moss	4/1/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
99	We continue to put too much investment into roads/bridges and "throughways" at a time auto travel is down. We should focus on repairing existing roads, not building new connections. We should increase funding for transit and active transportation. I hope the Columbia River Crossing is officially removed, given its demise.	Jonathan Poisner	4/1/2014	No change recommended. This comment has been forwarded to ODOT.	10893: Improve I-5/Columbia River bridge, 10902 MAX light rail: Yellow Line: CRC / I-5 North extension
100	I would invest more in Transit	Prisciliano Peralta-Ramirez	4/1/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
101	I'm not a fan of widening roads/new connections - the goal should be to get people OUT of their cars. It would be better to put more money into any other category. Being smarter with growth and with transportation strategy in general would be a better solution.	Patricia Gardner	4/1/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	

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102	I'm not a fan of widening roads/new connections - the goal should be to get people OUT of their cars. It would be better to put more money into any other category. Being smarter with growth and with transportation strategy in general would be a better solution.	Stephanie Whitchurch	4/1/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
103	Would like to see more crosswalks and pedestrian safety. Would like to see fewer big trucks on our roads and revival of rail.	Georgeann Courts	4/2/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
104	It's hard to know what % is appropriate, without understanding the cost of individual projects. My main concern is whether the city of Portland, Tri-Met and the counties are all on board, and using the same data. The city of Portland appears to be planning independent of major development in Washington County and Beaverton. Example is the planned Peterkort Development, just outside of Portland, which will be the densest residential/commercial zone in the county. Yet the resulting impact on area roads/transit appears to be managed by Washington County and Beaverton, wholly within their jurisdictions, while Portland's planning maps don't even show the planned development. Same with area 93, 50 acres of new homes planned on land transferred from Multnomah to Washington County - doesn't show up on Portland's planning maps. Therefore, my concern is that the local jurisdictions will continue to plan reactively, and not be guided by Metro's process.	Michael Schoenholtz	4/2/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
105	I would like to see much more percent of funding going toward Active Transportation. If active transportation were given equal weight to other modes I'd be in support. I am highly supportive of a bike/pedestrian bridge between Oak Grove and Lake Oswego. Clackamas County did a virtual TSP online and the number of comments in support of that single project outnumbered all other projects on their virtual TSP, yet they removed it from their project list. Please keep this project in the Metro 2014 RTP! It is a very long bike ride to get from Oak Grove/Milwaukie over to Lake Oswego, especially in a safe manner. Thank you for your consideration.	Matt Menely	4/3/2014	No change recommended. This comment has been forwarded to Lake Oswego, and Clackamas County.	10085: Lake Oswego Milwaukie Bike Ped Bridge Over the Willamette River;
106	I would VERY MUCH like to see a pedestrian/bike bridge connecting Lake Oswego and Milwaukie! Please keep this at the forefront of the Active Transportation projects list! Thank you.	Alicia Hamilton	4/3/2014	No change recommended. This comment has been forwarded to Lake Oswego, and Clackamas County.	10085: Lake Oswego Milwaukie Bike Ped Bridge Over the Willamette River;
107	Active transportation needs to be cut by 75% and added equally divided and added to both the Roads and bridges and Throughways areas. Active transportation needs its own funding source other than revenues from motor traffic including motor vehicle fees, gas taxes and such. Bike users need to pay their own way. Motor vehicles make up the vast majority of user miles in the metro area. If the plan is to reduce emissions how is that being accomplished when vehicles take 45 - 90 minutes to commute when speed limit drive times are 20 to 30 minutes on the same routes. Light Rail is NOT a sustainable transportation alternative, TRIMET is failing miserably at operating the system and it extremely costly to build per mile. An emphasis should be on bus (go to electric powered buses if necessary). The CRC would have been built had it not been for the mandate that light rail be included on it. ALL light rail projects should be halted for any future expansion. All light rail projects should have a mandated public vote with all costs short term and long term compared with other alternatives before any further expansion.	Eldon Lampson	4/3/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
108	Bike and transit facilities are nice but most trips will always be by car. If we are serious about mobility for livability and economic development reasons, transportation investment should be in proportion to mode share. The best way to improve bike and transit options is by widening and improving roadways, including freeways. The most important bike facilities are the result of new roads. Examples: reconstruction of the Interstate bridge would include a huge improvement to the bike paths. Construction of I-205 resulted a long and useful bike route.	Tom Lancaster	4/3/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
109	Bridges and bike ways. Would like to have a walk and bike bridge from Oak Grove to Lake Oswego over the Willamette River.	Videan Polone	4/3/2014	No change recommended. This comment has been forwarded to Lake Oswego, and Clackamas County.	10085: Lake Oswego Milwaukie Bike Ped Bridge Over the Willamette River;
110	Still, after all these years, far too little investment in active transportation. The first pie chart is the important one -- how much all of these investments cost. The fact that our region is spending more than twice as much just on freeway projects than we are on /all/ active transportation projects in the region combined -- that is a shameful fact for any city, but particularly for one that supposedly prides itself on its pedestrian and bike infrastructure. Funding for transit and freight, on the other hand, look to be at about the levels I would expect.	Linn Davis	4/3/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	

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2014 Regional Transportation Plan (RTP) Summary of Comments Received and Recommended Actions
 (comments received March 21 - May 5, 2014)

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#	Comment	Source(s)	Date	TPAC Recommendation	Relevant RTP project
111	Nearly 60% of funding is throughways, roads, and bridges. This makes me sick, literally, from pollution, climate change, noise, and "accidents." Increase active transportation funding to 40% and transit to 40% and then spend the rest to make bridges safe and sound. Too much information / not in a presentable form. I'm not going to read your 1200+ line spreadsheet. I want Barbur Blvd turned into a road that supports all users for the safety and livability of SW Portland. Let's start with a lane diet and traffic calming. Then add efficient public transportation from Sherwood to Portland.	Jeff Monaghan	4/4/2014	No change recommended. This comment has been forwarded to Portland, ODOT, and TriMet.	10282: Barbur/Capitol/Huber/Taylor's Ferry, SW: Intersection Improvements; 10283: Barbur Blvd, SW (3rd - Terwilliger): Multi-modal Improvements; 11324: Barbur Bridges; 11351 (related): SW Multnomah Blvd. (Barbur Blvd. to 45th Ave.); 11412 (related): Corridor Safety and Access to Transit: Barbur-99W; 11564: Barbur Demonstration Project 19th Ave. to 26th Ave.; 11571 (related): Barbur/99W Corridor Safety and Access to Transit; 10277 (related): Bertha, SW (B-H Hwy - Barbur): Multi-modal Improvements;
112	We shouldn't be spending any money to expand automobile capacity. The future is in active transportation and transit. I am very interested in seeing a multi-use path built between Oak Grove and Lake Oswego. I and my family would use it often.	David O'Dell	4/4/2014	No change recommended. This comment has been forwarded to Lake Oswego, and Clackamas County.	10085: Lake Oswego Milwaukie Bike Ped Bridge Over the Willamette River;
113	One priority that needs to be made is a pedestrian bridge from Oak Grove to Lake Oswego.	Chris Carter	4/4/2014	No change recommended. This comment has been forwarded to Lake Oswego, and Clackamas County.	10085: Lake Oswego Milwaukie Bike Ped Bridge Over the Willamette River;
114	I am very interested to see a bike/pedestrian bridge over the Willamette river between Lake Oswego and Oak Grove, which would greatly improve access to both areas.	Jonathan Leto	4/4/2014	No change recommended. This comment has been forwarded to Lake Oswego, and Clackamas County.	10085: Lake Oswego Milwaukie Bike Ped Bridge Over the Willamette River;
115	We could greatly reduce the % for resurfacing freeways if we could BAN STUDDED TIRES like Wisconsin, Minnesota and numerous other states have. I'm glad that there is more focus on active transportation, but we need to act even more urgently on the 2014 IPCC report. and get more people out of their cars. Vehicle drivers must be made aware of the true costs of upkeep of their behavior. They need to stop the \$44 million/year in damage they do to our roads, not to mention our lungs. They need to pay for parking on all streets and all parking lots throughout the region--not just in the core area. They need to pay for the damage that streets do to streams, rivers and other wildlife habitat.	Mary Vogel	4/7/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
116	More money for Active Transportation. Include near term development of Sullivan's Gulch for per/bike use. Must consider homeless and transient use that occupies the area now.	John Frewing	4/7/2014	No change recommended. This comment has been forwarded to Portland.	11323: Sullivan's Gulch;
117	Reduce Roads & Bridges to 30%; add that 2% to Freight; reduce Throughways by 2 %, add that 2 % to Other. Recommend that each of the six project categories include a cost-benefit expectation tied to it; one that includes incremental carbon reductions; also that includes health/well being effects of active transportation projects. It would be great to have access to data-related outcomes from previous projects.	Edward Miller	4/7/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
118	active transportation funding seems to reflect the current percentage of active transportation users. if metro wants to increase that number (which I think was the goal of the 2035 plan), it should be a larger number. More bridges, like between Lake Oswego and Oak Grove, and over the 405 in NW Portland. More trails like Sullivan's Gulch and the Red Electric Trail. More bike lanes EVERYWHERE.	Gretchen Lair	4/8/2014	No change recommended. This comment has been forwarded to Lake Oswego, and Clackamas County.	10085: Lake Oswego Milwaukie Bike Ped Bridge Over the Willamette River; No found projects for "Over the 405 in NW Portland; approximately 50 trail projects listed in RTP
119	The reason we have road expenditure problems is that your taking gas taxes supposed to be spent on roads and spending the on light rail, (a system that was voted down 3 times), and other projects, (bike boxes) and pers (Trimet benefits packages) that don't help the folks paying the tax. At some point citizens will have to address the prevailing wage problem for public projects. It's helping kill future budgets.	Mike Stevens	4/9/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
120	Infrastructure definitely needs some attention and - in order to avoid as much repair work in the future - the more we can encourage people out of their single-passenger vehicles and onto buses and trains the better.	Leslie Doering	4/9/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
121	more money sent on sidewalks and crosswalks	Pamela Rodgers	4/9/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	

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Highlighted comments are recommended changes to March 21, 2104 Public Review Draft RTP

#	Comment	Source(s)	Date	TPAC Recommendation	Relevant RTP project
122	Better bus service, especially on the west side. MAX would be an improvement.	John Baldridge	4/9/2014	No change recommended. This comment has been forwarded to TriMet.	11042: Bus priority treatment; 11230: Frequent Service Bus Capital Improvements - Phase 1; 11333: Local and Regional Bus Improvements
123	I love the transit system. I use it every day for work. My transit pass is subsidized though. At \$5 for a round trip, if it was not I would be driving my Chevrolet volt back and forth to my office. Having been on 82nd street on the weekend, there has not been enough money effort put towards road improvements for Portland.	Darik Dvorshak	4/9/2014	No change recommended. This comment has been forwarded to Portland, Clackamas County, and ODOT.	10014: 82nd Ave. Multi-Modal Improvements; 10018: 82nd Ave. Blvd. Design Improvements; 10291: 82nd Ave., SE (Schiller - City Limits), SE: Street Improvements;
124	I think that active transportation and transit are especially important to creating a safe, vibrant, healthy population, and I think that funding and project numbers should reflect that. I hope that as much is done as possible to bring active transportation and transit out to the suburbs! It can be really hard and scary to get around out here when you don't have a car.	Karen Smith	4/9/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
125	I'd like to see more equity between "Transit" and "Roads and Bridges". Obviously our highway/Bridge system nationwide is in trouble, but we can not forget that mass transit needs are just as important, but also ca not dominate focus. Both issues need to be equal, as they will need each other to be in balance.	Mark Nunnenkamp	4/9/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
126	We are not providing financial support to maintain our roads, highways and bridges. We do not have enough funds to stretch this limited resource to cover transit, bikeways and active transportation options. Transportation planning and funding needs to spend 95% of the funds on roads and bridges that provide car and truck transportation. 35% for active and transit forms of transportation is far too much to spend on these.	Don Wolsborn	4/9/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
127	I love public transportation. I pray that the NEAR future involves better access (walking path, a route for 209th Ave and other areas that have been left behind) for unincorporated Washington County. My huge concern is safety for pedestrians; especially along SW Kinnaman, SW 209th and SW 198th. I'm always concerned for not just my and my daughter's safety but for other students, and pedestrians. And night time is an even greater concern.	Gayleen Guyton	4/9/2014	No change recommended. This comment has been forwarded to Hillsboro, Washington County and ODOT.	10553: 209th Improvements; 11136: TV Hwy/209th Intersection; 10593: Kinnaman Rd. Improvements; 11272: Kinnaman Rd. Extension; 10586: 197th/198th Ave. Improvements; 11386: 198th Ave; 11390: TV Hwy/198th Intersection; 11448: 198th Ave. Improvements - South
128	I am generally supportive of the use of trains to move freight. I think it's a good way to get trucks off the road - this is an approach that I support. The train system in Portland creates problems for non-traditional commuters like me and my family. I don't know that it requires a change in funding to address this, but some time should be spent looking at ways to help commuter trains run on a schedule and to help prevent the kind of traffic backups that happen every day at the tail end of rush hour traffic in SE Portland. I am excited to see that the Active Transportation percent of total budget is so high and that the number of projects falling into that category are so numerous. I don't know that we can ever completely remove our dependence on automobiles for getting around, but the degree to which we can make it safe to walk, bike and use other active modes of transportation will determine the growth of that mode of transport. Also, if smaller businesses that enhance livability (like groceries and shops and service providers) can be encouraged to open in neighborhoods that will increase viability of Active Transportation.	Leah Witte	4/9/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
129	More than half of the total funding goes to freeways, roads and bridges - we should reduce this and increase the share going toward transit and active transportation needs. I would also like to see more small transportation projects getting funding - perhaps targeted upgrades to the TriMet frequent network of buses with queue jumps, some exclusive lanes, or better pedestrian access at strategic points.	Matthew Nelson	4/9/2014	No change recommended. This comment has been forwarded to TriMet.	11042: Bus priority treatment; 11230: Frequent Service Bus Capital Improvements - Phase 1
130	Increasing public transportation and adding Max rails.	Becca Dike	4/9/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
131	Transit to 33% Minimum. 10% or more on union accountability legal fees.	Gary Stanfield	4/9/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	

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#	Comment	Source(s)	Date	TPAC Recommendation	Relevant RTP project
132	Slightly less should be spent on throughways and roads and bridges and slightly more should be spent on transit; a better transit system will reduce the need for those other areas, while also improving livability and options for lower income citizens. The ATP contains virtually no mention of an aging population, except for a tiny mention on 2-37 and 2-38. This is a crucial component to consider in the ATP, and more thought should be given to how access can be improved for the aged in our community.	Sean Carey	4/10/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
133	More on core of transit system: some 24 x 7 x 365 N-S, E-W trains, new bridge Vancouver <-> Pdx; maintain but do not expand existing roads and bike paths. More on core of transit system: some 24 x 7 x 365 N-S, E-W trains, new bridge Vancouver <-> Pdx; maintain but do not expand existing roads and bike paths.	Werneken	4/10/2014	No change recommended. This comment has been forwarded to ODOT and TriMet.	10893: Improve I-5/Columbia River bridge; 10902 MAX light rail: Yellow Line: CRC / I-5 North extension; 11230: Frequent Service Bus Capital Improvements - Phase 1; 11331: Frequent Service Bus Capital Improvements - Phase 2; 11333: Local and Regional Bus Improvements;
134	As a tax payer that exclusively uses Trimet as my only form of transportation, I will always be in favor of more funding and projects that better benefit me.	Christopher Anderson	4/10/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
135	I believe there needs to be more focus on Transit: rapid, light rail, BRT, and otherwise.	Jonathan Nagar	4/10/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
136	Need to get to work on time! After 25 years with the same company and driving to work and getting there on time for 23 of those 25 yrs. THIS YEAR I HAVE BEEN LATE 5 TO 6 TIMES THANKS TO MAX. They fire people for less! I would like to keep my job. I leave an hour and a half early to only go maybe 4 miles. I'm not very impressed with Max one of the drivers that gets on 197th to start his shift always slams his door as hard as he can every day I can count on it. Please add a few lines out here in NE. Like a Gleason line that goes to 257th or so....perhaps a few lines running north and south a few more buzzes running on 181 st. Gresham and Rockwood is growing. I would love to live on Gleason st if I did not have to walk to work from wherever as it is now I have to choose a place to live on my bus rout which is limited.	Candise Coffman	4/10/2014	No change recommended. This comment has been forwarded to Gresham and TriMet.	11230: Frequent Service Bus Capital Improvements - Phase 1; 11331: Frequent Service Bus Capital Improvements - Phase 2; 11333: Local and Regional Bus Improvements; 10441: Gresham RC Ped and Ped to Max; 10445: Rockwood TC Ped and Ped to Max; 188th LRT Stations and Ped to Max
137	Always more for mass transit and less for highways and parking lots.	S. Theo Burke	4/10/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
138	Greater investment in public transportation infrastructure, maintenance and expansion.	Jeanne Quan	4/10/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
139	lower fares, more service	Rob Powell	4/10/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
140	Transit and active transportation should be the focus of future investments. We need a well connected system of bike boulevards and protected bikeways to encourage more cycling.	Trey Cundall	4/10/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
141	I would be more willing to support Throughways, Transit, and Active Transportation, over Roads and bridges. The first graph looks about like the right amount to spend on each facet. I am highly in favor of the plan. There is no need for me to use my car for most of my travel across the city, yet, our investments in active transportation and mass transit are far below what the need to be currently, and I tend to still use it. Highway 30 could well use an updating on it's biking facilities through the city, as could Bridge avenue and the St John's bridge for pedestrians and bicycles. While important to freight interests, these roads can very well accommodate all users in a safe manner.	Chadwick Ferguson	4/10/2014	No change recommended. This comment has been forwarded to Portland and ODOT.	

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142	I support active transportation improvements and focus, and also realize we need to have ongoing maintenance for roads and bridges.	Steve Boughton	4/11/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
143	I was looking at your 2014 RTP with updates. Has anyone considered converting the old trolley line from Lake Oswego to Johns Landing to a rails-to-trails corridor? This would open up a wonderful trail for walkers and bike riders. I know that this was considered for a streetcar extension, but most mass transportation supporters were stunned by the projected cost (500 mil). No streetcar can beat the current speed and convenience of the existing bus service. Highway 43 (from Lake Oswego to Johns Landing) is not a "high capacity" transportation corridor. It has limited, time-specific commuter traffic. I drive to the east-side to hike and enjoy the Springwater Corridor. I have also walked the Milwaukie Trolley Trail. Both of these trails always have walkers and bike riders. It gives the area an incredible vibrancy, and it actually builds a bond between the users of an appreciation for the outdoors. It would be incredible to have our own west-side corridor. To be able to walk or ride a bike safely into Portland would be wonderful. So pluses for the rails-to-trails are safety for bike riders and walkers, fighting obesity, decreasing pollution, and low cost to develop.	Cathy Smith	4/2/2014	No change recommended. This comment has been forwarded to Portland, Lake Oswego, West Linn, and ODOT	Johns Landing to Lake Oswego Trail corridor - no projects; 1639 (related): Johns Landing Streetcar; HIGHWAY 43 - 10127: Hwy. 43 Improvements; 11172: Hwy 43 (State St) Bike Lanes; 11181: OR 43 Sellwood Bridge Interchange; 11398: Hwy 43 Pathway: LO to West Linn;
144	the max line should connect through southeast into downtown. Instead of a rail terminus, create a rail loop that connects all of Portland. the max line should connect through southeast into downtown. Instead of a rail terminus, create a rail loop that connects all of Portland.	Jacob Baez	4/11/2014	No change recommended. This comment has been forwarded to Portland, ODOT, and TriMet.	10902: MAX light rail: South Corridor Phase 2: Portland to Milwaukie; 11198: Portland-Milwaukie Light Rail Active Transportation Enhancements Project;
145	In Figure 2.10 (Regional transit network map), show the following routes as "future HCT": I-205, TV Hwy, Amberglen, Powell/Division since these corridors have not yet gone through a planning process resulting in a locally preferred alternative (LPA). Currently I-205, TV Hwy and Powell/Division are shown as "on-street BRT".	Metro Staff	4/9/2014	Change as requested	
146	Revise project #11332 title as follows: " <u>High Capacity Transit Capital Construction: I-205 BRT</u> " to be consistent with project description which does not identify a specific mode. This corridor has not yet gone through a planning process resulting in a locally preferred alternative (LPA). Change typo in project cost as follows: \$150,000,000	Trimet Staff	4/9/2014	Change as requested	11332 (High Capacity Transit Capital Construction: I-205)
147	Add text box reminding the reader the definition of the Federal RTP" and "State RTP" right before Tables 3.6, 3.7, 3.8 which describe project list composition (provide similar info to what's provided in beginning of chapter on p.3-13, 3-14, 3-19.	Metro Councilor Harrington	3/25/2014	Change as requested	
148	Please designate the SE Reedway Street right-of-way between SE 23rd Avenue and SE 28th Avenue in Portland as a Regional Pedestrian Corridor and a Regional Bikeway. Currently these designations are shown between 26th and 28th avenues only.	Steve Svigethy	4/15/2014	Change as requested. This connection is consistent with City of Portland plans and was intended to be included on the regional maps but was inadvertently left out.	
149	Please make the following minor change to the description of project #10156 (Boeckman Rd. at Boeckman Creek). "Widen Boeckman Road to 3 lanes with bike lanes, sidewalks and connections to regional trail system, remove culvert and install bridge." The City has determined that the culvert is required to control flows from an upstream regional detention pond. There will be flooding and stream channel impacts downstream if the culvert is removed.	City of Wilsonville Staff	4/15/2014	Change as requested.	10156 (Boeckman Rd at Boekman Creek)

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#	Comment	Source(s)	Date	TPAC Recommendation	Relevant RTP project
150	<p>The NECN supports moving the following projects on to the financially constrained list: 11634 (NE 9th Ave. Greenway), 10200(NE Killingsworth Ped district), 10311 (N-NE Skidmore Bikeway), 10320 (NE Haley Bikeway), 10338 (NE Alderwood bikeway), 10339 (N-NE Columbia Blvd Bikeway), 11317 (Broadway/Weidler Streetcar Corridor Alternatives Analysis, 11318 (MLK Streetcar Corridor Alternatives Analysis), 11323 (Sullivan's Gulch trail - and expand scope to go all the way to I-205 instead of stopping at NE 21st), 11636 (Permanent improvements to the NE Multnomah Ave Bikeway), 11645 (I-84 bicycle-pedestrian ridge at NE 9th Ave), 11646 (NE Broadway protected bikeway and enhanced crossings - and broaden scope to include NE Weidler), 10257 (NE-SE Grand/MLK Streetscape Improvements).</p> <p>The NECN Supports the following projects that are already on the financially constrained list: 10194 (N.Killingsworth St improvements, 10206 (Marine Drive bike lanes 6th to 28th & off-street trail gaps between I-5 and 185th), 10230 (NE/SE 20s bikeway), 10181 (50s Bikeway) 11372 (N. Williams bikeway), 11196 (E. Portland Advisory Bike lane network)</p> <p>The NECN opposes the following projects: 10335 (42nd Ave bridge replacement, 10376 (Columbia Blvd widening), 10893 (Columbia River Crossing) 10582 (Hwy 217 widening)</p>	Northeast Coalition of Neighborhoods (NECN)	4/16/2014	This comment has been forwarded to the City of Portland, cities of Tigard, Beaverton , Washington County and ODOT	<p>11634 (NE 9th Ave. Greenway), 10200(NE Killingsworth Ped district), 10311 (N-NE Skidmore Bikeway), 10320 (NE Haley Bikeway), 10338 (NE Alderwood bikeway), 10339 (N-NE Columbia Blvd Bikeway), 11317 (Broadway/Weidler Streetcar Corridor Alternatives Analysis, 11318 (MLK Streetcar Corridor Alternatives Analysis), 11323 (Sullivan's Gulch trail), 11636 (Permanent improvements to the NE Multnomah Ave Bikeway), 11645 (I-84 bicycle-pedestrian ridge at NE 9th Ave), 11646 (NE Broadway protected bikeway and enhanced crossings), 10257 (NE-SE Grand/MLK Streetscape Improvements).</p> <p>10194 (N.Killingsworth St improvements, 10206 (Marine Drive bike lanes 6th to 28th & off-street trail gaps between I-5 and 185th), 10230 (NE/SE 20s bikeway), 10181 (50s Bikeway) 11372 (N. Williams bikeway), 11196 (E. Portland Advisory Bike lane network)</p> <p>10335 (42nd Ave bridge replacement, 10376 (Columbia Blvd widening), 10893 (Columbia River Crossing) 10582 (Hwy 217 widening)</p>
151	<p>Shift two projects from the financially constrained list to the state list: 11081 (Boones Ferry Road Bike Lanes) and 11171 (Tryon Creek Ped Bridge (@ Tryon Cove Park).</p> <p>Shift one project onto the financially list and add the following to the description, "multi-use pathway along creek.": 11286 (Tryon Creek Bridge (@ Hwy 43/Terwilliger).</p>	City of Lake Oswego staff	4/18/2014	Change as requested.	11081 (Boones Ferry Road Bike Lanes), 11171 (Tryon Creek Ped Bridge (@ Tryon Cove Park) 11286 (Tryon Creek Bridge (@ Hwy 43/Terwilliger).
152	<p>Add new projects to State RTP to provide intersection improvements to Cornell//185th and Walker//185th for potential grade separation at these intersections.</p> <p>Remove two projects from RTP - 10835 (185th widening to 7 lanes from Cornell to Walker) and 10554 (Bethany Blvd widening to 5 lanes with bike lanes and sidewalks from Kaiser to West Union).</p> <p>Split Hall Blvd project into the following segments/phases:</p> <p>Change extent and cost of 10595 (Hall Blvd widening to 5 lanes) as follows: Scholls Ferry Rd to Durham Rd Oleson Rd. \$85,401,000 <u>\$2,401,000.</u></p> <p>Add new project to Financially Constrained RTP on Hall Blvd (Oleson to Pfaffle) widen to 2/3 lanes with bike lanes and sidewalks.</p> <p>Add new project to State RTP on Hall Blvd (99W to Durham) to widen to 5 lanes with bike lanes and sidewalks.</p>	Washington County Staff	4/22/2014	Change as requested.	20835 (185th widening to 7 lanes from Cornell to Walker), 10554 (Bethany Blvd widening to 5 lanes with bike lanes and sidewalks)
153	<p>ODOT opposes removing any elements of the Columbia River Crossing from the financially constrained RTP project list, and/or redefining elements of the project through this technical update . ODOT supports the current language as included in Metro's Public Review Draft of the RTP and looks forward to working with Metro between now and the next full RTP update</p>	ODOT Director	4/18/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	10893: Improve I-5/Columbia River bridge, 10902 MAX light rail: Yellow Line: CRC / I-5 North extension

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154	Oregon Walks is dedicated to promoting walking and making the conditions for walking safe, convenient and attractive for everyone. The Metro 2014 Regional Transportation Plan supports those same goals on an equal footing with other modes in a balanced, multi-modal, long term regional transportation plan. The Regional Active Transportation Plan provides a clear vision and policy direction for the future regional pedestrian system, recognizing the importance of convenient, safe, and direct access to destinations, including safe crossings of busy roads, and separation from fast moving vehicles. Oregon Walks recommends adoption of the Regional Active Transportation Plan and associated RTP amendments, and hopes that the counties and cities of the region will implement the plan both in spirit and in action.	Oregon Walks	4/24/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
155	The following performance measure in the RTP and ATP assumes that all miles are equally valuable, but we know some will be more useful than others. Is there a way to prioritize them, or reference an existing priority system? "By 2035, increase by XX percent the miles of completed trails, bikeways, sidewalks, and transit stops on the regional pedestrian and bicycle networks compared to 2010." Is the "Access to Daily Needs" performance measure in the RTP and ATP .about daily needs, or about equity? Ped options aren't mentioned, and the sentence needs some work to make the meaning clear. "By 2035, increase by 50 percent the number of essential destinations including jobs and education accessible in less than 30 minutes by transit, and the number of essential destinations accessible within 30 minutes by bicycling and public transit for low income, minority, senior and disabled populations, compared to 2005." It isn't clear if access for the disadvantaged is to be measured by bicycling and public transit use combined, or if it is for bicycling (alone) and public transit (alone), or both alone and together? I'm not sure the best way to fix this because I'm not sure what the intent is, or why ped options aren't included.	Carol Chesarek	4/22/2014	No change recommended. These comments will be considered during updates to the performance measures as part of the 2018 RTP update.	
156	Transit and Active Transportation should be top two priorities, then roads and bridges.	Kara Boden	4/27/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
157	Project 10865 (I-205/Airport Way interchange) is described outside the UGB. This is not true. Remove this language.	ODOT staff	4/28/2014	Change as requested. Error was due to the GIS shape file submitted for the project incorrectly showed it crossing the River/UGB.	10865: I-205/Airport Way interchange
158	The North Tabor Neighborhood Association support including the NE 60th & Glisan LRT Station Area project on the financially constrained list.	North Tabor Neighborhood Association (NTNA)	4/28/2014	No change recommended. This comment has been forwarded to the City of Portland.	
159	Project #10857 [in the RTP project list] is not in Portland's TSP. It calls for a double turn lane from Southeast Jenny Road to onto Southeast Foster, which is envisioned as a one lane, both directions in that area. That project in the RTP, and I don't want to change foster in that area without extensive study just to accommodate two lanes off of Jenny Road.	Linda Bauer	4/30/2014	Comment forwarded to City of Portland. The project came out of the Pleasant Valley Concept planning process. Change project description as follows: "Add second EB left turn lane. Requires widening of Jenne North, <u>but would not require widening Foster beyond the intersection. The city plans to evaluate the project during its current TSP update. The project would go through design, with opportunity for public input, before anything is constructed.</u>	

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160a	<p>I have no transportation expertise, but am a regional resident, with activities and interests that bring me to regularly travel the I-5 corridor between Vancouver and Portland. I am lamentably a great deal 'behind the curve' regarding the history of interaction, or lack thereof, between Metro and the City of Vancouver. It appears to me, frankly, that there are far too many voices involved, which prevents each other from being heard. That said, I offer the following comment on Metro's Plan:</p> <p>1. Delete reference to the 'CRC'. This project is dead, and should not be an integral part of future planning, at least for the moment. If reference as something for future consideration, it should be conditional at best.</p> <p>2. Address I-5 congestion piecemeal:</p> <p>a. Eliminate the HOV lane on the Northbound portion of I-5. Typically, between the operating hours of 3-6 p.m., two lanes of I-5 northbound travel at speeds well below 30 MPH. As a result, the carbon emissions from those vehicles result in localized air pollution that affects everyone. Of course, the motivation is one of simple behavior modification: car pool or use buses or, best of all, endorse light rail. It is hardly remarkable to observe simply that such 'carrots' have not persuaded the majority of folks on the road at that time: they simply grumble about the 'whip', but tolerate it. Interstate truckers have no choice. Given the expense shouldered to improve Oregon access onto I-205 for the benefit of Washington commuters, it seems that ODOT is not hostile to Vancouver's interests. The HOV lane should be eliminated. See Exhibits A & B.</p> <p>b. Construct a bridge from Hayden Island to connect with Marine Drive, and eliminate the Northbound entry onto I-5 on Hayden Island. This will also reduce air pollution; promote the interests of Island residents; and ameliorate freeway congestion. See Exhibit C.</p>	Steven Tubbs	5/2/2014	<p>Comment forwarded to ODOT and City of Portland. See response to Comment #153 from ODOT's director.</p> <p>ODOT opposes removing any elements of the Columbia River Crossing from the financially constrained RTP project list, and/or redefining elements of the project through this technical update. ODOT supports the current language as included in Metro's Public Review Draft of the RTP and looks forward to working with Metro between now and the next full RTP update.</p>	
160b	<p>c. Encourage limited improvements to the existing I-5 bridge structure, to allow for emergency vehicles to reach critical spots on the bridge via an adequate shoulder, and enlarge the pedestrian/bike way.</p> <p>d. Meet directly with representatives from the City of Vancouver, and encourage the latter to adopt a resolution to extend light rail into Vancouver, regardless of any project to address vehicular traffic over and across the Columbia River on I-5. Further encourage the City to seek designation as the sole MPO for the Portland-Vancouver region, eliminating the Southwest Washington RTC as that designate. The inclusion of Skamania County and Klickitat County, for example, as voting members on MPO issues is simply wrong, on many levels. Moreover, Clark County representatives have expressly decied any relationship with Portland that might be construed as one of a 'suburb' of the latter, although that relationship clearly exists. Accordingly, Clark County representatives work actively to defeat a working relationship between Vancouver and Portland. It is critical to note that it is the "Portland-Vancouver" metropolitan area, not the "Portland-Clark County" metropolitan area.</p>	Steven Tubbs continued		<p>Comment forwarded to ODOT and City of Portland. See response to Comment #153 from ODOT's director.</p> <p>ODOT opposes removing any elements of the Columbia River Crossing from the financially constrained RTP project list, and/or redefining elements of the project through this technical update. ODOT supports the current language as included in Metro's Public Review Draft of the RTP and looks forward to working with Metro between now and the next full RTP update.</p>	
161	I love that active transportation doesn't take up much \$, but it nearly a third of the projects... we need more of this!	Barb Damon	5/1/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
162	More active transportation, less/none for throughways. PBOT did not do any normal public outreach (to its residents, rather than to officials) in either selecting RTP projects, nor in de-selecting existing TSP projects (it threw out half, including in East Portland.) For 2014-17, only \$44 million in projects are expected to be in East Portland, the poorest quarter of the city, which is about 9% of the \$500 million city-wide (we have 25% of the population, and nearly all the vulnerable folks.) It also rejected most bike master plan & EPAP transportation projects.	David Hampsten	5/1/2014	Comment forwarded to City of Portland.	

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163	The active transportation system should put paths and bike facilities in areas that do not hurt industry. This is exactly what it does. Keep these facilities out of Regionally Significant Industrial Areas. Failing to do so chases industry away - our family wage job industry which matters --and creates unsafe conditions for ped and bike users. Get the Tonquin Trail, its parking lots, public restrooms, picnic areas etc and other major regional facilities out of the RSAs. It is poorly thought out. The idea of active transportation is great. The idea of steamrolling active transportation with no thought of how it impacts industry is shameful. The RTP and specifically its active transportation element has ignored the significant concerns of industry to put facilities in industrial area with hopeless conflicts when there are plenty of good alternatives. Metro could not be more hostile to industry. Hopefully the federal government won't fund such a hostile governmental program which by design or neglect achieves outwardly job destroying ends.	Wendie Kellington	5/1/2014	This comment relates to ongoing litigation with a particular group of property owners in an industrial area near the City of Tualatin regarding the alignment of the Ice Age Tonquin Trail. These matters are being addressed by the Office of Metro Attorney on appeal and the policy issues are being considered by the Metro Council in proposed amendments to Title 4 that would specifically allow regional trail facilities to cross through areas identified as regionally significant industrial areas on Metro's Title 4 map.	10092: Tonquin Trail; 10701: Regional Trail System / West fork of Tonquin Trail; 11427: Ice Age Tonquin Trail; 11597: Ice Age Tonquin Trail
164	I would increase the funding share for active transportation. I support keeping projects #11075 (Kelley Creek Trail) and #11647 (Sullivan Gulch Under-Crossing) in the Active Transportation Plan, giving both higher priority. #11075 will be important to realizing the envisioned and planned Pleasant Valley Open Space system now that development is beginning in this important new urban community. #11647 (Sullivan Gulch Under-Crossing) would connect from the I-205 Trail and the south end of Gateway Green to the east end of the proposed Sullivan's Gulch Trail and the NE Tillamook Neighborhood Greenway. This will provide a critical East-West bike-ped connection linking West and East Portland long divided by the construction of I-205 Freeway. This project will support the implementation of the Gateway Regional Center a 2040 Plan Priority.	Jim Labbe	5/1/2014	Comment forwarded to Gresham and Portland. #11647 has been shifted to the financially constrained list by the City of Portland. See Comment #181d.	11075: East Buttes Loop Trail (S) (Informally known as "Kelly Creek Trail"; 11647: I-205 Undercrossing
165	Transit Map: "On-Street BRT" is shown on Powell Boulevard to 82nd Avenue, then on Division to Kelly Avenue, then circling Kelly Avenue to 10th Drive to Roberts Avenue and back to Division Street. We understand this transit mode and alignment was used in the model as a proxy for the outcomes of the Powell-Division Transit and Development Project final recommendation but this project is not yet complete and the final recommendation has not yet been rendered. Future high capacity transit should be show in this Powell-Division corridor but the exact mode and alignment should remain undefined	City of Gresham staff	5/1/2014	Change as requested. See response to Comment # 145.	
166	High Capacity Transit Map: Through the East Metro Connections Plan (shown in the map to the right) and Gresham's TSP update, the HCT map was amended to show the Regional Vision Corridor 13D completely on Hogan Road/242nd Avenue from Division Street to Highway 212. The HCT map shows the northern portion of this corridor on Roberts Avenue in Gresham. The amendment should remove HCT from Roberts Avenue and relocate it to Hogan Road	City of Gresham staff	5/1/2014	Change as requested.	
167	Trails Map: Add the name "Sandy to Springwater Multimodal Path" to the path on 282nd/Troutdale Rd.	City of Gresham staff	5/1/2014	Change as requested.	
168	Existing and Planned Pedestrian Network Map: the Rugg Road path needs to connect to Hogan Road on both the existing and planned network maps	City of Gresham staff	5/1/2014	Change as requested.	
169	Existing and Planned Pedestrian Network Map: Add the name "Sandy to Springwater Multimodal Path" to the path on 282nd/Troutdale Rd.	City of Gresham staff	5/1/2014	Change as requested.	
170	Existing and Planned Bicycle Network Maps: The Rugg Road path needs to connect to Hogan Road on both the existing and planned network maps; add the name "Sandy to Springwater Multimodal Path" to the path on 282nd/Troutdale Rd.; Glisan has bike lanes all along and should be shown as a built bikeway in the existing network map; Division from 181st to Gresham-Fairview Trail has buffered bike lanes and should be shown as a built bikeway on the existing network map; Construction on the MAX Path is anticipated to being summer/fall of 2014. Should this be shown as a built bikeway on the existing network map?	City of Gresham staff	5/1/2014	Change all as requested except for Max Path. The map is only showing facilities as complete if they are built prior to RTP adoption.	
171	Freight Map: The Springwater Arterial alignment should be updated to the adopted Springwater IAMP alignment. I provided a shapefile with the alignment via email to you 04/29/2014 and it is already relected in the Bicycle and Pedestrian network maps.	City of Gresham staff	5/1/2014	Change as requested.	

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172	TSMO Map: Four TSMO projects should be added to the map. The proposed projects are funded and will be implemented with the year: Existing adaptive signal timing on 181st Avenue, north of I-84 to Sandy Blvd; Proposed adaptive signal timing on Kane between Division and Palmquist; Proposed adaptive signal timing, extending Burnside to Palmquist; Proposed adaptive signal timing on Sandy between 181st Avenue and the Boeing signal at approximately 19000 block.	City of Gresham staff	5/1/2014	No change recommended. This map is an existing conditions map, not a map of future projects.	
173	Modeling Maps: What is assumed in the model for 174th Avenue between Jenne Road and Powell Boulevard? This section of road should have 4 or 5 lanes but appears have a 2 lane configuration based upon the various scenario results.	City of Gresham staff	5/1/2014	No change recommended. Portland submitted project 10349 which widens 174th to 3 lanes. Comment has been forwarded to City of Portland for their consideration during their current TSP update.	10349 174th & Jenne Rd. , SE (Foster - Powell): Multi-modal Improvements
174	Page 2-19: Section 2.3.2 refers to "performance indicators" while Chapter 4 calls them "performance measures." It would be helpful to have consistent terms throughout the document	City of Gresham staff	5/1/2014	Change "indicators" to "measures" within chapter 2.	
175	Page 3-14: The Street Utility Fees funding category lists cities that have adopted street utility fees. If this is intended to be a complete list, there are cities missing. Wood Village now has a fee, for example.	City of Gresham staff	5/1/2014	The list of cities is not intended to be exhaustive. Change as follows: "The cities such as of Tualatin, Lake Oswego, Wilsonville, Hillsboro, and Milwaukie <u>and Wood Village</u> have adopted street maintenance fees..."	
176	Page 3-32: Section 3.6 refers to 2035 operations and maintenance projections. Understandably, operations and maintenance projections have not been updated due to time and staff constraints. However, the text could clarify that the projections are from the 2035 TSP, particularly since this is a federal requirement.	City of Gresham staff	5/1/2014	Change as follows: the section and figure displaying future operations and maintenance funding will be projected out from 2035 to 2040 using as straight line projection.	
177	Page 4-45: Section 4.2.1, Performance Measure 5 – Mobility corridors were removed from the findings. Is there reasoning for this removal?	City of Gresham staff	5/1/2014	There was not enough time to produce this performance measure (mode share) at a mobility corridor level as part of the 2014 RTP update.	
178	Mobility corridors: In 2003 a Phase 1 Foster-Powell Corridor Transportation Plan was completed. By Resolution No. 03-3373, Metro approved the Plan recommendations, directed staff to prepare amendments to the Plan in accordance with the recommendations and directed Metro staff to initiate Phase II of the Powell/Foster Corridor Plan. Phase II has not been initiated, yet this project remains of critical importance to Gresham and the growth potential in Pleasant Valley. This important corridor should be included in the mobility corridor section.	City of Gresham staff	5/1/2014	No change recommended. The region, through JPACT and the Metro Council, periodically reviews and updates corridor implementation priorities. Based on the JPACT decision in 2009-10, a Phase II of Powell/Foster was not recommended as a near-term regional priority based on: 1) ongoing work by the City of Portland on the Powell and Foster plans; 2) the completion of the East Metro Connections Plan; and 3) other regional priorities being reprioritized. While Phase II of the Powell/Foster Corridor plan was never initiated, work has continued in this corridor. Similar to the Powell/Foster Phase I study, the East Metro Connections Plan was identified as near term priority and was the first mobility corridor refinement plan to come out of the 2035 RTP. This plan implemented a new approach to allocating limited transportation money. The plan also prioritized projects and has led to implementation of projects including the Powell-Division HCT plan.	
179	Page 5-25: Edit the "Edgefield/Halsey main street implementation" project title to "Halsey Main Street Implementation" as agreed to during a TPAC meeting to be consistent with the project description of improvements along Halsey that support the downtown visions for Fairview, Wood Village and Troutdale.	City of Gresham staff	5/1/2014	Change as requested.	

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180	CITY OF PORTLAND - ADD 2 PROJECTS TO RTP LIST: 1) Columbia Blvd. Bridge from Kelly Point Park to N. Colubmbia Blvd. Project Description: Construct bicycle and pedestrian bridge as part of NP Greenway segment 1. Estimated Cost: 2,612,000. Time Frame: 2018-2024. Financially Constrained. Metro Investment Category: Active Transportation. 2) Powell, SE (I-205 – 174th): Multi-modal Improvements, Phase 2, from I-205 to 174th. Project Description: Widen street to three to four lanes (inclusive of a center turn lane) with sidewalks and buffered bike lanes or other enhanced bike facility. Add enhanced pedestrian and bike crossings. Phase 2 includes all segments except Segment 2: 116th Ave to SE 136th Ave. Estimated Cost: \$63,939,572. Time Frame: 2025-2033. Financially Constrained. Metro Investment Category: Roads and Bridges.	City of Portland staff	4/30/2014	Change as requested.	See Comment
181a	CITY OF PORTLAND PROJECTS MOVED TO FINANCIALLY CONSTRAINED LIST: 10180 (Sandy Blvd., NE (47th - 101st): Multi-modal Improvements, Phase II); 10193 (Division St., SE Cesar Chavez -60th): Multi-modal Improvements, Phase I); 10200 (Killingsworth Pedestrian District, NE); "10205 (Gateway Regional Center, Local and Collector; Streets"); 10213 (Airport Way, NE (I-205 to NE 158th Ave.): ITS); 10236 (Water Ave., SE (Caruthers - Division Pl): Street Extension Phase II); 10237 (Southern Triangle Circulation Improvements, SE); 10240 (Belmont Ramp, SE (Eastside of Morrison Bridge): Ramp Reconstruction); 10241 (Clay/MLK Jr, SE: Intersection Improvements); 10243 (12th, NE (Bridge at Lloyd Blvd): Seismic Retrofit); 10244 (Kittridge, NW (Bridge at Yeon): Seismic Retrofit); 10247 (Corbett/Hood/Sheridan, SW: Pedestrian and Bike Improvements); 10248 (South Waterfront District, SW: Bicycle and Pedestrian Improvements); 10249 (South Waterfront Transit Improvements, SW); 10250 (Burnside, W (NW 15th to NW 23rd): Blvd. Improvements); 10251 (Bancroft St., SW (River Parkway - Macadam): Street Improvements); 10253 (Arthur, Gibbs & Lowell, SW (River Parkway - Moody): Street Improvements); 10256 (Broadway/Weidler, NE (15th - 28th): Multi-modal Improvements, Phases II & III); 10257 (Grand/MLK Jr, SE/NE: CEID/Lloyd District Streetscape Improvements); 10258 (DivisionSt/9th, SE (7th - Center): Bikeway); 10259 (Powell, SE (Ross Island Bridge - 92nd): Multi-modal Improvements); 10260 (Clay/2nd, SW: Pedestrian/Vehicle Signal); 10262 (14/16th Connections, NW); 10263 (Naito Parkway (Broadway Br - north of Terminal One): Street and Pedestrian Improvements); 10264 (Central City Traffic Management, N, NW, NE, SE, SW: Transportation System Management improvements); 10265 (18th/Jefferson St., SW: ITS); 10266 (14th/16th, NW/SW & 13th/14th, SE, (Glisan - Clay): ITS); 10267 (Going, N (Interstate - Basin): Bikeway); 10268 (Hollywood Pedestrian District, NE: Multi-modal Improvements); 10270 (Ellis St, SE (92nd - Foster): Bikeway); 10271 (92nd Ave., SE (Powell - City Limits): Bicycle & Pedestrian Improvements); 10274 (Beaverton-Hillsdale /Bertha/Capitol Hwy, SW: Intersection Improvements); 10275 (Vermont St., SW, (45th - Oleson): Bicycle and Pedestrian Improvements); 10276 (30th Ave., SW (Vermont to B-H Hwy): Bicycle & Pedestrian Improvements);	City of Portland staff	4/30/2014	Change as requested.	See Comment

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181b	CITY OF PORTLAND PROJECTS MOVED TO FINANCIALLY CONSTRAINED LIST (CONT'D): 10277 (Bertha, SW (B-H Hwy - Barbur): Multi-modal Improvements); 10278 (Hillsdale Pedestrian District, SW); 10279 (Beaverton-Hillsdale Hwy, SW (Capitol Hwy - 65th): Multi-modal Improvements); 10280 (Sunset Blvd., SW (Dosch - Capitol): Bicycle & Pedestrian Improvements); 10281 (Beaverton-Hillsdale Hwy, SW: ITS); 10282 (Barbur/Capitol/Huber/Taylor's Ferry, SW: Intersection Improvements); 10285 (Barbur Blvd, SW (Terwilliger - City Limits): Multi-modal Improvements); 10286 (Pedestrian Overpass near Markham School, SW); 10287 (West Portland Town Center, SW: Pedestrian Improvements); 10288 (Parkrose Connectivity Improvements, NE); 10289 (Division St., SE (60th - I-205): Multimodal Improvements, Phase II); 10290 (Division St., SE (I-205 - 174th): Multimodal Improvements, Phase II); 10291 (82nd Ave., SE (Schiller - City Limits), SE: Street Improvements); 10292 (Belmont St., SE (25th - 43rd): Street and Pedestrian Improvements); 10293 (Fremont St., NE (42nd-52nd): Pedestrian and Safety Improvements); 10294 (Killingsworth, N (Denver to Greeley): Pedestrian Improvements); 10295 (Milwaukie, SE (Yukon - Tacoma): Bicycle & Pedestrian Improvements); 10297 (Spokane & Umatilla, SE (7th - Tacoma Overcrossing): Bikeway); 10298 (Tacoma, SE (Sellwood Bridge - 45th/Johnson Creek): ITS); 10299 (Lombard, N (I-5 - Denver): Street Improvements); 10300 (Prescott Station Area Street Improvements, N); 10301 (Sandy Blvd., NE (82nd - Burnside): ITS); 10302 (MLK Jr, N (Columbia Blvd. - CEID): ITS); 10303 (Capitol Hwy, SW (West Portland Town Center - 49th): Pedestrian Improvements); 10305 (Holgate Blvd., SE (52nd - I-205): Bikeway, Phase I); 10306 (Holgate Blvd., SE (39th - 52nd): Street Improvements); 10307 (Holgate Blvd., SE (McLoughlin - 39th): Bikeway, Phase II); 10308 (Boones Ferry Rd., SW (Terwilliger - City Limits): Bikeway); 10309 (Macadam, SW (Bancroft - County line): Multi-modal Improvements); 10310 (Prescott, NE (47th - I-205): Pedestrian and Bicycle Improvements); 10311 (Skidmore, N/NE, (Interstate - Cully): Bikeway); 10312 (Banfield LRT Stations, NE/SE: Pedestrian Improvements); 10313 (Ventura Park Pedestrian District, NE/SE); 10314 (99th & 96th, NE/SE (Glisan-Market: Gateway Plan District Street Improvements, Phase II & III); 10315 (Ceasar E, Chavez., NE/SE (Sandy - Woodstock): Safety & Pedestrian Improvements);	City of Portland staff	4/30/2014	Change as requested.	See Comment

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181c	CITY OF PORTLAND PROJECTS MOVED TO FINANCIALLY CONSTRAINED LIST (CONT'D): 10316 (Halsey, NE (Bridge at I-84): Seismic Retrofit); 10317 (Halsey/Weidler, NE (I-205 - 114th): Multi-modal Improvements); 10318 (Glisan St. NE (I-205 - 106th): Gateway Plan District Multi-modal Improvements); 10319 (Stark & Washington, SE (92nd - 111th): Gateway Plan District Street Improvements); 10320 (Halsey, NE (39th - I-205): Bikeway); 10321 (Stark, SE (111th - City Limits): Bikeway); 10323 (111th/112th Ave., SE (Market - Mt. Scott Blvd.): Bicycle & Pedestrian Improvements); 10324 (Glisan St., NE (106th - 122nd): Bikeway); 10325 (Glisan St., NE (47th - I-205): Bikeway); 10326 (Gateway Regional Center, NE/SE: Local Street Improvements, Phase II); 10327 (Gateway District Plan, NE/SE: Traffic Management); 10328 (Gateway Regional Center, NE/SE: Local Street Improvements, Phase III); 10329 (Marine Dr./122nd, NE: Intersection Improvements); 10330 (148th, NE (Marine Dr - Glisan): Bicycle & Pedestrian Improvements); 10331 (Columbia Blvd, N (Bridge at Taft): Seismic Retrofit); 10332 (Lombard, N/NE (MLK Jr - Philadelphia) (US 30): ITS); 10335 (42nd Bridge, NE (at Lombard): Bridge Replacement); 10337 (33rd/Marine Dr., NE: Intersection Improvements); 10338 (Alderwood St., NE, (Alderwood Trail - Columbia Blvd.): Bikeway); 10339 (Columbia Blvd., N/NE (MLK Jr BL - Lombard): Bikeway); 10340 (Cornfoot, NE (47th - Alderwood): Road Widening & Intersection Improvements); 10341 (Columbia Blvd, N (Swift - Portland Rd. & Argyle Way - Albina): Pedestrian Improvements, Phase I & II); 10342 (Columbia Blvd, N/NE(I-205 - Burgard): ITS); 10344 (Force/Broadacre/Victory, N: Bikeway); 10346 (Marine Dr, N/NE (Portland Rd. to 185th): ITS); 10347 (Foster Rd., SE (162nd - Giese Rd.): Multi-modal Street Improvements); 10348 (Foster Rd., SE (102nd - Foster Pl): Pedestrian Improvements); 10349 (174th & Jenne Rd. , SE (Foster - Powell): Multi-modal Improvements); 10351 (Wildwood Bridge at West Burnside); 10356 (Willamette Greenway - St Johns segment [previous called Willamette Greenway Trail Extension]); 10542 (Foster Rd. Improvements); 10857 (Jenne/Foster); 10858 (174th/Powell); 11116 (SW Garden Home Road); 11316 (Lents Town Center Active Transportation Demonstration Project); 11320 (NE 60th & Glisan LRT Station Area); 11322 (North Portland Greenway Active Transportation Project); 11323 (Sullivan's Gulch); 11351 (SW Multnomah Blvd. (Barbur Blvd. to 45th Ave.));	City of Portland staff	4/30/2014	Change as requested.	See Comment
181d	CITY OF PORTLAND PROJECTS MOVED TO FINANCIALLY CONSTRAINED LIST (CONT'D): 11632 (North Hayden Island Drive); 11633 (Gresham Fairview Trail Phase V); 11634 (9th Ave Neighborhood Greenway NE); 11635 (9th Ave Neighborhood Greenway SE); 11636 (NE Multnomah multi-modal improvements); 11637 (Mill/Market/Main Greenway); 11638 (SW Capitol Highway Safety Improvements); 11640 (North Portland Greenway Segment 1); 11641 (North Portland Greenway Segment 2); 11642 (North Portland Greenway Segment 3); 11643 (North Portland Greenway Segment 4); 11644 (North Portland Greenway Segment 5); 11645 (I-84 Bike/Ped Crossing @ 9th Ave); 11646 (NE Broadway Multi-modal improvements); 11647 (I-205 Undercrossing); 11648 (Powell, SE (I-205 - 174th): Multi-modal Improvements, Phase 1); NEW (Willamette Greenway Trail: Columbia Blvd. Bridge); NEW (phase 2 of project 11648) (Powell, SE (I-205 - 174th): Multi-modal Improvements, Phase 2);	City of Portland staff	4/30/2014	Change as requested.	See Comment

Exhibit C to Ordinance No. 14-1340.
2014 Regional Transportation Plan (RTP) Summary of Comments Received and Recommended Actions
 (comments received March 21 - May 5, 2014)

Highlighted comments are recommended changes to March 21,2104 Public Review Draft RTP

#	Comment	Source(s)	Date	TPAC Recommendation	Relevant RTP project
182	CITY OF PORTLAND PROJECTS WITH MEANINGFUL CHANGES TO SCOPE: 10193: Division St., SE Cesar Chavez -60th): Multi-modal Improvements, Phase I (Project start location changed from SE Grand to Cesar Chavez); 11648: Powell, SE (I-205 - 174th): Multi-modal Improvements, Phase 1 (Project split into phases; start location changed from I-205 to SE 116th; end location changed from 174th to 136th); 11318: MLK (Broadway Killingworth) Streetcar Corridor (start location added, MLK/Grand and Broadway; end location added, PCC Cascade Campus); 10280: Sunset Blvd., SW (Dosch - Capitol): Bicycle & Pedestrian Improvements (end location changed from SW Capitol HWY to SW 18h Dr.); 10229: Saint Johns Truck Strategy Implementation phase II (project description changed from 'redesign intersection to 'Implement traffic calming pedestrian and bicycle improvements along the Fessenden/St. Louis corridor. Implement freight and other multimodal improvements on N. Lombard street from N. Bruce to St. Louis Ave'); 11198: Portland-Milwaukie Light Rail Active Transportation Enhancements Project (project description changed from 'This project includes the following elements: Pathway extension of SW Moody to Montgomery Avenue, two-way cycle track on SW Moody between Gibbs Street and Marquam Bridge, bicycle-pedestrian path between SE 11th & Clinton and SE Division Place & 9th following the rail alignment, shared-use path in the McLoughlin right-of-way between 17th Avenue and the Springwater Corridor Trail, and a bicycle parking center at the Tacoma/Springwater light rail station.' to 'This project currently has two outstanding aspects including a shared-use path in the McLoughlin right-of-way between 17th Avenue and the Springwater Corridor Trail, and a bicycle parking center at the Tacoma/Springwater light rail station'; cost changed from 34M to 8M); 11102: Streetcar Extension to Hollywood via Sandy Blvd or Broadway/ Weidler (previously project described as via Sandy Blvd)	City of Portland staff	4/30/2014	Change as requested.	See Comment
183	CITY OF PORTLAND - VARIOUS TECHNICAL EDITS TO RTP PROJECT LIST: Facility Owner (1): 10219; Project/Program Name (3): 10315, 11102, 111319; Project start/end location (2): 11319, 11647; Project Purpose (4): 10171, 11102, 11319, 11647; Description (8): 10187, 10281, 10298, 10301, 10332, 10342, 11102, 11319; Estimated Cost (18): 10171, 10177, 10184, 10186, 10187, 10189, 10232, 10243, 10244, 10250, 10260, 10273, 10306, 10307, 10316, 10335, 11191, 11351; Time Period (49): 10171, 10189, 10199, 10200, 10205, 10215, 10221, 10224, 10225, 10227, 10234, 10249, 10250, 10253, 10256, 10259, 10263, 10268, 10275, 10278, 10284, 10285, 10291, 10292, 10306, 10312, 10313, 10315, 10317, 10335, 10340, 10344, 10349, 10536, 11117, 11192, 11196, 11319, 11322, 11323, 11324, 11351, 11632, 11639, 11640, 11642, Removed duplicative project: 11317.	City of Portland staff	4/30/2014	Change as requested.	See Comment
184	CITY OF PORTLAND PROJECTS MOVED FROM FINANCIALLY CONSTRAINED LIST TO STATE LIST: 10371: Airport Way Braided Ramps; 10376: Columbia Blvd Widening	Port of Portland staff	4/30/2014	Change as requested.	See Comment
185	PORT OF PORTLAND - VARIOUS EDITS TO RTP PROJECT LIST: Facility Owner (1): 10376; Estimated Cost (1): 10362; Time Period (11): 10343, 10362, 10363, 10371, 10378, 11208, 11209, 11653, 11655, 11656, 11657, 11658; Fix typo on project list for 10343 - submitted as FC, miscoded in project list as state:	Port of Portland staff	4/30/2014	Change as requested.	See Comment

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#	Comment	Source(s)	Date	TPAC Recommendation	Relevant RTP project
186	<ul style="list-style-type: none"> Section 5.3.1.4 / Project 11305 Where the plan calls for addition of I-205 auxiliary lanes from Divison/Powell to Foster and Foster to Johnson Creek Boulevard, the plan should also call for construction of sound walls to mitigate community impacts, planting of trees to help address carbon emissions from increased traffic and establishment of a community impact fee to address environmental justice for the surrounding community. Without these commitments, we call on removal of project 11305 from the RTP. Section 2.5.5.1 / Figure 2.18 Significant design considerations as well as public outreach and polling needs to be conducted to reassure residents of East Portland and Clackamas county that a design for making Foster Road a bicycle parkway will not severely impact vehicle commute times. Project 10270 Rebuild Ellis Street with sidewalks, curbs and stormwater management when creating a "bikeway". Project 10291 Street improvements to 82nd Avenue must include completed sidewalks. 	Lents Neighborhood Association	5/4/2014	Forwarded to City of Portland and ODOT for their consideration in project development and design. Regarding comment on Foster as a bicycle parkways: Metro has provided guidance for design in Chapter 9 of the Active Transportation Plan, which states that "Considering the context of a project's location, its purpose and the desires of the community is extremely important when determining the type of design for any transportation project. As projects are developed the following types of contextual information should be taken into consideration. (A list of factors is provided as an example, including the needs and desires of the community.)	11305: I-205 operational improvements, 10270: Ellis St, SE (92nd - Foster): Bikeway, 10291: 82nd Ave., SE (Schiller - City Limits), SE: Street Improvements
187	<p>Revise the language to the I-5/99W Connector Study Recommendations and Implementation Text (5.3.2.3) as described in May 5 letter from Mayors Ogden and Knapp. After a careful review of the draft plan, both cities teamed together with Metro and Washington County staff members to discuss and propose changes to the I-5/99W Connector Study Recommendations and Implementation section.</p> <p>Since the completion of the I-5/99W Connector Study, Washington County led the Basalt Creek Transportation Refinement Plan along with Metro, ODOT, and the Cities of Tualatin and Wilsonville. The purpose of this refinement plan was to determine the major transportation system to serve the Basalt Creek Planning Area.</p> <p>As a result of this planning effort, the partners unanimously agreed to a set of roadway improvements including the extension of SW 124th Avenue, a new east-west roadway between that extension and Boones Ferry Road, a new I-5 overcrossing to the east, a new overcrossing of I-5 at Day Road, and several upgrades to the existing roadway network between Tualatin and Wilsonville.</p> <p>It is our recommendation that the updated RTP reflect the work from this collaborative effort. Our proposed language preserves the conditions regarding the I-5/99W Connector Study reflected in the current RTP.</p>	Mayors of Tualatin & Wilsonville	5/5/2014	Change as requested.	
188	<p>One of the proposed routes already existing on Metro planning maps is to develop a "Burlington and Northern Rail to Trail." This is a wonderful vision and potential route, however, given it apparently continues to be used as an active rail line, and could continue as such for years to come in hauling either forest products and/or milled lumber, we propose the "Forest Park to North Plains" trail linkage concept in the graphic.</p> <p>This is only an approximate concept, the specifics and feasibility of which would need to be worked out through field and other research. The first part of the basic idea being offered here is to develop paved pathways along existing high traffic roadways within their existing rights-of-ways. And to clarify, these would be adjacent to, and not on the roadway itself, that is, not simply bike lanes on the roads, but a dedicated paved pathway completely off the high traffic roadways. The second part is to connect these paved pathways with existing low traffic roads, ones where a bicyclist or pedestrian could ride and walk along them with a relative</p>	National Coast Trail Association	5/5/2014	Regional trails that are part of the RTP and ATP pedestrian and bicycle networks are identified in local transportation system plans and/or local park and trail plans and are also included on the "Metro Regional Trails and Greenways Map." Until trails have gone through that process they are not added to the RTP or ATP maps. Most trails started off as someone's visionary idea. Trail planners and advocates work with local jurisdictions (in this case Portland, and Multnomah and Washington County) to add trail concepts to local plans, and then are considered for addition to the RTP and ATP maps.	

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#	Comment	Source(s)	Date	TPAC Recommendation	Relevant RTP project
189	Support for project #11647 (Sullivan Gulch Under-Crossing). This project is a relatively small,affordable and straight-forward improvement that will carry large regional leverage and impact. It would connect from the I-205 MUP (existing, 16 mile north/south bike-ped path), including the south end of the new regional recreation destination, Gateway Green, to the east end of the proposed Sullivan's Gulch Trail and the NE Tillamook Neighborhood Greenway. This would create the major north/south, east/west nexus for bike commuters heading in to and out of the City of Portland and around the region, and, I believe, would increase regional bike commuting exponentially. Beyond this, people wishing to access the MUP now have a challenging time connecting to it, and the proposed project would make an immediate improvement for a large, dense portion of our region that was, in part, cut off and further challenged when construction of I-205 went through the Rocky Butte/Gateway areas. This project will support the implementation of the Gateway Regional Center; a 2040 Plan Priority.	Ted Gilbert	5/1/2014	Forwarded to City of Portland. The project has been included on the financially constrained list (See comment # 181d).	11647: I-205 Undercrossing
190	1000 Friends supports the Active transportation Plan (ATP) and Regional Transportation Plan (RTP). Its comments emphasize the critical link between adoption and success of the ATP and the success of the region's Climate Smart Communities' effort to create a more livable, walkable, inclusive region while reducing greenhouse gas emissions. adoption, funding, and implementing, at a minimum, the facilities and policies in the ATP is critical to (1) meet the region's obligations to reduce greenhouse gas emissions, and (2) to meet the overwhelming desire of residents for safe, walkable neighborhoods and far better transit service, regardless of anyone's views on global climate change.	1000 Friends of Oregon	5/5/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
191	These groups strongly support the Active Transportation Plan and including its key components within the RTP (updated bicycle and pedestrian policies and maps).	Safe Routes to School National Partnership, Oregon Walks, Elders in Action Commission, 1000 Friends of Oregon, Bicycle Transportation Alliance, Coalition for a Livable Future, Upstream Public Health, AARP Oregon, Community Cycling Center, Westside Transportation Alliance, Oregon Public Health Institute	5/2/2014	No specific change proposed. Comment will be summarized for JPACT, MPAC and Metro Council as part of final RTP public comment report.	
192	Add a placeholder project for \$20M for the Troutdale Airport Master Plan Transportation Improvements	East Multnomah County Transportation Committee	5/2/2014	Change as requested.	
193	Project #10383 from the last RTP list is missing. It should be included and updated to reference the 238th/242nd project.	Multnomah County staff	5/5/2014	No change recommended. #10383 was a place-holder project for a corridor study which has been replaced by several discrete projects that came out of the East Metro Connections Plan. The 238th/242nd project is included as #11373: NE 238th Drive Freight and Multimodal Improvements;	11373: NE Drive Freight and Multimodal Improvements as well as projects 11673 through 11691.
194	Project #10408 - 40 Mile Loop Trail is missing from the RTP project list.	Multnomah County staff	5/5/2014	No change recommended. This project was merged into a new project: 11686: "Sandy to Springwater Path Design & Construction"	

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#	Comment	Source(s)	Date	TPAC Recommendation	Relevant RTP project
195	<p>Fix the following errors for the following projects for the Chapter 3 maps of RTP projects:</p> <ul style="list-style-type: none"> Project #11598 – Marine Drive Extension – Label for this project looks oddly placed on RTP map. Project #10389 – The northern project extent has been edited on the project list, but the map reflects the old alignment. Extend the project up to 40-Mile Loop (currently ends at Marine Drive). Project #10399 – The eastern project extent has been edited on the project list, but the map reflects the old alignment. Shorten the line to 230th Ave (currently extends to 238th Dr). Project #10403 – The northern project extent displayed on map is incorrect. Currently map shows project ending at Cherry Park Road (south) but it should extend further north to Cherry Park Road (north). Project #11375 – Stark Street Bridge - Project doesn't show up on map at all Project #11673 – Troutdale Road Pedestrian Improvement: Stark St - 21st – Project missing from map. Project #11674 – Troutdale Road Bike Improvements: Buxton – Stark – Project missing from map. Project #11681 – 17th Ave: East City Limit – Troutdale Rd – Project missing from map. Project #11684 – Safety Corridor – Cherry Park/257th: Cherry Park – Division – Project missing from map. Project #11690 – Hogan at Glisan intersection project (NW corner only) – Project missing from map. Project #11686 – Sandy to Springwater Path design and construction – Project missing from map. 	Multnomah County staff	5/5/2014	Change as requested	
196	Table 2.3 Regional Transportation Targets – The new time frame of data for the first target (2007-2011), "Safety", shows an increase in the number of crashes than the previous time frame (2003-2005). Yet our goal to reduce crashes (50%) remains the same. Should we as a region consider being more aggressive and slightly increase our goal to reduce crashes?	Multnomah County staff	5/5/2014	No change recommended. We now have better data, covering a 5-year period instead of a 3-year period. That may be part of the reason why there were more crashes between 2007-2011 compared to 2003-2005. The regional safety work group recommended keeping the goal to reduce crashes by 50%	
197	Table 2.6 Arterial and Throughway Design Concepts – Cross-sections for both Community Boulevards and Community Streets were altered from just 2 lanes to "2-4 Lanes". Where did this change come from? ("Creating Livable Streets Handbook" states Community boulevards "generally consist of two vehicle travel lanes" p.58).	Multnomah County staff	5/5/2014	This change was based on regional safety work group direction to provide more flexibility for design guidance. Previously Regional streets and blvds were described as "4 lanes" and Community streets and blvds as "2 lanes". Now all four design types are described as 2 to 4 lanes.	
198	Page 2-29, final paragraph of subsection. Clarify how design elements are presented in the ATP, as follows: "Design elements currently in use in the region and elsewhere in the U.S. that have been shown to increase the level of walking and bicycling and access to transit are provided in the Regional Active Transportation Plan <u>as design guidance</u> ."	Multnomah County staff	5/5/2014	Change as requested.	

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#	Comment	Source(s)	Date	TPAC Recommendation	Relevant RTP project
199	<p>Several comments relating to clarifying language in chapter 2 of the RTP:</p> <ul style="list-style-type: none"> Page 2-38, under Arterial and Throughway Policy 1 third paragraph down. New language added that includes "should" statements concerning design elements. This section also seems redundant with the final paragraph of this subsection which states essentially the same information. Could the newly added language be removed? Page 2-42, final paragraph, much of the information describing the Regional Safety Plan is repeated in previous paragraphs. Could first sentence of final paragraph be added to previous paragraph, and the remainder of final paragraph be deleted? Page 2-64, Transit Policy 6 – Generally too repetitive, particularly references to ATP. Can be paired down to essential policy statements. Pages 2-73 – 2-75 (Section 2.5.5 Regional Active Transportation Network Vision) – Several paragraphs could be narrowed down or deleted as it is very repetitive. Also, it could be clarified upfront that the ATP recommended policies are incorporated in both the bicycle policies and the pedestrian policies as it's confusing to the reader why the bike and ped policies are nearly identical. Page 2-77 under "Bicycle Policy 1", provide a little more clarifying context for the opening statistic of "Nearly 45 percent of all trips made by car in the region are less than three miles...". Is this from the Oregon Household Activity Survey, and is it an average of all the Counties and/or cities? Page 2-78, "Bicycle Policy 3", Can "green ribbon" be defined in the narrative? Does green mean natural area? Sustainable? Low-impact? Needs a definition otherwise "green" is too much of a buzz word and makes the policy statement confusing. Page 2-96, "Ped Policy 3", narrow this policy statement. The newly added language ("...that prioritize safe, convenient and comfortable pedestrian access and equitably serve all people.") can be deleted and then incorporated into the narrative below. Otherwise it weakens the policy statement and would be too repetitive with Policies 1 & 4. General comment re: both bicycle & pedestrian policies that address ensuring the network equitably serves all people – How the network can equitably serve all needs to be made explicit in the RTP whether under each of the two policies or with its own subsection under the "Active Transportation Network Vision". 	Multnomah County staff	5/5/2014	<p>Change as follows:</p> <ul style="list-style-type: none"> Deleted one duplicative sentence describing the regional safety plan finding that 60% of the fatal and severe injury crashes in the region occur on arterials. Deleted repetitive reference to ATP within text supporting Transit Policy 6 Regional Active Transportation Network Vision intro paragraphs have been edited to be more concise. Text describing that Bike and pedestrian policies were updated based on direction from the ATP was moved to the beginning of the bike and pedestrian sections. Added 2011 Household Survey citation for statement within text supporting bicycle policy 1 and clarified that the statement refers to trips wholly within 4 County area. In Bicycle policy 3, clarified that "green" experience of a bike parkway refers to trees or plantings. In Pedestrian Policy 3, removed "and equitably serve all people since that is covered by Pedestrian Policy 5. Added reference to the ATP implementing actions in intro paragraphs to bike and pedestrian policies to address how network can serve all users 	
200	Can the ATP recommended policy <i>implementing actions</i> be included in the RTP?	Multnomah County staff	5/5/2014	No change recommended. Prior policy discussion directed staff to not include all of these actions in the RTP, however staff can add a reference to them.	
201	Page 5-29, under section 5.4 Congestion Management Process, spell out MAP-21 and add a brief introductory statement about it being the most recent federal transportation legislation that was passed in 2012.	Multnomah County staff	5/5/2014	Change as follows: <u>The Moving Ahead for Progress in the 21st Century Act (MAP-21) is a funding and authorization bill passed in 2012 which governs United States federal surface transportation spending.</u>	
202	Section 5.7.13 Best Design Practices in Transportation – Change text as follows: "Metro staff may <u>will</u> initiate an update to the Best Design Practices in Transportation..."	Multnomah County staff	5/5/2014	Change as requested.	
203	Section 1.6, Page 1-39 Revise 2nd to last sentence to read: <u>Freeways and their ramps are relatively safe, per mile travelled, compared to arterial and collector roadways. Per mile travelled, arterial and collector roadways experience more serious crashes than freeways and their ramps.</u>	Oregon Department of Transportation staff	5/5/2014	Change as requested.	

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#	Comment	Source(s)	Date	TPAC Recommendation	Relevant RTP project
204	Regional Bicycle Network Map: ODOT does not support the Regional Bikeway designation on the section of OR 43 between the Sellwood Bridge and Terwilliger in Lake Oswego, parallel to the Regional Bicycle Parkway designation in the same general corridor. In other segments of the corridor to the north and south there is more distance between the highway and the Greenway trail, and there are more bicycle destinations along the highway, but this segment is very constrained and the adjacent land use consists of large lot single-family residential uses. ODOT recognizes the need for a bicycle connection in this area but supports the location of that connection outside the existing ODOT right-of-way.	Oregon Department of Transportation staff	5/5/2014	No change recommended.	
205	Section 5.3.1.1 Southwest Corridor Plan (page 5-7, first sentence): Please change as follows: "... Metro, in collaboration with local partners, and ODOT, and Trimet, developed the Southwest Corridor Plan. ODOT was co-lead only for the SW Corridor Transportation Plan, not the full Southwest Corridor Plan.	Oregon Department of Transportation staff	5/5/2014	Change as requested.	
206	Section 5.3.1.3 Portland Central City Loop (page 5-11): Please change the new text as follows: "...As directed by the FLAG's recommendations, planning for <u>proceeded</u> on the I-84/I-5 section of the Loop under the monikers of the N/NE Quadrant and the I-5 Broadway-Weidler Interchange Improvement Planning processes. "Key recommendations from the adopted 2012 N/NE Quadrant Plan include: <ul style="list-style-type: none"> • Adding auxiliary lanes and full-width shoulders (within existing right-of-way) to reduce dangerous improve traffic weaves and allow disabled vehicles to move out of traffic lanes;" 	Oregon Department of Transportation staff	5/5/2014	Change as requested.	
207	Section 5.3.2.4 Beaverton to Forest Grove (Mobility Corridor # 24) (pages 5-13 to 5-18): This should be section 5.3.2.4, not 5.3.1.5.	Oregon Department of Transportation staff	5/5/2014	No change recommended. This corridor still has an outstanding section to be studied so should remain in the section of corridors needing refinement planning.	
208	Page 5-15, Recommended RTP Design and Functional Classifications. Second sentence: change recommendation to <u>decision</u> . Next sentence, change "...will be amended..." to "...are amended"...	Oregon Department of Transportation staff	5/5/2014	Change as requested.	
209	There is more detail than necessary in section 5.3.2.4 (Beaverton to Forest Grove) Mobility Corridor #24 .	Oregon Department of Transportation staff	5/5/2014	Staff will revise this section based on the input from Washington County and ODOT staff. See also comment #222	

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210	<p>Section 5.3.2.2 Sunrise/JTA Project (pages 5-19 and 5-20): Please change the first complete paragraph on page 5-20 as follows: "The Federal Highway Administration (FHWA), the Oregon Department of Transportation (ODOT), and Clackamas County have completed the Final Environmental Impact Statement (FEIS) for the Sunrise Project...."</p> <p>Please change the third paragraph as follows: "...The purpose of the Sunrise Jobs and Transportation Act (JTA) Project is to address congestion and safety problems in the OR 212/224 corridor by building a new 2.5 mile road from I-205 to 122nd Avenue (as part of the larger Sunrise Project mainline) and improving local roadway connections <u>to the Lawnfield Industrial District. The Oregon Legislature approved \$100 million through the Oregon Jobs and Transportation Act (JTA) to fund this first phase of the larger Sunrise Corridor Preferred Alternative.</u></p> <p>Please revise the list of elements for the JTAC phase of the Sunrise Project as follows:</p> <ul style="list-style-type: none"> • A new two-lane highway (one lane each direction) from the Milwaukie Expressway (OR 224) at I-205 to SE 122nd Avenue at OR 212/224. • A new I-205 overcrossing to connect 82nd Drive and 82nd Avenue. • Bicycle and pedestrian improvements in the area, <u>including two separated shared use paths from I-205 to Lawnfield Road and from Mather Road to 122nd Avenue.</u> • Intersection improvements at 122nd Avenue and OR 212/224. • Intersection improvements at 162nd Avenue and OR 212. - <u>Tolbert Road overcrossing of the UPRR from Minuteman Way to 82nd Drive</u> - <u>Reconstruction of Lawnfield Road from 97th to 98th to reduce grades</u> - <u>Extension of Minuteman Way from Mather Road to Lawnfield Road.</u> 	Oregon Department of Transportation staff	5/5/2014	Change as requested.	
211	<p>Section 5.7.2 Alternative Mobility Standards (page 5-33, first bullet): Please change the second sentence as follows: "jurisdictions considering <u>development plan amendment</u>, proposals for compact development in regional and town centers that exceed current height or density limits are often <u>sometimes</u> constrained by traditional volume-to-capacity standards...."</p>	Oregon Department of Transportation staff	5/5/2014	Change as requested.	
212	<p>Section 5.7.2 Other Actions (page 5-36): please change the title of this paragraph from "Other Actions" to "2014 Update on Recommended Actions" and include the second bullet, regarding changes to the TPR, which appears in the tracked changes version but not in the clean version of the RTP document: " - In 2011 the Transportation Planning Rule (TPR) was amended to create Multimodal Mixed-Use Area (MMA) designations, an option for jurisdictions planning for increasing housing or jobs within an urban center to avoid triggering traditional volume-to-capacity traffic standards that might otherwise block desirable development. Several jurisdictions in the Metro region are exploring MMA designations for their Region 2040 centers." Amend the first bullet as follows: "...unless an alternative is <u>adopted developed</u> by a local jurisdiction <u>and adopted by the OTC</u>".</p>	Oregon Department of Transportation staff	5/5/2014	Change as requested.	
213	<p>RTP ID #10087: Lake Oswego to Portland Trail - ODOT recognizes the need for a bicycle connection in this area but supports the location of that connection outside the existing ODOT right-of-way.</p> <p>RTP ID # 11198: Portland-Milwaukie Light Rail Active Transportation Enhancement Projects – Alignment of the shared use path will require coordination with ODOT. ODOT recommends locating the shared use path to the east of OR99E, on the side of Westmoreland Park and the Westmoreland neighborhood.</p>	Oregon Department of Transportation staff	5/5/2014	<p>Forwarded to Lake Oswego, Portland and Clackamas County. Change the project description for RTP project #11198 as follows: "This project currently has two outstanding aspects including a shared-use path in the McLoughlin right-of-way between 17th Avenue and the Springwater Corridor Trail, and a bicycle parking center at the Tacoma/Springwater light rail station. <u>Construct a shared-use path along SE McLoughlin Blvd from 17th Ave to the Springwater Corridor Trail and build a bicycle parking center at the Tacoma/Springwater light rail station. This project will be coordinated with ODOT to determine the alignment along McLoughlin Blvd.</u>"</p>	10087 (Lake Oswego to Portland Trail), 11198 (Portland-Milwaukie Light Rail Active Transportation Enhancement Projects)

Exhibit C to Ordinance No. 14-1340.
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#	Comment	Source(s)	Date	TPAC Recommendation	Relevant RTP project
214	<p>RTP ID # 10171: Burnside/Couch, West – This project will require coordination with ODOT to address potential impacts to the I-405 interchanges, overcrossings and ramps. ODOT has identified a potential safety concern of future traffic queues spilling onto the I-405 mainline or deceleration portion of the off-ramps.</p> <p>RTP ID # 10299: Lombard Street Improvements – Please change the project description to be less specific regarding a signal as part of the solution; the proposed signal is within an interchange area and will require ODOT approval.</p> <p>RTP ID # 10232: Flanders, NW (Steel Bridge to Westover): Bicycle Facility - This project will require coordination with ODOT to address potential impacts to the I-405 interchanges, overcrossings and ramps. Traffic queues spill onto the mainline or deceleration portion of the off-ramps of I-405 southbound at NW 16th/NW Glisan. This segment also has a high crash rate.</p> <p>RTP ID # 10235: South Portland Improvements, SW - This project will require coordination with ODOT and with the Southwest Corridor Plan. The project will need to consider impacts to ODOT facilities including Naito Parkway and the Ross Island Bridge.</p>	Oregon Department of Transportation staff	5/5/2014	Forwarded to City of Portland. Add the following sentence to the end of the project description for project #10171: "This project will be coordinated with ODOT to address potential impacts to the I-405 interchanges, overcrossings and ramps." Add the following sentence to the end of the project description for #10235 "This project will be coordinated with ODOT and with the Southwest Corridor Plan, and will consider impacts to ODOT facilities including Naito Parkway and the Ross Island Bridge." Change the project description for #10299 as follows: "Establish a landscaped boulevard to promote pedestrian-oriented uses and to create a safe, pleasant pedestrian link over I-5 w/ new traffic light and road access to Fred Meyer development, including a signal or other intersection improvement at Montana & Lombard and an improved pedestrian crossing over I-5. The project will be coordinated with ODOT to address potential impacts to Lombard and the I-5 interchange."	10171 (Burnside/Couch, West), 10299(Lombard St improvements), 10232 (Flanders, NW - Steel Br to Westover - bicycl facility), 10235 (S. Portland Improvements)
215	<p>The 2014 RTP includes a broad statement about crosswalk spacing on arterials "Regional policy calls for safe crosswalks spaced no more than 530 feet apart (unless there are no intersections, bus stops or other pedestrian attractions), including features such as markings, medians, refuge islands, beacons, and signals, as appropriate."(p.2-80) This language is new in the Draft 2014 RTP and needs to be fully reviewed and discussed by affected jurisdictions. Introducing more frequent conflict points along arterials may affect safety and regional mobility.</p> <p>The 2014 RTP includes another statement realting to the spacing of crossings on arterials on p.2-82: "The experience of people walking and pedestrian access to transit is improved with features such as wide sidewalks with buffering from adjacent motor vehicle traffic, street crossings spaced no more than 530 feet apart—an ideal spacing is 200 to 400 feet where possible (unless there are no intersections, bus stops or other pedestrian attractions), special crossing elements at some locations, special lighting, benches, bus shelters, awnings and street trees." The last RTP applied this language only to transit/mixed-use corridors. This draft updated language could be interpreted more broadly to cover every arterial.</p>	Washington County Staff	5/5/2014	Change as follows: (p.2-80) "Regional policy calls for <u>safe crossings of streets and controlled pedestrian crossings on major arterials</u> crosswalks spaced no more than 530 feet apart (unless there are no intersections, bus stops or other pedestrian attractions) , including features such as markings, medians, refuge islands, beacons, and signals, as appropriate. Change p.2-82 as follows: " The experience of people walking and pedestrian access <u>along transit-mixed use corridors</u> to transit is improved with features such as wide sidewalks with buffering from adjacent motor vehicle traffic, street crossings spaced no more than 530 feet apart—an ideal spacing is 200 to 400 feet where possible (unless there are no intersections, bus stops or other pedestrian attractions), special crossing elements at some locations, special lighting, benches, bus shelters, awnings and street trees."	
216	<p>Page 5-53: "Develop safe crosswalks on arterials and multi-lane roads, generally adhering to the region's maximum spacing standard of 530 feet and at all transit stops," This language is new in the Draft 2014 RTP and needs to be fully reviewed and discussed by affected jurisdictions. Introducing more frequent conflict points along arterials may affect safety and regional mobility.</p>	Washington County Staff	5/5/2014	This section summarizes future work that was recommended by the Regional Safety Plan. Language will be added to provide an intro to this table of recommendations: "As part of the 2018 RTP and associated updates to the Regional Transportation Functional Plan, Metro will consider these changes as well as recommendations from the Regional Active Transportation Plan." Additionally, text within the table will be clarified to reflect that 530 feet refers to the long-standing regional street connectivity standard. Change as follows: "Develop safe crosswalks on arterials and multi-lane roads, generally adhering to the region's maximum <u>local street</u> spacing standard of 530 feet and at all transit stops" .	
217	<p>Page 2-33 - We request the language be modified to read, "Streets with 4 or more lanes should include medians, <u>where possible</u>, with appropriate median openings for turning movements and turn lanes."</p>	Washington County Staff	5/5/2014	Change as requested.	

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218	Page 2-33 - The median policy needs to reflect the need to accommodate over-dimensional freight movement (which may preclude installation of medians on designated Over Dimensional Routes), and some qualifier about consideration of on-going operating and maintenance costs associated with medians.	Washington County Staff	5/5/2014	No change recommended. Defer to state requirements for overdimensional vehicles. Most types of transportation infrastructure include operating and maintenance costs, not just medians. The 2013 Oregon Freight Plan amendments will be addressed as part of the 2018 RTP update.	
219	Page 2-37 – The text says “Safety is a primary concern on the regional arterial system... Efforts should include:” and then includes design strategies, enforcement actions and education initiatives in the bullets below. We request that you change “should” to “may” in order to provide more flexibility for jurisdictions to respond to unique situations that may occur within their jurisdictions.	Washington County Staff	5/5/2014	Change as requested.	
220	Page 2-37 – The text states, “Efforts to substantively improve transportation safety in the region must give arterial roadways highest priority.” We request that you change “highest” to “high” to allow more flexibility in project selection and funding by local jurisdictions.	Washington County Staff	5/5/2014	Change as requested.	
221	Washington County has worked with local jurisdictions and Metro staff to develop revised language for Section 5.3.2.3 – I-5/99W Connector Study Recommendations and Implementation (Tigard to Sherwood – Mobility Corridor #20). Washington County concurs with the revised language submitted by the City of Tualatin for this section.	Washington County staff	5/5/2014	Change as requested. See also comment # 187 from the Mayors of Tualatin and Wilsonville.	
222	Page 5-13 – 5.3.1.5 – Beaverton to Forest Grove (Mobility Corridor #24) - Washington County believes the section, as included in the Draft 2014 RTP, is too long and detailed. The county has worked with ODOT and others to modify this section.	Washington County staff	5/5/2014	Staff will revise this section based on the input from Washington County and ODOT staff. See also comment # 209	
223	The County caught a number of typos and small technical fixes.	Washington County staff	5/5/2014	Change as requested.	
224	SW Walker Road between Roxbury Avenue and Canyon Road: Remove from map or downgrade from Bicycle Parkway to Regional Bikeway. This segment is severely constrained by topography, land uses and mature trees. It has very low potential for becoming a high-quality bikeway route in the long term.	Washington County staff	5/5/2014	Change functional classification to Regional Bikeway. Modeling of SW Walker Road, including this section, indicated that the route serves as a “collector” for bicycle travel.	
225	NW Thompson Road between Hartford Street and Saltzman Road: Move route (in this and all RTP maps) to the future Thompson Road alignment as adopted in the Washington County TSP, which cuts a diagonal and uses what is now Kenny Terrace. This is the ultimate future alignment for Thompson Road.	Washington County staff	5/5/2014	Change as requested.	
226	NW West Union Road between Century Boulevard and the Westside Trail: Upgrade from Regional Bikeway to Bicycle Parkway. This is one of the few continuous east-west routes in the area north of Sunset Highway. We aspire to have enhanced bicycle facilities on this road in the future.	Washington County staff	5/5/2014	Change as requested.	
227	Century Boulevard between West Union Road and TV Highway: Upgrade from Regional Bikeway to Bicycle Parkway. The county and City of Hillsboro envision Century Boulevard as an important north-south route for bicycling, walking and taking transit, while nearby parallel Cornelius Pass Road and Brookwood Parkway have more of an vehicle and freight mobility	Washington County staff	5/5/2014	Change as requested.	
228	SW Farmington Road between Reedville Trail and Westside Trail: Upgrade from Regional Bikeway to Bicycle Parkway. This is an important radial route leading into Beaverton. It will eventually be widened to 4 vehicle lanes between 209th and Kinnaman and it would be good to have high-quality bicycle facilities as part of a future design. Bike Parkways are currently sparse in this area of the map.	Washington County staff	5/5/2014	Change as requested.	
229	SW Hunziker Street between Hall Boulevard and 72nd Avenue: Realign based on SW Corridor planning. At a minimum, show the future realigned Hunziker overcrossing of Highway 217 as shown on Tigard and Washington County TSPs. Or, realign further north to connect with Beveland Street, depending on SW Corridor planning outcomes. To be consistent with local TSPs and SW Corridor planning.	Washington County staff	5/5/2014	Change as requested on Regional Pedestrian and Bicycle Maps.	

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230	NW Century Boulevard between West Union Road and Evergreen Parkway: Add as a Pedestrian Parkway. The county and City of Hillsboro envision Century Boulevard as an important north-south multi-modal route. The southern portion is already shown on the maps.	Washington County staff	5/5/2014	Change as requested. Extension of existing mixed-use corridor, once completed. Extending this section is consistent with methodology for adding routes; proposed addition is also on the Regional Arterial and Throughways and Regional Design Classifications Maps. Proposed addition is also part of the Regional Bicycle Network.	
231	NW West Union Road between Century Boulevard and Cornelius Pass Road: Add as Regional Pedestrian Corridor. This would avoid having the Century Boulevard suggestion above be a stub.	Washington County staff	5/5/2014	Change as requested. Extending this section is consistent with methodology for adding routes; proposed addition is also on the Regional Arterial and Throughways and Regional Design Classifications Maps. Proposed addition is also part of the Regional Bicycle Network.	
232	NW West Union Road between Bethany Boulevard and 143rd Avenue: Downgrade from Pedestrian Parkway to Regional Pedestrian Corridor. This is a short segment of Pedestrian Parkway that doesn't seem to have a larger purpose.	Washington County staff	5/5/2014	Change as requested. This segment was incorrectly identified as a pedestrian mixed-use corridor in the 2035 RTP (all mixed use corridors were automatically designated as Pedestrian Parkways in the ATP pedestrian network).	
233	NW 143rd Avenue between West Union Road and Cornell Road: Remove from map. There are already three other north-south Pedestrian Parkways in the vicinity.	Washington County staff	5/5/2014	Change as requested. This segment was incorrectly identified as a pedestrian mixed-use corridor in the 2035 RTP Pedestrian Network Map (all mixed use corridors were automatically designated as Pedestrian Parkways in the ATP pedestrian network).	
234	NW Bronson Road and path between Bethany Boulevard and Cornell Road. Remove from map. This is a useful connection but does not have regional significance. Also, there is already a good density of Pedestrian Parkways in this area.	Washington County staff	5/5/2014	Change as requested. This is a mapping error and will be removed.	
235	W Burnside Road from Barnes Road to county line: Remove from map. Also consider removing SW Barnes Road from Miller to Burnside in order to not create a stub. This segment is severely constrained by topography and vegetation, has very few developed land uses (mostly cemetery), and includes only one bus stop pair. The possibility of this becoming a viable pedestrian route is extremely slim. The cuts, fills and retaining walls necessary to build pedestrian facilities here would be cost prohibitive.	Washington County staff	5/5/2014	No change recommended. This segment of Burnside is identified as a 2040 Mixed Use Corridor. It is also a regional bus route. Keeping it on the regional pedestrian network is consistent with the approach to identify all 2040 mixed-use corridors and frequent and almost transit routes as Pedestrian Parkways. The ATP acknowledges that design and pedestrian safety improvements will occur within the context of the project location and constraints.	
236	SW Canyon Road from Canyon Drive to US 26: Remove from map or downgrade from Pedestrian Parkway to Regional Pedestrian Corridor. This segment is severely constrained by topography, vegetation and private properties. Most of the bus stops are sited at local street intersections such that walking along the road is limited (though crossing is still an issue). The possibility of this becoming a high-quality pedestrian route is extremely slim. The cuts, fills and retaining walls necessary to build pedestrian facilities here would be cost prohibitive.	Washington County staff	5/5/2014	No change recommended. This segment of SW Canyon Road is identified as a 2040 Mixed Use Corridor. It is also a regional bus route. Keeping it on the regional pedestrian network is consistent with the approach to identify all 2040 mixed-use corridors and frequent and almost transit routes as Pedestrian Parkways. The ATP acknowledges that design and pedestrian safety improvements will occur within the context of the project location and constraints.	
237	SW Walker Road between Roxbury Avenue and Canyon Road: Remove from map or downgrade from Pedestrian Parkway to Regional Pedestrian Corridor. This segment is severely constrained by topography, land uses and mature trees. It has very low potential for becoming a high-quality pedestrian route in the long term.	Washington County staff	5/5/2014	No change recommended. This segment of SW Walker Road is identified as a 2040 Mixed Use Corridor. Keeping it on the regional pedestrian network is consistent with the approach to identify all 2040 mixed-use corridors and frequent and almost transit routes as Pedestrian Parkways. The ATP acknowledges that design and pedestrian safety improvements will occur within the context of the project location and constraints.	
238	SW Jenkins Road between 158th Avenue and 153rd Avenue: Downgrade from Pedestrian Parkway to Regional Pedestrian Corridor. This could potentially be a map error. The remainder of Jenkins is a Regional Pedestrian Corridor.	Washington County staff	5/5/2014	Change as requested. This is part of an old alignment of the Westside Trail.	

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239	Willow Creek Transit Center loop: Remove from map. We understand the intent of connecting the transit center to the network, but showing Baseline & 185th is probably sufficient. Other transit stops don't appear to have this level of network detail.	Washington County staff	5/5/2014	Change as requested.	
240	198th Avenue between TV Highway and Farmington Road: Add as Regional Pedestrian Corridor. This collector road has a bus route and will be the focus of a county-funded \$14 million sidewalk and bike lane project in 2018.	Washington County staff	5/5/2014	Change as requested. Addition is consistent with methodology for adding routes; proposed addition is also on the Regional Design Classifications Maps as a Community Street. Proposed addition is also on the proposed Regional Bicycle Network.	
241	Recommend that the streets below be designated as Regional Pedestrian Corridors On-street 1) Park Avenue from River Road east across McLoughlin to Oatfield Road 2) Courtney Avenue from River Road east to Oatfield Road 3) Oak Grove Blvd from River Road east to Rupert Drive to Oatfield Road 4) Concord Road from River Road east to Oatfield Road 5) Roethe Road from River Road east to Oatfield Road 6) Jennings Avenue from River Road east to McLoughlin (area east is designated appropriately)	Clackamas County staff	3/20/2014	1) Add Park Avenue segment as requested; segment is partially within and connects to a LRT station area which is also a regional pedestrian and bicycle district. Change is consistent with current methodology to develop ATP maps. 2) through 6): Add as recommended. Routes provide key regional pedestrian connections identified through Clackamas County Active Transportation Plan project.	
242	Hwy 224 is designated as a Pedestrian Parkway On-street. Is this correct? It should be designated as a Pedestrian Parkway Off-street facility.	Clackamas County staff	3/20/2014	No change recommended. Keep designation as on-street. This segment of Hwy 224, the Milwaukie Expressway from the Milwaukie Town Center to Webster, is identified as a 2040 Mixed-Use Corridor which is why it is included as a Regional Pedestrian Parkway. A regional trail is not currently identified along the corridor; ODOT and partners would need to nominate the corridor for a regional trail. At current traffic speeds and volumes a high degree of separation and protection is desirable. Currently bicyclists and pedestrians currently use the shoulder if they need to use the route. However, apart from identifying the location regional trails, the regional pedestrian and bicycle network maps do not identify specific design solutions for pedestrian and bicycle routes. Design guidance for roadways with high traffic speeds and/or volumes is provided in the ATP in the design guidance chapter. As the corridor is developed as a 2040 mixed use corridor pedestrian improvements (such as the possibility of a separated path) would occur within a larger development framework.	
243	Add Regional multiuse path (Off-street connection) from Sunnybrook Blvd west of 82nd Avenue (below the Aquatic Park Center) connecting to Harmony Road	Clackamas County staff	3/20/2014	Change as requested. This is a Regional Trail, connects to the I-205 MUP and connects to a Pedestrian Parkway.	
244	Fuller Road from Harmony Road north to 82nd Avenue – designate Regional Pedestrian Corridor On-street	Clackamas County staff	3/20/2014	Change as requested. This street is included on the 2035 RTP "Regional Design Classifications Map" as a Community Street and is part of the Regional Bicycle Network. Change is consistent with current methodology to develop ATP maps.	
245	Hwy 212/224 from I-205 multiuse path east to 122nd Avenue - designate Regional Pedestrian Corridor On-street; from MS/SM Trail at Hwy 212/224 near Orchard View Lane east to 172nd Avenue – designate Pedestrian Parkway matching designation adjacent (to the west) and to the east.	Clackamas County staff	3/20/2014	Change as requested. Extending these sections is consistent with methodology for adding routes; proposed additions are also part of the Regional Bicycle Network, the Regional Arterial and Throughways and Regional Design Classifications Maps. Proposed additions are also part of the Regional Bicycle Network.	
246	132nd Avenue from Hubbard north to Sunnyside Road – designate Regional Pedestrian Corridor On-street	Clackamas County staff	3/20/2014	Change as requested. Routes provide key regional pedestrian connections identified through Clackamas County Active Transportation Plan project.	

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247	Remove Hwy 224 as Regional Pedestrian Corridor outside of UGB (near Richardson Creek Natural Area)	Clackamas County staff	3/20/2014	Change as requested. This is consistent with approach in ATP maps to only include facilities within the UGB.	
248	The Clackamas County ATP has the Newell Creek Trail as a Principle Active Transportation route. The Regional ATP doesn't show Newell Creek Trail. It shows Newell Creek Canyon and Beaver Lake Trail. Isn't Metro purchasing property in this area? The County recommends that the Newell Creek Trail be designated as a Regional Pedestrian Corridor.	Clackamas County staff	3/20/2014	The trail that County staff has referred to as the Newell Creek Trail is on the ATP pedestrian and bicycle maps, but is labeled as the Beaver Lake Trail. This is a naming issue - the same trail is referred to both as the Newell Creek Canyon Trail and the Beaver Lake Trail. Metro's trail department will be reviewing and cleaning up naming issues to reduce confusion.	
249	Designate Oak Grove Blvd from River Road east to Oatfield Road as a Regional Bikeway On-street	Clackamas County staff	3/20/2014	Change as requested. Routes provide key regional pedestrian connections identified through Clackamas County Active Transportation Plan project.	
250	Change Concord (River Road to Oatfield to Thiessen Road) from a Bicycle Parkway to a Regional Bikeway.	Clackamas County staff	3/20/2014	Change as requested.	
251	Designate Naef Road from River Road to Oatfield to Oetkin Road to Thiessen Road as a Bicycle Parkway. Old River Road to Mapleton to Hwy 43 south is one of the County's Principal Active Transportation routes.	Clackamas County staff	3/20/2014	Change as requested. Naef Road is identified as a Principal Active Transportation (PAT) Route in the County's new Active Transportation Plan. Addition is consistent with methodology used to develop the ATP bicycle network.	
252	Old River Road to Mapleton to Hwy 43 is one of the County's Principal Active Transportation routes. Designate Mapleton as a Regional Bikeway On-street.	Clackamas County staff	3/20/2014	Change as requested. Routes provide key regional pedestrian connections identified through Clackamas County Active Transportation Plan project.	
253	Designate Monroe Street as a Bicycle Parkway in Milwaukie and east of Linnwood Avenue connecting east of 82nd Avenue to Phillips Creek Trail.	Clackamas County staff	3/20/2014	Change as requested. Monroe Street is identified as a priority bikeway in Milwaukie and Clackamas County. King Street, which runs parallel to Monroe street will be reclassified as a Regional Bikeway.	
254	Add Regional multiuse path (Off-street connection) from Sunnybrook Blvd west of 82nd Avenue (below the Aquatic Park Center) connecting to Harmony Road	Clackamas County staff	3/20/2014	Change as requested. This is a Regional Trail, connects to the I-205 MUP and connects to a Pedestrian Parkway.	
255	Designate Strawberry Lane from Webster to Evelyn Street as a Regional Bikeway.	Clackamas County staff	3/20/2014	Change as requested. Routes provide key regional pedestrian connections identified through Clackamas County Active Transportation Plan project.	
256	Designate Hwy 224 south of Hwy 212/224 split to Clackamas River/Springwater Road as a Bicycle Parkway.	Clackamas County staff	3/20/2014	Change as requested. Recommendation is consistent with the methodology used in developing the ATP bicycle network; section of Hwy 224 is on 2035 RTP "Arterial and Throughway Map" and identified as a Regional Street on the 2035 RTP "Design Classifications Map."	
257	The river crossing south of Wilsonville is clearly shown (on Pedestrian Network not Bicycle) but not the French Prairie Bridge, why?	Clackamas County staff	3/20/2014	Change as requested. The French Prairie Bridge is part of both the ATP Regional Pedestrian and Bicycle networks. It is a mapping error that it was left off of the bicycle map. The error will be corrected.	
258	Designate Redland Road from Hwy 213/Oregon Trail Barlow Road Trail east to UGB as a Regional Bikeway	Clackamas County staff	3/20/2014	Change as requested. Recommendation is consistent with the methodology used in developing the ATP bicycle network; this section of Redland Road is on 2035 RTP "Arterial and Throughway Map" and identified as a Community Street on the 2035 RTP "Design Classifications Map."	
259	Add the (Clackamas Regional Center) CRC I-205 ped/bike bridge crossing near Sunnyside Road to the Bike and Ped Maps. It is on the constrained Draft RTP project list (Project 11495; Ped/Bike I-205 overpass).	Clackamas County staff	4/15/2014	Change as requested.	

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260	Designate SW Stephenson St, SW 35th Ave, Huber St west to Capitol Hwy as Regional Pedestrian Corridors and as Regional Bikeways. (There is a large gap between SW 49th and the Hillsdale to Lake Oswego Trail. This will help fill the gap and provide connectivity.) The routes from Boones Ferry Rd, Stephenson, 35th, Huber, and Capitol Hwy to Barbur Blvd provide connections to multiple destinations and transit stops in the area including Tryon State Park, Stephenson Elementary School (which doubles as a neighborhood park), Jackson Middle School (which doubles as a community park), residential uses (multifamily and single family dwellings), churches, and many services on Capitol Hwy and Barbur Blvd.	Lori Mastrantonio-Meuseur (citizen comment)	3/25/2014	No change recommended. Include in analysis and consideration in the 2018 RTP update. Policy discussion is needed to add, since addition of the route would not be consistent with the methodology used in developing the ATP bicycle and pedestrian networks. The streets are identified as City (not Major City) Bikeways in Portland's Bicycle Plan and as City Walkways in the Portland Pedestrian Master Plan.	
261	Designate SW Vermont St and SW 45th Ave as a Regional Pedestrian Corridors and Regional Bikeways. The routes along Vermont and 45th provide connections to multiple destinations and transit stops in the area including Gabriel Park, SW Community Center, residential uses (multifamily and single family dwellings), neighborhood commercial uses (medical services, offices and retail uses) and churches in the area.	Lori Mastrantonio-Meuseur (citizen comment)	3/25/2014	No change recommended. SW Vermont is currently designated a Regional Bikeway between the Hillsdale Town Center and SW Oleson Road. Do not add SW Vermont or SW 45th as a Regional Pedestrian Corridor at this time and do not add SW 45th as a Regional Bikeway at this time; but do include in analysis and policy discussion for consideration for inclusion in the 2018 RTP update. Policy discussion is needed to add, since addition of the route would not be consistent with the methodology used in developing the ATP Pedestrian and Bicycle networks. SW Vermont and SW 45th are identified as City (not Major City) Bikeways in Portland's Bicycle Plan and as City Walkways in the Portland Pedestrian Master Plan.	
262	Delete project #11097 since it is duplicative of the combination of projects #10474, 10475, 10476.	Metro/Gresham Staff	5/5/2014	Change as requested.	11097 (Rugg Rd/Springwater), 10474 (Rugg Rd extension), 10475 (Rugg Rd extension), 10476 (Rugg Rd)
263	The Columbia River Crossing I-5 project (CRC) should be removed from the RTP list.	Coalition for a Livable Future (CLF)	5/5/2014	Comment forwarded to ODOT and City of Portland. See response to Comment #153 from ODOT's director. ODOT opposes removing any elements of the Columbia River Crossing from the financially constrained RTP project list, and/or redefining elements of the project through this technical update. ODOT supports the current language as included in Metro's Public Review Draft of the RTP and looks forward to working with Metro between now and the next full RTP update.	10893: Improve I-5/Columbia River bridge, 10902 MAX light rail: Yellow Line: CRC / I-5 North extension
264	For the purposes of air quality conformity, any analysis with CRC on the list should include new analysis of air quality in the I-205 corridor in light of research by CDM Smith which found that the CRC would lead to increased travel on I-205 by as much as 39,500 vehicles per day	Coalition for a Livable Future (CLF)	5/5/2014	The current air quality tools used to conduct regional conformity analysis cannot perform project specific emissions analysis, and therefore cannot isolate emissions generated for a specific corridor or from a specific project. The emissions analysis takes regional aggregate outputs from the travel demand model and applies the outputs to specific emissions rates established and calibrated for the region. All the results come out as regional emissions which cannot be disaggregated to the degree the commenter seeks.	10893: Improve I-5/Columbia River bridge, 10902 MAX light rail: Yellow Line: CRC / I-5 North extension
265	The RTP should include findings on how the system has performed over time. Chapter 4 includes projected performance based on modeling potential results between 2010 and 2040. The RTP includes some performance information in Chapter One, including VMT, but does not include many of the measures listed in chapter 4 (table 4.2).	Coalition for a Livable Future (CLF)	5/5/2014	Because of the tight time line, the Regional mobility corridor atlas was not updated in advance of the 2014 RTP update. An updated atlas will be completed after adoption of the 2014 RTP update and will inform the 2018 RTP update.	
266	The RTP states in section 4.2.2 that an analysis of system monitoring performance is done every two years in advance of the allocation process for regional flexible funds. Key findings should be included in this section of the RTP.	Coalition for a Livable Future (CLF)	5/5/2014	This analysis will be included in the updated Regional mobility corridor atlas to be published after adoption of the 2014 RTP update.	

Exhibit D to Ordinance No. 14-1340

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I. Oregon Statewide Planning Consistency

Oregon Statewide Planning Goals	Corresponding RFP policy/RTP policy	Findings
<u>Goal 1:</u> Citizen Involvement	RFP Policy 1.13: Participation of Citizens RTP Policy: Goal 10, Deliver Accountability Objective 10.1 - Meaningful Input Opportunities	Metro undertook a public involvement process involving public opinion research, workshops, hearings, advisory committees, interactive web opportunities and other techniques, consistent with Metro's adopted "Public Engagement Guide." The Staff Report of July 17, 2014 identifies documents in the record that describe these efforts in detail.
<u>Goal 2:</u> Land Use Planning: Coordination and Implementation	RFP Policy 1.14: School and Local Government Plan and Policy Coordination	The 2014 RTP is a component of Metro's Regional Framework Plan (RFP). The fundamental underpinning of the RFP is its coordination of land use planning and transportation planning. Metro coordinated with local governments and service districts while developing the 2014 RTP. The most intensive efforts were through JPACT, TPAC, MPAC and MTAC, which are all composed primarily of representatives of local governments and service districts. The Staff Report of July 17, 2014, describes this effort in detail.
<u>Goal 3:</u> Agricultural Lands		The RTP applies only within Metro's UGB. Goal 3 does not apply.
<u>Goal 4:</u> Forest Lands		The RTP applies only within Metro's UGB. Goal 4 does not apply.
<u>Goal 5:</u> Natural Resources, Scenic and Historic Areas, and Open Spaces	RTP Policy: Goal 6, Promote Environmental Stewardship Objective 6.1 - Natural Environment Objective 6.5 - Climate Change RFP Policy 3.2.6: Avoid fragmentation and degradation by new transportation projects	The 2014 RTP does not amend the relevant goals and objectives or their implementation. The RTP describes programs, such as the Livable Streets, Trees for Green Streets and Green Streets programs, which aim to protect natural resources. Title 1 of the RTP connects these programs to street design requirements for local TSPs and subjects street design to the requirements of Title

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		13 (Nature in Neighborhoods) of Metro's Urban Growth Management Functional Plan (UGMFP). Local decisions specifying the locations of transportation facilities and improvements will be made by cities and counties in their TSPs and other land use decisions, which will be subject to local Goal 5 programs that also comply with Titles 3 and 13 of the UGMFP.
<u>Goal 6:</u> Air, Land and Water Resources Quality	RTP Policy: Goal 6, Promote Environmental Stewardship Objective 6.2 – Clean Air Objective 6.3 – Water Quality and Quantity	The 2014 RTP does not amend the relevant goals and objectives or their implementation. The RTP describes programs, such as the Livable Streets and Green Streets programs, that aim to protect natural resources. Title 1 of the RTP connects these programs to street design requirements for local TSPs and subjects street design to the requirements of Titles 3 and 13 of the UGMFP. The conformity determination prepared for the 2014 RTP demonstrates the plan meets the Clean Air Act and other state and federal air quality requirements.
<u>Goal 7:</u> Areas Subject to Natural Disasters and Hazards	RTP Policy: Goal 5, Enhance Safety and Security Objective 5.3 - Terrorism, Natural Disasters and Hazardous Material Incidents	The 2014 RTP does not amend the relevant goals and objectives or their implementation. Safety issues and activities are summarized in Section 1.6 of the RTP. In addition, the policy framework in Section 2.3 of the RTP includes "Goal 5: Enhance Safety and Security," and specific safety and security objectives to increase safety of the transportation system for all users.
<u>Goal 8:</u> Recreational Needs	RTP Policy: Goal 7, Enhance Human Health	Chapter 2 of the RTP describes a network vision for regional bicycle and pedestrian and trail and greenway systems. Chapter 2 is being updated in the 2014 RTP based on the recently completed Regional Active Transportation Plan (ATP), including a new Section 2.5.5 that describes integrated pedestrian and bicycle networks and policies designed to promote active transportation options in the region. The RTP includes existing conditions and future vision maps for biking and

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		walking for each system (Figures 1.20, 1.21, 1.22, 2.18, 2.20).
<u>Goal 9:</u> Economic Development	<p>RFP Policy 1.4: Economic Choices and Opportunities</p> <p>RTP Policy: Goal 2, Sustain Economic Competitiveness and Prosperity</p>	<p>Goal 9 applies to cities and counties, and not to Metro. The 2014 RTP does not amend the relevant goals and objectives or their implementation. The policy component of the RTP is structured around the implementation of the Region 2040 Growth Concept through strategic transportation improvements. As the economic engines of the region's economy, the Portland central city, six regional centers, the region's industrial areas and intermodal facilities are identified as the primary areas for transportation investments (RTP Section 2.2 and Table 2.1).</p> <p>Transportation improvements in these primary components of the 2040 Growth Concept are also guided by a set of functional maps that establish a series of efficient, high-quality motor vehicle, freight, transit, bicycle and pedestrian systems that are similarly designed to reinforce the Growth Concept (RTP Section 2.5).</p> <p>The RTP considers the importance of transportation, particularly the movement of freight, in the region's economy (pp. 1-11 to 1-21). This means ensuring reliable and efficient connections between intermodal facilities and destinations in and through the region to promote the region's function as a gateway for trade and tourism. The regional freight network vision and policies are described in Section 2.5.4 of the RTP.</p>
<u>Goal 10:</u> Housing	<p>RFP Policy 1.3: Housing Choices and Opportunities</p> <p>RTP Policy: Goal 1, Foster Vibrant Communities and Efficient Urban Form Objective 1.2 - Parking Management</p>	<p>The 2014 RTP does not amend the relevant goals and objectives or their implementation. The RTP links transportation to land use planning in a joint strategy to reduce household costs for housing and transportation (see Objective 8.3, p.2-15). The strategy is to provide multi-modal transportation</p>

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	<p>Objective 1.3 - Affordable Housing</p> <p>RTP Policy: Goal 8, Ensure Equity</p> <p>Objective 8.3 - Housing Diversity</p> <p>Objective 8.4 - Reduce household income share to transportation</p>	opportunities to portions of the region with high numbers of cost-burdened households, and to ensure land use regulations allow types and densities of housing along high-frequency transit services.
<u>Goal 11:</u> Public Facilities and Services	<p>RTP Policy: Goal 9. Ensure Fiscal Stewardship</p> <p>Objective 9.1 - Asset Management</p> <p>Objective 9.2 - Maximize return on public investment</p>	The objectives of statewide planning Goal 11 with respect to transportation are more fully articulated by Goal 12. Please refer to findings under Goal 12.
<u>Goal 12:</u> Transportation	<p>RFP Chapter 2, Transportation</p> <p>RFP Policy: 1.10.2, Encourage pedestrian and transit-supportive building patterns</p> <p>RTP Policy: Goals 1 through 10</p>	The 2014 RTP is designed to ensure Metro's continued compliance with Goal 12 and OAR 660 Division 12 (TPR). The fundamental requirement of Goal 12 and the TPR is that the RTP provide a transportation system that is adequate to serve planned land uses. A second basic requirement of the TPR is that the RTP be consistent with adopted state transportation plans. These findings show how the 2014 RTP meets these basic requirements. The attached Supplement addresses the detailed requirements of the TPR.
<u>Goal 13:</u> Energy Conservation	<p>RTP Policy: Goal 6, Promote Environmental Stewardship</p> <p>Objective 6.4 - Energy and Land Consumption</p>	The 2014 RTP helps achieve Goal 13 by planning, requiring local planning for, and investing in transportation systems that reduce reliance on the auto and increase use of other modes. Adoption of new policies from the ATP will contribute to changes in travel behavior by giving priority to completion of regional transit, bicycle and pedestrian systems.
<u>Goal 15:</u> Willamette River Greenway	<p>RTP Policy: Goal 6, Promote Environmental Stewardship</p>	The 2014 RTP does not amend the relevant goals and objectives or their implementation. RTP Goal 6 is achieved through Title 1 of the RTP and by implementation of Titles 3 and 13. Much of the Willamette Greenway in the UGB has been designated "Habitat Conservation Area", subject to Title 13 protections.

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II. Regional Framework Plan Consistency

Regional Framework Plan Policy	Relevant RTP policy	Findings
<u>Policy 1.1</u> : Compact Urban Form	RTP Policy: Goal 1, Foster Vibrant Communities and Efficient Urban Form Objective 1 - Compact Urban Form and Design	The 2014 RTP achieves these policies by planning, requiring local planning for, and investing in transportation systems that reduce reliance on the auto and increase use of other modes. Adoption of new RTP policies from the ATP will promote changes in travel behavior by giving priority to completion of regional transit, bicycle and pedestrian systems.
<u>Policy 1.3.2c</u> : service to Centers and Corridors to support affordable housing	RTP Policy: Goal 1, Foster Vibrant Communities and Efficient Urban Form Objective 1.3 - Affordable Housing RTP Policy: Goal 8, Ensure Equity Objective 8.3 - Housing Diversity Objective 8.4 - Reduce household income share to transportation	The 2014 RTP does not amend the relevant goals and objectives or their implementation. The RTP contains an essential strategy to accomplish RFP Policy 1.3.2c: investment in non-auto modes of transportation in portions of the region with higher numbers of cost-burdened households. The process in the Regional High-Capacity Transit System Plan for selection of investments in high-capacity transit includes criteria that address equity and housing affordability. A result of application of the criteria to potential HCT corridors is that several top tier projects run through areas of high numbers of cost-burdened households. See findings for statewide planning Goal 10.
<u>Policy 1.10.1.c</u> : Urban Design and <u>Policy 1.10.2</u> : Urban Design-encourage pedestrian and transit-supportive building patterns to reduce auto dependence	RTP Policy: Goal 1, Foster Vibrant Communities and Efficient Urban Form	The 2014 RTP achieves these policies by planning, requiring local planning for, and investing in transportation systems that reduce reliance on the auto and increase use of other modes. Adoption of new RTP policies from the ATP will promote changes in travel behavior by giving priority to completion of regional transit, bicycle and pedestrian systems.

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III. Oregon Transportation Plan Consistency

Oregon Transportation Plan Policy	Relevant RTP policy	Findings
<u>Policy 1.1</u> : Development of an Integrated Multimodal System	RTP Policy: Goal 3, Expand Transportation Choices Objective 3.1 – Travel Choices Objective 3.3 – Equitable Access Objective 3.4 – Shipping Choices	The 2014 RTP does not amend the relevant goals and objectives or their implementation. The RTP establishes integrated modal systems for motor vehicles, transit, freight, bicycles and pedestrians through a series of functional classification maps and accompanying visions (RTP Section 2.5). The RTP contains visions for each system, and street design classifications (RTP Section 2.5.1) that serve as the policy tool for integrating these modal systems.
<u>Policy 1.2</u> : Equity, Efficiency and Travel Choices	RTP Policy: Goal 3, Expand Transportation Choices Objective 3.3 – Equitable Access RTP Policy: Goal 8. Ensure Equity Objective 8.1 – Environmental Justice Objective 8.4 – Reduce household income share to transportation	The 2014 RTP does not amend the relevant goals and objectives or their implementation. See findings for statewide planning Goal 10 and RFP Policy 1.3.2c.
<u>Policy 1.3</u> : Relationship of Interurban and Urban Mobility	RTP Policy: Goal 2, Sustain Economic Competitiveness and Prosperity Objective 2.3 Metropolitan Mobility	The 2014 RTP does not amend the relevant goals and objectives or their implementation. The RTP identifies strategies for 24 mobility corridors, which are the principal interurban connections in the region. See Figure 2.3. The strategies explain the function of each corridor in the 2040 Growth Concept and movement of freight and general traffic into and out of the region.
<u>Policy 2.2</u> : Management of Assets	RTP Policy: Goal 9, Ensure Fiscal Stewardship Objective 9.1 – Asset Management Objective 9.2 – Maximize Return on Public	The 2014 RTP does not amend the relevant goals and objectives or their implementation. The Regional Transportation Systems Management and

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	Investment	Operations Plan adopted in 2010 includes an action plan focused on region-wide and mobility corridor-focused investments. A principal objective of the TSMO plan is more efficient use of the region's transportation assets.
<u>Policy 3.1</u> : Integrated and Efficient Freight System	RTP Policy: Goal 2, Sustain Economic Competitiveness and Prosperity Objective 2.3 – Metropolitan Mobility Objective 2.4 – Freight Reliability Objective 2.5 – Job Retention and Creation RTP Policy: Goal 3, Expand Transportation Choices Objective 3.4 – Shipping Choices	The 2014 RTP does not amend the relevant goals and objectives or their implementation.
<u>Policy 3.2</u> : Moving People to Support Economic Vitality	RTP Policy: Goal 2, Sustain Economic Competitiveness and Prosperity Objective 2.1 – Reliable and Efficient Travel and Market Area Access Objective 2.2 – Regional Passenger Connectivity Objective 2.3 – Metropolitan Mobility Section 2.5.5 – Regional Active Transportation Network Vision RTP Policy: Goal 3, Expand Transportation Choices Objective 3.1 – Travel Choices	The 2014 RTP does not amend the relevant goals and objectives or their implementation, except for the addition of new principles and policies from the ATP in Section 2.5.5 that are intended to promote development of a connected, safe, and convenient bicycle and pedestrian network in the region, consistent with OTP Policy 3.2 and its implementing strategies.
<u>Policy 3.3</u> : Downtowns and Economic Development	RTP Policy : Goal 1, Foster Vibrant Communities and Efficient Urban Form Objective 1.1 – Compact Urban Form and Design RTP Policy: Goal 2, Sustain Economic Competitiveness and Prosperity Section 2.5 – Regional System Concepts Section 2.5.1 – Regional System Design and	The 2014 RTP does not amend the relevant goals and objectives or their implementation, except for the addition of new principles and policies from the ATP in Section 2.5.5 that are intended to promote development of a connected, safe, and convenient bicycle and pedestrian network in the region, consistent with OTP Policy 3.3 and its implementing strategies.

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	Placemaking Concept Section 2.5.5 – Regional Active Transportation Network Vision	
<u>Policy 3.4:</u> Development of the Transportation Industry	RTP Policy: Goal 2. Sustain Economic Competitiveness and Prosperity Objective 2.5 – Job Retention and Creation	The 2014 RTP does not amend the relevant goals and objectives or their implementation.
<u>Policy 4.1:</u> Environmentally Responsible Transportation System	RTP Policy: Goal 6, Promote Environmental Stewardship Objective 6.1 - Natural Environment Objective 6.2 – Clean Air Objective 6.3 – Water Quality and Quantity Objective 6.4 – Energy and Land Consumption Objective 6.5 – Climate Change	The 2014 RTP does not amend the relevant goals and objectives or their implementation. See also findings for statewide planning Goals 5, 6 and 13 and RFP Policy 1.1.
<u>Policy 4.2:</u> Energy Supply	RTP Policy: Goal 6, Promote Environmental Stewardship Objective 6.4 – Energy and Land Consumption	The 2014 RTP does not amend the relevant goals and objectives or their implementation. See also findings for statewide planning Goals, 13 and RFP Policy 1.1.
<u>Policy 4.3:</u> Creating Communities	RTP Policy: Goal 1, Foster Vibrant Communities and Efficient Urban Form	The 2014 RTP does not amend the relevant goals and objectives or their implementation. See also findings for statewide planning Goal 12 and RFP Policies 1.1 and 1.3.2c.
<u>Policy 5.1:</u> Safety	RTP Policy: Goal 5, Enhance Safety and Security Objective 5.1 – Operational and Public Safety Objective 5.2 – Crime Objective 5.3 – Terrorism, Natural Disasters and Hazardous Material Incidents	The 2014 RTP includes a minor non-substantive amendment to the language of Objective 5.1 based on a recommendation of the Regional Safety Workgroup. The 2014 also adds text in Section 2.5 describing measures designed to increase safety on streets with four lanes or more and describing the importance of well-designed pedestrian crossings. See also findings for statewide planning Goal 7.
<u>Policy 5.2:</u> Security	RTP Policy: Goal 5, Enhance Safety and Security Objective 5.1 – Operational and Public Safety Objective 5.2 – Crime Objective 5.3 – Terrorism, Natural Disasters and Hazardous Material Incidents	The 2014 RTP includes a minor non-substantive amendment to the language of Objective 5.1 based on a recommendation of the Regional Safety Workgroup. The 2014 also adds text in Section 2.5 describing measures designed to increase safety on

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		streets with four lanes or more and describing the importance of well-designed pedestrian crossings. See also findings for statewide planning Goal 7.
<u>Policy 6.1:</u> Funding Structure	RTP Policy: Goal 9, Ensure Fiscal Stewardship Objective 9.3 - Stable and Innovative Funding	The 2014 RTP does not amend the relevant goals and objectives or their implementation. See also findings for OTP Policy 2.2. The RTP revenue forecast and financial analysis for operations and maintenance costs was based on a thorough evaluation of city and county, ODOT, TriMet and SMART cost projections. The system was developed based on a forecast of expected revenues that was formulated in partnership with the Oregon Department of Transportation, cities and counties in the Metro region, TriMet and the South Metro Area Rapid Transit (SMART) district.
<u>Policy 6.3:</u> Public Acceptability and Understanding	RTP Policy: Goal 9, Ensure Fiscal Responsibility Objective 9.2 Maximize Return on Public Investment RTP Policy: Goal 10, Deliver Accountability Objective 10.1- Meaningful Input Opportunities Objective 10.2 – Coordination and Cooperation	See findings for statewide planning Goal 1. Metro engaged not only its traditional planning partners, through JPACT and TPAC, but also engaged MPAC and MTAC. Metro maintained a full accounting of comments from its partners and responses to the comments in the Comment Log. Three formal public comment periods were held in addition to presentations to stakeholder groups and the regular Metro advisory committee meetings as described in the July 17, 2014, staff report.
<u>Policy 6.5:</u> Triage in the Event of Insufficient Revenue	RTP Policy: Goal 9, Ensure Fiscal Stewardship	The 2014 RTP does not amend the relevant goals and objectives or their implementation.
<u>Policy 7.1:</u> Coordinated Transportation System	RTP Policy: Goal 10, Deliver Accountability	The 2014 RTP does not amend the relevant goals and objectives or their implementation. See also findings for statewide planning Goals 2 and 12 and OTP Policies 1.1; 1.3; and 3.1.
<u>Policy 7.2:</u> Public/Private Partnerships	RTP Policy: Goal 9, Ensure Fiscal Stewardship Objective 9.3 Stable and Innovative Funding	The 2014 RTP does not amend the relevant goals and objectives or their implementation. See also findings for OTP Policy 6.1.
<u>Policy 7.3:</u> Public Involvement and	RTP Policy: Goal 10, Deliver Accountability Objective 10.1 Meaningful Input Opportunities	The 2014 RTP does not amend the relevant goals and objectives or their implementation. See also

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Consultation	Objective 10.2 – Coordination and Cooperation	findings for statewide planning Goal 1 and OTP Policy 6.3.
<u>Policy 7.4</u> : Environmental Justice	RTP Policy: Goal 3. Expand Transportation Choices Objective 3.3 – Equitable Access RTP Policy: Goal 8, Ensure Equity Objective 8.3 Housing Diversity Objective 8.4 Reduce household income share to transportation	The 2014 RTP does not amend the relevant goals and objectives or their implementation. See also findings for statewide planning Goal 10 and OTP Policies 1.2 and 1.3.2c.

IV. Oregon Highway Plan Consistency

Oregon Highway Plan Policy	Relevant RTP policy/RTFP requirement	Findings
<u>Policy 1B</u> – Land use and Transportation	RTP Policy: Goal 1, Foster Vibrant Communities and Efficient Urban Form Objective 1.1 – Compact Urban Form and Design Objective 1.3 - Affordable Housing RTP Policy: Goal 2, Sustain Economic Competitiveness and Prosperity Objective 2.2 – Regional Passenger Connectivity Objective 2.3 – Metropolitan Mobility RTP Section 2.2, Integrated Land Use and Transportation Vision	The acknowledged 2040 Growth Concept provides the land use context for the 2014 RTP, and is shown in Figure 2.1. The Growth Concept establishes compact development as a guiding principle. The Growth Concept also embraces a multi-modal solution to transportation, and links land use designations to specific transportation strategies. A discussion of how the plan implements the Growth Concept is shown in Section 2.2 and Table 2.6 of the RTP. The project list contained in Appendix 1.1 was developed consistent with these policies.
<u>Policy 1C</u> – State Highway Freight System	RTP Policy: Goal 2, Sustain Economic Competitiveness and Prosperity Objective 2.3 – Metropolitan Mobility Objective 2.4 – Freight Reliability Objective 2.5 – Job Retention and Creation RTP Policy: Goal 3. Expand Transportation Choices	See findings for statewide planning Goal 9, OTP Policies 1.1, 3.1 and 3.2.

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	Objective 3.4 – Shipping Choices	
<u>Policy 1F</u> – Highway Mobility Standards	RTP Policy: Goal 2, Sustain Economic Competitiveness and Prosperity Objective 2.1 – Reliable and Efficient Travel and Market Area Access Objective 2.2 – Regional Passenger Connectivity Objective 2.3 – Metropolitan Mobility Objective 2.4 – Freight Reliability Objective 2.5 – Job Retention and Creation	The attached Supplement contains an explanation of compliance of the 2014 RTP with state highway mobility standards in OHP Policy 1F.
<u>Policy 1G</u> – Major Improvements	RTP Policy: Goal 4, Emphasize Effective and Efficient Management of the Transportation System RTP Policy: Goal 9, Ensure Fiscal Stewardship Objective 9.1 - Asset Management Objective 9.2 - Maximize return on public investment	The 2014 RTP highlights the mismatch between needs and resources and prioritizes maintenance and maximization of operational efficiencies of existing transportation facilities (pp. 1-25 to 1-32). The mobility policy described in Table 2.4 provides one measure for identifying deficiencies in the regional transportation system that is complemented by a broader set of measures and system completion policies. The RTP and RTFP call for a well-connected network of complete streets. The RTFP requires local TSPs to do their part in meeting these policies by setting system design standards. The RTFP gives priority to non-SOV solutions to transportation needs over addition of motor vehicle capacity improvements (3.08.220A).
<u>Policy 3A</u> – Classification and Spacing Standards	RTP Policy: Goal 2, Sustain Economic Competitiveness and Prosperity Objective 2.2 – Regional Passenger Connectivity RTP Policy: Goal 4, Emphasize Effective and Efficient Management of the Transportation System Objective 4.1 - Traffic Management	The street design classifications in Table 2.6 and illustrated in Figure 2.5 correlate access policies to implementation of the 2040 Growth Concept. Designs for Throughways (shown in Figure 2.7) correlate to the Interstate and Statewide highway designations in the Oregon Highway Plan, and are consistent with OHP policies for access management and the use of grade-separated intersections. Designs for Arterials (shown in Figure 2.7) address access management for arterial streets in the metropolitan area, and correlate to the District

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		Highway designation in the 1999 Oregon Highway Plan. Access management strategies for driveway and intersection design in these classifications are consistent with the OHP policies. The RTP and RTFP call for a well-connected network of complete streets and strategies to manage access and demand on the system (See RTFP Sections 3.08.110 and 3.08.160). The exact location of medians, driveways and street intersections is determined at the project development phase.
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Supplement to Exhibit D to Ordinance No. 14-1340 Findings

I. Goal 12 and OAR Division 12 (Transportation Planning Rule)

In 2010, Metro adopted a significant overhaul to its Regional Transportation Plan (RTP), entitled the 2035 RTP. Under the federal Clean Air Act, Metro is required to update the RTP every four years to demonstrate continued compliance with air quality standards, which is the primary focus of this 2014 update to the RTP. Unlike the 2035 RTP, the 2014 amendments include few policy changes, and most revisions are of a technical and housekeeping nature. The primary policy changes are located in Chapter 2 and include revisions that strengthen existing policies regarding active transportation, and provide additional detail to reflect recommendations included in the Regional Active Transportation Plan (ATP).

Because the 2035 RTP has been acknowledged by LCDC as compliant with the statewide planning goals and the state Transportation Planning Rule (TPR), these findings focus on describing how the amendments and updates contained in the 2014 RTP ensure continued compliance with applicable state requirements. The fundamental requirement of Goal 12 and the TPR is that the RTP must provide a transportation system that is adequate to served planned land uses. The RTP, together with the local transportation systems in city and county transportation system plans (TSPs), is aimed to serve the land uses planned by the region's 25 cities and metro portions of Clackamas, Multnomah and Washington counties. The Regional Transportation Functional Plan (RTFP) component of the RTP directs how local governments will implement the RTP. The RTP includes a schedule for city and county action, if necessary, to bring their TSPs into compliance with the RTP. The schedule has been coordinated with the local governments and reflects their own planning work programs and the availability of funds for the work.

The 2035 RTP adopted a new outcomes-based framework for regional transportation planning that includes policies, objectives and actions that direct future planning and investment decisions to consider economic, equity and environmental objectives. That approach remains unchanged in the 2014 RTP, which continues to include a broad set of performance targets that are tied to the outcomes that the RTP aims to achieve. The targets and other performance measures included in the plan continue the region's shift away from reliance upon level-of-service as the primary measure for determining transportation needs and success of the plan's strategies. In addition, the RTP commits Metro and its regional partners to continue developing a regional data collection and performance monitoring system to better understand the benefits and impacts of actions called for in the RTP and RTFP.

TPR 0015: Preparation and Coordination of Transportation System Plans

Findings of consistency of the 2014 RTP with the Oregon Transportation Plan and the Oregon Highway Plan are set forth in the table that is included as part of this Exhibit D.

TPR 0020: Elements of Transportation System Plans

The RTP is the "transportation system plan" for the metropolitan region, implementing the LCDC-acknowledged 2040 Growth Concept, and serving as the federal metropolitan transportation plan for the region. The plan establishes a regional network of facilities and services (Chapter 2) to meet overall regional transportation needs (Appendix), and contains policies (Chapter 2, Goals and Objectives), strategies (Appendix), projects (Appendix and p.3-3 to 3-6) and implementing land use regulations for cities and counties (RTFP).

In 2013, the Metro Council adopted the 2040 Household and Employment Forecast Distribution after extensive review and involvement from local governments and Metro advisory committees. The 2040 Household and Employment Forecast Distribution serve as the basis of analysis in the 2014 RTP update. The model was prepared using the MetroScope “Gamma” TAZ Forecast (described in the Appendix) and provides an estimate forecast and distribution of population and employment for the region. The land use assumptions used in this forecast are based on the LCDC-acknowledged 2040 Growth Concept, estimating a modest expansion of the regional urban growth boundary over the planning period that follows the existing state hierarchy for priority lands.

The RTP identifies transportation needs (Appendix - Regional Mobility Strategies) and all feasible solutions (Appendix and p.3-3 to 3-6) based on the expected land use and travel patterns and level of funding assumed for planning period of 2005 to 2035.

First, the plan contains two levels of investments to the components of the overall transportation system:

1. The Federal Priorities set of investments (also known as the “financially constrained” list) for which funding over the planning period is “reasonably anticipated to be available.” This set of investments will serve as the basis for complying with federal law and air quality regulations.
2. The RTP Investment Strategy (also known as the “state” RTP list) includes the Federal Priorities projects plus additional investments that the region is committed to funding if new or expanded revenue sources are secured. The region has deemed this list of investments as “reasonably likely to be funded” under state law. If these improvements are made, the system will support the region’s land use plans and improve system performance as much as feasible. This set of investments is the basis for findings of consistency with the Statewide Planning Goal 12, the Oregon Transportation Planning Rule and the Oregon Transportation Plan and its components.

Second, through adoption of new policies and implementation of them through the RTFP and other mechanisms, the RTP will contribute to changes in travel behavior by promoting development of regional transit, bicycle and pedestrian systems and creating a well-connected arterial, collector and local street network. Third, the RTFP requires local TSPs to do their part in meeting regional and state needs implemented through system design standards in Title 1 and considering regional needs identified in the RTP Appendix during local TSP updates.

The mobility strategies in the Appendix of the RTP set forth overall regional needs and strategies for 24 transportation corridors. These corridors are subareas of the region that include the principal interurban connections in the region and supporting multimodal facilities and services. The strategies explain the function of each corridor in the 2040 Growth Concept and in movement of freight and general traffic into and out of the region. The strategies (and System Maps in Chapter 2 of the RTP: Figure 2.7, Figure 2.10, Figure 2.15, Figure 2.18 and Figure 2.20) identify the general location of existing and new regional transportation facilities and the 2040 land uses that are served by these facilities. The strategies identify transportation needs, projects (by mode) and other necessary actions to address the needs in each corridor.

Chapter 1 and Chapter 2 of the RTP contain an inventory and assessment of existing facilities in the road, freight, transit, bicycle, trail and pedestrian systems, system management and operations,

demand management and regional bridges. As noted above, the plan includes two sets of planned facilities and improvements, the Federal Priorities set of investments and the state RTP Investment Strategy. The analysis of these facilities, existing and planned, describes how the entire system performs when measured against the region's mobility standards and modal targets (Chapter 4).

Bicycles and Pedestrians

The 2014 RTP adopts new policies in Section 2.5 that reflect recommendations included in the Regional Active Transportation Plan, including a new Section 2.5.5 establishing a Regional Active Transportation Network Vision. That section strengthens and expands upon existing active transportation policies and provides additional detail regarding bicycle and pedestrian networks.

TPR 0025: Refinement Plans

The 2014 RTP identifies four mobility corridors (Table 5. 1) for "refinement plans" that comprise seven of the 24 mobility corridors identified in the Appendix. The corridor refinement plans will involve a combination of transportation and land use analysis, multiple local jurisdictions and facilities operated by multiple transportation providers. Metro or ODOT will initiate and lead necessary refinement planning in coordination with other affected local, regional, state and federal agencies. The refinement plans will more thoroughly define the need, mode, function and general location of transportation improvements and programs in the corridor, and consider a range of solutions and strategies to address identified needs (mobility strategies in Appendix). Chapter 5 describes each of the four corridors, sets forth the transportation needs that require further work on need, mode, function and general location, and explains why a refinement plan is needed.

TPR 0030: Transportation Needs

The determination of transportation needs included in the RTP is appropriate and sufficient for the level of decision-making provided in the plan. The needs analysis is based on a 2040 population and employment forecast described in the Appendix and projected traffic volumes compared to capacity of road network and gaps and deficiency analysis for each mode. The forecast drives the determination of future needs, but the determination itself involves examination of the components of the overall system (roads, transit, etc.) in light of the goals and objectives of the RTP.

As part of the 2035 RTP update, Metro published the Atlas of Mobility Corridors, the first of its kind created for this region. The atlas presents current land use and multi-modal transportation data for each of the region's 24 mobility corridors to help planners and decision-makers understand existing system conditions, identify needs and prioritize mobility investments. For each corridor, the atlas provides a general overview that includes location in the region, primary transportation facilities and land use patterns, and an assessment of gaps and deficiencies by travel mode. This information was used to help identify the most cost-effective strategies and investment priorities for each corridor and will serve as a framework for monitoring how well different strategies are working in each corridor over time. The Atlas of Mobility Corridors served as the foundation for the development of mobility corridor strategies for all 24 mobility corridors included in the RTP appendix.

The RTP organizes the needs by mobility corridor in the Appendix and identifies strategies to address the needs. The RTP addresses the needs of the transportation-disadvantaged by emphasizing facilities for transit riders, pedestrians and bicyclists. State transportation needs identified in the state TSP are included in the region's needs, as are needs for the movement of goods and services to support industrial and commercial development planned by cities and counties pursuant to OAR 660-09 and Goal 9 (Economic Development). The RTP, and Regional Freight Plan and TSMO plan, address the needs for the movement of goods and services by

establishing a regional freight network, addressing freight reliability and shipping choices in RTP Goals 2, 3 and 4, and prioritizing investments that optimize the existing transportation system and provide access to centers and employments areas (including industrial areas and freight intermodal facilities).

TPR 0035: System Alternatives

Since adoption by Metro of the 2040 Growth Concept in 1995, the region has aggressively pursued implementation of the land use and transportation vision for this region. The concept calls for higher densities and mixed-use, pedestrian friendly, transit supportive development patterns. The Regional Framework Plan and its component functional plans have implemented the state-acknowledged 2040 Growth Concept. In the 19 years following adoption of the Growth Concept, cities and counties have amended plans and land use regulations to allow mixed-use and higher density development. The region has added three new light rail lines to the high-capacity transit system since adoption of the Growth Concept (with a fourth line scheduled to open in the next year) and frequent service bus lines connecting the Central City and several Regional and Town Centers.

Local governments have been implementing arterial and local street connectivity, completing gaps in the bike and pedestrian system and adopted the parking ratios in Title 4. At the regional level, programs such as the Regional Travel Options (RTO) program, the Transit-Oriented Development (TOD) program and coordination of the application of Intelligent Transportation Systems (ITS) have also supported the 2040 Growth Concept vision. Performance measurement indicates that implementation of the 2040 Growth Concept is yielding good results: modal shares are shifting to the transit, bicycle and pedestrian systems; ridership on bus and light-rail lines in the region increased by 45 percent between 1997 and 2007, nearly twice the percentage growth rate in population, which grew by 20 percent; VMT per capita has fallen significantly in the face of growth in population faster than the national average (pp. 1-51 to 1-64). The region remains committed to the 2040 Growth Concept.

Projects were solicited from county coordinating committees, the city of Portland, TriMet, SMART, the Port of Portland and ODOT. Each project sponsor was requested to identify investment priorities consistent with the RTP policies, and within their sub-regional funding target. Projects and programs were requested to come from plans or studies that had been developed through a public process. The solicitation resulted in more than 1,200 proposed projects with a total estimated cost of roughly \$22 billion.

The 2014 RTP continues to prioritize investment in connectivity of systems and multi-modality and defines a system of investments that is reasonably expected to meet identified needs in a safe manner and at a reasonable cost with available technology, strategies and actions. RTP Goal 1 (p. 2-8) emphasizes a compact urban form, which encourages the use of transit, bicycles and pedestrian systems. Goal 2 (p. 2-8) calls for freight reliability and intermodal connectivity for people and goods, which also encourages the use of transit, bicycles and pedestrian systems. Goal 3 (p. 2-9) calls for expanded travel and shipping choices. Goal 4 (p. 2-9) emphasizes better management of existing systems and value pricing to yield efficiencies to optimize capacity, improve system reliability and reduce emissions. Goal 9 (p. 2-12) calls for maximizing return on investment. All of these goals are implemented through regional investments in the RTP, Regional Flexible Funds process and the requirements for city and county transportation planning in the RTFP. Section 3.08.220A requires cities and counties to consider first those transportation solutions that do not involve new road capacity for motor vehicles.

TPR 0045: Implementation

Section 0045 provides direction to cities and counties, the local governments that adopt and apply comprehensive plans, zoning and land division ordinances, building codes and other land use regulations. The RTPF implements the RTP, but it also prescribes standards and criteria for city and county TSPs and land use regulations.

TPR 0050: Project Development

RTP Goal 10 calls for meaningful public input opportunities for interested and affected stakeholders in plan development and review, including people who have traditionally been underrepresented in the transportation planning process. RTP Section 5.3.1 and Section 5.3.2 provide a process for coordinated corridor refinement planning and project development among affected local governments. In addition, Metro's "Public Engagement Guide" (last updated November, 2013) provides policies and procedures for citizen involvement that Metro is expected to follow in the development of plans and projects, including Metro-administered funding, and Metro-led corridor refinement plans and project development activities.

Cities and counties are generally responsible for transportation project development to implement the regional TSP by determining the precise location, alignment, and preliminary design of improvements included in the regional TSP. Title 3 (Transportation Project Development) of the RTPF requires cities and counties to specify the general locations and facility parameters of planned transportation facilities. ODOT is responsible for project development activities of state-owned facilities pursuant to OAR 731 Division 15. The specifications must be consistent with the RTP (3.08.310A).

TPR 0055: Timing of Adoption and Update of TSPs

The Metro website (www.oregonmetro.gov/tsp) includes a work plan and compliance schedule for local TSP updates to be consistent with the RTP.

II. Oregon Highway Plan Policy 1F: Mobility Standards

The 2000 RTP included alternative volume-to-capacity-based mobility standards that were approved by the Oregon Transportation Commission and incorporated into the OHP in 2002. See RTP Table 2.4. The 2000 RTP also contained targets for mode shares for non-SOV modes as an alternative measure to the per capita vehicle miles traveled reduction target to measure of the success of the regional transportation system. See Table 2.5. Chapter 4 of the 2014 RTP establishes a system for measurement of the performance of the regional transportation system and evaluates the system using the measures (pp. 4-1 to 4-5). The region's congestion management process will also monitor the region's mobility corridors (Appendix).

The Chapter 4 evaluation finds that certain state highway segments in the system will not meet the mobility standards in OHP Table 7 under Policy 1F.1 of the OHP by 2040, even with the investments to the system proposed in the 2014 RTP (pp. 4-24 to 4-32). In this situation, OHP Policy 1F.5 establishes a different performance standard for the 2014 RTP:

"For purposed of preparing...transportation system plans, in situation where the volume to capacity ratio for a highway segment is above the standards in...Table 7...and transportation improvements are not planned within the planning horizon to bring performance to standard because of severe environmental, land use or financial constraints, the performance standard for the highway segment shall be to improve performance as

much as feasible and to avoid further degradation of performance where no performance improvements are feasible.”

The RTP and RTFP require a demonstration of progress toward achievement of standards and targets “to improve performance of state highways...as much as feasible and avoid their further degradation.”

The region has identified many more needs than there is funding available to address (Chapter 1, pp. 1-25 to 1-32, Chapter 3, pp. 3-14 to 3-26). The RTP improves performance as much as feasible and implements a number of projects, strategies and actions to avoid their further degradation. The region is not able to fully implement all the projects, strategies and actions called for in the RTP due to significant financial constraints and a lack of public support for more aggressive implementation of strategies, such as tolling, in the region.

The system management policies in the RTP (2014 RTP Section 2.5.6) and resulting projects and programs are intended to maximize the use of existing facilities. The regional congestion management process (CMP) also requires local jurisdictions to consider system management solutions before adding roadway capacity to the regional system (2014 RTP Section 5.4). These provisions are implemented through Goals 4 and 5 in Chapter 2 of the RTP, Title 1 Section 3.08.160 and 3.08.220 of the Regional Transportation Functional Plan, the Regional Transportation System Management and Operations Plan that is a component of the 2014 RTP, and a number of recommended projects and programs, which are listed in the Appendix of the 2014 RTP. The plan also calls for consideration of value pricing in the region to better manage capacity and peak use of the throughway system. While this tool has been successfully applied in other parts of the U.S., it has not been applied in the Portland region to date. The 2009 Legislature directed ODOT to research the application of this tool in the Portland region, and identify a pilot project to further test this strategy (pp. 2-87 to 2-88).

The 2014 RTP includes roughly \$22 billion in investments, representing the level of investment the region’s policymakers’ willingness and commitment to raise new revenue, and as a result are “reasonably likely” to be available during the planning period. As a result of ODOT’s limited resources, the 2014 RTP includes significant local funding contributions to projects of importance to cities and counties on both the interstate and arterial part of the ODOT system (including regional and district highway). More than 50 percent of the planned improvements in the RTP Investment Strategy are assumed to be funded through local revenue sources. State revenues only account for 16 percent of the planned system (Chapter 3, p. 3-20), with the majority of that funding assumed for the Columbia River Crossing Project. Federal revenues account for 17 percent of the funding assumed in the plan. TriMet will implement transit service expansion through the agency’s Five-Year Transit Improvement Plan as transit-supportive land uses are implemented, demand exists and funding allows. RTP projects (in Appendix and on pp.3-3 to 3-6) represent a comprehensive strategy for managing congestion and improving performance as much as feasible. The projects include many system management projects along regional mobility corridors and the supporting arterial system (including access management, improved incident detection, real-time traveler information, and signal timing), implementation of demand management programs such as Transportation Management Associations and the Drive Less Save More Campaign, transit-oriented development projects to encourage transit use, connectivity and retrofits projects for all modes of travel and widening of arterial and highway facilities in the region.

The RTFP requires each city and county to take the actions prescribed in 3.08.230E to help demonstrate that the RTP is consistent with Action 1F.5 of the OHP and to be eligible for a 30 percent trip reduction credit for plan amendments:

1. Parking minimum and maximum ratios in Centers and Station Communities (3.08.410A)
2. Designs for street, transit, bicycle, freight and pedestrian systems consistent with Title 1; and
3. TSMO projects and strategies, including localized TDM, safety, operational and access management improvements (3.08.160); and
4. Land use actions pursuant to OAR 660-012-0035(2).

More specific examples of all feasible actions included in the RTP and RTFP pursuant to OHP Policy 1.F5 include:

- Providing a network of local streets, collectors and arterials to relieve traffic demand on state highways and to provide convenient pedestrian and bicycle ways (RTP Chapter 2; RTFP Sections 3.08.110, 3.08.130, 3.08.140 and 3.08.220);
- Managing access and traffic operations to minimize traffic accidents, avoid traffic backups on freeway ramps, and make the most efficient use of highway capacity [RTP Chapter 2, Regional TSMO plan and RTFP Sections 3.08.110G, 3.08.160 and 3.08.220A(1)];
- Managing traffic demand, where feasible, to manage peak hour traffic loads on state highways [RTP Chapter 2, Regional TSMO plan and RTFP Sections 3.08.110G, 3.08.160 and 3.08.220A(1)];
- Providing alternative modes of transportation [RTP Chapter 2 and RTFP Sections 3.08.120, 3.08.130, 3.08.140, and 3.08.160, 3.08.220A(2)]; and
- Managing land use to limit vehicular demand on state highways consistent with the Land Use and Transportation Policy (1B) [RTFP Section 3.08.220A(4) and 2040 Growth Concept implementation through the Urban Growth Management Functional Plan]

More specific examples of TSMO actions that can be taken pursuant to 3.08.160 include the following:

- Reconfigure highway and side-street accesses to minimize traffic conflicts at intersections;
- Limit parking near signalized intersections to increase intersection capacity;
- Coordinate and operate traffic signals to improve traffic progression;
- Relocate driveways and improve local road connections to direct traffic away from overburdened intersections and intersections where side-street capacity is limited in order to optimize traffic progression on the state highway.

The Chapter 5 evaluation also finds that the proposed investments will bring the region much closer to the modal targets in the RTP than the “no build” system (pp.4-33 to 5-34). Finally, the evaluation finds that the proposed investments significantly reduce traffic delay on the regional freight network (p. 4-8) and the overall number of congested network miles of congestion (p. 4-24). In light of this evaluation, the RTFP sets mobility and modal share standards and targets for city and county TSPs (3.08.230). More important than these proposed investments toward meeting the Policy 1F.5 performance standards, however, is the region’s past and continued effort to develop a system of compact, mixed-use, pedestrian and transit-supportive communities linked by a multi-

modal transportation system. This growth strategy is proving more successful in shifting trips from SOV to non-SOV modes than efforts in other parts of the U.S.

Building upon the region's atlas of mobility corridors, mobility corridor strategies (Appendix) and the performance measures (Chapter 4) in the RTP, the region's congestion management process (Appendix) will provide a framework for future data collection and plan monitoring for system performance. The data will be used to help assess various strategies for managing congestion in each of the region's mobility corridors. The region's partner agencies and local governments then look for ways to implement appropriate strategies through on-going or new projects in those corridors. As strategies are implemented, a follow-up assessment will be conducted to determine the effectiveness of the improvements.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1340, FOR THE PURPOSE OF AMENDING THE 2035 REGIONAL TRANSPORTATION PLAN TO COMPLY WITH FEDERAL AND STATE LAW; AND TO AMEND THE REGIONAL FRAMEWORK PLAN

Date: July 17, 2014

Prepared by: John Mermin,
503-797-1747

BACKGROUND

Metro is the regional government responsible for regional land use and transportation planning under state law and the federally-designated metropolitan planning organization (MPO) for the Portland metropolitan area. As the federally-designated MPO, Metro is responsible for updating the Regional Transportation Plan (RTP) every four years. Metro is also responsible for developing a regional transportation system plan (TSP), consistent with the Regional Framework Plan, statewide planning goals, the Oregon Transportation Planning Rule (TPR), and by extension the Oregon Transportation Plan (OTP).

The U.S. Department of Transportation (DOT) and the U.S. Environmental Protection Agency (EPA) approved and acknowledged the last RTP air quality conformity determination on Sept 20, 2010. A new plan demonstrating conformity with the Clean Air Act must be approved and acknowledged by US DOT and US EPA in a formal conformity determination by September 20, 2014, when the current conformity determination expires. Staff is proposing to submit the updated plan to USDOT/EPA by July 24, 2014 to allow time for their review prior to conformity expiring. If the conformity determination expires, the plan is considered to “lapse,” ***meaning that federally-funded transportation improvements could not be obligated during the lapse period.*** This consequence would apply to engineering, right-of-way acquisition or construction of any federally funded or permitted transportation project, except those defined as exempt because they do not have the possibility of increasing vehicle emissions.

Why the RTP matters

The Regional Transportation Plan assesses long-term transportation needs and acts as a blueprint to guide transportation investments in the Portland metropolitan region over the next 25 years. The plan is updated every four years, allowing the region to have both the certainty of long-term goals and the flexibility to respond to new conditions or as information comes to light. The plan sets the course for future transportation decisions and implementation of the region’s land use vision, the 2040 Growth Concept. The plan establishes policies and priorities for:

- travel by motor vehicle, transit, walking and bicycling
- movement of goods and services
- street design and the efficient management of the overall system

Each update to the RTP is shaped by growth forecasts in population, jobs and travel. The plan considers federal, state and local funding for transportation improvements, estimates project costs and proposes funding strategies.

The 2014 RTP includes over 1,200 proposed projects (totaling more than \$22 billion) and two levels of investment to the components of the regional transportation system:

1. The Federal Priorities set of investments (also known as the “financially constrained” list) for which funding over the planning period is “reasonably anticipated to be available.” This set of investments will serve as the basis for complying with federal law and air quality regulations.

2. The RTP Investment Strategy (also known as the “state” RTP list) includes the Federal Priorities projects plus additional investments that the region is committed to funding if new or expanded revenue sources are secured. The region has deemed this list of investments as “reasonably likely to be funded” under state law. If these improvements are made, the system will support the uses in the region’s land use plans and improve system performance as much as feasible. This set of investments is the basis for findings of consistency with the Statewide Planning Goal 12, the Oregon Transportation Planning Rule and the Oregon Transportation Plan.

Scale of 2014 RTP update

An important related project currently underway is the state mandated Climate Smart Communities (CSC) project which is required to be completed by December 2014 and is expected to include major recommendations for the Regional Transportation Plan. Because of the short timeline, limited available resources and overlap with the CSC project, the 2014 RTP work program, adopted by the Metro Council by Resolution No. 14-4527 on September 12, 2013, was scaled to focus on critical policy and project updates needed in the near term, while deferring less urgent or developed issues to the subsequent RTP update (which will also incorporate CSC recommendations).

A major focus of the 2014 RTP update was on meeting state and federal requirements, and incorporating a few regional initiatives including the Regional Active Transportation Plan and Regional Safety Plan. The next RTP update (which will be required to be adopted by 2018) is proposed to be a more expansive effort that involves broader public discussion of plan policies and projects. Projects included in this update were limited to those that have been subject to a previous public process. This approach continues the past cycle of every other update reopening a discussion of the RTP on a more fundamental level.

Summary of 2014 RTP update decision-making process

Metro staff shared existing conditions information such as demographic, economic and travel trends to regional committees and the Metro Council in September through November. During the Fall, local jurisdictions and partner agencies worked to update their RTP project lists (based on an updated revenue forecast) culminating in submissions to Metro in December, 2013. These updates were limited by JPACT and the Metro Council to projects coming from a local public process such as a transportation system plan or corridor plan. Metro staff shared an overview of changes to the project list at January meetings of regional advisory committees and the Metro Council.

Metro staff shared an overview of the proposed edits to the RTP document at regional committees and the Metro Council from late February to late March. The vast majority of edits to the RTP document are technical / house-keeping in nature. The policy edits are located primarily in the Chapter 2 biking and walking sections. These edits strengthen existing policies and provide additional detail to reflect the Regional Active Transportation and Regional Safety Plans but *do not propose any dramatic shifts in policy direction*.

Recommendations for tentative approval of the 2014 RTP for purposes of air quality conformity analysis were received from MTAC (April 16), MPAC (April 23), and TPAC (April 25). A recommendation to accept the RTP project list for purpose of air quality conformity determination was received from JPACT and the Metro Council on May 8. Staff subsequently ran the air quality model and determined that the region will meet the standards of the Federal Clean Air Act if it were to build the projects in the

financially constrained system of the RTP. See Resolution No. 14-4534 and accompanying staff report for more detail on the results of the air quality conformity analysis.

Summary of Public Comments on 2014 Public Review Draft RTP

As part of a 45-day public comment period (March 21 – May 5), a tracked-changes and a clean version of the draft RTP document and project list were provided for review at Metro’s website:

www.oregonmetro.gov/rtp. Additionally, community forums were held in Multnomah, Clackamas and Washington Counties. Metro received comments on the RTP through an online survey, emails to staff, and formal letters from advocates, neighborhood associations and local agencies.

Staff made individual recommendations on all comments requesting a specific change to the RTP. See recommendations in Exhibit C of Ordinance No.14-1340. See Attachment 1 to this staff report for the full 2014 RTP Public Comment Report.

Metro also held a 30-day public comment period (May 16 - June15) to seek input on the results of its Air Quality Conformity analysis as well its Title 6 / Environmental Justice assessment. Public Comment reports for the Air Quality Conformity analysis and the Title 6 / Environmental Justice assessment are available within Exhibit A of Resolution No. 14-4534 and Exhibit A of Resolution No.14-4533, respectively.

ANALYSIS/INFORMATION

1. **Known Opposition:** None

2. **Legal Antecedents:**

Federal regulations include:

- Clean Air Act, as amended [42 U.S. C. 7401 and 23 U.S.C. 109(j)], as amended].
- US EPA transportation conformity rules (40 CFR, parts 51 and 93).
- USDOT rules that require Metro to update RTPs on a four-year cycle [23 CFR 450.322(a)].

State regulations include:

- Statewide planning goals.
- Oregon Administrative Rules for Transportation Planning (OAR Chapter 660, Division 12).
- Oregon Transportation Plan.
- Oregon Administrative Rules for Transportation Conformity, (OAR Chapter 340, Division 252).
- 2006 State Implementation Plan (SIP).
- 2006 Portland Area Carbon Monoxide Maintenance Plan and 2007 Portland Area Ozone Maintenance Plan.

Metro legislation includes:

- Ordinance No. 10-1241B “For the Purpose of Amending the 2035 Regional Transportation Plan (Federal Component) and the 2004 Regional Transportation Plan to Comply with Federal and 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.
- Resolution No. 10-4150A “For the Purpose of Approving the Air Quality Conformity Determination for the 2035 Regional Transportation Plan and the 2010-13 Metropolitan Transportation Improvement Program” adopted by the Metro Council June 10, 2010.

- Resolution No.13-4456 “For the Purpose of Approving a work program for the 2014 Regional Transportation Plan Update” adopted by the Metro Council September 12, 2013.
- Resolution No. 14-4527 “For the Purpose of Accepting the 2014 Regional Transportation Plan Project List For Purpose of Air Quality Conformity Determination” adopted by the Metro Council May 8, 2014.

3. **Anticipated Effects:** With approval:

- Staff will submit the final RTP and findings to LCDC.
- Staff will submit the final RTP to the U.S. Department of Transportation.

4. **Budget Impacts:** There is no financial impact to approval of this ordinance.

RECOMMENDED ACTION

Staff recommends approval of Ordinance No. 14-1340

MAKING A
GREAT
PLACE



Public comment report for the

.....
Regional
Transportation Plan
.....

June 2014

www.oregonmetro.gov/rtp

2014

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Metro is the federally mandated metropolitan planning organization designated by the governor to develop an overall transportation plan and to allocate federal funds for the region.

The Joint Policy Advisory Committee on Transportation (JPACT) is a 17-member committee that provides a forum for elected officials and representatives of agencies involved in transportation to evaluate transportation needs in the region and to make recommendations to the Metro Council.

The established decision-making process assures a well-balanced regional transportation system and involves local elected officials directly in decisions that help the Metro Council develop regional transportation policies, including allocating transportation funds.

Project web site: www.oregonmetro.gov/rtp

The preparation of this report was financed in part by the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration. The opinions, findings and conclusions expressed in this report are not necessarily those of the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration.

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[Click here for Appendix](#)

Introduction

The Regional Transportation Plan is a blueprint that guides investments in the region's transportation system to manage congestion, build new sidewalks and bicycle facilities, improve transit service and access to transit, and maintain freight access. It sets policy and project priorities on a 25-year horizon and is updated every four years.

To meet the requirements of MAP-21, the 2014 RTP public participation plan was designed to ensure early and active public participation throughout the updating process and timely, effective notification prior to major decisions. To help remove barriers to attending meetings, all the public meetings were held at locations served by mass transit. Translators and interpreters were available as needed.

Metro advisory committees—the Transportation Policy Alternatives Committee (TPAC), the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Policy Advisory Committee (MPAC) and the Metro Technical Advisory Committee (MTAC)—were forums for discussion and decision-making by elected officials and their staffs, representing cities and counties of the region, transportation agencies and providers. Three of those committees—TPAC, MPAC and MTAC—have community representatives as regular members, bringing the lay perspective to those discussions and making recommendations on decisions.

Information on RTP developments was provided to the public throughout the update process through electronic news articles and fact sheets available through the Metro website and distributed at meetings and events. The RTP project website posted

information about the update process, with a timeline indicating key decision points and public comment opportunities.

Metro staff worked with cities, counties, and agencies such as TriMet and the Port of Portland on targeted outreach and communication efforts to address specific needs of each agency or jurisdiction and to facilitate collaboration among the agencies and jurisdictions in the RTP process. Throughout the process, staff presented to standing County Coordinating Committees (as well as their technical advisory committees), the Southwest Washington Regional Transportation Council as well as leading several joint MTAC/TPAC workshops covering various topics:

- Two workshops focused on updating RTP revenue projections (July 23, 2013 and September 9, 2013).
- A workshop focused on updates to Metro's regional travel demand model (August 21, 2013).
- A workshop focused on demographic/economic trends as well as draft policy edits for Safety and Active transportation (September 11, 2013).
- A workshop focused on travel trends and an overview of the RTP project solicitation process (September 23, 2013).
- A workshop focused on transportation system performance / modeling results (March 17, 2014).

On March 21, 2014, the review draft of the 2014 RTP was posted on Metro's website for viewing or downloading. Printed copies and electronic copies on CD were available on request and were distributed to, Metro

advisory committee members. This marked the start of a formal 45-day public comment period that ended on May 5, 2014.

This public comment report summarizes the engagement activities surrounding and comments received during the 45-day comment report of March 21 through May 5, 2014. Metro staff created a log of substantive comments, with responses recommending

actions on suggested changes. Substantive comments, testimonies and supporting material submitted as part of the comment period are provided to Metro Councilors, TPAC, JPACT, MTAC and MPAC for review as part of the 2014 Regional Transportation Plan decision-making process.

Summary of engagement

The March 21 through May 5 comment period for the RTP was expanded to include questions related to the work for the Active Transportation Plan, the Regional Active Transportation Plan, the 2015-18 Metropolitan Transportation Improvement Program, and the Climate Smart Communities Scenarios Project. Having a unified comment period allowed Metro to:

- demonstrate the related nature of the three programs
- leverage the resources of each program, increasing the outreach that would otherwise be feasible
- reduce the number of requests on participants' time, attention and effort.

Promotion

The comment period was promoted through newspaper ads, postings on the Metro newsfeed, notification to the OptIn panel, and an update to Metro's planning enews list. Notices were also disseminated through Metro's Public Engagement Network and neighborhood association contacts.

Ads were placed in the Beaverton Valley Times, Gresham Outlook, Portland Observer, Asian Reporter and El Hispanic News. The notice in El Hispanic News was presented in both English and Spanish; other ads had translated text stating the purpose of the notice and providing contact information for more information. See Appendix A for copies of these ads.

Outreach elements

During the March 21 through May 5 comment period, Metro received comments through an online tool and questionnaire that focused on

soliciting comments from the general public, an online questionnaire a more detailed and specific questionnaire focused on the RTP itself, and via email, letter, phone call and message, and other conversations.

Online tool and questionnaire: Where we live and work and how we get around

The comment period included an online tool and integrated general public focused questionnaire, asking participants about investments needed:

- for communities where we live and work
- to improve how we get around.

This online tool and questionnaire was designed to be more interactive than typical online questionnaires. The goal was to create a more accessible portal for the general public to let their desires be heard by focusing questions on the challenges faced by and desires of participants rather than trying to explain the programs the responses would inform (i.e., the RTP, ATP, MTIP and Climate Smart Communities Scenarios Project).

During the comment period, Metro received 1,225 responses to this questionnaire. See Appendix A for these questions; see Appendix B for a full report on the responses.

Opportunity to comment specifically on the draft Regional Transportation Plan

Government partners, advocates and other interested parties needed avenues to offer comments on the specific issues raised by 2014 RTP and the ATP, the 2015-18 MTIP and the Climate Smart Communities Scenarios Project. Decision-makers also need specific public feedback on these programs in order to move forward. To meet these needs,

more detailed and specific online questionnaires were offered. See Appendix A for the RTP/ATP-specific questionnaire; see Appendix C for all comments.

The 2014 RTP and ATP online questionnaire received 176 responses. Metro also received additional email, letter, phone call and message, and verbal comments. All substantive comments have been recorded and responded to for the staff recommendation. See Appendix D for staff responses.

Community forums

Three community planning forums were held in early April, one each in Washington County, Multnomah County and Clackamas County. The events included open house-style information as well as a forum/discussion table element that included participation with Metro Councilors. Discussion included how participants would like their communities to look and work in 20 years, addressing issues

of how residents live, work and get around as well as issues of community health and the environment. Though the plan for the events was on qualitative discussion instead of quantitative participation, the overall turnout was less than the expected attendance of 10 to 30 participants for each event.

- Fourteen people attended the Multnomah County event, with 11 staying for the discussion with Councilors Chase, Craddick and Stacey.
- Fourteen people attended the event and participated in the discussion in Clackamas County with Councilors Collette and Craddick.
- Four people attended the event in Washington County, with only one person choosing to participate in the discussion with Councilors Dirksen and Harrington.

Summary of comments

About where we live and work and how we get around

The online tool and integrated general public focused questionnaire asked questions about investments needed:

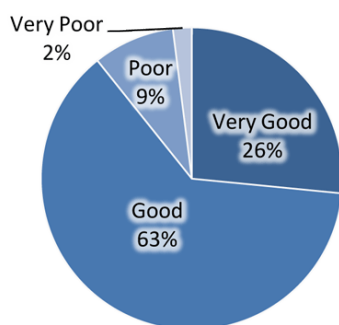
- for communities where we live and work
- to improve how we get around.

Appendix B offers a full report on the responses, which are further summarized for this section. Though the majority of questions were designed to solicit the participants own words, responses were categorized by theme for this summary and the full report.

Quality of life

Generally, people feel that the quality of life in the region is good (63 percent) or very good (26 percent). Only 9 percent feel quality of life is poor, and 2 percent feel it is very poor.

How is quality of life in the region?



When asked what “quality of life” means to them, most participants indicated that quality of life includes a combination of many diverse factors. In general, they feel that quality of life includes access to a variety of goods and

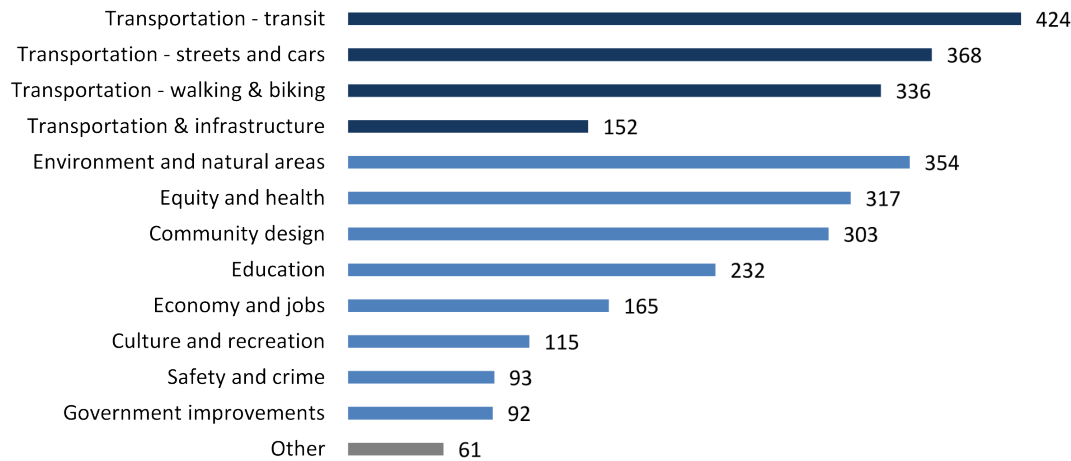
services, opportunity for personal and economic gain, and a variety of options in how they live their life.

Most commonly, people said that quality of life means healthy environment and people, including healthy air and water and access to natural areas. Secondly, they said that having a strong economy and good jobs as well as an affordable cost of living were important to quality of life. Next, quality of life exists when it is easy to get around by many modes, meaning low traffic congestion, solid roads and infrastructure, and good access to transit and active transportation. Many also define quality of life by personal happiness including enjoyment of cultural and recreational opportunities and family life.

Investments where we live and work

By a large majority, people want investment in the transportation system—road and highway investments as well as investment in transit, biking and walking. Many also want more investment in protecting the environment and natural areas, and in community design (for example, increasing or decreasing density, making neighborhoods more walkable, and improving planning). There is also support for creating more equity in the region and for improving education, health and social services. Of lower priority are investments to improve the economy, create more recreational or cultural opportunities, non-transportation related safety and crime, and changes to the government

What three investments would you most like to see made in your community in the next 10 years?



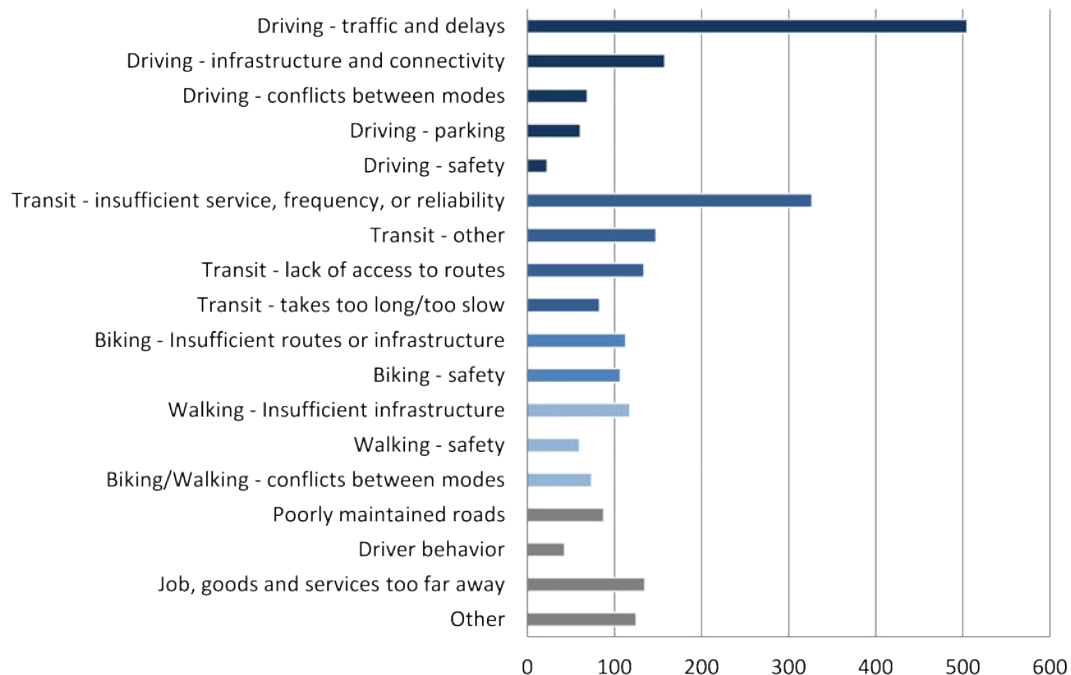
How we get around

Participants were asked to list the three main challenges they have getting around. Most people provided challenges that relate to driving and transit; the most common challenge is traffic and delays. Of all the challenges that people listed, 35 percent dealt with driving, 29 percent with transit, 11

percent with biking, 9 percent with walking, and 16 percent other or multiple modes.

Many also provided challenges related to alternative transportation. For transit, the main challenge is insufficient access, service, frequency or reliability; and for biking and walking the main challenge is insufficient infrastructure or routes.

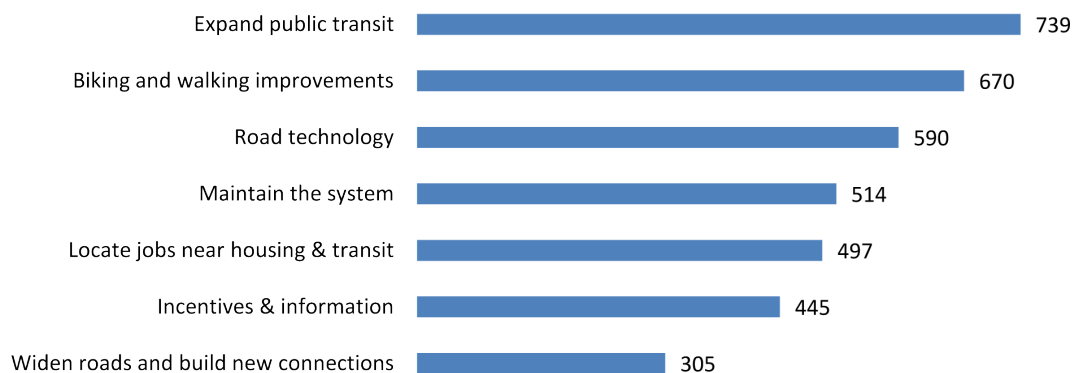
What are the three main challenges you have getting to work, school or to complete errands?



Participants responded to a multiple choice question that listed seven strategies to help ease traffic congestion. The most desired investments include expanding public transit to make it more frequent, convenient, accessible, and affordable; connecting more places with sidewalks, walking, and bicycle paths; and investing in technology to improve vehicle flow and safety on roads including timing traffic signals, pedestrian countdown signs, and flashing yellow turn signals.

The next three most desired investments are maintaining and keeping our current transportation system in good condition; locating jobs near housing and transit; and providing incentives and information to encourage carpooling, walking, bicycling, and public transit. There is less support for widening roads and building new connections to improve vehicle flow and safety.

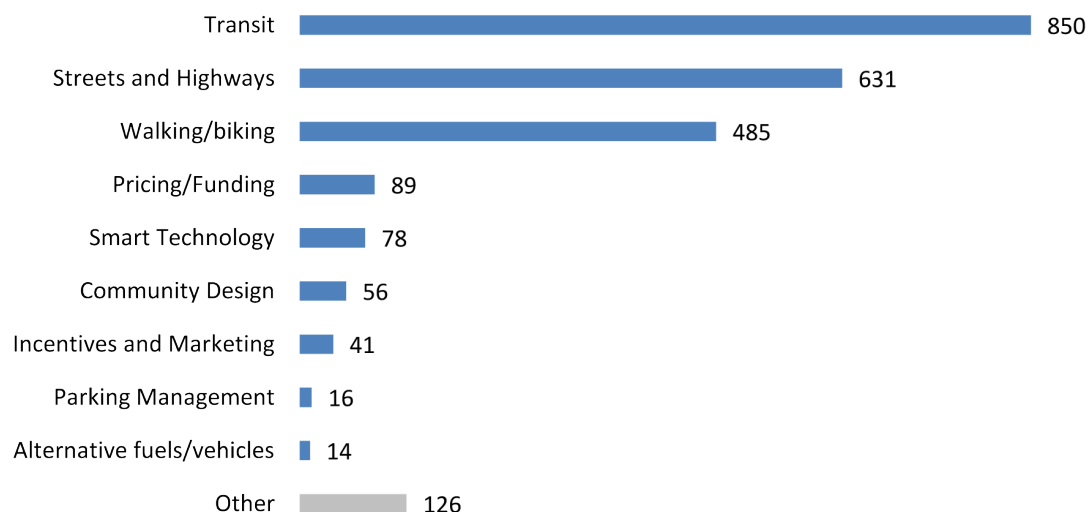
Which strategies do you think the region should invest in to help ease traffic congestion?



Participants were then asked to list three investments they would like to see in our transportation system in the next 10 years. Though each of the following categories below are further broken down in the full report provided in Appendix B, the broad

summary is that people want to see investment in transit (35 percent) and streets and highways (26 percent). Many also want investments to make walking and biking safer and more convenient (20 percent).

What three investments would you most like to see made in our transportation system in the next 10 years?



Finally, participants were asked what else needed to be considered in planning for the future of how we get around. Overall, respondents want improved transit service – more flexible, accessible, affordable, efficient and convenient. These improvements need to occur throughout the region, including suburban areas and smaller communities.

Many identified peak hour congestion as an issue that needs to be resolved. Many respondents believe that a key component to alleviating congestion and increasing the use of alternative transportation modes is to locate housing close to jobs, goods and services. Another theme is the aging population and their transportation needs.

There is a healthy split between respondents wanting to invest in roads, those wanting to divest in them, and those that want have a balanced multi-modal approach. While some respondents want to reduce investment in roads, a large number of comments requested improved bicycle/pedestrian infrastructure; specifically to increase safety. A minority specifically want less investment in bicycle/pedestrian infrastructure. Many respondents stated that cars are not going away – even electric cars and those that use alternate fuels will still require roads.

There are quite a few comments about general maintenance of our transportation facilities – the need to sweep gravel for bikes, add missing sidewalks, trim bushes and trees around street/stop signs, pave on-standard roads, fix potholes, etc. Others discussed reducing the need for road maintenance by reducing the number of cars on the roads.

Finally, funding was mentioned by many respondents. Many are concerned about the lack of funds available to make improvements and stressed the need for new revenue

sources; others noted the need for fiscal responsibility and do not want any additional tax burden placed on the public to fund improvements. The need for equitable investments among geography and demographics was noted by some.

Demographic information

Participants were asked to provide some demographic information. Responses were not required to submit responses to the other questionnaires.

Race/ethnicity Most respondents identified as White/Caucasian (89 percent). The remaining identified as African American/Black (1 percent), Asian or Pacific Islander (2 percent), American Indian/Native American (2 percent), Hispanic/Latino (2 percent), Slavic (2 percent), or some other race (2 percent).

Geography Most respondents said that they live in Multnomah County, 13 percent said they live in Washington County, and 11 percent said they live in Clackamas County.

Resident longevity Participants generally have lived in their community in the region for a long time, with 38 percent over twenty years, and 24 percent between 11 and 20 years.

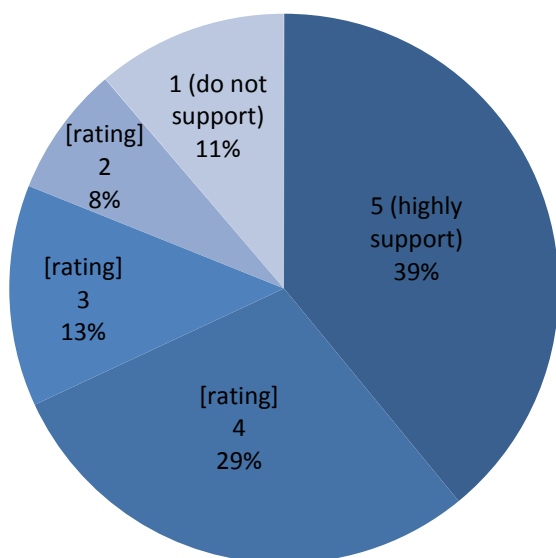
Education Respondents are highly educated, with 34 percent having completed a college degree and 48 percent a post-graduate degree.

In response to the public review draft

Online questionnaire

The RTP/ATP-specific questionnaire highlighted that the 2014 RTP would continue most of the policies, goals and objectives from the 2035 Regional Transportation Plan, adopted in 2010, which reflects goals to develop and maintain a well connected and complete transportation system that serves all users, including pedestrians, bicyclists, transit riders, drivers and freight movers. Of the 169 respondents to this question, 68 percent said they support or highly support this approach.

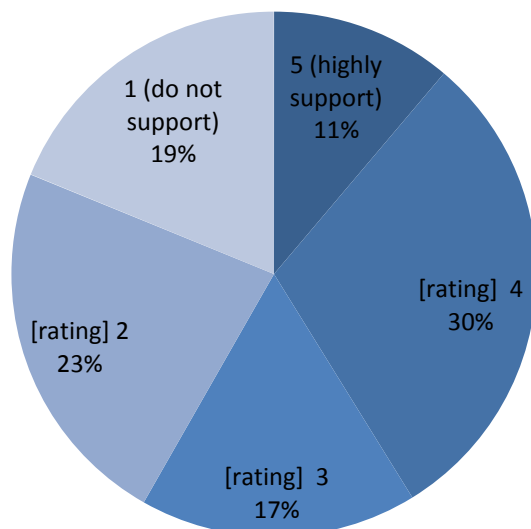
How supportive are you of this general approach?



The questionnaire then summarized the levels of investment by mode by both percent of funding and the percent of total number of projects. Participants were asked to rate whether these percentages reflect the right focus for our capital investments on a scale of one (do not support) to five (highly support).

The 170 respondents to this question were split on their level of support.

Do these percentages reflect the right focus for our capital investments?



The mixed levels of support in the above question were reflected in the two open-ended-questions that were part of this questionnaire. Participants were asked:

- What do you support about or what changes would you make to these priorities?
- What comments do you have on the 2014 Regional Transportation Plan or the Active Transportation Plan?

Since respondents were flexible with their responses, the following chart reflects the themes they expressed in responding to both of the above questions. An individual comment may have reflected more than one theme, which the tallies reflect. Substantive comments (i.e., those that were about the investment levels or policy rather than about the survey format or other procedural issue) were recorded and responded to for the staff recommendation, below.

Comments most often focused on modes, calls to support or to de-emphasize investments in terms of autos, biking and walking, and transit. Though investments in "roads and bridges" and "throughways" were separated for the purposes of expressing the levels of investment, responses combined these as related to auto use. 177 statements were calls to support or to de-emphasize investments by a certain mode. Of these statements:

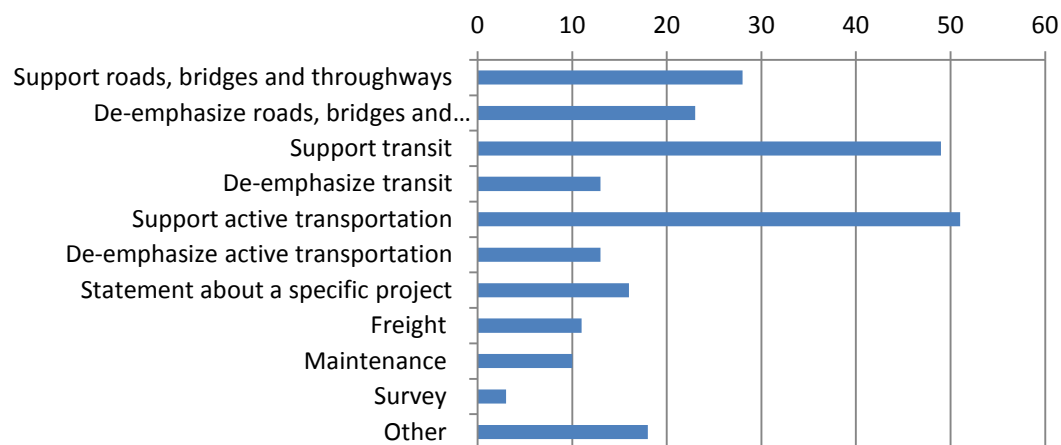
- 28 were for support for roads, bridges and throughways
- 23 were for a de-emphasis on roads, bridges and throughways
- 49 were for support of transit, including those who called for an expansion of the light rail system and those that supported local bus service while decrying further investments in light rail

- 13 were for a de-emphasis on transit
- 51 were for support of active transportation
- 13 were for a de-emphasis on active transportation

In addition:

- 16 respondents made comments on specific projects in the RTP project list or suggested projects to address their concern
- 11 respondents highlighted the need to invest for freight
- 10 respondents called for prioritizing or limiting funding to maintenance
- three respondents expressed frustration with the form of the survey.

Themes expressed in RTP/ATP-specific questionnaire



There were 18 other statements that ranged from calls to spend less, to find new sources of funding, to consider the needs of an aging population, focus on safety in all investments, focus on intelligent transportation systems management and cross-jurisdictional cooperation in transportation system planning as well as issues of regarding traffic

enforcement, land use planning and density, and housing.

Demographic information

Participants who submitted comments via the RTP/ATP-specific online questionnaire were asked to provide some demographic

information. Responses were not required to submit responses to the other questionnaires.

Race/Ethnicity Respondents were encouraged to choose multiple ethnicities, as applicable. At 147 respondents, most identified as White/Caucasian, including most who identified as more than one ethnicity. Other identifications were:

- African American/Black: three respondents
- American Indian/Native American or Alaskan Native: three respondents
- Asian or Pacific Islander: two respondents
- Hispanic/Latino: five respondents
- Slavic: two respondents
- Middle Eastern: one respondent
- Other: six respondents

Age no respondents were 20 years old or younger. Respondents identified their ages as:

- 21 to 35: 31 respondents
- 36 to 50: 49 respondents
- 51 to 65: 61 respondents
- 66 years or older: 29 respondents.

Education The level of education of respondents skewed significantly higher than the regional rates:

- High school degree or less : three respondents
- Some college/technical/community college/2-yr degree: 26 respondents
- College degree/4-yr degree: 57 respondents
- Post graduate: 83 respondents

Income The household income of respondents was slightly more balanced than demonstrated in prior, similar questionnaires:

- Less than \$20,000: 15 respondents
- \$20,000 to \$50,000: 34 respondents
- \$50,001 to \$100,000: 58 respondents
- More than \$100,000: 55 respondents.

Participation on community meetings

Participants were asked how often they participate in community meetings to gauge whether this online outreach was expanding public participation. Over 50 percent of respondents rarely or never attend community meetings:

- Very often: 26 respondents
- Fairly often: 53 respondents
- Rarely: 75 respondents
- Never: 15 respondents

Other comments received

Besides the RTP/ATP-specific questionnaire, Metro received comments via email, letter, phone call and message, and other conversations, including comments from other agencies and local jurisdictions. Most of these comments included requests for changes to listings in the RTP project list. All substantive comments have been recorded and responded to for the staff recommendation.

Community forums

Three community forums were offered during the comment period to allow participants to interact with staff and Metro Councilors on the upcoming decisions, including the 2014 RTP and ATP. These events were promoted as an opportunity to learn about Metro's plans and projects and participate in a wider discussion of what they would like to see in their communities and for our transportation system:

- Multnomah County on April 3 at Madison High School 14 folks attended, with 11 participating in the wider discussion
- Clackamas County on April 9 at Oak Lodge Sanitary District with 14 folks attending and participating in the wider discussion
- Washington County on April 17 at Beaverton library with four people attending and only one participating in the wider discussion.

The first two discussions included lively conversations around transportation priorities and how we should manage growth and development.

The Multnomah County participants spent a lot of time discussing funding sources, with voices advocating for more roadways and less density to address traffic issues. A lot of their perspective focused on transportation funding sources (gas tax), “subsidies” for transit riders, ideas of usage fees for bikes, more expansion to relieve density. The majority of participants stated the desire to expand active transportation facilities and expanded transit service as well as their support for the urban growth boundary.

The Clackamas County Oak Grove conversation spent a lot of time on the opportunities to encourage community benefiting development presented by the new light rail line and Oak Grove station.

Both conversations included advocacy for and against investments for autos, transit and active transportation as well as for and against land use policies such as the urban growth boundary and density.

The final conversation was an intensive conversation with the one participant about the work that Metro does, his support for a balanced approach but highlighting support for robust transit and active transportation systems, and potential ways to approach future outreach.

The discussions ended on the idea that there are a lot of competing interests that decision-makers have to balance. Though attendance was lower than projections, participants expressed that they felt their perspectives were welcome and respected.

Staff recommendations

As mentioned, all substantive comments received during the comment period have been recorded and responded to by Metro staff. See Appendix D for staff responses.

Though some changes have been made to the project list and technical fixes and clarifications for language and maps have been made to the plan, many staff responses include a recommendation of "no specific change proposed." This primarily due to either:

- the comment addressing an issue better handled through local jurisdiction transportation system or other planning effort, such as changes or additions to local jurisdiction project priorities
- the comment requesting a change in policy priorities such as more or less funding for a specific mode.

Those comments addressing issues better handled through have been forwarded to the appropriate jurisdiction to consider during its transportation system plan update or during project development for the specific item in question.

Comments requesting changes in policy will be reserved and considered as part of the development of the 2018 Regional Transportation Plan, which is envisioned as

an opportunity to reassess and calibrate the regional policies of the plan.

Comments requesting a change in funding priorities have demonstrated competing interests that decision-makers have to balance. Taken in aggregate, however, comments advocating for or against investments in certain modes demonstrate the need to take a balanced and measured approach to our regional investments. This is aligned with the Regional Transportation Plan goal of developing and maintaining a well connected and complete transportation system that serves all users, including pedestrians, bicyclists, transit riders, drivers and freight movers. The 2014 RTP project list continues to move the region's system toward this goal.

Overall, the comments seem to reflect a desire to increase investments in transit and active transportation. Since this is not a scientific survey, and the issues are more complex than a simple shift in resources, staff recommends continued conversations regarding transportation priorities, needs and visions both at the local regional levels. The policy conversations in preparation for the 2018 Regional Transportation Plan offers an opportunity for these conversations.

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy, and sustainable transportation and living choices for people and businesses in the region. Voters have asked Metro to help with the challenges and opportunities that affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to providing services, operating venues and making decisions about how the region grows. Metro works with communities to support a resilient economy, keep nature close by and respond to a changing climate. Together, we're making a great place, now and for generations to come.

Stay in touch with news, stories and things to do.

www.oregonmetro.gov/connect

Metro Council President

Tom Hughes

Metro Council

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Kathryn Harrington, District 4

Sam Chase, District 5

Bob Stacey, District 6

Auditor

Suzanne Flynn

MAKING A GREAT PLACE



Metro



Metro | Memo

Date: June 30, 2014
To: JPACT, Metro Council and Interested Parties
From: John Mermin, 2014 Regional Transportation plan (RTP) Project manager, Metro
Subject: Addendum to Exhibit A of Ordinance No.14-1340

Attached is an addendum to Exhibit A of Ordinance No.14-1340. The addendum displays edits to the RTP financially constrained project list that were proposed by the City of Portland at the June 27, 2014 Transportation Policy Alternatives Committee (TPAC) meeting. Highlighted text represents updated information.

This addendum is provided for transparency purposes, since these changes were submitted to Metro after the RTP public comment period (March 21– May 5, 2014) ended. TPAC voted to recommend approval of the RTP ordinance with these changes at its June 27, 2014 meeting.

Addendum to Exhibit A for Ordinance No.14-1340

Shaded text displays edits proposed by City of Portland and recommended for approval by TPAC on June 27, 2014

RTP 2014 ID	Lead Agency	Facility Owner/Operator	Project Name	Proposed Project Name	Current Description	Recommended Description	Cost Estimate	Reason for Change
10164	Portland	Portland	South Portal Phase I & II, SW: Intersection Improvements	South Portal Intersection Improvements and Moody Ave Extension	Improve SW Bancroft, SW Moody and SW Bond Streets. Extend Moody/Bond couplet to SW Hamilton St. Realign SW Hood to connect to SW Macadam/SW Hamilton intersection.	Improve the South Portal to the North Macadam District (intersection of Bancroft, Hood, and Macadam) to address safety and capacity issues. Extend SW Moody Ave from Bancroft to Hamilton St to improve circulation within the South Waterfront neighborhood.	\$41,478,000	Clarification of project scope and extent.
10199	Portland	Portland	SE 136th Ave. (Division to Powell): Multimodal Improvements	136th Ave, SE (Division to Foster): Multimodal Improvements	From SE Division Street to SE Powell Boulevard: Improve to 36' curb-to-curb with 2-13' traffic lanes and 2-5' bike lanes; 6" curbs, 9' swales and 6' sidewalks on both sides.	Improve street to provide curbs, sidewalks, swales, and bike lanes from Division to Foster.	\$ 5,000,000	Extension of project scope.
10267	Portland	Portland	Going, N (Interstate - Basin): Bikeway		Design & implement bike lanes.	Design and implement a multi-use path.	\$ 768,000	Project facility type has changed.
11645	Portland	Portland/ODOT	I-84 Bike/Ped Crossing @ 9th Ave	7th/9th/I-84, NE: Pedestrian/Bike Bridge	bike ped bridge over I-84	Construct a pedestrian/bike bridge at NE 7th Ave or NE 9th Ave across Interstate 84.	\$ 8,300,000	Clarification of project scope and extent.
11198	Portland	Portland/ODOT	Portland-Milwaukie Light Rail Active Transportation Enhancements Project		This project currently has two outstanding aspects including a shared-use path in the McLoughlin right-of-way between 17th Avenue and the Springwater Corridor Trail, and a bicycle parking center at the Tacoma/Springwater light rail station.	Construct a shared-use path along SE McLoughlin Blvd from 17th Ave to the Springwater Corridor Trail and build a bicycle parking center at the Tacoma/Springwater light rail station. This project will be coordinated with ODOT to determine the alignment along McLoughlin Blvd.	\$ 8,000,000	Responding to RTP Comment #213
10232	Portland	Portland/ODOT	Flanders, NW (Steel Bridge to Westover): Bicycle Facility		Add bike boulevard from NW 24th Ave to the Steel Bridge, new bike/pedestrian bridge over I-405 on Flanders, connections to bikeways on Vista, 18th, 14th, 13th, Broadway, 3rd, 2nd, Glisan and Everett.	Add bike boulevard from NW 24th Ave to the Steel Bridge, new bike/pedestrian bridge over I-405 on Flanders, connections to bikeways on Vista, 18th, 14th, 13th, Broadway, 3rd, 2nd, Glisan and Everett. This project will be coordinated with ODOT to address potential impacts to the I-405 interchanges, overcrossings and ramps.	\$ 5,392,337	Responding to RTP Comment #214
10235	Portland/ODOT	Portland/ODOT	South Portland Improvements, SW		Reconstruct Naito Pkwy as two-lane road w/bike lanes, sidewalks, left turn pockets, & on-street parking. Includes realignment/regrading at intersecting streets; removal of Barbur tunnel, Ross Is Br ramps, Arthur/Kelly viaduct & Grover ped bridge.	Reconstruct Naito Pkwy as two-lane road w/bike lanes, sidewalks, left turn pockets, & on-street parking. Includes realignment/regrading at intersecting streets; removal of Barbur tunnel, Ross Is Br ramps, Arthur/Kelly viaduct & Grover ped bridge. This project will be coordinated with ODOT and with the Southwest Corridor Plan, and will consider impacts to ODOT facilities including Naito Parkway and the Ross Island Bridge.	\$ 39,695,079	Responding to RTP Comment #214
10171	Portland	Portland	Burnside/Couch, W/NW (Burnside Bridge - NW 15th): Couplet and Street Improvements		Implements a one-couplet design including new traffic signals, widened sidewalks, curb extensions, bike lanes, on-street parking and street trees.	Implements a one-couplet design including new traffic signals, widened sidewalks, curb extensions, bike lanes, on-street parking and street trees. This project will be coordinated with ODOT to address potential impacts to the I-405 interchanges, overcrossings and ramps.	\$ 75,895,353	Response to RTP Comment #214
10299	Portland	ODOT	Lombard, N (I-5 - Denver): Street Improvements		Establish a landscaped boulevard to promote pedestrian-oriented uses and to create a safe, pleasant pedestrian link over I-5 w/ new traffic light and road access to Fred Meyer development.	Establish a landscaped boulevard to promote pedestrian-oriented uses and to create a safe, pleasant pedestrian link over I-5, including a signal or other intersection improvement at Montana & Lombard and an improved pedestrian crossing over I-5. The project will be coordinated with ODOT to address potential impacts to Lombard and the I-5 interchange.	\$ 1,703,242	Responding to RTP Comment #214
NEW	Portland/ODOT	Portland/ODOT		23rd/Vaughn and 20th Ave (Upshur - Thurman), NW: Intersection Improvements and Street Extension		Modify the intersection of NW 23rd Ave & NW Vaughn St and extend NW 20th Ave from Upshur to Thurman in accordance with the Northwest Master Plan for Con-way Site. This project will not be adding auto capacity to the 23rd/Vaughn intersection.	\$ 1,540,000	New project from Conway Master Plan.

Agenda Item No. 6.2

Ordinance No. 14-1339, For the Purpose of Amending Metro
Code 7.03 (Investment Policy) for Fiscal Year 2014-2015.

Ordinances – Second Read

Metro Council Meeting
Thursday, July 17, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 14-1339
CODE 7.03 (INVESTMENT POLICY) FOR)	
FISCAL YEAR 2014-2015	)	Introduced by Martha Bennett, Chief Operating Office in concurrence with Council President Tom Hughes

WHEREAS, Metro Code Section 7.03 contains the investment policy which applies to all cash-related assets held by Metro; and

WHEREAS, the Investment Advisory Board annually reviews and approves the Investment Policy for submission to Metro Council; and

WHEREAS, the Investment Coordinator has proposed several minor changes to the Investment Policy; and

WHEREAS, the changes are a result of a review of Metro's investment policy by the Oregon Short Term Fund (OSTF) board and include a more robust section on internal controls; clarification on maximum percentages that exposure applied to both corporate debt and commercial paper and not singular to each category; addition of a better benchmark for yield comparisons; and extension of the maximum maturity limit in the short term fund to include the long term fund; and.

WHEREAS, the Investment Advisory Board on January 16, 2014 voted to recommend these changes, to Metro Code 7.03 and submit to the Metro Council for approval and adoption; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That Metro Code Chapter 7.03 is hereby amended as attached hereto in Exhibit A to this ordinance.
2. That this Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the new fiscal year begins, July 1, 2014 and Oregon Budget Law requires the adoption of a budget prior to the beginning of the fiscal year, and that re-adoption of the Investment Policy should coincide with the adoption of the annual budget, an emergency is declared to exist and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this 17th day of July 2014.

Tom Hughes, Council President

Attest:

Approved as to Form:

Troy Rayburn, Recorder

Alison Kean Campbell, Metro Attorney

EXHIBIT A
CHAPTER 7.03

INVESTMENT POLICY**

SECTIONS	TITLE
7.03.010	Scope
7.03.020	General Objectives
7.03.030	Standards of Care
7.03.040	Safekeeping and Custody
7.03.050	Suitable and Authorized Investments
7.03.060	Investment Parameters
7.03.070	Reporting
7.03.080	Policy Adoption and Re-Adoption
7.03.090	List of Documents Used in Conjunction with this Policy

**Former Chapter 2.06 (readopted April 9, 1998; amended December 10, 1998; readopted April 15, 1999; readopted April 27, 2000; readopted December 11, 2001; readopted October 3, 2002; renumbered by Ordinance No. 02-976, Sec. 1; readopted June 12, 2003; amended and readopted April 7, 2005, by Ordinance No. 05-1075; readopted April 20, 2006; readopted June 21, 2007; amended and readopted June 26, 2008, by Ordinance No. 08-1190; amended and readopted June 25, 2009, by Ordinance No. 09-1216; amended and readopted June 17, 2010, by Ordinance No. 10-1243; readopted June 23, 2011, by Resolution No. 11-4272; amended and readopted June 21, 2012 by Ordinance No. 12-1280; and amended and readopted May 9, 2013 by Ordinance No. 13-1303).

7.03.010 Scope

These investment policies apply to all cash-related assets included within the scope of Metro's audited financial statements and held directly by Metro.

Funds held and invested by trustees or fiscal agents are excluded from these policies; however, such funds are subject to ORS Chapter 294.052.~~the regulations established by the state of Oregon.~~

Funds of Metro will be invested in compliance with the provisions of ORS 294.035 to 294.048; ORS 294.125 to 294.145; ORS 294.810; and other applicable statutes. Investments will be in accordance with these policies and written administrative procedures. Investment of any tax-exempt borrowing proceeds and of any debt service funds will comply with the 1986 Tax Reform Act provisions and any subsequent amendments thereto.

(Ordinance No. 90-365. Amended by Ordinance No. 97-684, Sec. 1; Ordinance No. 02-976, Sec. 1; Ordinance No. 05-1075; and Ordinance No. 09-1216, Sec. 1.)

7.03.020 General Objectives

Due to Metro's fiduciary responsibility, safety of capital and availability of funds to meet payment requirements are the overriding objectives of the investment program. Investment yield targets are secondary.

(a) Safety. Investments shall be undertaken in a manner that seeks to ensure the preservation of principal in the overall portfolio and security of funds and investments. The objective will be to mitigate credit risk and interest rate risk.

(1) Credit Risk. Metro will minimize credit risk, the risk of loss due to the financial failure of the security issuer or backer, by:

- Limiting exposure to poor credits and concentrating the investments in the safest types of securities.
- Pre-qualifying the financial institutions, broker/dealers, and advisers with which Metro will do business.
- Diversifying the investment portfolio so that potential losses on individual securities will be minimized. For securities not backed by the full faith and credit of the federal government, diversification is required in order that potential losses on individual securities would not exceed the income generated from the remainder of the portfolio.
- Actively monitoring the investment portfolio holdings for ratings changes, changing economic/market conditions, etc.

(2) Interest Rate Risk. Metro will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
- Investing operating funds primarily in shorter-term securities or short-term investment pools.

(b) Liquidity. The investment officer shall assure that funds are constantly available to meet immediate payment requirements, including payroll, accounts payable and debt service.

(c) Yield. The investment portfolio shall be designed with the objective of regularly exceeding the average return on 90-day U.S. Treasury Bills. The investment program shall seek to augment returns above this level, consistent with risk limitations described in this policy and prudent investment principles.

This policy shall not preclude the sale of securities prior to their maturity in order to improve the quality, net yield, or maturity characteristic of the portfolio.

(d) Legality. Funds will be deposited and invested in accordance with statutes, ordinances and policies governing Metro.

(Ordinance No. 87-228, Sec. 3. Amended by Ordinance No. 90-365; Ordinance No. 02-976, Sec. 1; Ordinance No. 05-1075.)

7.03.030 Standards of Care

(a) Prudence. The standard of prudence to be applied by the investment officer shall be the "prudent ~~person~~investor" rule": "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived." The prudent investor rule shall be applied in the context of managing the overall portfolio.

(b) Delegation of Authority. The Chief Operating Officer is the investment officer of Metro. The authority for investing Metro funds is vested with the investment officer, who, in turn, designates the investment manager to manage the day-to-day operations of Metro's investment portfolio, place purchase orders and sell orders with dealers and financial institutions, and prepare reports as required.

(c) Investment Advisory Board (IAB). There shall be an investment advisory board composed of five (5) members.

- (1) Terms of Service. The term of service for citizens appointed to the IAB shall be three (3) calendar years. The term of appointment shall be staggered so that not more than two (2) members' terms expire in any calendar year.

(2) Appointment. The investment officer shall recommend to the Council for confirmation the names of persons for appointment to the IAB.

(3) Duties. The IAB shall meet quarterly. The IAB will serve as a forum for discussion and act in an advisory capacity for investment strategies, banking relationships, the legality and probity of investment activities and the establishment of written procedures for the investment operations.

(d) Quarterly Reports. At each quarterly meeting, a report reflecting the status of the portfolio will be submitted for review and comment by at least three (3) members of the IAB. Discussion and comment on the report will be noted in minutes of the meeting. If concurrence is not obtained, notification will be given to the investment officer, including comments by the IAB.

(e) Monitoring the Portfolio. The investment manager will routinely monitor the contents of the portfolio comparing the holdings to the markets, relative values of competing instruments, changes in credit quality, and benchmarks. If there are advantageous transactions, the portfolio may be adjusted accordingly.

(f) Indemnity Clause. Metro shall indemnify the investment officer, chief financial officer, investment manager, staff and the IAB members from personal liability for losses that might occur pursuant to administering this investment policy.

The investment officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes, provided that these deviations are reported to the council as soon as practicable.

(g) Accounting Method. Metro shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of authoritative bodies, including, but not necessarily limited to, the American Institute of Certified Public Accountants (AICPA); the Financial Accounting Standards Board (FASB); and the Government Accounting Standards Board (GASB).

(Ordinance No. 05-1075.)

7.03.040 Safekeeping and Custody

(a) Authorized Financial Dealers and Institutions. The investment officer shall maintain a listing of all authorized dealers and financial institutions that are approved for

investment purposes. Financial institutions must have a branch in Oregon. Any firm is eligible to apply to provide investment services to Metro and will be added to the list if the selection criteria are met. Additions or deletions to the list will be made by the investment officer and reviewed by the IAB. At the request of the investment officer, the firms performing investment services for Metro shall provide their most recent financial statements or Consolidated Report of Condition (call report) for review. Further, there should be in place proof as to all the necessary credentials and licenses held by employees of the broker/dealers who will have contact with Metro, as specified by but not necessarily limited to the Financial Industry Regulatory Authority (FINRA)~~National Association of Securities Dealers (NASD)~~, Securities and Exchange Commission (SEC), etc. At minimum, the investment officer and the IAB shall conduct an annual evaluation of each firm's qualifications to determine whether it should be on the authorized list.

Securities dealers not affiliated with a Qualified Financial Institution, as defined in ORS 294.035, will be required to have headquarters located in the states of Oregon, Washington or Idaho and, if not headquartered in the state of Oregon, to have an office located in Oregon. Notwithstanding the above, securities dealers who are classified as primary dealers with the New York Federal Reserve Bank are also eligible.

(b) Internal Controls. The investment officer shall maintain a system of written internal controls, which shall be reviewed annually by the IAB and the independent auditor. The controls shall be designed to prevent loss of public funds due to fraud, error, misrepresentation or imprudent actions.

Metro's independent auditor at least annually shall audit investments according to generally accepted auditing standards and this ordinance. Quarterly the IAB will review for compliance with the investment policy to include control of collusion, custodial safekeeping, avoidance of physical delivery of securities, clear delegation of authority, review with staff of control procedures to include standards of care under section 7.03.030(b).

(c) Delivery vs. Payment. All securities purchased pursuant to this investment policy will be delivered by either book entry or physical delivery to a third party for safekeeping by a bank designated as custodian. Purchase and sale of all securities will be on a payment versus delivery basis. Delivery versus payment will also be required for all repurchase transactions and with the collateral priced and limited in maturity in compliance with ORS 294.035(2)(j).

(d) Safekeeping. The trust department of the bank designated as custodian will be considered to be a third party for the purposes of safekeeping of securities purchased from that bank. The custodian shall issue a safekeeping receipt to Metro listing the specific instrument, rate, maturity and other pertinent information.

Notwithstanding the preceding, an exception to the delivery versus payment policy is made when purchasing State and Local Government Series Securities (SLGS) from the United States Treasury's Bureau of Public Debt to satisfy arbitrage yield restriction requirements of the Internal Revenue Code for tax-exempt bond issues.

(Ordinance No. 05-1075.)

7.03.050 Suitable and Authorized Investments

(Definitions of terms and applicable authorizing statutes are listed in the "Summary of Investments Available to Municipalities" provided by the State Treasurer).

(a) Investment Types. The following investments are permitted by this policy and ORS 294.035 and 294.810.

- (1) U.S. Treasury Bills, Notes, Bonds, Strips (Separate Trading of Registered Interest and Principal of Securities) and/or State and Local Government Series Securities (SLGS)
- (2) Securities of U.S. Government Agencies and U.S. Government Sponsored Enterprises
- (3) Certificates of Deposit (CD) from commercial banks in Oregon and insured by the Federal Deposit Insurance Corporation (FDIC)
- (4) Repurchase Agreements (Repo's)
- (5) Banker's Acceptances (BA)
- (6) Commercial Paper (CP) issued by a financial institution, commercial, industrial or utility business enterprise. Also Corporate promissory notes with long term minimum ratings of Aa (Moody's) or AA (S&P) or equivalent by any nationally recognized statistical rating organization. If a corporation has a split rating the most recent rating would be used for decision-making purposes.
- (7) State of Oregon and Local Government Securities with A ratings or better; also debt obligations of the States of California, Idaho and Washington and their political subdivisions with a long-term

rating of AA or better or the highest category for short term municipal debt.

(8) State of Oregon Investment Pool

(9) Market Interest Accounts and Checking Accounts

(b) Collateralization. Deposit-type securities (i.e., Certificates of Deposit) and all bank deposits for any amount exceeding FDIC coverage shall be collateralized through the Public Funds Collateralization Program as required by ORS Chapter 295. ORS Chapter 295 governs the collateralization of Oregon public funds and provides the statutory requirements for the Public Funds Collateralization Program. Bank depositories are required to pledge collateral against any public funds deposits in excess of deposit insurance amounts. ORS Chapter 295 sets the specific value of the collateral, as well as the types of collateral that are acceptable.

(Ordinance No. 05-1075. Amended by Ordinance No. 09-1216, Sec. 1; Ordinance No. 12-1280, Sec. 1.; and by Ordinance No. 13-1303).

7.03.060 Investment Parameters

(a) Diversification by Maturity. Only investments which can be held to maturity shall be purchased. Investments shall not be planned or made predicated upon selling the security prior to maturity. This restriction does not prohibit the use of repurchase agreements under ORS 294.135(2).

Maturity limitations shall depend upon whether the funds being invested are considered short-term or long-term funds. All funds shall be considered short-term, except those reserved for capital projects (e.g., bond sale proceeds).

(1) Short-Term Funds.

(A) Investment maturities for operating funds and bond reserves shall be scheduled to meet projected cash flow needs. Funds considered short-term will be invested to coincide with projected cash needs or with the following serial maturity:

25% minimum to mature under three months

75% minimum to mature under 18 months

100% minimum to mature under five years

(B) Investments may not exceed five (5) years. Investment maturities beyond 18 months may be made when supported by cash flow projections which reasonably demonstrate that liquidity requirements will be met.

(2) Long-Term Funds.

(A) Maturity scheduling shall be timed according to anticipated need. ORS 294.135 permits investment beyond 18 months for any bond proceeds or funds accumulated for any purpose that the district is permitted by state law to accumulate and hold funds for a period exceeding one (1) year. The maturities should be made to coincide as nearly as practicable with the expected use of the funds. Investments may not exceed five (5) years.

(B) Investment of capital project funds shall be timed to meet projected contractor payments. The drawdown schedule used to guide the investment of the funds shall evidence the approval of the investment officer and review of the Chief Financial Officer.

(b) Diversification by Investment. The investment officer will diversify the portfolio to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions, or maturities.

The maximum percentages of the portfolio and the maximum maturities for investments are as follows:

Security	Maximum Percent of Portfolio	Maximum Maturity
U.S. Treasury Bills, Notes, Bonds, Strips and/or State and Local Government Series (SLGS)	100%	
Securities of U.S. Government Agencies and U.S. Government Sponsored Enterprises	100%	
Certificates of Deposit (CD) Commercial Banks in Oregon Insured by FDIC	100%	
Repurchase Agreements (Repo's)	50%	90-day maturity
Banker's Acceptances (BA)	25%	
Commercial Paper (CP) - Issued by a financial institution, commercial, industrial, or utility business enterprise.	35%	A-1 and P-1 only, 90-day maturity;
For a corporation headquartered in Oregon		A-2 and P-2, A-1/P-2, or A-2/P1,

Security	Maximum Percent of Portfolio	Maximum Maturity
For a corporation headquartered outside of Oregon. Corporate promissory notes that have a long term minimum ratings of Aa (Moody's) or AA (S&P) or equivalent by a nationally recognized statistical rating organization.	25% <u>Limit of 35% in total of exposure between both CP and Corporate notes</u>	60-day maturity A-1 and P-1 only; 90-day maturity AA (Moody's) or AA (S&P) Maximum maturity of three years. See 7.03.060(c)(2) for concentration maximums.
State of Oregon and Local Government Securities with A ratings or better; also States of California, Idaho and Washington and political subdivisions with a long term AA or better and short-term in the highest category for short term debt.	25%	
State of Oregon Investment Pool	<u>Maximum allowed by ORS 294.810</u> 100%	
Market Interest Accounts and Checking Accounts	Minimum necessary for daily cash management efficiency	

(c) Diversification by Financial Institution.

- (1) Qualified Institutions. The investment officer shall maintain a listing of financial institutions and securities dealers recommended by the IAB. Any financial institution and/or securities dealer is eligible to make an application to the investment officer and upon due consideration and approval hold available funds.

A listing of the eligible institutions shall be held by the investment officer and provided any fiduciary agent or trustee.

- (2) Diversification Requirements. The combination of investments in Certificates of Deposit and Banker's Acceptances invested with any one institution shall not exceed 25 percent of the

total available funds or 15 percent of the equity of the institution.

The following limitations avoid over-concentration in securities from a specific issuer or business sector:

Type of Security	Limitation
U.S. Government Treasuries	No limitations
U.S. Government Agencies	Securities of U.S. Government Agencies and U.S. Government Sponsored Enterprises as defined under ORS 294.035 and/or 294.040. No more than 40 percent of the portfolio in any one agency.
Certificates of Deposit - Commercial Banks	No more than the lesser of 25 percent of the total available funds or 15 percent of the equity of the financial institution may be invested with any one institution.
Repurchase Agreements	May be purchased from any qualified institution provided the master repurchase agreement is effective and the safekeeping requirements are met. All repurchase agreements will be fully collateralized by general obligations of the U.S. Government, the agencies and instrumentalities of the United States or enterprises sponsored by the United States government, marked to market. The investment officer shall not enter into any reverse repurchase agreements.
Banker's Acceptances	Must be guaranteed by, and carried on the books of, a qualified financial institution whose short-term letter of credit rating is rated in the highest category by one or more nationally recognized statistical rating organizations. Qualified institution means: A financial institution that is located and licensed to do banking business in the state of Oregon; or A financial institution located in the states of California, Idaho, or Washington that is wholly owned by a bank holding company that owns a financial institution that is located and licensed to do banking business in the state of Oregon. No more than the lesser of 25 percent of the total available funds or 15 percent of the equity of the financial institution may be invested with any one institution.
Commercial Paper, Corporate	No more than 5 percent of the total portfolio with any one corporate entity. <u>Maximum exposure no more than 35% between both CP</u>

Type of Security	Limitation
Promissory notes	<u>and Corporate promissory notes.</u>
State and Local Government Securities; also California, Idaho and Washington	No more than 15 percent of the total portfolio in any one local entity.
State of Oregon Investment Pool	Not to exceed the maximum amount established in accordance with ORS 294.810, with the exception of pass-through funds (in and out within 10 days).

(d) Total Prohibitions. The investment officer may not make a commitment to invest funds or sell securities more than 14 business days prior to the anticipated date of settlement of the purchase or sale transaction and may not agree to invest funds or sell securities for a fee other than interest. Purchase of standby or forward commitments of any sort are specifically prohibited.

(e) Adherence to Investment Diversification. Diversification requirements must be met on the day an investment transaction is executed. If due to unanticipated cash needs, investment maturities or marking the portfolio to market, the investment in any security type, financial issuer or maturity spectrum later exceeds the limitations in the policy, the investment officer is responsible for bringing the investment portfolio back into compliance as soon as is practical.

(f) Competitive Selection of Investment Instruments. Before the investment officer invests any surplus funds, a competitive offering solicitation shall be conducted orally, or alternatively through an electronic competitive bidding platform that compares several offers of the same security class like commercial paper, new issue GSE's and treasury issues. Offerings will be requested from financial institutions for various options with regards to term and instrument. The investment officer will accept the offering, which provides the highest rate of return within the maturity required and within the prudent ~~person~~investor rule. Records will be kept of offerings and the basis for making the investment decision, and in keeping with the guidelines in 7.03.20.

(Ordinance No. 05-1075. Amended by Ordinance No. 08-1190 and by Ordinance No. 13-1302).

7.03.070 Reporting

(a) Methods. A transaction report shall be prepared by the investment manager not later than one business day after the transaction, unless a trustee, operating under a trust agreement, has executed the transaction. The trustee agreement shall provide for a report of transactions to be submitted by the trustee on a monthly basis.

Quarterly reports shall be prepared for each regular meeting of the IAB to present historical information for the past 12-month period. Copies shall be provided to the Chief Operating Officer and the Metro Council.

(b) Performance Standards. The overall performance of Metro's investment program is evaluated quarterly by the IAB using the objectives outlined in this policy. The quarterly report which confirms adherence to this policy shall be provided to the Metro Council as soon as practicable.

The performance of Metro's portfolio shall be measured by comparing the average yield of the portfolio at month-end against the performance of the 90-day U.S. Treasury Bill issue maturing closest to 90 days from month-end and the Local Government Investment Pool's monthly average yield, ~~and the Multnomah County Portfolio results plus the Barclays US Governments 1-3 year yield.~~

(Ordinance No. 05-1075.)

7.03.080 Policy Adoption and Re-adoption

(a) The investment policy must be reviewed by the IAB and the Oregon Short-Term Fund Board prior to adoption by the Metro Council. Adoption of this policy supersedes any other previous Council action or policy regarding Metro's investment management practices.

(b) This policy shall be subject to review and re-adoption annually by the Metro Council in accordance with ORS 294.135.

(Ordinance No. 05-1075.)

7.03.090 List of Documents Used in Conjunction with this Policy

The following documents are used in conjunction with this policy and are available from the investment manager upon request:

- List of Authorized Brokers and Dealers
- List of Primary Dealers
- Calendar of Federal Reserve System Holidays
- Calendar of Local Government Investment Pool Holidays
- Broker/Dealer Request for Information

- Oregon State Treasury's Summary of Liquid Investments Available to Local Governments for Short-Term Fund Investment
- Oregon State Treasury's U.S. Government and Agency Securities for Local Government Investment Under ORS Chapter 294.035 and 294.040
- Oregon State Treasury's List of Qualified Depositories for Public Funds
- Attorney General's letter of advice: Certificates of Deposit, ORS 294.035 and ORS 295
- Oregon Revised Statute Chapter 294 - County and Municipal Financial Administration
- Oregon Revised Statute Chapter 295 - Depositories of Public Funds and Securities
- Government Finance Officers Association Glossary of Cash Management Terms

(Ordinance No. 05-1075.)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1339 FOR THE PURPOSE OF AMENDING AND RE-ADOPTING METRO CODE 7.03 (INVESTMENT POLICY) FOR FISCAL YEAR 2014-2015 AND DECLARING AN EMERGENCY

Date: April 25, 2014

Prepared by: Calvin Smith
Telephone: 503-797-1612

BACKGROUND

Metro Code, Chapter 7.03 contains the Investment Policy that applies to all cash-related assets held by Metro. Metro code requires the annual review and readopting with the assistance of the Investment Advisory Board who are appointed on staggered terms by the Council President. This Investment Policy is being submitted to Council for review and re-adoption in accordance with Section 7.03.080 of Metro Code.

The format of Metro's Investment Policy conforms to the Oregon State Treasury's Sample Investment Policy for Local Governments and the Government Finance Officers Association's (GFOA) Sample Investment Policy. This allows Metro's policy to be readily compared to investment policies of other local governments that have adopted the same GFOA format.

The changes to the Metro Investment Policy this year all relate to the response letter from our Director of Finance Tim Collier to the Oregon Short Term Fund (OSTF) board that addressed the OSTF last review of Metro's Investment Policy. While none of the changes that were suggested by the OSTF were deemed a material issue, the items noted were good areas to tighten up our wording and clarify the Metro Investment Policy. All the adjustments to the Metro Investment Policy were reviewed by the Metro Investment Advisory Board (IAB). Areas that were updated in the policy included; A more robust section on internal controls (Section 7.03.040(b)); clarification on maximum percentages that exposure applied to both corporate debt and commercial paper and not singular to each category; adding a better benchmark for yield comparisons; extending the maximum maturity limit in the short term fund to include the long term fund. The Investment Advisory Board (IAB) members reviewed recommendations by the Director of Finance and the Investment Coordinator and agreed to all changes. The IAB recommends Council amend the code for these items and readopt the code as amended.

ANALYSIS/INFORMATION

1. **Known Opposition:** None.
2. **Legal Antecedents:** Metro Code, Chapter 7.03, Investment Policy, Section 7.030.080(b) proscribes that the policy shall be subject to review and re-adoption annually by the Metro Council in accordance with ORS 294.135.

Chapter 7.03 was formerly Chapter 2.06 (readopted April 9, 1998; amended December 10, 1998; readopted April 15, 1999; readopted April 27, 2000; readopted December 11, 2001; readopted October 3, 2002; renumbered by Ordinance No. 02-976, Sec. 1; readopted June 12, 2003; amended and readopted April 7, 2005, by Ordinance No. 05-1075; readopted April 20, 2006, by Ordinance 06-1114; readopted June 21, 2007 by Ordinance 07-1149; readopted June 26, 2008 by Ordinance 08-1190; readopted June 25, 2009 by Ordinance 09-1216.;readopted June 17, 2010 by Ordinance 10-

1243; readopted by Resolution 11-4272 June 23,2011; readopted by Ordinance 12-1280 June 21, 2012; readopted by Ordinance 13-1303 May 2.2013.)

3. Anticipated Effects: N/A

4. Budget Impacts: N/A

RECOMMENDED ACTION: Staff recommends re-adoption as amended of Metro Code Chapter 7.03 by Resolution No. 14-1339.

Materials following this page were distributed at the meeting.

7/7/40-01



Metro | *Making a great place*

METRO COUNCIL MEETING

Meeting Minutes

July 10, 2014

Mt. Hood Community College, Town & Gown Room

Councilors Present: Council President Tom Hughes and Councilors Sam Chase, Carlotta Collette, Shirley Craddick, Craig Dirksen, Kathryn Harrington, and Bob Stacey

Councilors Excused: All present. No excused.

Council President Hughes noted a quorum was present and called the council meeting to order at 2:00 p.m.

1. INTRODUCTIONS

Council President Hughes outlined the agenda and related logistics. He expressed the Metro Council's appreciation to Mt. Hood Community College for hosting the Council's off-site meeting. He then turned the microphone over to Councilor Craddick to make a few introductory comments. Councilor Craddick noted the off-site Council meeting was in her district and also thanked Mt. Hood Community College for hosting. She also outlined a few logistics relating to the nature tours immediately after the Council meeting, encouraged everyone to view the informational exhibits, and also to enjoy the strawberry shortcake.

2. CITIZEN COMMUNICATIONS

Steve Rayna, Sandy Watershed Council, expressed his appreciation to the Metro Council for its support of the Sandy Watershed. He highlighted a few projects where Metro and the Sandy Watershed Council collaborated and expressed appreciation for the regional partnership.

3. CONSIDERATION OF COUNCIL MEETING MINUTES FOR JUNE 26, 2014

Council President Hughes introduced agenda item number three and asked for a motion. Councilor Chase moved the meeting minutes for June 26. Councilor Stacey seconded. The motion passed unanimously, 7/0/0.

4. THE REGIONAL TRAILS MAPS AND THE MT. SCOTT/SCOUTERS MOUNTAIN TRAIL LOOP MASTERS PLAN PRESENTATION

Council President Hughes called on Metro's Director of Sustainability Jim Desmond to make the presentation. Mr. Desmond recognized the numerous community volunteers' vision and generosity for their work on 11 corridor projects. He highlighted the history and process to advance the regional vision for trails. Mr. Desmond summarized the two resolutions on the Council agenda relating to trails. Those resolutions being:

4.1 Resolution No. 14-4546, For the Purpose of Approving the Regional Trails and Greenways Map.

4.2 Resolution No. 14-4547, For the Purpose of Approving the Mt. Scott/Scouters Mountain Trail Loop Master Plan.

Mr. Desmond introduced three community leaders to speak to the resolutions. Those community leaders being David Cohen with Intertwine, Justin Popilek with the City of Happy Valley, and Katie Dunham with Clackamas County. The speakers spoke on behalf of their respective community groups regarding the overwhelming support for the two resolutions. Other points noted include increased recreation opportunities, leveraging funds, good investment for communities and people, regional collaboration, and alternative means of transportation.

Councilors spoke to how informative the information received was and noted the Metro web-site should be updated to reflect the good information, trails role in quality of life issues, accessing nature, decreasing automobiles on roads, and connection to health benefits.

Council President Hughes recognized Mayor Cook of Tigard who was in the audience.

Council President Hughes asked that the resolutions be read into the record en-bloc by title only. The resolutions were read en-bloc into the record. Council President Hughes called for a motion and second. Councilor Craddick moved Resolution No. 14-4546 and Resolution No. 14-4547. Councilor Collette second.

Council President Hughes called for a roll call vote. The resolutions passed unanimously en-bloc, 7/0/0.

5. 1ST YEAR LEVY AND SYSTEM PLAN PRESENTATION

Council President Hughes introduced the agenda item and called on Metro staff Kathleen Brennan-Hunter and Justin Patterson to present the 1st Year Levy and System Plan Presentation.

The presenters spoke to such aspects of the levy as its history, relationship to the regional vision, an accountability of how the monies were utilized, description of natural areas investments, timelines for the projects, the use of native plants in restoration projects, and a summary of the natural areas bond program.

6. NATURE IN NEIGHBORHOODS CAPITAL AND CONSERVATION EDUCATION GRANTS PRESENTATION

Council President Hughes called on Metro staff Heather Nelson Kent to make the presentation and introduce the two resolutions. The two resolutions being:

- 6.1 **Resolution No. 14-4548**, For the Purpose of Approving Seventh Round Funding for Nature in Neighborhoods Capital Grants.
- 6.2 **Resolution No. 14-4549**, For the Purpose of Approving 2014 Nature in Neighborhoods Conservation Education Community Grants.

Ms. Nelson Kent summarized the two type of grants awarded as being (1) Nature in Neighborhoods – Capital Grants 2014 and (2) Nature in Neighborhoods – Conservation Education Grants 2014. She introduced the Grant Review Committee spokes people and recognized the approximately 33 grant recipients and their numerous associated partners. She noted that approximately \$12.9 million was award to the approximately 33 grant recipients.

Councilors spoke to their appreciation and excitement for the grant recipients' hard work and countless hours of volunteer service, their appreciation for the voters who supported the levy and Metro staff's good work.

Council President Hughes asked that the resolutions be read into the record en-bloc by title only. The resolutions were read en-bloc into the record. Council President Hughes called for a motion and second. Councilor Dirksen moved Resolution No. 14-4548 and Resolution No. 14-4549. Councilor Harrington second.

Council President Hughes called for a roll call vote. The resolutions passed unanimously en-bloc, 7/0/0.

7. ORDINANCES – FIRST READ

- 7.1 **Ordinance No. 14-1339**, for the Purpose of Amending Metro Code 7.03 (investment policy) for Fiscal Year 2014-2015.

Council President Hughes introduced Ordinance No. 14-1339 and called on the Council Administrator to read the ordinance into the record. The ordinance was read into the record by title only.

Council President Hughes noted, "Second read, public hearing, Council consideration and vote are scheduled for July 17. Metro staff will bring forward the legislation."

- 7.2. **Ordinance No. 14-1340**, For the Purpose of Amending the 2035 Regional Transportation Plan to Comply with Federal and State Law; and to Amend the Regional Framework Plan.

Council President Hughes introduced Ordinance No. 14-1340 and called on the Council Administrator to read the ordinance in to the record. The ordinance was read into the record by title only.

Council President Hughes noted, "Second read, public hearing, Council consideration and vote are scheduled for July 17. Metro staff will bring forward the legislation."

8. **CHIEF OPERATING OFFICER COMMUNICATION**

Deputy Chief Operating Officer Scott Robinson substituted for Chief Operating Officer Martha Bennett. Mr. Robinson briefed the Metro Council on Portland State University's speaker' series and highlighted Edward Hume's upcoming speeches. He also updated the Councilors on the installation of five large panels at the Oregon Convention Center that tell the story of LEAD Platinum certification (one of two the nation). Other points Mr. Robinson spoke to include ground breaking on storm water green wall at Expo between halls D and E, and a summary of the MERC Commission's work session.

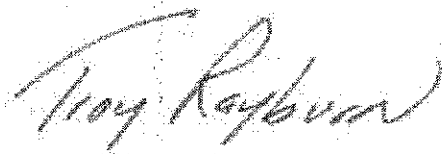
9. **COUNCILOR COMMUNICATIONS**

Councilor Craddick, once again, expressed her appreciation to Mt. Hood Community College for hosting the Metro Council in her district. She provided a brief update on the Oregon Zoo Foundation's July 19 Zoolala benefit. Councilor Harrington briefed the Council on the July 9 tour of Forest Grove's community based transit GroveLink. Councilor Chase provided a brief MERC update and First Opportunities Target Area (FOTA) update.

ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at approximately 4:00 PM. The Metro Council will convene in next regular council meeting on Thursday, July 17, at 2 p.m. in the Metro Council Chamber.

Respectfully submitted,



Troy Rayburn
Council Administrator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 10, 2014

Item	Topic	Doc. Date	Document Description	Doc. Number
3.	Handout	June 26, 2014	Council Meeting Minutes for June 26, 2014	71014-01
4.	Handout	June 9, 2014	Packet of letters supporting trails	71014-02
4.	Handout	June 3, 2014	Packet of letters supporting trails	71014-03
4.	Handout	July 10, 2014	Letter from Portland Parks and Recreation supporting	71014-04
4, 5, 6	PowerPoint Slide Show	July 10, 2014	Regional Trails Update	71014-05

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 14-4550
CHIEF OPERATING OFFICER TO PURCHASE)
PROPERTY IN THE JOHNSON CREEK AND) Introduced by Chief Operating Officer Martha
WATERSHED TARGET AREA) Bennett in concurrence with Council
) President Tom Hughes

WHEREAS, at the general election held on November 7, 2006, the voters of the Metro region approved the 2006 Natural Areas Bond Measure, authorizing Metro to sell \$227.4 million in general obligation bonds to fund natural area acquisition and water quality protection; and

WHEREAS, the Johnson Creek Target Area was identified in the Bond Measure as one of 27 regional target areas for land acquisition; and

WHEREAS, on September 20, 2007, the Metro Council adopted Resolution No. 07-3851 "Approving the Natural Areas Acquisition Refinement Plan for the Johnson Creek and Watershed Target Area" which resolution approved the acquisition of the properties within the target area; and

WHEREAS, a primary goal of the Johnson Creek and Watershed Area refinement plan is to "protect lands along the mainstream and important tributaries of Johnson Creek"; and

WHEREAS, certain real property legally described and identified in the executive session (the "Property") that meets this goal and which is identified in the Johnson Creek and Watershed Area refinement plan may be available for purchase; and

WHEREAS, Metro Code Chapter 2.04.026 requires Metro Council authorization for any contract for the purchase of real property to be owned by Metro; now therefore

BE IT RESOLVED that the Metro Council finds that, for the reasons stated and as provided herein and discussed in the executive session on June 24, 2014, it is in the public interest to purchase the Property, and therefore authorizes the Chief Operating Officer to:

1. Acquire the Property on terms and under conditions acceptable to the Chief Operating Officer and the Office of Metro Attorney, consistent with the discussion at the executive session on June 24, 2014; and
2. Execute such ancillary documents as may be required in connection with this acquisition, in the form approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this 17th day of July, 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4550, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE CERTAIN PROPERTY IN THE JOHNSON CREEK AND WATERSHED TARGET AREA

Date: July 17, 2014

Prepared by: Kathleen Brennan-Hunter, 503-797-1948

BACKGROUND

Resolution No. 14-4550 requests authorization for the Chief Operating Officer to purchase real property (the "Property") located within the Johnson Creek and Watershed target area, and discussed with the Metro Council in executive session on June 24, 2014.

~~The subject Property is a 16-acre parcel located on SE 252nd in Gresham, and includes 600 feet of both stream banks of Johnson Creek, 650 feet of an unnamed perennial tributary, and 2.5 acres of the 100-year floodplain. This Property meets the goals and objectives of the target area refinement plan, by protecting lands along the mainstream of Johnson Creek, protecting water quality and connecting existing public holdings. The Tier I acquisition objective in the target area is to "protect lands along the mainstream and important tributaries of Johnson Creek..."~~

~~This acquisition would extend contiguous Metro ownership along Johnson Creek to roughly 50 acres. Only one other private property would separate the Property from then connecting to the 40-acre Metro-owned Hogan Cedars Natural Areas in the Ambleside Drive area of Gresham, thus creating nearly 100 acres of Metro-protected lands in this area. These property connections allow more extensive stream stabilization work to extend across all the Metro properties in the area, and improves the health of wildlife corridors throughout the watershed.~~

~~The Property has high habitat value. Johnson Creek was once host to abundant native fish populations, including threatened salmon species. Ongoing stream bank and riparian forest restoration on this Property and in the watershed will improve habitat and water quality for threatened fish and other associated species. Coho salmon have been spotted upstream of this site. This Property will also provide an attractive, forested backdrop for bicyclists, walkers and joggers who use the nearby Springwater Corridor.~~

Metro staff has been in negotiations with the property owner for several years. The transaction includes terms that are outside the Due Diligence Guidelines. Therefore according to the Natural Areas Implementation Work Plan and the Metro Code, Metro Council approval is necessary to complete the transaction. In order to secure an agreement to acquire the Property, Metro staff is proposing an amended offer to the owners consistent with the discussion at the Metro Council executive session on June 24th, 2014.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

Resolution No. 06-3672B, "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisitions and Water Quality Protection," was adopted on March 9, 2006.

The voters' approved Metro's 2006 Natural Areas Bond Measure at the general election held on November 7, 2006.

Resolution No. 07-3851, "Approving the Natural Areas Acquisition Refinement Plan for the Johnson Creek and Watershed Target Area," was adopted on September 24, 2007.

Resolution No. 07-3766A "Authorizing the Chief Operating Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan," was adopted by the Metro Council on March 1, 2007, and established the Acquisition Parameters and Due Diligence Guidelines for the purchase of properties as part of the 2006 Natural Areas Bond Program.

3. Anticipated Effects

Metro will endeavor to acquire the Property, pursuant to the terms discussed by the Metro Council during executive session on June 24th, 2014. If all conditions are met, the transaction will close within 90 days of both parties executing a purchase agreement.

4. Budget Impacts

Funds to acquire the Property will come from the Natural Areas Bond Measure.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution 14-4550.

REVISED - July 15, 2014
To reflect JPACT recommendation

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE	)	RESOLUTION NO. 14-4533
ENVIRONMENTAL JUSTICE AND TITLE VI)	
ASSESSMENT FOR THE 2014 REGIONAL)	
TRANSPORTATION PLAN AND THE 2015-2018	)	Introduced by Chief Operating Officer Martha
METROPOLITAN TRANSPORTATION	)	Bennett in concurrence with Council
IMPROVEMENT PROGRAM.		President Tom Hughes

WHEREAS, the region values and celebrates the diversity of its residents; and

WHEREAS, Title VI of the Civil Rights Act of 1964 states, "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance;" and

WHEREAS, Executive Order 12898 on Environmental Justice directs public agencies receiving federal funding, "shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations;" and

WHEREAS, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), as agencies of the United States Department of Transportation, incorporate the principles of and comply with Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on Environmental Justice; and

WHEREAS, FHWA and FTA require all recipients of federal funding to document their compliance with Title VI regulations through its Title VI Program; and

WHEREAS, as part of the analytical requirements of Title VI of the Civil Rights Act of 1964, Metropolitan Planning Organizations (MPOs) must demonstrate regional transportation planning and programming activities that use federal funds, particularly as it relates to public transportation, do not create a disparate impact on people of color, race, and people with limited English proficiency or otherwise appropriately address the disparate impact; and

WHEREAS, as part of the analytical requirements of Executive Order 12898 on Environmental Justice, MPOs must demonstrate regional transportation planning and programming activities that use federal funds do not have a disproportionate negative impact on people of color and people with low-income or otherwise appropriately address the disproportionate burden; and

WHEREAS, Metro undertook a process to develop and conduct a programmatic level environmental justice and Title VI analysis for the 2014 RTP and the 2015-2018 MTIP; and

WHEREAS, analysis of the transportation projects in the financially constrained 2014 RTP and the 2015-2018 MTIP do not indicate a quantifiable programmatic disparate impact in the use of public transportation funds on five identified communities of concern (people of color, people with limited English proficiency, people with low-income, older adults, and young people); and

WHEREAS, analysis of the transportation projects in the financially constrained 2014 RTP and the 2015-2018 MTIP do not indicate a quantifiable programmatic disproportionate burden on five identified communities of concern (people of color, people with limited English proficiency, people with low-income, older adults, and young people); and

WHEREAS, a public comment period was held from May 16 – June 20, 2014 on the draft Environmental Justice and Title VI assessment for the 2014 RTP and 2015-2018 MTIP and a summary of the comments is listed in Chapter 5 of Exhibit A; and

WHEREAS, the public comment and analysis of the transportation projects in the financially constrained 2014 RTP and the 2015-2018 MTIP identified areas to improve the analysis process and transportation equity considerations, which have resulted in a set of recommendations identified in Chapter 5 of Exhibit A; and

WHEREAS, Metro staff will form a work group with agency partners, Metro equity strategy staff and interested community parties to propose updates to the work program definition, budget, and schedule ~~on~~ of the Unified Planning Work Program to address the set of recommendations identified in Chapter 5 on pages 61 – 65 of Exhibit A; and

WHEREAS, the analysis demonstrates the 2014 RTP and the 2015-2018 MTIP are in compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on Environmental Justice; and

WHEREAS, at its meeting on June 27, 2014, the Transportation Policy Advisory Committee recommended approval of this legislation to the Joint Policy Advisory Committee on Transportation (JPACT); and

WHEREAS, at its meeting on July 10, 2014, JPACT recommended the approval of this resolution to the Metro Council; now therefore

BE IT RESOLVED the Metro Council hereby adopts the recommendation of JPACT and approves the Environmental Justice and Title VI Assessment for the 2014 RTP and 2015-2018 MTIP attached to this resolution as Exhibit A.

ADOPTED by the Metro Council this ____ day of July 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

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GREAT
PLACE**



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**2014 Regional Transportation Plan and
2015-2018 Metropolitan
Transportation Improvement Program
Environmental Justice and Title VI**

Adoption Draft Report

July 17, 2014

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4533, FOR THE PURPOSE OF APPROVING THE ENVIRONMENTAL JUSTICE AND TITLE VI ASSESSMENT FOR THE 2014 REGIONAL TRANSPORTATION PLAN AND THE 2015-2018 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.

Date: July 2, 2012

Prepared by: Grace Cho

Background

As the metropolitan planning organization (MPO) for the Portland, Oregon region, Metro is obligated to meet the requirements of Executive Order 12898 on Environmental Justice and Title VI of the Civil Rights Act of 1964. As part of those requirements, Metro must conduct analytical assessments the agency's transportation planning and programming activities. Therefore, as part of the 2014 RTP update and the 2015-2018 MTIP, Metro has conducted an investment analysis that assesses where short-term and long-term transportation investments are being made relative to concentrations of five identified communities of concern (younger persons, older adults, people of color, limited English proficiency persons, and persons with low income).

The 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment fulfills federal requirements, and is relevant to the work being concurrently conducted through Metro's Equity Strategy. Metro staff is coordinating to identify areas where work may support both programs, but is also proceeding to meet federal requirements for the RTP and MTIP as the regional equity strategy is finalized.

Overview of the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment

The purpose of the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI assessment is to evaluate at a programmatic scale whether the long-range regional transportation plan and the four-year programming of federal transportation funds are either:

- 1) Causing a disproportionate burden on people of color and people with low income (as required by Executive Order 12898); and/or
- 2) Causing a disparate impact on people of color and people with limited English proficiency as it pertains to public transportation investments (as required by Title VI).

To evaluate the long-range transportation plan and the upcoming four-years of federal programming, the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment was analyzed in the following three phases:

- 1) Definitions, Thresholds, and Methodology Approach Development – The first phase involved identifying and defining people of color, people with limited English proficiency, and people with low income, and any additional communities for consideration as well as the thresholds for locating concentrations of these communities. A total of five communities were identified: younger persons, older adults, people of color, people with limited English proficiency, and people with low income. For the purposes for the analysis these five communities are referred to as communities of concern. Younger persons and older adults are not required as a part of Title VI or environmental justice regulations but included for informational purposes.
- 2) Quantitative Analysis of the 2014 RTP and 2015-2018 MTIP Investments – The second phase involved conducting a quantitative analysis to the region's short-term (via the 2015-2018 MTIP) and long-term (via the 2014 RTP) transportation investments. The quantitative analysis examines where transportation investments are being proposed relative to the locations of communities of concern within the region. The assessment uses benchmarks of transportation investment per

person per acre to make a quantitative determination of whether there is a presence of disproportionate or disparate investments.

- 3) **Qualitative Analysis of the 2014 RTP and 2015-2018 MTIP Investments** – The third phase involved gathering qualitative information on how the transportation investments proposed for the region in the short-term and the long-term affect communities of concern at a programmatic level. Previous stakeholder engagement identified the importance of including a qualitative element when considering environmental justice or civil rights because quantitative analysis may not capture or identify all disproportionate burdens experienced by communities of concern. For the qualitative analysis a 35-day public comment period served as the main method for gathering feedback on whether the disproportionate transportation investments, if any, cause a benefit or burden to different communities of concern.

Further information on each phase is described in Chapters 2-4 in Exhibit A.

2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment – Quantitative Analysis Results

For the evaluation of the 2014 RTP and 2015-2018 MTIP, Metro built upon previous analytical efforts and looked to the work of peer agencies to employ a new quantitative method for the assessment. The quantitative analysis consisted of mapping short-term and long-term transportation investments identified in the 2015-2018 MTIP and the 2014 RTP and assigning these investments to communities of concern based on location. A regional benchmark was developed for both the long and short-term investment to have a quantifiable basis of comparison for looking at the significance of investment levels in communities of concern. Tables 1-3 illustrate the investment levels in the five identified communities of concern relative to the regional benchmark. Further analyses and details of the quantitative analysis methodology can be found in Chapters 2-4 in Exhibit A.

Table 1. Regional Transportation Investment Benchmarks

Policy/Plan Document	Transportation Investment
Long-Term (2014 RTP)	\$.014 per person per acre
Short-Term (2015-2018 MTIP)	\$.0008 per person per acre

Table 2. 2014 RTP Investments Compared to Investments in Communities of Concern

	Regional Total Investment	Young Persons Total Investment	Older Person Total Investment	People of Color Total Investment	Limited English Proficiency Total Investment	Low Income Total Investment
2014 RTP	\$0.01408	\$0.18029	\$0.13027	\$0.12024	\$0.34496	\$0.09506

Table 3. 2015-2018 MTIP Investments Compared to Investments in Community of Concern

	Regional Total Investment	Young Persons Total Investment	Older Person Total Investment	People of Color Total Investment	Limited English Proficiency Total Investment	Low Income Total Investment
2015-2018 MTIP	\$0.00087	\$0.00712	\$0.01049	\$0.00461	\$0.02372	\$0.00314

Based on the results of the quantitative analysis, the following key findings emerged:

- The region appears to be investing in communities of concern at rates higher than the regional benchmark, the assessment does not show a quantifiable programmatic disparate impact from 2014 RTP and the 2015-18 MTIP investments on any of the five communities of concern.
- The region appears to be investing in communities of concern at rates higher than the regional benchmark, the assessment does not demonstrate a quantifiable programmatic inequitable distribution of benefits and burdens against any of the five communities of concern.

While the initial quantitative findings do not illustrate a programmatic disparate impact or inequitable distribution of benefits and burdens on the five communities of concern, the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment elected not to make formal findings on disproportionate burden or disparate impact on communities of concern at the completion of the quantitative analysis. Instead the public comment process followed the quantitative work to provide opportunity for community members to weigh in with their views regarding whether there is a disproportionate burden on communities of concern in the region.

2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment – Qualitative Analysis Results/Public Comment

Comments from stakeholders during the initial methodology development phase stated that any transportation investment comes with both benefits and burdens and is dependent on the context of the individual persons or communities impacted. As a result, the third phase, focusing on gathering qualitative information for the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment, was initiated through the opening of a formal public comment period from May 16, 2014 through June 20, 2014. The comment period was advertised with a legal notice in placed in the Beaverton Valley Times, Gresham Outlook, Portland Observer, Portland Skanner, Asian Reporter and El Hispanic News. The advertisements had translated text stating the purpose of the notice and providing contact information for more information. Additionally, advertising of the public comment period was provided on Metro's planning enews list and individual emails were sent to community-based organizations, local jurisdiction staff, and other interested parties who were engaged in the definitions and thresholds work. Both the advertisement and the newsfeed directed the public to a web page providing copies of the draft 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment and to submit feedback through an online survey. To understand how the transportation investments proposed for the region in the short-term and the long-term affect communities of concern at a programmatic level the following questions were asked:

- 1) What are the potential benefits and burdens on communities of concern from investments in roads, transit, and active transportation?
- 2) Are there things we can do on a regional level (through policies or programs) to address, mitigate, and/or prevent the potential burdens from road, transit, and active transportation investments on communities of concern?

A total of eight technical and public comments were received. Exhibit A Appendix A provides a summary and lists the individual comments received. The major themes which emerged from public comment include the following:

- Support for the higher levels of investments in communities of concern
- Concerns about the quantitative method to define disparate impacts
- Desire to analyze transportation equity issues to have a more complete context and understanding of potential disparate impacts and disproportionate burdens
- Need to include additional metrics on issues such as safety, access, or market driven displacement for measuring disparate impacts and disproportionate burdens

- Need for more public engagement to define relevant needs and issues that should be addressed in planning, programming and analysis work.

Feedback received during the public comment and through engagement throughout the analysis process facilitated a greater understanding of the positive and negative effects communities of concern experience with transportation investments in the short and long-term. Based on the public comments the following key findings emerged:

- Metro's assessment process and methodology can be improved to better determine potential benefits and burdens to communities of concern
- Metro RTP and MTIP processes can be improved to provide guidance and best practices for determining the needs of and selecting projects that serve communities of concern.

While a quantifiable disproportionate burden and disparate impact were not identified in the analysis, stakeholders expressed concern over the qualitative assessment methodology. The concerns suggested a need for further areas of study to quantitatively and qualitatively measure and address transportation concerns of communities of concern. As a result, a set of recommendations are being made to support further efforts to address the concerns. These recommendations can be found in Chapter 5 on pages 61 – 64 of Exhibit A. Additional analysis was also performed, comparing levels of investment in concentrated communities of concern to the remainder of the region rather than the regional average benchmark. A summary of the conclusion and recommendations of that analysis can be found on pages 141-143 of Exhibit A.

ANALYSIS/INFORMATION

1. Known Opposition

The public comments from the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment illustrated there are advocates and community members concerned with details of the quantitative methodology and the lack of engagement conducted during the qualitative analysis.

2. Legal Antecedents

Metro legislation includes:

- Resolution 07-3831B, "For the Purpose of Approving the Federal Component of the 2035 Regional Transportation Plan (RTP) Update, Pending Air Quality Conformity Analysis."
- Resolution 12-4333, "For the Purpose of Adopting the 2012-15 Metropolitan Transportation Improvement Program."

- 3. Anticipated Effects:** Approval of this resolution allows for funding proposed for transportation projects in the 2015-2018 MTIP and advancing the goals of the 2014 RTP. With approval by JPACT and adoption by Metro Council, staff will submit to FHWA and FTA the 2014 RTP and 2015-2018 MTIP Environmental Justice and Title VI Assessment as part of a package of supplemental documentation for the 2014 RTP and the 2015-2018 MTIP.

- 4. Budget Impacts:** None directly by this action.

RECOMMENDED ACTION

Staff recommends approval of Resolution No. 14-4533.

71714C-04

Wendie L. Kellington
Attorney at Law, P.C.

P.O. Box 159
Lake Oswego Or
97034

Phone (503) 636-0069
Mobile (503) 804-0535
Facsimile (503) 636-0102
Email: wk@wkellington.com

July 16, 2014

Via Electronic Mail and
Hand Delivery
The Hon. Tom Hughes, President
Metro Council
600 NE Grand Avenue
Portland, Oregon

Re: RESOLUTION 14-4533, FOR THE PURPOSE OF APPROVING THE
ENVIRONMENTAL JUSTICE AND TITLE VI ASSESSMENT FOR THE 2014 REGIONAL
TRANSPORTATION PLAN AND THE 2015-2018 METROPOLITAN TRANSPORTATION
IMPROVEMENT PROGRAM

Dear Council President Hughes and Councilors:

Please include this letter and its exhibits as testimony and evidence for the record of the above referenced matter. Please also provide this firm with notice of the decision(s) in the above referenced matter. It was delivered to you for the record via your attorney Roger Alfred. Mr. Alfred agreed to accept this letter and accompanying materials for the record in the above matter.

This firm represents McGuire Bros. LLC and Steve McGuire (undeveloped industrial land at Tax Lot 100 T2S, R1W Sec 34AC); Terra Hydr Inc., Tonquin Industrial LLC and Hank Stuky (11670 SW Waldo Wy., Sherwood); Bob and Donna Albertson and Albertson Trucking Inc. (23100 McCammant Dr. and 2 S134B000500); EMJ Properties LLC and Nick Storie (11611 SW Waldo Wy., Sherwood); Mark Brown, McCammant Properties Inc. and Brown Transfer Inc. (23105 SW McCammant Dr., Sherwood). Their properties are indicated at the red arrows on Exhibits 5A pages 1 and 2. Their properties are all in the UGB. These clients are collectively referred to in this submission as the Tonquin Industrial Group (TIG).

The TIG all own or operate industrial businesses in the RSIA, which is shown on exhibits in the record and is known as the "TIG RSIA". RSIA stands for Regionally Significant Industrial Area. Recently, the Metro Council amended its code (the Urban Growth Management Functional Plan or "UGMFP" in an effort to allow park facilities including the type of facilities relied on in the challenged decision in RSIA's including the TIG RSIA). The TIG properties are collectively more than 50 acres in size. The existing TIG businesses employ more than 50 people in family wage jobs. The TIG work together so that their properties are available for existing industrial purposes as well as able to be marketed as a single aggregated parcel in excess of 50 acres that may be acquired by a large industrial employer.

Roger Alfred

Subject: FW: Question

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]
Sent: Wednesday, May 07, 2014 2:23 PM
To: Wendie Kellington
Cc: John Mermin
Subject: RE: Question

Wendie – The matter before council tomorrow involves nothing more than the tentative “acceptance” of the RTP project list as currently proposed. The only purpose of this resolution is to create a snapshot of the project list that we can then use to run the air quality modeling on those projects for purposes of air quality conformance. That modeling will occur between Friday and May 14. Assuming the modeling works out and shows that the region will still be in conformance with federal clean air act requirements if all of the proposed projects are built, we will go forward with that list as part of the actual RTP amendments scheduled for July 17.

Federal law requires us to have a public involvement plan for transportation projects. Therefore, in 2009 Metro adopted a “Public Involvement Policy for Transportation Planning,” which was revised into the current “Public Engagement Guide” in 2013. Those documents include a requirement that for any proposed amendment to the RTP we must provide a formal 45-day public comment period. Don’t ask me why, but that is what it says... I understand that it does not really mesh with the typical land use decision making process, but in any event that is the only reason for the “formal” 45-day comment period from March 21 to May 5. However, as John notes, that formal period does not foreclose anyone’s ability to comment on the actual RTP amendments any time between now and the public hearing on July 17.

Bottom line – the hearing tomorrow regarding the RTP project list really does not matter for your purposes unless perhaps you have concerns about what projects should be modeled for air quality conformance. And even if you did, you would still have the opportunity to comment any time up until the July 17 hearing.

From: Wendie Kellington [mailto:wk@wkellington.com]
Sent: Tuesday, May 06, 2014 7:49 PM
To: John Mermin
Cc: Roger Alfred
Subject: RE: Question

John,

This really makes no sense. This is not noticed as a public comment on the RTP. It is an “acceptance” of the conformity determination. There is no transparency on the two processes – why May 8 and then July 17 and how they are different. Probably by design. Regardless, I will treat this as a hearing on the RTP that matters based on this email. And likely appeal the outcome. Best, Wendie

From: John Mermin [<mailto:John.Mermin@oregonmetro.gov>]
Sent: Tuesday, May 06, 2014 3:26 PM
To: Wendie Kellington
Cc: Roger Alfred
Subject: RE: Question

Hi Wendie,

We just wrapped up a 45-day public comment period on the RTP (3/21-5/5).

Whenever we have a formal comment period, it is our practice to have a public hearing to allow for additional public comments to be made directly to the Metro Council before they take action. They will be taking action on 5/8 and again on 7/17.

Thanks,
John

From: Wendie Kellington [<mailto:wk@wkellington.com>]
Sent: Tuesday, May 06, 2014 1:25 PM
To: John Mermin
Cc: Roger Alfred
Subject: RE: Question

Hi John,

Thank you. I do not understand the point of the public hearing on the conformity determination. What issues are relevant to the public hearing? What drives having a public hearing at all?

From: John Mermin [<mailto:John.Mermin@oregonmetro.gov>]
Sent: Tuesday, May 06, 2014 1:19 PM
To: Wendie Kellington; Roger Alfred
Subject: RE: Question

Hi Wendie,
I've attached the agenda for the council meeting on the 8th ...
John

From: John Mermin
Sent: Tuesday, May 06, 2014 1:13 PM
To: 'Wendie Kellington'; Roger Alfred
Subject: RE: Question

Hi Wendie,

Sorry for the confusion.

The action and hearing was originally scheduled for May 15th, but had to be rescheduled for May 8th.

On May 8, The Metro Council will be asked accept the RTP project list so that we can run our air quality model to test if we will meet the clean air act if we were to build all the projects in the list. This air quality modeling determination is a federal requirement.

FYI - This is not the final action on the RTP. That is scheduled for the July 17th Metro Council meeting. There will be another public hearing with that meeting.

Let me know if you any further questions.

Roger Alfred

From: Wendie Kellington [wk@wkellington.com]
Sent: Wednesday, May 07, 2014 6:03 PM
To: Roger Alfred
Cc: John Mermin; Steve McGuire (stevemcguire@mcguirebearing.com); Hank Stukey (corporate@terrahydr.com)
Subject: RE: Question

Thank you. Perhaps the elected officials will listen to testimony then and decide what makes sense is not to model the IATT in the TIG RSIA but rather in 124th as the affected public has asked. Metro is not hurt by such a decision. The region benefits because we stop wasting time chasing away industry; and have a healthy RSIA and a trail not blighted by controversy. Best, Wendie

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]
Sent: Wednesday, May 07, 2014 5:53 PM
To: Wendie Kellington
Cc: John Mermin; Steve McGuire (stevemcguire@mcguirebearing.com); Hank Stukey (corporate@terrahydr.com)
Subject: RE: Question

The decision tomorrow does not do anything except allow the air quality monitoring to begin, based on the list of proposed projects. Any trail facilities included in that list do not affect the modeling because bike and pedestrian projects are exempt, since they do not create air quality concerns. Tomorrow's decision does not make any substantive decision about what should or should not be included in the RTP. That decision will be made in July. Tomorrow's decision just provides the snapshot of a list that allows us to run models to determine whether the Metro region will still be in conformance with federal Clean Air Act requirements if all of the (non-trail) projects on the list are ultimately built. Once the air quality conformity results are obtained in about a week, there is a 30-day public comment period on the results from May 16 to June 15 and those results are going to MTAC, TPAC, and to the Metro Council in a work session on June 17. My understanding of the process (this is new for me also) is that the final Metro decision regarding air quality conformance would be a decision in July to amend the RTP to include some or all of the projects on the list. It is difficult for me to imagine what the basis would be for an appeal of tomorrow's decision to authorize the commencement of air quality modeling, since the whole point of the modeling is to determine whether or not the project list can actually be included in the RTP, but at no point have I suggested that the Metro Council has no interest in testimony at either of the hearings tomorrow.

Roger Alfred

From: Wendie Kellington [wk@wkellington.com]
Sent: Thursday, May 08, 2014 6:23 PM
To: Roger Alfred
Subject: RE: RTP project list

Hi Roger,

Please confirm no final decision was made today on the project list. IF so we can work through this later. Best,
Wendie

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]
Sent: Thursday, May 08, 2014 1:47 PM
To: Wendie Kellington
Subject: RE: RTP project list

My people are telling me that none of the Tonquin Trail segments shown on the list you forwarded are in the TIG or its related RSIA. Is there a particular segment you feel differently about? There is a fourth TT segment on the project list that John missed in his first cut (#11427); however, that appears to be well north, inside the city of Tualatin (112th to Boones Ferry) and not in any RSIA.

From: Wendie Kellington [mailto:wk@wkellington.com]
Sent: Thursday, May 08, 2014 12:57 PM
To: Roger Alfred
Subject: RE: RTP project list

Roger, the problem is, this is inconsistent with the project list on the website. Which is represented as the official version, which I tend to believe. Which I attach so you have it. If the region will specifically remove the IATT from the TIG RSIA in the project list and put it say in 124th we have no problem. But absent some credible showing the trail and remarkable facilities are not on the project list, my clients will be challenging the AQC determination whenever Metro decides it is fit to challenge. Fair warning. Best, Wendie

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]
Sent: Thursday, May 08, 2014 12:10 PM
To: Wendie Kellington
Subject: RTP project list

Wendie – after yesterday's discussion I asked John Mermin to provide a list of Tonquin Trail segments included on the project list that is on today's agenda. That list is attached, with a map – apparently none of the TT segments on today's list actually cross through RSIA.

Roger

Roger Alfred

71714C-06

Subject: FW: Question

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]

Sent: Wednesday, May 07, 2014 2:23 PM

To: Wendie Kellington

Cc: John Mermin

Subject: RE: Question

Wendie – The matter before council tomorrow involves nothing more than the tentative “acceptance” of the RTP project list as currently proposed. The only purpose of this resolution is to create a snapshot of the project list that we can then use to run the air quality modeling on those projects for purposes of air quality conformance. That modeling will occur between Friday and May 14. Assuming the modeling works out and shows that the region will still be in conformance with federal clean air act requirements if all of the proposed projects are built, we will go forward with that list as part of the actual RTP amendments scheduled for July 17.

Federal law requires us to have a public involvement plan for transportation projects. Therefore, in 2009 Metro adopted a “Public Involvement Policy for Transportation Planning,” which was revised into the current “Public Engagement Guide” in 2013. Those documents include a requirement that for any proposed amendment to the RTP we must provide a formal 45-day public comment period. Don’t ask me why, but that is what it says... I understand that it does not really mesh with the typical land use decision making process, but in any event that is the only reason for the “formal” 45-day comment period from March 21 to May 5. However, as John notes, that formal period does not foreclose anyone’s ability to comment on the actual RTP amendments any time between now and the public hearing on July 17.

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Cc: Roger Alfred

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The action and hearing was originally scheduled for May 15th, but had to be rescheduled for May 8th.

On May 8, The Metro Council will be asked accept the RTP project list so that we can run our air quality model to test if we will meet the clean air act if we were to build all the projects in the list. This air quality modeling determination is a federal requirement.

FYI - This is not the final action on the RTP. That is scheduled for the July 17th Metro Council meeting. There will be another public hearing with that meeting.

Let me know if you any further questions.

Roger Alfred

From: Wendie Kellington [wk@wkellington.com]
Sent: Wednesday, May 07, 2014 6:03 PM
To: Roger Alfred
Cc: John Mermin; Steve McGuire (stevemcguire@mcguirebearing.com); Hank Stukey (corporate@terrahydr.com)
Subject: RE: Question

Thank you. Perhaps the elected officials will listen to testimony then and decide what makes sense is not to model the IATT in the TIG RSIA but rather in 124th as the affected public has asked. Metro is not hurt by such a decision. The region benefits because we stop wasting time chasing away industry; and have a healthy RSIA and a trail not blighted by controversy. Best, Wendie

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]
Sent: Wednesday, May 07, 2014 5:53 PM
To: Wendie Kellington
Cc: John Mermin; Steve McGuire (stevemcguire@mcguirebearing.com); Hank Stukey (corporate@terrahydr.com)
Subject: RE: Question

The decision tomorrow does not do anything except allow the air quality monitoring to begin, based on the list of proposed projects. Any trail facilities included in that list do not affect the modeling because bike and pedestrian projects are exempt, since they do not create air quality concerns. Tomorrow's decision does not make any substantive decision about what should or should not be included in the RTP. That decision will be made in July. Tomorrow's decision just provides the snapshot of a list that allows us to run models to determine whether the Metro region will still be in conformance with federal Clean Air Act requirements if all of the (non-trail) projects on the list are ultimately built. Once the air quality conformity results are obtained in about a week, there is a 30-day public comment period on the results from May 16 to June 15 and those results are going to MTAC, TPAC, and to the Metro Council in a work session on June 17. My understanding of the process (this is new for me also) is that the final Metro decision regarding air quality conformance would be a decision in July to amend the RTP to include some or all of the projects on the list. It is difficult for me to imagine what the basis would be for an appeal of tomorrow's decision to authorize the commencement of air quality modeling, since the whole point of the modeling is to determine whether or not the project list can actually be included in the RTP, but at no point have I suggested that the Metro Council has no interest in testimony at either of the hearings tomorrow.

Wendie L. Kellington
Attorney at Law, P.C.

71714C-07

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July 16, 2014

The Hon. Tom Hughes, President
Metro Council
600 NE Grand Avenue
Portland, Oregon

Re: RESOLUTION 14-4534, FOR THE PURPOSE OF APPROVING THE JOINT
AIR QUALITY CONFORMITY DETERMINATION FOR THE 2014
REGIONAL TRANSPORTATION PLAN AND THE 2015-2018
METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.

Dear Council President Hughes and Councilors:

Please include this letter and its exhibits as testimony and evidence for the record of the above referenced matter. Please also provide this firm with notice of the decision(s) in the above referenced matter. It was delivered to you for the record via your attorney Roger Alfred. Mr. Alfred agreed to accept this letter and accompanying materials for the record in the above matter.

This firm represents McGuire Bros. LLC and Steve McGuire (undeveloped industrial land at Tax Lot 100 T2S, R1W Sec 34AC); Terra Hydr Inc., Tonquin Industrial LLC and Hank Stuky (11670 SW Waldo Wy., Sherwood); Bob and Donna Albertson and Albertson Trucking Inc. (23100 McCammant Dr. and 2 S134B000500); EMJ Properties LLC and Nick Storie (11611 SW Waldo Wy., Sherwood); Mark Brown, McCammant Properties Inc. and Brown Transfer Inc. (23105 SW McCammant Dr., Sherwood). Their properties are indicated at the red arrows on Exhibits 5A pages 1 and 2. Their properties are all in the UGB. These clients are collectively referred to in this submission as the Tonquin Industrial Group (TIG).

The TIG all own or operate industrial businesses in the RSIA, which is shown on exhibits in the record and is known as the "TIG RSIA". RSIA stands for Regionally Significant Industrial Area. Recently, the Metro Council amended its code (the Urban Growth Management Functional Plan or "UGMFP" in an effort to allow park facilities including the type of facilities relied on in the challenged decision in RSIA's including the TIG RSIA). The TIG properties are collectively more than 50 acres in size. The existing TIG businesses employ more than 50 people in family wage jobs. The TIG work together so that their properties are available for existing industrial purposes as well as able to be marketed as a single aggregated parcel in excess of 50 acres that may be acquired by a large industrial employer.

Objections

Our clients object to the adoption of the proposed conformity determination because:

Roger Alfred

71714c-08

Subject: FW: Question

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]

Sent: Wednesday, May 07, 2014 2:23 PM

To: Wendie Kellington

Cc: John Mermin

Subject: RE: Question

Wendie – The matter before council tomorrow involves nothing more than the tentative “acceptance” of the RTP project list as currently proposed. The only purpose of this resolution is to create a snapshot of the project list that we can then use to run the air quality modeling on those projects for purposes of air quality conformance. That modeling will occur between Friday and May 14. Assuming the modeling works out and shows that the region will still be in conformance with federal clean air act requirements if all of the proposed projects are built, we will go forward with that list as part of the actual RTP amendments scheduled for July 17.

Federal law requires us to have a public involvement plan for transportation projects. Therefore, in 2009 Metro adopted a “Public Involvement Policy for Transportation Planning,” which was revised into the current “Public Engagement Guide” in 2013. Those documents include a requirement that for any proposed amendment to the RTP we must provide a formal 45-day public comment period. Don’t ask me why, but that is what it says... I understand that it does not really mesh with the typical land use decision making process, but in any event that is the only reason for the “formal” 45-day comment period from March 21 to May 5. However, as John notes, that formal period does not foreclose anyone’s ability to comment on the actual RTP amendments any time between now and the public hearing on July 17.

Bottom line – the hearing tomorrow regarding the RTP project list really does not matter for your purposes unless perhaps you have concerns about what projects should be modeled for air quality conformance. And even if you did, you would still have the opportunity to comment any time up until the July 17 hearing.

From: Wendie Kellington [mailto:wk@wkellington.com]

Sent: Tuesday, May 06, 2014 7:49 PM

To: John Mermin

Cc: Roger Alfred

Subject: RE: Question

John,

This really makes no sense. This is not noticed as a public comment on the RTP. It is an “acceptance” of the conformity determination. There is no transparency on the two processes – why May 8 and then July 17 and how they are different. Probably by design. Regardless, I will treat this as a hearing on the RTP that matters based on this email. And likely appeal the outcome. Best, Wendie

From: John Mermin [<mailto:John.Mermin@oregonmetro.gov>]

Sent: Tuesday, May 06, 2014 3:26 PM

To: Wendie Kellington

Cc: Roger Alfred

Subject: RE: Question

Hi Wendie,

We just wrapped up a 45-day public comment period on the RTP (3/21-5/5).

Whenever we have a formal comment period, it is our practice to have a public hearing to allow for additional public comments to be made directly to the Metro Council before they take action. They will be taking action on 5/8 and again on 7/17.

Thanks,

John

From: Wendie Kellington [<mailto:wk@wkellington.com>]

Sent: Tuesday, May 06, 2014 1:25 PM

To: John Mermin

Cc: Roger Alfred

Subject: RE: Question

Hi John,

Thank you. I do not understand the point of the public hearing on the conformity determination. What issues are relevant to the public hearing? What drives having a public hearing at all?

From: John Mermin [<mailto:John.Mermin@oregonmetro.gov>]

Sent: Tuesday, May 06, 2014 1:19 PM

To: Wendie Kellington; Roger Alfred

Subject: RE: Question

Hi Wendie,

I've attached the agenda for the council meeting on the 8th...

John

From: John Mermin

Sent: Tuesday, May 06, 2014 1:13 PM

To: 'Wendie Kellington'; Roger Alfred

Subject: RE: Question

Hi Wendie,

Sorry for the confusion.

The action and hearing was originally scheduled for May 15th, but had to be rescheduled for May 8th.

On May 8, The Metro Council will be asked accept the RTP project list so that we can run our air quality model to test if we will meet the clean air act if we were to build all the projects in the list. This air quality modeling determination is a federal requirement.

FYI - This is not the final action on the RTP. That is scheduled for the July 17th Metro Council meeting. There will be another public hearing with that meeting.

Let me know if you any further questions.

Roger Alfred

From: Wendie Kellington [wk@wkellington.com]
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To: Roger Alfred
Cc: John Mermin; Steve McGuire (stevemcguire@mcguirebearing.com); Hank Stukey (corporate@terrahydr.com)
Subject: RE: Question

Thank you. Perhaps the elected officials will listen to testimony then and decide what makes sense is not to model the IATT in the TIG RSIA but rather in 124th as the affected public has asked. Metro is not hurt by such a decision. The region benefits because we stop wasting time chasing away industry, and have a healthy RSIA and a trail not blighted by controversy. Best, Wendie

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Subject: RE: Question

The decision tomorrow does not do anything except allow the air quality monitoring to begin, based on the list of proposed projects. Any trail facilities included in that list do not affect the modeling because bike and pedestrian projects are exempt, since they do not create air quality concerns. Tomorrow's decision does not make any substantive decision about what should or should not be included in the RTP. That decision will be made in July. Tomorrow's decision just provides the snapshot of a list that allows us to run models to determine whether the Metro region will still be in conformance with federal Clean Air Act requirements if all of the (non-trail) projects on the list are ultimately built. Once the air quality conformity results are obtained in about a week, there is a 30-day public comment period on the results from May 16 to June 15 and those results are going to MTAC, TPAC, and to the Metro Council in a work session on June 17. My understanding of the process (this is new for me also) is that the final Metro decision regarding air quality conformance would be a decision in July to amend the RTP to include some or all of the projects on the list. It is difficult for me to imagine what the basis would be for an appeal of tomorrow's decision to authorize the commencement of air quality modeling, since the whole point of the modeling is to determine whether or not the project list can actually be included in the RTP, but at no point have I suggested that the Metro Council has no interest in testimony at either of the hearings tomorrow.

Roger Alfred

From: Wendie Kellington [wk@wkellington.com]
Sent: Thursday, May 08, 2014 6:23 PM
To: Roger Alfred
Subject: RE: RTP project list

Hi Roger,

Please confirm no final decision was made today on the project list. IF so we can work through this later. Best,
Wendie

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]
Sent: Thursday, May 08, 2014 1:47 PM
To: Wendie Kellington
Subject: RE: RTP project list

My people are telling me that none of the Tonquin Trail segments shown on the list you forwarded are in the TIG or its related RSIA. Is there a particular segment you feel differently about? There is a fourth TT segment on the project list that John missed in his first cut (#11427); however, that appears to be well north, inside the city of Tualatin (112th to Boones Ferry) and not in any RSIA.

From: Wendie Kellington [mailto:wk@wkellington.com]
Sent: Thursday, May 08, 2014 12:57 PM
To: Roger Alfred
Subject: RE: RTP project list

Roger, the problem is, this is inconsistent with the project list on the website. Which is represented as the official version, which I tend to believe. Which I attach so you have it. If the region will specifically remove the IATT from the TIG RSIA in the project list and put it say in 124th we have no problem. But absent some credible showing the trail and remarkable facilities are not on the project list, my clients will be challenging the AQC determination whenever Metro decides it is fit to challenge. Fair warning. Best, Wendie

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]
Sent: Thursday, May 08, 2014 12:10 PM
To: Wendie Kellington
Subject: RTP project list

Wendie – after yesterday's discussion I asked John Mermin to provide a list of Tonquin Trail segments included on the project list that is on today's agenda. That list is attached, with a map – apparently none of the TT segments on today's list actually cross through RSIA.

Roger

Wendie L. Kellington
Attorney at Law, P.C.

71714c-09

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July 16, 2014

Via Electronic Mail and
Hand Delivery
The Hon. Tom Hughes, President
Metro Council
600 NE Grand Avenue
Portland, Oregon

Re: RESOLUTION 14-4526, FOR THE PURPOSE OF ADOPTING THE 2014 REGIONAL
ACTIVE TRANSPORTATION PLAN

Dear Council President Hughes and Councilors:

Dear Council President Hughes and Councilors:

Please include this letter and its exhibits as testimony and evidence for the record of the above referenced matter. Please also provide this firm with notice of the decision(s) in the above referenced matter. It was delivered to you for the record via your attorney Roger Alfred. Mr. Alfred agreed to accept this letter and accompanying materials for the record in the above matter.

This firm represents McGuire Bros. LLC and Steve McGuire (undeveloped industrial land at Tax Lot 100 T2S, R1W Sec 34AC); Terra Hydr Inc., Tonquin Industrial LLC and Hank Stuky (11670 SW Waldo Wy., Sherwood); Bob and Donna Albertson and Albertson Trucking Inc. (23100 McCammant Dr. and 2 S134B000500); EMJ Properties LLC and Nick Storie (11611 SW Waldo Wy., Sherwood); Mark Brown, McCammant Properties Inc. and Brown Transfer Inc. (23105 SW McCammant Dr., Sherwood). Their properties are indicated at the red arrows on Exhibits 5A pages 1 and 2. Their properties are all in the UGB. These clients are collectively referred to in this submission as the Tonquin Industrial Group (TIG).

The TIG all own or operate industrial businesses in the RSIA, which is shown on exhibits in the record and is known as the "TIG RSIA". RSIA stands for Regionally Significant Industrial Area. Recently, the Metro Council amended its code (the Urban Growth Management Functional Plan or "UGMFP" in an effort to allow park facilities including the type of facilities relied on in the challenged decision in RSIA's including the TIG RSIA). The TIG properties are collectively more than 50 acres in size. The existing TIG businesses employ more than 50 people in family wage jobs. The TIG work together so that their properties are available for existing industrial purposes as well as able to be marketed as a single aggregated parcel in excess of 50 acres that may be acquired by a large industrial employer.

Wendie L. Kellington
Attorney at Law, P.C.

71714C-10

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Email: wk@wkellington.com

July 16, 2014

Via Electronic Mail and
Hand Delivery
The Hon. Tom Hughes, President
Metro Council
600 NE Grand Avenue
Portland, Oregon

Re: ORDINANCE 14-1340, FOR THE PURPOSE OF AMENDING THE 2035 REGIONAL TRANSPORTATION PLAN TO COMPLY WITH FEDERAL AND STATE LAW; AND TO AMEND THE REGIONAL FRAMEWORK PLAN.

Dear Council President Hughes and Councilors:

Please include this letter and its exhibits as testimony and evidence for the record of the above referenced matter. Please also provide this firm with notice of the decision(s) in the above referenced matter. It was delivered to you for the record via your attorney Roger Alfred. Mr. Alfred agreed to accept this letter and accompanying materials for the record in the above matter.

This firm represents McGuire Bros. LLC and Steve McGuire (undeveloped industrial land at Tax Lot 100 T2S, R1W Sec 34AC); Terra Hydr Inc., Tonquin Industrial LLC and Hank Stuky (11670 SW Waldo Wy., Sherwood); Bob and Donna Albertson and Albertson Trucking Inc. (23100 McCammant Dr. and 2 S134B000500); EMJ Properties LLC and Nick Storie (11611 SW Waldo Wy., Sherwood); Mark Brown, McCammant Properties Inc. and Brown Transfer Inc. (23105 SW McCammant Dr., Sherwood). Their properties are indicated at the red arrows on Exhibits 5A pages 1 and 2. Their properties are all in the UGB. These clients are collectively referred to in this submission as the Tonquin Industrial Group (TIG).

The TIG all own or operate industrial businesses in the RSIA, which is shown on exhibits in the record and is known as the "TIG RSIA". RSIA stands for Regionally Significant Industrial Area. Recently, the Metro Council amended its code (the Urban Growth Management Functional Plan or "UGMFP" in an effort to allow park facilities including the type of facilities relied on in the challenged decision in RSIA's including the TIG RSIA). The TIG properties are collectively more than 50 acres in size. The existing TIG businesses employ more than 50 people in family wage jobs. The TIG work together so that their properties are available for existing industrial purposes as well as able to be marketed as a single aggregated parcel in excess of 50 acres that may be acquired by a large industrial employer.

Metro | Memo

Date: July 17, 2014
To: Metro Council
From: Roger A. Alfred, Senior Assistant Attorney
Subject: Ordinance No. 14-1340 / Adoption of 2014 RTP
Supplemental findings and evidence regarding trails in industrial areas

This memorandum submits additional findings and evidence to the Metro Council in support of its decision to adopt the 2014 RTP. The Office of Metro Attorney provides the attached findings and evidence in response to issues that may be raised on appeal by the Tonquin Industrial Group (TIG) regarding whether it is appropriate to allow trails to be located in areas mapped as Regionally Significant Industrial Areas (RSIAs) under Title 4 of Metro's Urban Growth Management Functional Plan.

The attached materials include a copy of the findings adopted by the Metro Council in support of its recent decision to amend Title 4 to specifically allow trails and accessory facilities to be located in RSIAs, and copies of some of the materials that were submitted by Metro staff in support of that decision. The evidence primarily responds to arguments raised by the TIG that trails are incompatible with industrial uses.

The first page of the attached materials is a proposed amendment to the 2014 RTP findings (titled Supplement to Exhibit D to Ordinance No. 14-1340 Findings) that would expressly adopt and incorporate the findings adopted in the recent Title 4 amendment. The purpose of these additional findings is to ensure that Metro's decision to adopt the 2014 RTP is supported on appeal if issues are raised regarding the establishment of trails in industrial areas.

This memorandum submits the following documents into the record of this proceeding:

- Findings of Fact and Conclusions of Law in support of Ordinance No. 14-1329B
- Maps of Willamette Greenway and Marine Drive/Columbia Slough Trail Locations
- Correspondence from Swan Island Business Association TMA supporting Title 4 amendment
- Photographs of Springwater Corridor Trail at entrance to Ross Island Sand & Gravel Plant
- Memorandum from Metro Staff Robert Spurlock dated June 5, 2014
- Email from City of Portland staff Clay Veka regarding Swan Island crash data
- Email from City of Portland staff Roger Geller regarding Springwater Trail crash data
- Email from Lise Glancy of Port of Portland supporting Title 4 amendment
- Blue Ribbon Committee on Trails Final Report, November 2008
- Rails to Trails article: "Trails and Economic Development," August 2007
- American Trails article: "Economic Benefits of Trails," Summer 2011
- Metro News article regarding Staples, Inc. donation of trail easement, April 2011

Supplement to Exhibit D to Ordinance No. 14-1340 Findings

I. Goal 12 and OAR Division 12 (Transportation Planning Rule)

In 2010, Metro adopted a significant overhaul to its Regional Transportation Plan (RTP), entitled the 2035 RTP. Under the federal Clean Air Act, Metro is required to update the RTP every four years to demonstrate continued compliance with air quality standards, which is the primary focus of this 2014 update to the RTP. Unlike the 2035 RTP, the 2014 amendments include few policy changes, and most revisions are of a technical and housekeeping nature. The primary policy changes are located in Chapter 2 and include revisions that strengthen existing policies regarding active transportation, and provide additional detail to reflect recommendations included in the Regional Active Transportation Plan (ATP).

Because the 2035 RTP has been acknowledged by LCDC as compliant with the statewide planning goals and the state Transportation Planning Rule (TPR), these findings focus on describing how the amendments and updates contained in the 2014 RTP ensure continued compliance with applicable state requirements. The fundamental requirement of Goal 12 and the TPR is that the RTP must provide a transportation system that is adequate to served planned land uses. The RTP, together with the local transportation systems in city and county transportation system plans (TSPs), is aimed to serve the land uses planned by the region's 25 cities and metro portions of Clackamas, Multnomah and Washington counties. The Regional Transportation Functional Plan (RTFP) component of the RTP directs how local governments will implement the RTP. The RTP includes a schedule for city and county action, if necessary, to bring their TSPs into compliance with the RTP. The schedule has been coordinated with the local governments and reflects their own planning work programs and the availability of funds for the work.

The 2035 RTP adopted a new outcomes-based framework for regional transportation planning that includes policies, objectives and actions that direct future planning and investment decisions to consider economic, equity and environmental objectives. That approach remains unchanged in the 2014 RTP, which continues to include a broad set of performance targets that are tied to the outcomes that the RTP aims to achieve. The targets and other performance measures included in the plan continue the region's shift away from reliance upon level-of-service as the primary measure for determining transportation needs and success of the plan's strategies. In addition, the RTP commits Metro and its regional partners to continue developing a regional data collection and performance monitoring system to better understand the benefits and impacts of actions called for in the RTP and RTFP.

TPR 0015: Preparation and Coordination of Transportation System Plans

Findings of consistency of the 2014 RTP with the Oregon Transportation Plan and the Oregon Highway Plan are set forth in the table that is included as part of this Exhibit D.

TPR 0020: Elements of Transportation System Plans

The RTP is the "transportation system plan" for the metropolitan region, implementing the LCDC-acknowledged 2040 Growth Concept, and serving as the federal metropolitan transportation plan for the region. The plan establishes a regional network of facilities and services (Chapter 2) to meet overall regional transportation needs (Appendix), and contains policies (Chapter 2, Goals and Objectives), strategies (Appendix), projects (Appendix and p.3-3 to 3-6) and implementing land use regulations for cities and counties (RTFP).

modal transportation system. This growth strategy is proving more successful in shifting trips from SOV to non-SOV modes than efforts in other parts of the U.S.

Building upon the region's atlas of mobility corridors, mobility corridor strategies (Appendix) and the performance measures (Chapter 4) in the RTP, the region's congestion management process (Appendix) will provide a framework for future data collection and plan monitoring for system performance. The data will be used to help assess various strategies for managing congestion in each of the region's mobility corridors. The region's partner agencies and local governments then look for ways to implement appropriate strategies through on-going or new projects in those corridors. As strategies are implemented, a follow-up assessment will be conducted to determine the effectiveness of the improvements.

III. Regional Framework Plan Policies 1.4.4 and 1.4.6

The Metro Council adopts these supplemental findings in anticipation of issues that may be raised on appeal by the Tonquin Industrial Group (TIG) related to the identification of a preferred location of the Ice Age Tonquin Trail through a Regionally Significant Industrial Area (RSIA) in Washington County southwest of the City of Tualatin. The preferred location of the trail was identified in 2013 in Metro's Ice Age Tonquin Trail Master Plan, and is now included in the regional bicycle network map at Figure 2.18 of the 2014 RTP. However, none of the projects for the Ice Age Tonquin Trail that are included in the 2014 RTP project list include segments that cross through the TIG properties or any RSIA.

In response to challenges raised by the TIG, on June 12, 2014, the Metro Council adopted Ordinance No. 14-1329B, which amends Title 4 of the Urban Growth Management Functional Plan to expressly allow trails and accessory facilities to be located within RSIA's. As part of that decision, the Metro Council adopted findings addressing issues raised regarding RFP 1.4.4 and RFP 1.4.6. Those findings are included in the record of this proceeding, and the Metro Council hereby adopts and incorporates the findings set forth in Section C of the findings in support of Ordinance No. 14-1329B in order to specifically address compliance with RFP 1.4.4 and 1.4.6 for purposes of this decision. For the reasons explained in those findings, the Metro Council finds that trails are not incompatible with industrial uses in RSIA's, and that allowing trails to be located in RSIA's is not inconsistent with Metro's obligation to ensure a sufficient supply of 50-acre tracts of industrial land in the region.

Exhibit A to Ordinance No. 14-1329B
Findings of Fact and Conclusions of Law

The Metro Council adopts these findings in support of Ordinance No. 14-1329B, which amends Title 4 of the Urban Growth Management Functional Plan (UGMFP) to expressly allow trails and accessory facilities in areas designated as Regionally Significant Industrial Areas (RSIAs) on Metro's Title 4 map. A detailed explanation of the background of the Ice Age Tonquin Trail Master Plan (IATTMP) and the LUBA decision in *Terra Hydr, Inc. v. City of Tualatin*, ___ Or LUBA ___ (LUBA No. 2013-016, November 1, 2013) that created the need for this legislative amendment is provided in the staff report to the Metro Council dated April 24, 2014, which is hereby adopted and incorporated by reference as part of these findings.

A. Procedural background

Metro provided notice of the proposed text amendment to DLCD on March 13, 2014. The draft amendment was reviewed and revised by the Metro Technical Advisory Committee (MTAC) at its meetings on March 19, 2014 and April 2, 2014. At the close of its meeting on April 2, 2014, MTAC voted to recommend approval of the amendment, as revised, to the Metro Policy Advisory Committee (MPAC). MPAC reviewed the proposed amendment at its meeting on April 23, 2014 and voted to recommend the amendment for approval by the Metro Council. The first evidentiary hearing before the Metro Council was held on May 8, 2014, at which point the hearing was continued for three weeks, until May 29, 2014. At the close of the May 29, 2014 public hearing, the Metro Council voted to close the public hearing but to hold open the written record for seven days until June 5, 2014 for the submittal of additional written evidence and testimony, and to deliberate regarding adoption of the proposed amendment and supporting findings at its meeting on June 12, 2014. Materials were timely submitted during the seven-day open record period by counsel for the Tonquin Industrial Group, the Port of Portland, and Metro staff, and those documents are hereby accepted by the Metro Council as part of the record.

B. The purpose of this amendment is to clarify the intent of the Metro Council to allow trails and associated facilities in RSIAs.

The Metro Council adopted Title 4 in 1997 for the purpose of providing and protecting a supply of sites for employment and industrial uses. The prohibition on "parks" in RSIAs was added by Metro in 2010, when the Metro Council amended Title 4 to include a requirement that cities and counties adopt land use regulations for RSIAs that "prohibit the siting of schools, places of assembly larger than 20,000 square feet or parks intended to serve people other than those working or residing in the RSIA." Metro Ordinance No. 10-1244B. The amendment in 2010 was motivated in part by a situation that arose in 2007 in the City of Happy Valley, where approximately 70 acres that had been included in the UGB for industrial purposes and designated RSIA by Metro were purchased by public entities and converted to school and park uses. Because the city had not yet adopted local plan and code provisions that would have protected the land for industrial use, almost half of a 150-acre RSIA was converted to non-industrial uses. As explained in a work session memorandum to the Metro Council on the subject: "Title 4 of the Functional Plan is silent on use of Industrial and RSIA land for schools and parks, thus it is not

prohibited.” July 31, 2007 Work Session Worksheet, page 2 (Attachment 10 to May 29, 2014 staff report).

Documents in the record reveal that the staff reports for the 2010 amendments to Title 4 proposed a broader prohibition on “recreational facilities and parks,” suggesting an original staff intent to also prohibit facilities such as trails. July 20, 2010 Memorandum to MPAC, page 4 (Attachment 11 to May 29, 2014 staff report); November 19, 2010 Staff Report to Metro Council, page 17 (Attachment 12 to May 29, 2014 staff report). In fact, the MPAC recommendation to the Metro Council was to “amend Title 4 to prohibit new schools, places of assembly, recreational facilities and parks.” *Id.* However, the “recreational facilities” portion of the staff proposal and MPAC’s recommendation was removed prior to adoption of Ordinance No. 10-1244B, indicating that the Metro Council’s intent was to limit the prohibition to “parks” and not all “recreational facilities,” such as trails.

In 2008 the Metro Council appointed a Blue Ribbon Committee for Trails to evaluate where regional trails fit in the region’s priorities and to recommend strategies for expanding the region’s trail network. The committee’s final report recommended that regional trails are vitally important to local communities because they provide alternative transportation routes and ways to connect with nature. The committee also concluded that investments in bike and pedestrian travel will produce significant environmental, livability, health and economic benefits to the region. A copy of the committee’s final report describing the region-wide benefits provided by trails is included in the record as Attachment 6 to the May 29, 2014 staff report.

Both before and since the 2010 amendments to Title 4, Metro has been continuously working on the planning and development of a system of trails to provide active transportation options and connectivity throughout the region, including trails that cross through RSIA’s. For example, the Peninsula Crossing Trail, completed in 2002, crosses through an RSIA in North Portland, and sections of the Springwater Trail were planned and constructed through an RSIA in southeastern Gresham in 2000. Metro’s planning work on the Tonquin Trail began with a feasibility study in 2004 and a public planning process that began in 2009, continued through the 2010 amendments to Title 4, and culminated with the Metro Council’s adoption of the Ice Age Tonquin Trail Master Plan (IATTMP) in February 2013. The Metro Council approved a master plan for the Tonquin Trail that passes through an RSIA, like many other trails that Metro and other local governments have planned and developed across industrial areas and RSIA’s. As noted in the staff report, the following existing and planned trails in the Metro region include segments that cross through RSIA’s:

- Columbia Slough Trail and Marine Drive Trail, North and NE Portland (existing)
- Springwater Corridor, Gresham (existing)
- Gresham-Fairview Trail Phase 5 (proposed)
- Willamette River Greenway, North and NW Portland (proposed)
- 40-Mile Loop Trail, Gresham (proposed)
- Clackamas Bluffs Trail, Happy Valley (proposed)
- Waible Creek Greenway, Hillsboro (proposed)

The Metro Council finds that the relatively small acreage requirements associated with a 20-foot trail easement and related trail amenities do not create the same type of threat to industrial uses presented by the wholesale conversion of entire lots or parcels into schools or parks. Therefore, the Metro Council has never viewed trails and related facilities to fall within the prohibition on “parks” under section 3.07.420.D of the Metro Code. The Metro Council finds that the primary purpose of the 2010 amendments was to prohibit large tracts of industrial land from being converted by local governments to public uses with significant acreage requirements such as parks and schools, and that the addition of the prohibition on “parks” in RSIA in 2010 was not intended to also prohibit the siting of trails and associated facilities in RSIA.

Because the word “park” is not defined in Title 4, in the *Terra Hydr* case LUBA consulted a dictionary definition of that word and concluded that the definition was broad enough to include the Tonquin Trail and related amenities as described in the IATTMP. However, as evidenced by the ongoing planning and development of the trails listed above both before and since 2010, and the removal of “recreational facilities” from the list of RSIA prohibitions in Ordinance No. 10-1244B, the Metro Council’s intent is not, and has never been, to prohibit trails in RSIA.

Therefore, the purpose of this amendment is to clarify that the intent of the Metro Council is not to include trails and accessory facilities within the meaning of the word “parks” for purposes of the Title 4 use restrictions in RSIA. This amendment also operates to remove any potential uncertainty regarding the legal status of existing trails in RSIA arising out of the LUBA opinion in *Terra Hydr*. It is not the intent of the Metro Council in adopting this amendment to impede industrial uses or create any unavoidable conflicts with industrial uses. Rather, as stated in the portion of the code amendment that was included in response to NAIOPs concerns, Metro and local governments should plan and develop trails and related amenities in a manner that minimizes potential impacts on industrial uses.

The Metro Council finds that there are multiple examples across the region of trails that successfully pass through industrial areas without causing unworkable conflicts or demonstrated safety problems. Examples include a segment of the proposed North Portland Willamette Greenway that crosses directly through the Swan Island Industrial Area, the Marine Drive Trail, which includes approximately 8.5 miles crossing through an RSIA along the Columbia River in North and Northeast Portland, and the northern portion of the Springwater Corridor south of OMSI that is located immediately between an active rail line and the Ross Island Sand & Gravel cement batch plant, including a location where the trail crosses the primary access point for Ross Island’s cement mixer trucks and other heavy equipment.

Regarding the Tonquin Trail and the segment that crosses through the Tonquin Industrial Group (TIG) properties, Metro has no condemnation authority for those acquisitions, and may only negotiate purchases of easements from willing sellers. This prohibition on the use of condemnation is the result of language included in Metro’s 2006 Natural Areas bond measure and Metro Resolution No. 06-3672B. As explained at the May 8, 2014 hearing by Metro Sustainability Center Director Jim Desmond, the “willing seller” requirement also applies to local governments who receive grants from the 2006 bond funds. Accordingly, if the trail is

located through the TIG area, the specific location of the trail will be the result of negotiation and agreement with the property owners, ensuring that it would be sited in a way that minimizes potential conflicts with industrial uses in a manner that is acceptable to the property owners.

The amendment includes a list of specific “accessory facilities” that will not be prohibited in RSIs, but only so long as those facilities are “accessory to and in support of” a trail. It is not the intent of the Metro Council to allow RSIs to be filled with those types of facilities and thereby become *de facto* parks; rather, the purpose of this amendment is only to allow such facilities if they directly support a trail. The code amendment includes the list of examples of specific types of facilities in response to LUBA’s conclusion in the *Terra Hydr* case, which was based in part on the description in the IATTMP of the types of park-like facilities that could be associated with the trail and trailheads. Metro is including the list of facilities as examples designed to make it clear that not just trails, but also the identified types of accessory facilities, are allowed to be sited in RSIs.

Kelly Ross on behalf of the Oregon Chapter of NAIOP raised concerns at the public hearing on May 8, 2014 regarding the extent to which the proposed amendments to Title 4 would reduce existing protections in RSIs and allow unchecked establishment of recreational facilities and *de facto* parks in those areas, so long as there was a trail somewhere in the vicinity. In response to NAIOP’s concerns, the proposed code language has been amended to clarify that any recreational facilities may only be allowed in an RSI if they are “accessory to and in support of” a trail. Metro staff also included new language in the ordinance at the request of NAIOP explaining that Metro may only use its available bond money to purchase easements for regional trails such as the Tonquin Trail from willing sellers, and may not use condemnation authority. Finally, also at NAIOP’s request, the code language has been amended to state that trails and accessory facilities to a proposed trail should be planned and located in a manner that limits impacts on industrial uses while still fulfilling the purpose of the trail and providing a positive experience for trail users. With these amendments, NAIOP has indicated that they do not oppose Ordinance No. 14-1329B.

C. Findings regarding potentially applicable approval criteria

1. Metro Regional Framework Plan (RFP) policies

Under RFP 7.3, Metro’s functional plans must be “consistent with the policies of the RFP.” There are two potentially applicable policies in the RFP, policies 1.4.4 and 1.4.6, which are addressed below.

a. RFP Policy 1.4.4 – Protecting RSIs from incompatible uses

RFP 1.4.4 states that it is the policy of the Metro Council to “require, through the Urban Growth Management Functional Plan, that local governments exercise their comprehensive planning and zoning authorities to protect Regionally Significant Industrial Areas from incompatible uses.” This policy is implemented through Title 4 of the UGMFP, which requires local governments to adopt land use regulations that limit the size and location of retail commercial uses and professional services in RSIs. MC 3.07.420.B. Since 2010, Title 4 has

also included the section being amended by this decision, which prohibits “schools, places of public assembly larger than 20,000 square feet or parks intended to serve people other than those working or residing in the RSIA.” MC 3.07.420.D. Title 4 also includes limitations on the division of lots or parcels 50 acres or larger into smaller lots or parcels. MC 3.07.410.F.

The existing provisions of Title 4 are consistent with RFP 1.4.4 and are specifically designed to protect RSIA's from incompatible uses. The Metro Council finds that Title 4 will continue to be consistent with RFP 1.4.4 with the amendment to MC 3.07.420.D adopted in Ordinance 14-1329B. As described above in Section B of these findings, it was never the intent of the Metro Council to include trails and associated facilities within the meaning of the prohibition on “parks” in Title 4. Consistent with that original intent, the Metro Council finds that trails and related facilities are not “incompatible” with industrial uses. This fact is evidenced by numerous examples of trails throughout the Metro region that cross through heavy industrial areas, including RSIA's, without creating unmanageable conflicts with existing industrial uses and operations.

For example, an existing portion of the proposed North Portland Willamette Greenway includes approximately two miles of trail that crosses directly through the Swan Island Industrial Area, which is designated RSIA under Title 4. Much of the trail through Swan Island has been in place since the 1980s, but parts have been built through the RSIA more recently, including a portion along North Ballast Street that was built in 2012. Correspondence in the record from Sarah Angell, Director of the Swan Island Transportation Management Association (a program of the Swan Island Business Association), states that “the Swan Island TMA is very concerned that the legality of the existing North Portland Greenway trail that passes through Swan Island has been called into question by a recent LUBA opinion interpreting Title 4.” Ms. Angell goes on to explain that the industrial employers on Swan Island are strong proponents of the Greenway trail and would like to see it expanded:

“A dense industrial employment district (and RSIA), host to more than 10,000 jobs primarily in trades and manufacturing, Swan Island exemplifies that its trail infrastructure – far from incompatible with industrial operations – is actually essential to the vitality of its businesses and the functionality of the Island as a whole. With just one access road and near-term expansion at Daimler Trucks North America, Vigor and UPS, FedEx’s return and the PCC Trades Education Center coming to the Island, our industrial employers advocate for more pedestrian infrastructure now more than ever.

“* * * In just several years, bike commuter miles among Daimler Trucks North America’s workforce have tripled thanks in part to the newly complete Waud Bluff trail, segments of the North Portland Greenway trail and the *Going to the River* multiuse path. The success of this infrastructure has demonstrated that bikes in industrial/freight areas are not incongruent but instead have resulted in more clearly defined spaces that guide travel behavior and make for safer roadways; an outcome particularly appreciated by Swan Island’s many truck drivers.”

Consistent with the above-stated views of industrial employers on Swan Island regarding compatibility of bikes with industrial and freight operations, the City of Portland provided crash data and a related map for the Swan Island industrial area indicating that activity related to increased bicycle use of the Greenway Trail and connecting streets has not resulted in traffic compatibility problems with existing uses on the island. As the city's information shows, there have only been two crashes involving bicycles and automobiles on the Greenway Trail and roads that provide access to the Greenway Trail on Swan Island between 2000 and 2012. Email from Clay Veka of City of Portland dated June 5, 2014.

TIG argues that Swan Island is a different type of industrial area from the TIG area, and that the Greenway Trail is also different in that it starts and stops on the island and is mostly adjacent to office uses. While there may be differences between the existing Greenway Trail on Swan Island and the Tonquin Trail as proposed in the IATTMP, the Metro Council finds that evidence regarding the Swan Island Business Association's support for this amendment to Title 4 and its strong support for increasing bicycle and pedestrian activity through an industrial enclave (and RSIA) is compelling evidence that such activity is not incompatible with industrial uses. Similarly, the Port of Portland submitted an email to the Metro Council dated May 8, 2014 that identifies many of its industrial properties and developments, and states that "Our industrial developments typically include trails and some accessory trail uses as these are important amenities in most industrial areas."

Another example is the Marine Drive Trail, which includes approximately 8.5 miles crossing through an RSIA along the Columbia River in North and Northeast Portland. That trail has been in place since the 1980s, and industrial land owners have generally welcomed the trail. One industrial landowner, Staples, Inc., donated land in 2011 to facilitate the completion of a new segment of the trail. See Attachment 9 to May 29, 2014 staff report. A dozen other industrial landowners have sold land to Metro since 2008 for completion of the trail. Many of these landowners have expressed their appreciation of the trail and their desire for its completion. They see it as an asset because it draws bicyclists off busy roads like Marine Drive, and because it offers employees a place to walk during breaks. Memorandum from Robert Spurlock to Metro Council dated June 5, 2014. The Metro Council relies on this testimony as evidence that there is no inherent incompatibility between trails and industrial operations, and finds that TIG has not provided substantial evidence to support a conclusion that trails and industrial uses must be viewed as being incompatible, particularly given the number of existing examples of trails that cross through industrial areas and RSIA's in the Metro region. In the absence of evidence in the record indicating that these existing trails are causing unworkable conflicts with industrial uses in RSIA's, the Metro Council cannot conclude that this amendment to Title 4 fails to "protect RSIA's from incompatible uses" under RFP 1.4.4.

Evidence in the record indicates that even trails that are subject to very high levels of use may still be compatible with heavy industrial uses adjacent to the trail. As described at the May 8, 2014 hearing, the northern portion of the Springwater Corridor crosses through the central eastside industrial area before connecting with the Eastbank Esplanade near OMSI. As depicted on photographs in the record, a portion of that trail segment is located immediately between an active rail line and the Ross Island Sand & Gravel (RISG) cement batch plant, including a location where the trail crosses the primary access point for RISG's cement mixer

trucks and other heavy equipment. As shown in the photos, the sole RISG access point to this heavy industrial operation approaches the trail from a challenging angle and in order to exit the facility, cement mixer trucks must directly cross the trail either via a dangerous hard right turn or a nearly parallel crossing if the trucks are proceeding north. Attachments 4 and 5 to May 29, 2014 staff report. The RISG cement plant operates from dawn to dusk and includes heavy cement mixer traffic and flatbed trucks carrying loads of ready-mix concrete. That portion of the Springwater Corridor was opened in 2005 and currently has approximately 5,000 daily users, which equates to approximately 28,000 per week and 1.5 million per year. However, data provided by the City of Portland show that there has been only one accident in this general area involving a bicycle since 2003, and that crash was not at the RISG location. Memorandum from Robert Spurlock dated June 5, 2014; email message from Roger Geller of City of Portland dated June 3, 2014.

Consistent with the existing provisions of Title 4, the Metro Council expressly interprets the term "incompatible" in RFP 1.4.4 to not encompass trail uses in industrial areas, because such uses are not inherently incompatible. Unlike other uses prohibited or limited in RSIA's under Title 4, to the extent there are any potential conflicts that could arise between trail uses and industrial uses, the trail uses may be made compatible through design elements such as signage, striping, lighting, fences, and other safety features that are designed to increase safety and minimize potential conflicts. Examples of these types of design features were described by Metro staff Robert Spurlock at the May 8, 2014 hearing and in his memorandum to the Metro Council dated June 5, 2014. As explained in that memorandum:

"The design of each of these trails incorporates elements similar to those included on the attached list of safety features. Using safety features such as these, and the types of traffic safety features described in Chapter 4 of the Ice Age Tonquin Trail Master Plan, the Ice Age Tonquin Trail and other trails to be developed in the future through industrial areas can be designed to minimize potential conflicts with industrial operations and ensure the trail will be compatible with industrial uses." Spurlock Memorandum, page 2.

Also, at the request of NAIOP, the Metro Council has included additional language in this code amendment designed to minimize the potential impacts from accessory facilities by directing such facilities, where possible, to be planned and located in a manner that limits impacts on industrial uses and ensures compatibility. With regard to the Tonquin Trail segment that is the focus of the present dispute, in order for that trail to be located through the TIG area, the specific location of the trail will be the result of negotiation and agreement between Metro and the property owners, ensuring that it would be sited and designed in a way that minimizes potential conflicts with industrial uses and is compatible with their operations. This is true not only for the trail itself, but also any related facilities and amenities.

The TIG argues that the Tonquin Trail is incompatible with industrial uses because it will be open for use 24 hours a day, seven days a week, which creates a possibility of criminal activity, particularly at night. First, as a purely practical matter, there is no realistic way to "close" a 22-mile trail that includes on-street facilities, paths adjacent to roadways, and dozens of trail-roadway intersections. Also, because the development of a regional trail such as the

Tonquin Trail necessarily requires a specific type of federal transportation funding, the Federal Highway Administration requires that such trails must be “transportation” facilities (not recreational) that may not have restricted hours of operation. *See* 23 USC 217(i). This is true of the other regional trails discussed above that cross through industrial areas, which are all necessarily open for use at all times. The Metro Council finds that the evidence in the record does not support a conclusion that trails in RSIA are incompatible with industrial uses due to being operational on a 24/7 basis.

The Metro Council also finds that the evidence submitted by TIG’s economist regarding nefarious activity along the Springwater Corridor does not require a conclusion that any and all trails are inherently “incompatible” with industrial uses under RFP 1.4.4. Rather, such issues may be addressed on a property-by-property basis in order to reduce concerns and limit potential conflicts. *See* Memorandum from Robert Spurlock dated June 5, 2014. In the event the TIG property owners ultimately elect to sell easements for the development of the Tonquin Trail, any concerns related to the protection of property may be addressed as part of that acquisition process through design requirements, such as lighting and fencing. Such issues may also be addressed as part of any local planning process involving the local jurisdiction with land use authority over the relevant segment of the trail.

b. RFP Policy 1.4.6 – ensuring supply of 50-acre tracts

RFP 1.4.6 states the following policy of the Metro Council: “Consistent with policies promoting a compact urban form, ensure that the region maintains a sufficient supply of tracts 50 acres and larger to meet demand by traded-sector industries for large sites and protect those sites from conversion to non-industrial uses.” This policy is also implemented in part through Title 4 of the UGMFP, which includes limitations on the division of lots or parcels 50 acres or larger in industrial areas into smaller lots or parcels. MC 3.07.410.F; 3.07.430.D. Metro also has a statutory obligation to ensure that the UGB includes sufficient land to provide a 20-year regional supply for employment and industrial purposes. Metro takes its obligations in this regard very seriously, and in the most recent UGB amendment in 2011 added a single 330-acre site north of Hillsboro to the UGB specifically to be included as an RSIA for large-lot industrial use, in furtherance of the policy established by RFP 1.4.6.

The Metro Council does not agree with the TIG’s assertion that allowing trails to be located in RSIA means that Metro is not meeting its obligations under RFP 1.4.6 to maintain a sufficient supply of 50-acre tracts of industrial land and to protect such sites from conversion to non-industrial uses. As noted above, Metro’s primary obligation regarding maintaining a sufficient supply of industrial land is met every five years, when Metro undertakes the analysis required to determine whether or not there is a need to expand the UGB for industrial uses, and then expands the boundary if such a need exists. Further, amending Title 4 to allow for the future possibility of a trail to be located within the TIG area (if the property owners are ultimately willing to sell easements for the trail) has no direct or immediate effect upon the current supply of 50-acre tracts of industrial land. There is no reduction in the amount of inventoried industrial land in the region that will result from this decision, and there will be no impact on Metro’s forthcoming Urban Growth Report analysis of available industrial land for purposes of determining whether a UGB expansion is necessary.

For the same reasons, the Metro Council finds that this decision does not indicate that Metro is failing to protect large sites from conversion to non-industrial uses under RFP 1.4.6. This amendment to Title 4 does not take any property out of an RSIA or any other industrial zoning designation. In the event that a regional trail such as the Tonquin Trail is ultimately established in an industrial area through purchases from willing sellers, there will be no change in the underlying plan or zoning designations for the property. A regional trail of the type contemplated by the IATTMP will typically be 12 feet wide and require no more than a 20-foot wide easement. Although the actual establishment of a trail will introduce a new active transportation and recreational use in the industrial area, the Metro Council finds that it will not result in the wholesale “conversion” of the site to non-industrial use within the meaning of RFP 1.4.6.

Further, RFP 1.4.6 includes a significant caveat that the policy to protect large industrial sites must also be “consistent with policies promoting a compact urban form.” The policies promoting a compact urban form are set forth in Section 1.1 of the RFP, and include at least four separate policies that directly implicate the importance of supporting and establishing regional trails in the Metro region. Most notably, RFP 1.1.6 establishes a policy to “enhance compact urban form by developing the Intertwine, an interconnected system of parks, greenspaces and trails readily accessible to people of the region.” As described in the IATTMP at page 92, the Tonquin Trail will be part of the Intertwine system, as will other future regional trails. Further, RFP 1.1.3 includes a policy to “promote successful, walkable communities,” and RFP 1.1.8 establishes a policy to “promote a compact urban form as a key climate action strategy to reduce greenhouse gas emissions.” Active transportation strategies and regional trail development are key elements of Metro’s efforts to reduce greenhouse gas emissions. As noted in the IATTMP, “increasing active transportation benefits the region by reducing greenhouse gas emissions and congestion.” IATTMP at page 25.

The provisions of RFP 1.4.6 must be applied in a manner that is “consistent with” the policies in RFP 1.1 regarding a compact urban form. Therefore, the Metro Council interprets all of these policies together to conclude that, even if the policy to protect large industrial sites from conversion to non-industrial uses could be read to apply to this decision, the Metro Council is obligated to consider that more general policy in light of the multiple specific policies in RFP 1.1 that expressly require Metro to develop trails, promote walkable communities, and reduce greenhouse gas emissions. Therefore, to the extent that this decision could be construed to “convert” industrial sites to non-industrial uses, the Metro Council concludes that, on balance, allowing trails and accessory facilities in RSIA is more “consistent with policies promoting a compact urban form” than not allowing such uses.

C. Responses to other issues

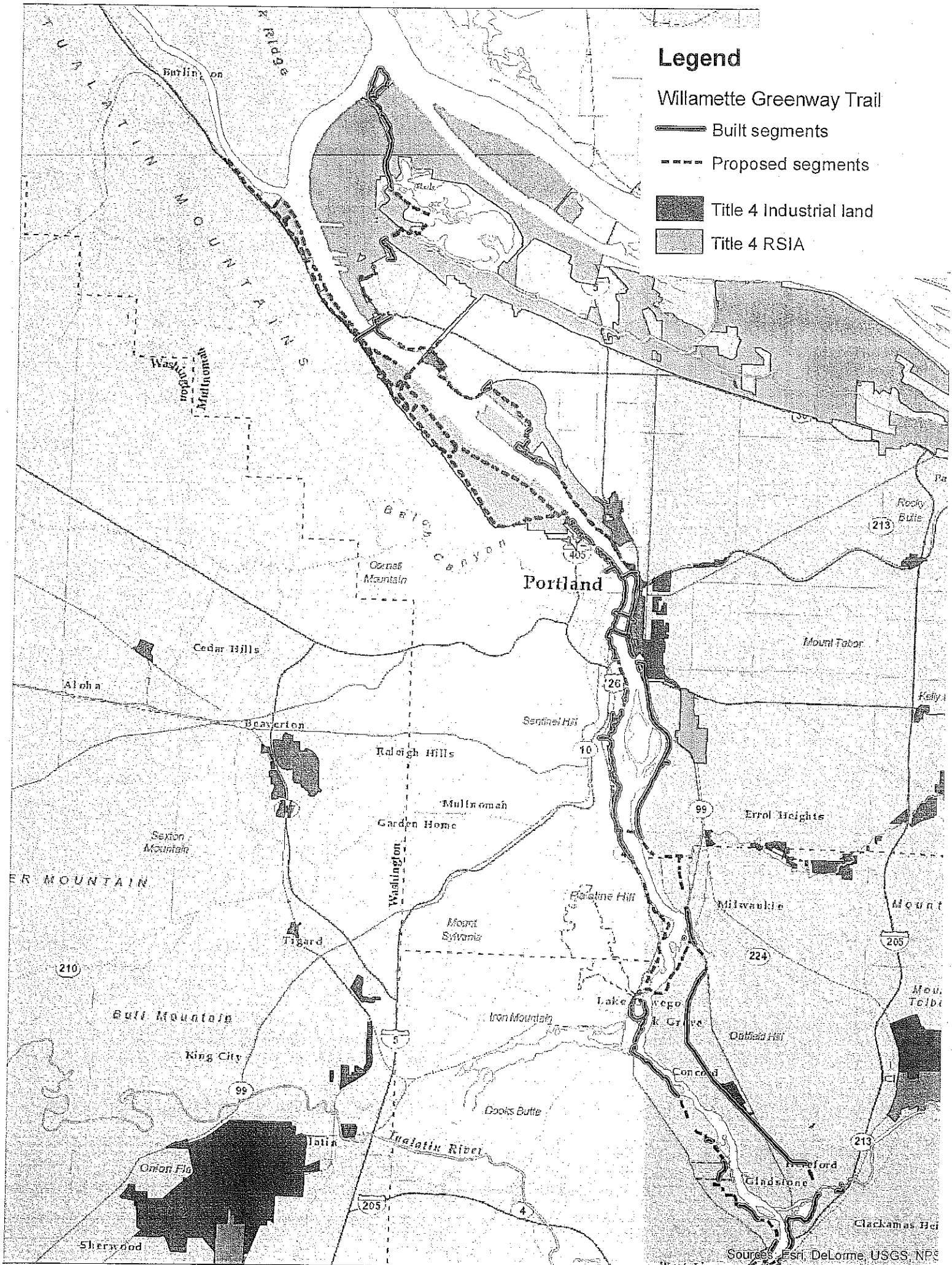
This section provides responses to other arguments raised by TIG that do not appear to be related to any applicable approval criteria.

1. Transportation issues




TIG submitted a report prepared by Chris Clemow, a traffic engineer with Group Mackenzie, raising issues under the state transportation planning rule (TPR). However, there is no basis on which this legislative text amendment to Title 4 of the UGMFP can be read to require a demonstration of compliance with OAR 660-012. The TPR applies to plan or code amendments that will significantly affect a transportation facility. This decision has no traffic-related implications and does not meet any of the three alternative definitions of "significantly affect" under the TPR. Mr. Clemow's assertion appears to be based on the mistaken belief that this text amendment approves a trailhead use in the TIG area. However, this amendment does not cause or otherwise result in the development of any specific facilities in any particular locations. As explained by LUBA in *Terra Hydr v. Metro*, the IATTMP consists of a non-binding set of recommendations that do not constitute a final land use decision. The IATTMP map that identifies a potential trailhead in the TIG area does not create a binding requirement regarding the establishment of a trailhead in that location. Rather, the map provides recommendations regarding a preferred alignment and potential trailhead locations. The present decision is yet another step removed from the IATTMP, and has absolutely no impact on transportation facilities; therefore, the TPR does not apply.

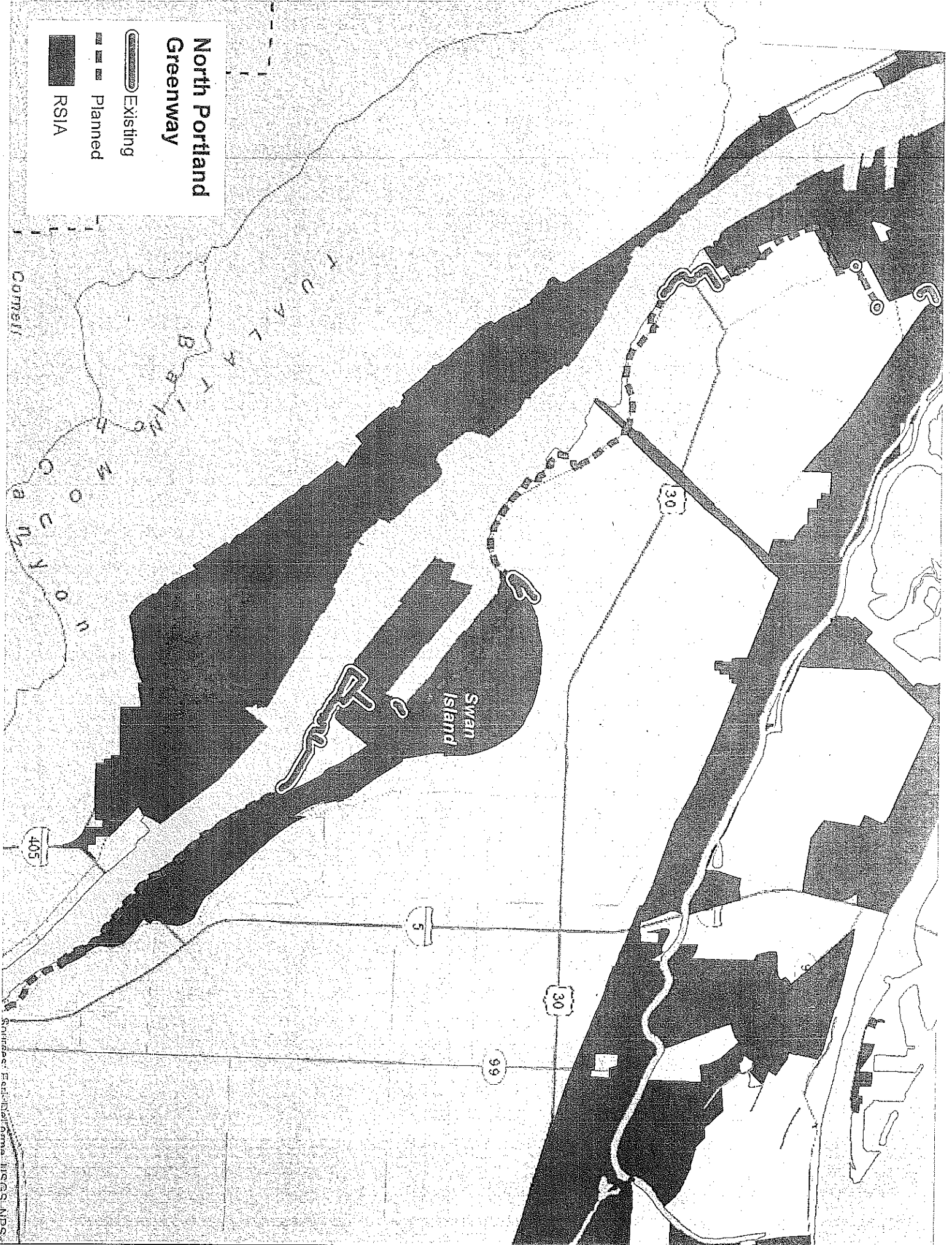
2. Goal 9

TIG suggests that adopting this amendment will be contrary to the Goal 9 rule, OAR 660-009-0015, because the decision will convert a large amount of land designated RSIA to nonindustrial conflicting uses. First, as described above, this decision does not convert any industrial land to other designations or uses, it removes an unintended prohibition on trails from being located in RSIA's. Regardless, there is no basis to apply Goal 9 or the Goal 9 rule to this amendment. The provisions of Goal 9 and the Goal 9 rule expressly apply to cities and counties, and not to Metro. The Goal 9 rule cited by TIG's attorney only applies to Metro in the context of Metro's inventory of 20-year employment land needs under OAR 660-024-0040(5), and not in the context of this legislative text amendment to the UGMFP.






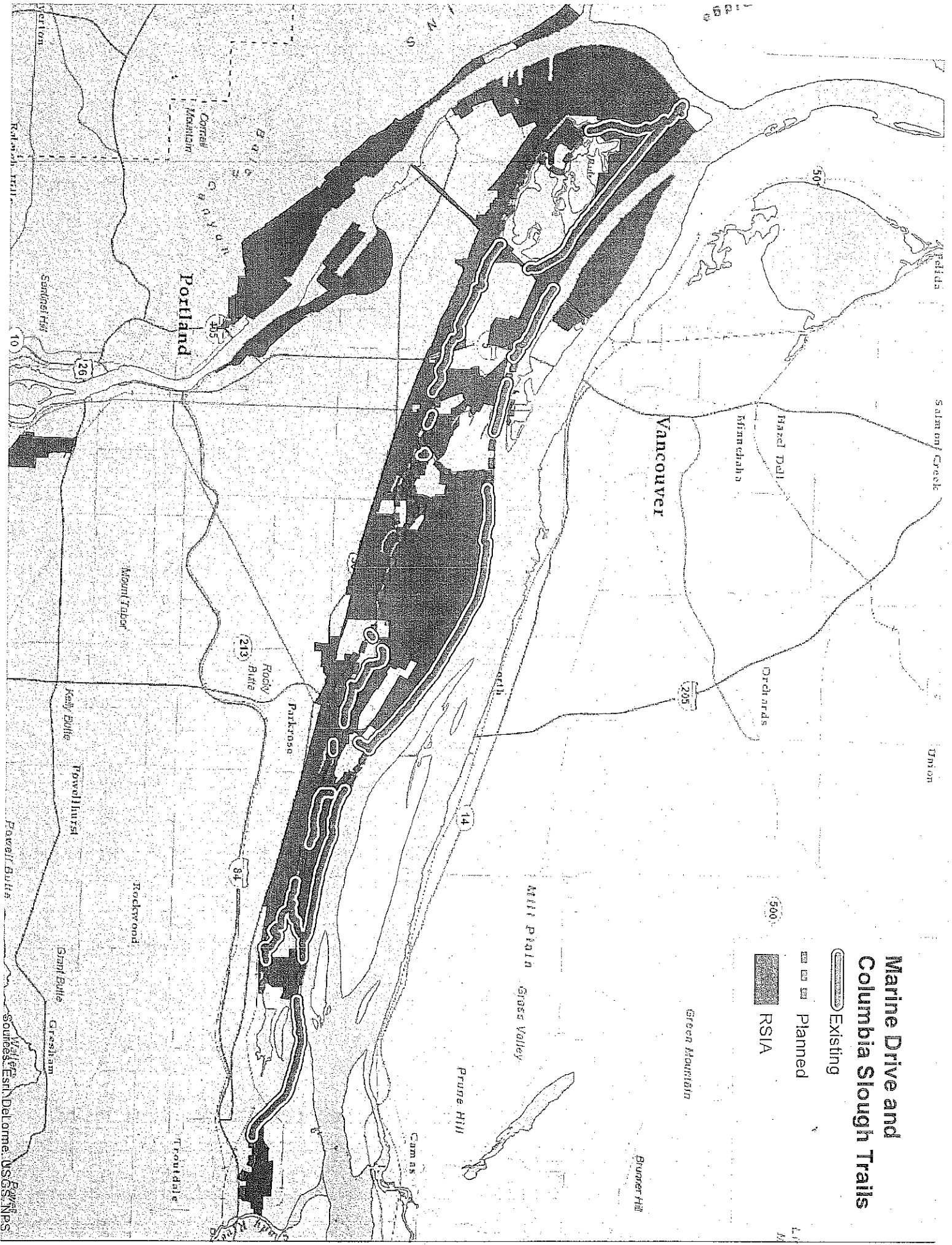
North Portland Greenway

-  Existing
-  Planned
-  RSIA



Marine Drive and Columbia Slough Trails

-  Existing
-  Planned
-  RSIA



May 27, 2014



Metro
600 NE Grand Ave.
Portland, OR 97232-2736
www.oregonmetro.gov

Dear Metro Council,

The Swan Island TMA, a project of the Swan Island Business Association, strongly supports amendments to Metro's Title 4 land use ordinance that would ensure trails may exist in Regionally Significant Industrial Areas (RSIAs). The Swan Island TMA is very concerned that the legality of the existing North Portland Greenway trail that passes through Swan Island has been called into question by a recent LUBA opinion interpreting Title 4.

A dense industrial employment district (and RSIA), host to more than 10,000 jobs primarily in trades and manufacturing, Swan Island exemplifies that its trail infrastructure—far from incompatible with industrial operations—is actually *essential* to the vitality of its businesses and the functionality of the Island as a whole. With just one access road and near-term expansion at Daimler Trucks North America, Vigor and UPS, FedEx's return and the PCC Trades Education Center coming to the Island, our industrial employers advocate for more pedestrian infrastructure now more than ever.

For nearly 20 years the Swan Island TMA and its industrial member businesses have proven that transportation options make good business sense: improvements to bike/pedestrian infrastructure for those visiting and working on the Island facilitate freight movement and lower congestion costs by reducing single occupancy vehicle trips on the Island's limited roadways. Infrastructure that supports active transportation among Swan Island's workforce also has positively impacted employee productivity and health (particularly in industrial areas), and subsequent health care costs for Swan Island employers. In just several years, bike commuter miles among Daimler Trucks North America's workforce have tripled thanks in part to the newly complete Waud Bluff trail, segments of the North Portland Greenway trail and the *Going to the River* multiuse path. The success of this infrastructure has demonstrated that bikes in industrial/freight areas are not incongruent but instead have resulted in more clearly defined spaces that guide travel behavior and make for safer roadways; an outcome particularly appreciated by Swan Island's many truck drivers.

While Swan Island's centrality and proximity to water, rail and freeway make it among the most valuable industrial land in the city, industrial land across the region—also at a premium—necessitate prudent land use policies. Policies that support trail investments in industrial districts free up land for business expansion otherwise used for employee parking, and result in a safer, more efficient network for all users.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sarah Angell". The signature is fluid and cursive, with a long, sweeping underline.

Sarah Angell,
Director, Swan Island TMA

Swan Island Transportation Management Association

A project of the Swan Island Business Association
4810 N Lagoon Avenue, Suite 400, Portland, OR 97217
PHONE: 503-745-6523 EMAIL: sarah.angell@swanislandba.org
WEBSITE: www.swanislandba.org/get-here



Swan Island

Swan Island is a dense inner urban industrial district, host to more than 10,000 employees and nearly several hundred businesses. Swan Island businesses range from small retail business to regionally important industrial employers. Industry activity is primarily in trades and advanced manufacturing, warehousing and distribution. Multiple significant leader businesses in industry are located on Swan Island including the UPS Training & Distribution Hub, Vigor Marine, Columbia Distributing, DSU Trucks, FedEx (returning in February 2015) and two North American headquarters for Daimler Trucks North America and adidas.

Swan Island anticipates significant expansion in the near term due to the headquarters expansion at DTNA, FedEx's return, the arrival of the country's largest dry dock ship repair at Vigor and their purchase of Oregon Ironworks, continued rapid hiring at UPS and the PCC Trades Education Center launch in 2015.

The Swan Island Business Association (SIBA) and its Transportation Management Association (SITMA) project are a collaborative effort by area employers and regional agencies dedicated to the success and vitality of Swan Island. In partnership with its members, city and governmental agencies, SIBA seeks to improve industrial business practices, freight mobility, employee access to jobs and effective civic engagement in the region.

The SIBA board is comprised of stakeholders representing eight significant industrial businesses on the Island, the Port of Portland, City of Portland Bureau of Portland, TriMet and the Portland Development Commission. SIBA membership includes approximately 30 businesses on the Island; SIBA meetings are held bimonthly. SIBA and its TMA focus on the following priorities:

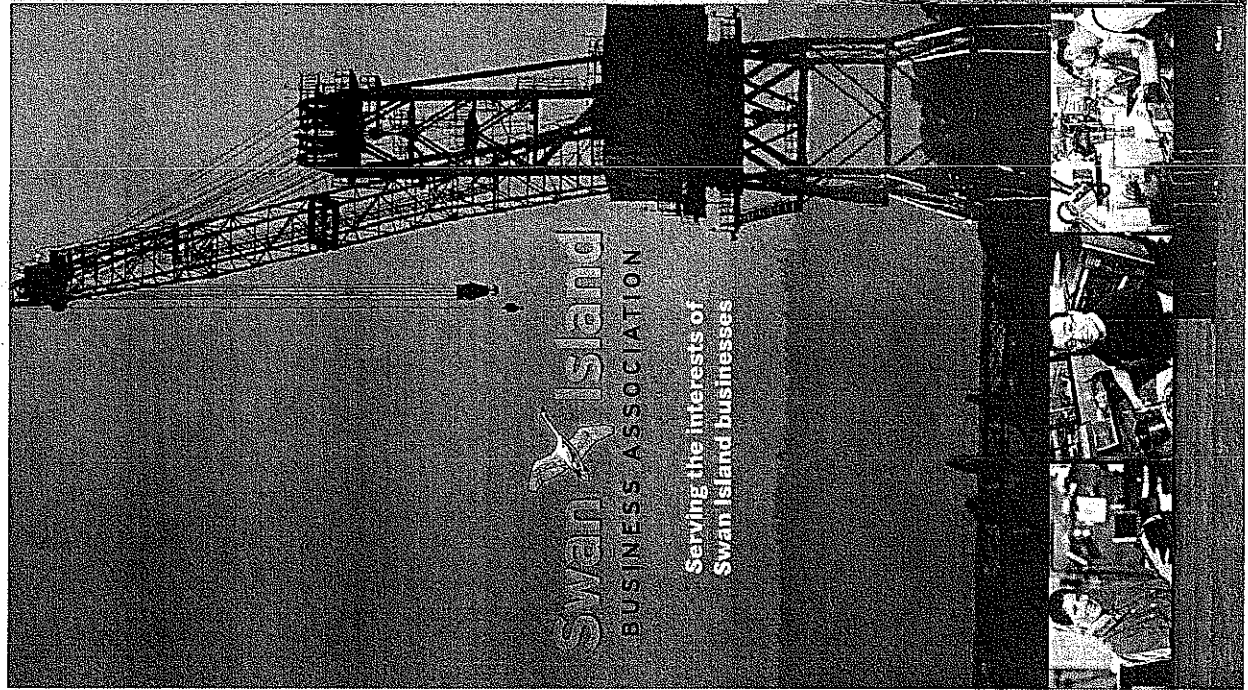
- facilitating economic development on Swan Island;
- moving people and goods on and off the Island efficiently, safely and conveniently;
- and strengthening ties to adjacent neighborhoods by connecting residents to jobs on Swan Island and promoting employees' awareness of nearby community resources.

SIBA's Swan Island TMA project brings together area employers and regional agencies to expand transit service, improve pedestrian and bicycle access, and increase rideshare opportunities for employees in an effort to reduce traffic on the Island.

Easing traffic congestion has multiple benefits for those on Swan Island:

- Fewer single occupancy vehicles (SOVs) on Swan Island help businesses move freight off the Island: removing just two SOVs from the Island's limited roadway network makes room for one heavy duty trailer, tractor or truck.

- Promoting employee health: Employees who choose carpooling, transit or biking/walking to work, free up time for relaxing conversation, reading and exercise.
- Lowering carbon emissions protects the natural beauty and existing wildlife along the Willamette River/on Swan Island. Employees can enjoy their surroundings throughout the day and recreators can discover the Island as a destination for viewing the Willamette riverfront activity.



Swan Island
BUSINESS ASSOCIATION

**Serving the interests of
Swan Island businesses**

Our Mission

The Swan Island Business Association (SIBA) is dedicated to the success and vitality of Swan Island. Our mission is reflected in the following goals:

Facilitate economic development on Swan Island

Keep freight moving by expanding transportation options

Strengthen ties to adjacent neighborhoods by connecting residents to jobs on Swan Island and promoting Swan Island employees' awareness of nearby community resources.

Founded 20 years ago, SIBA is a 501(c)(6) organization whose members are Swan Island businesses that range from small family-owned restaurants to large manufacturing companies. Our strength as an organization comes from a broad representation of businesses on Swan Island and is key to delivering relevant services to our members.

Membership Benefits

- Leverage your capacity as an individual business by joining forces with our larger organization representing many businesses.
- Use SIBA's capacity as an effective liaison with all levels of government to voice critical concerns for your business.
- Attend our bi-monthly meetings for up-to-date information on issues affecting Swan Island businesses. SIBA invites experts to share information about topics *you* have identified and provides a forum in which to discuss them.
- Take advantage of SIBA's networking opportunities to foster connectivity and collaboration with other local businesses.
- Heighten your company's web presence by joining our online member directory where we will add your business logo, website link and company profile. Note: SIBA also offers members window clings that physically identify businesses as participating SIBA members.
- Enjoy educational workshops on key business topics extended by Venture Portland to their members like SIBA.



Join SIBA Now

Partner with us to ensure that Swan Island continues to grow and prosper as a major regional industrial district. We invite you to add your voice to the diverse mix of businesses on the Island represented by SIBA. Membership dues are \$200 per calendar year.

For more information, contact:

Lenny Anderson, Executive Director

lenny.anderson@SwanIslandBA.org / 503.745.6563

BUSINESS NAME _____	CITY _____ STATE _____ ZIP _____
PHYSICAL ADDRESS _____	
MAILING ADDRESS _____	
# OF EMPLOYEES _____	WEBSITE _____
CONTACT NAME _____	TITLE <input type="checkbox"/> OWNER <input type="checkbox"/> CEO <input type="checkbox"/> SENIOR MANAGER <input type="checkbox"/> OTHER _____
EMAIL ADDRESS _____	PHONE _____
ADDITIONAL CONTACT(S) _____	
ADDITIONAL EMAIL ADDRESS _____	
ADDITIONAL PHONE _____	
BRIEF DESCRIPTION OF PRODUCTS OR SERVICES _____	
TOP THREE AREAS OF INTEREST _____	

PLEASE RETURN THIS FORM TO:

Swan Island
BUSINESS ASSOCIATION

SWAN ISLAND BUSINESS ASSOCIATION (SIBA)

P.O. BOX 4279

PORTLAND, OR 97208

503.745.6563 / SWANISLANDBA.ORG

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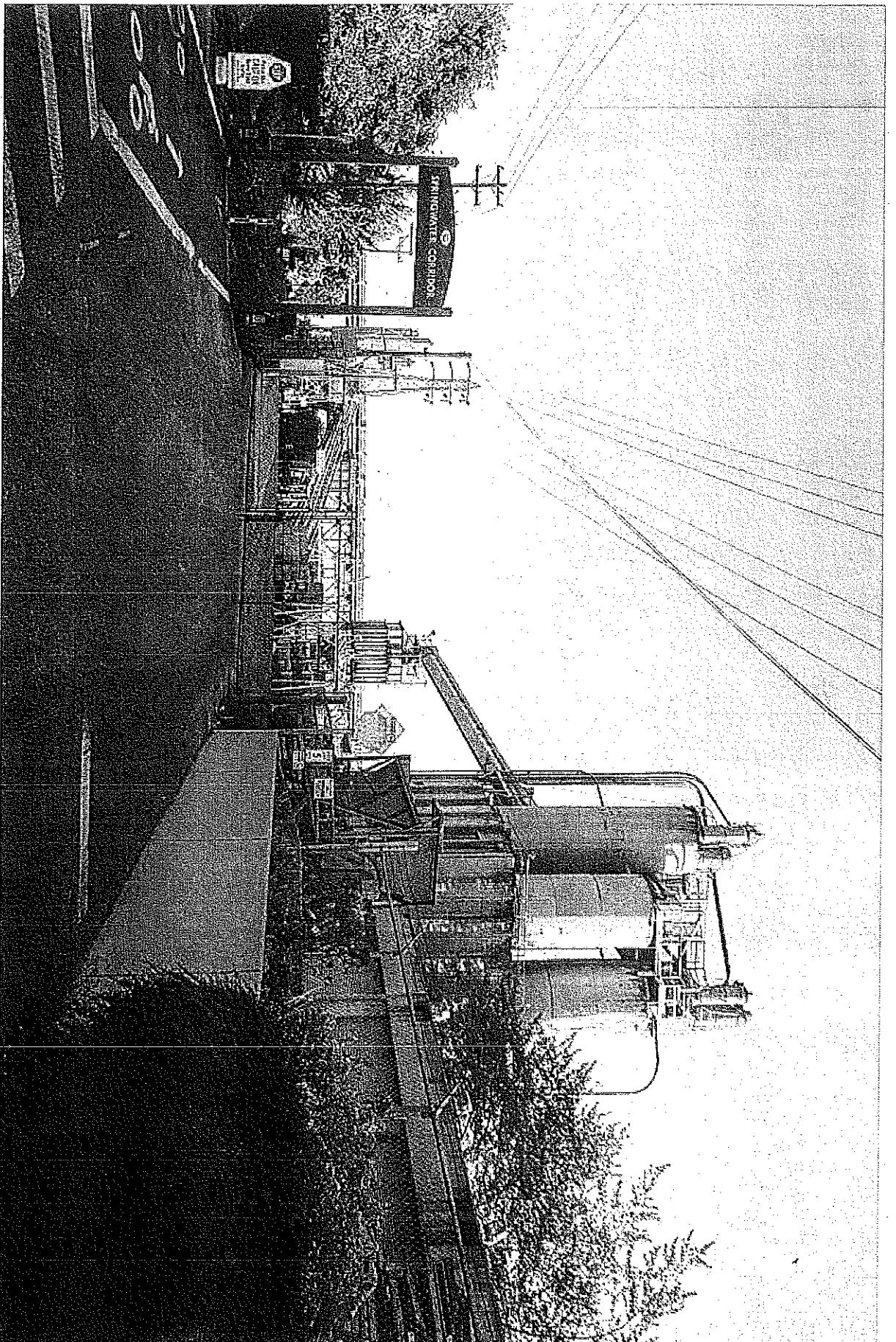


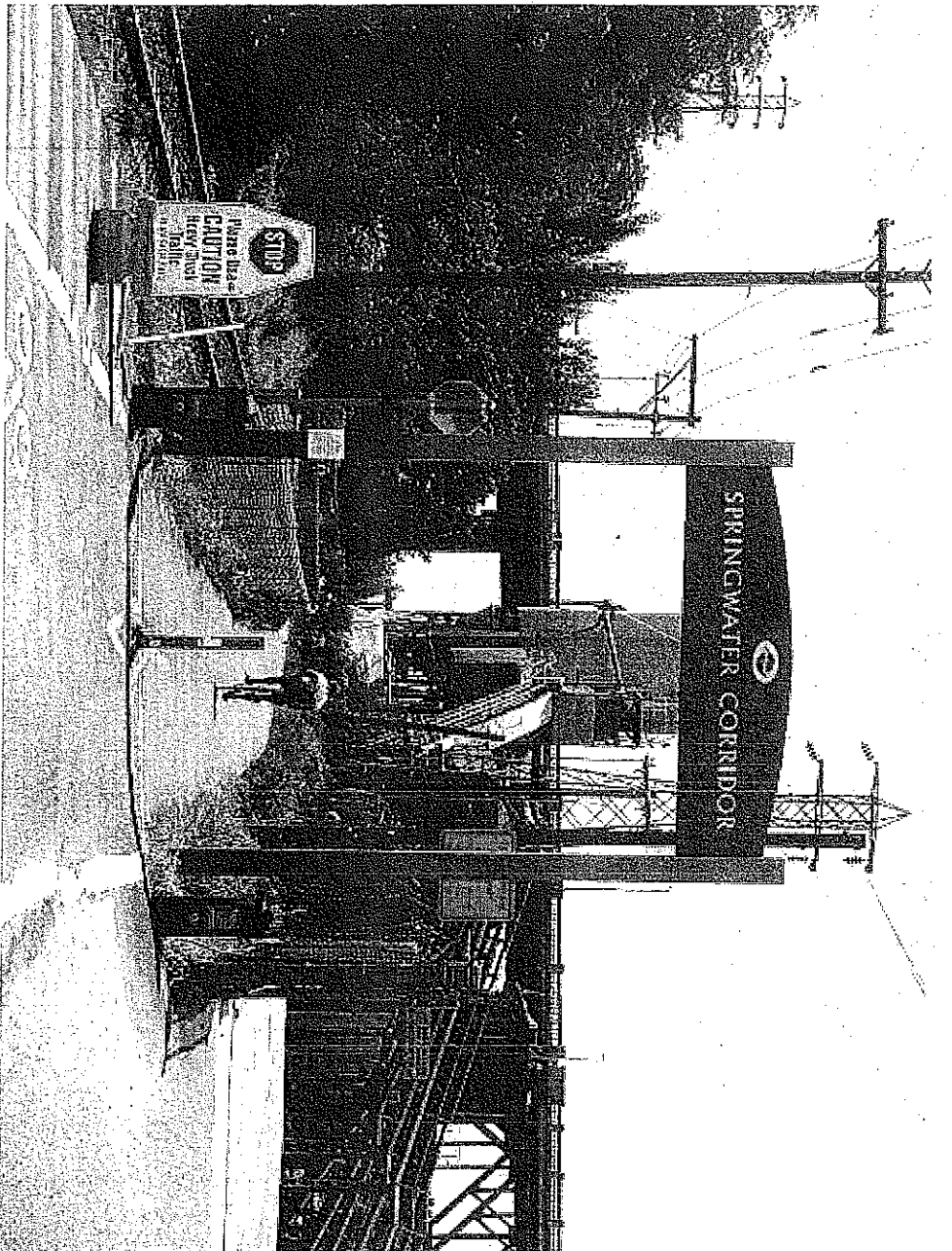
SIBA: Getting The Job Done

- In 2012 SIBA facilitated informational meetings on critical issues identified by members, including the Superfund, Portland Community College's workforce training programs and future Swan Island Training Center, and crime prevention. SIBA also hosted a 2012 mayoral debate that focused on economic development.
- SIBA helped secure \$5 million in funding for a seismic upgrade to the Going Street railroad viaduct. Now complete, the project ensures safe passage for freight.
- Through the Swan Island TMA, SIBA's transportation project, we actively promoted transportation options for Swan Island employees to reduce roadway demand and facilitate freight movement to and on Swan Island. Now almost one in four employees bikes, walks, vanpools, rideshares or rides TriMet or our evening shuttle to get to work.
- SIBA's strategic advocacy and partnerships generated \$5 million in trail, street and sidewalk projects that enhanced Swan Island as a safe, accessible and attractive place to work and to recreate.
- SIBA hosted community-building events for Swan Island businesses and their employees, such as the Destination Swan Island Launch Party, and sponsored behind-the-scenes tours of members' facilities and operations.
- SIBA created and distributed 20,000 copies of Trip Not Taken, a combination map and guide linking Swan Island to nearby neighborhoods, and a corresponding website. This project demonstrated that living close to one's job could reduce commute time or the need to drive to work.

Visit us at SwanIslandBA.org for more information









Metro | Memo

Date: Thursday, June 05, 2014
To: Metro Council
From: Robert Spurlock, Regional Trails Planner
Subject: Ordinance No. 14-1329B / Trail design best practices in industrial areas

At the public hearing on May 29, 2014, I described some of the types of design elements that are often implemented to ensure that trails are compatible with adjacent industrial uses, including signage, striping, lighting, and landscaping. Attached is a list included in Metro's Trolley Trail Master Plan that provides a more detailed description of the types of design features and improvements that may be included along trails to address potential safety concerns. These features were specifically recommended for the Trolley Trail between Milwaukie and Gladstone, which also crosses through industrial areas. These types of safety recommendations are often implemented to minimize potential conflicts with adjacent uses and ensure compatibility with other property owners, including industrial operations.

A similar list of safety recommendations was not included in the Ice Age Tonquin Trail Master Plan because the primary focus of the project was to determine the trail's alignment. The Trolley Trail planning effort was different from the Ice Age Tonquin Trail in that the entire six-mile alignment of the Trolley Trail followed a streetcar line that had been acquired by the North Clackamas Parks and Recreation District and Metro. Therefore the alignment of the trail had already been determined and was not a proposed alignment as with the Ice Age Tonquin Trail. With the trail alignment already determined, the Trolley Trail Master Plan was able to provide more detail regarding design and traffic control recommendations.

While the Trolley Trail does cross through industrial areas, it does not pass through any RSIA's. Other examples of trails that have been planned and developed by Metro in the last 20 years through RSIA's include the Peninsula Crossing Trail, which passes through an RSIA in North Portland and was completed in 2002, and the Springwater Trail, which includes a section that passes through an RSIA in southeastern Gresham that was completed in 2000. Also, the Port of Portland built a 1.7 mile trail in 2008 near North Lombard Street in the Rivergate Industrial Area, which is designated an RSIA under Title 4. And an existing portion of the North Portland Willamette Greenway includes an approximately two-mile-long trail that crosses directly through the Swan Island Industrial Area RSIA. Much of the trail through Swan Island has been in place since the 1980s, but portions have been built through the RSIA more recently, including a portion along North Ballast Street that was built in 2012.

Another example is the Marine Drive Trail, which includes approximately 8.5 miles crossing through an RSIA along the Columbia River in North and Northeast Portland. That trail has been in place since the 1980s, and industrial land owners have generally welcomed the trail. One industrial landowner, Staples, Inc., actually donated land in 2011 to facilitate the completion of a new segment of the trail. More than a dozen other industrial landowners have sold land to Metro since 2008 for completion of the trail. Many of these landowners have expressed their appreciation of the trail and their desire for its completion. They see it as an asset because it draws bicyclists off busy roads like Marine Drive, and because it offers employees a place to walk during breaks.

The design of each of these trails incorporates elements similar to those included on the attached list of safety features. Using safety features such as these, and the types of traffic safety features described in Chapter 4 of the Ice Age Tonquin Trail Master Plan, the Ice Age Tonquin Trail and other trails to be developed in the future through industrial areas can be designed to minimize potential conflicts with industrial operations and ensure the trail will be compatible with industrial uses.

An excellent example of the use of signage and design to ensure compatibility was provided at the hearing by the photographs and description of the Springwater Corridor intersection with the Ross Island Sand and Gravel (RISG) cement batch plant in Portland's central eastside industrial area. As described at the hearing, that portion of the Springwater Corridor was opened in 2005 and currently has 5,000 daily users, which equates to approximately 28,000 per week and 1.5 million per year. The RISG plant operates from dawn to dusk and involves significant heavy cement mixer and flatbed truck traffic. As shown in the photos, the RISG access point approaches the trail from a challenging angle and must directly cross the trail to enter and exit the facility. However, data provided by the City of Portland show that there has been only one accident in that area involving a bicycle since 2003, and that crash was not at the RISG location.

VI. Trail Safety Recommendations

Public Safety Audit

As part of this planning effort, the consultant team performed a Safety Audit of the Trolley Trail right-of-way in conjunction with a Clackamas County law enforcement officer. The intent of this audit was to review field conditions from law enforcement's perspective and apply recommended crime prevention methods through environmental design. The corridor was walked the majority of its length, conditions noted and photographed.

Table 26 summarizes key safety issues, location(s) of concern and recommended improvements.

Table 26. Safety Recommendations

Safety Issue	Recommended Improvements	Location on Trail
Unwanted vehicle access on the trail The use of the right-of-way by 4-wheel drive activity was noted at three locations along the trail. Area one is from Silver Springs to Torbank. Area two is in the double SE Arista section from SE Creighton to SE Concord Road. Area three is just north of SE Park Avenue.	1. Utilize landscaping to define the corridor edge and trail, including earth berms and large boulders.	All, with emphasis on Segment 5, Creighton to Concord, and segment 2 just north of Park.
	2. Use bollards at intersections.	All
	3. Pass a motorized vehicle prohibited ordinance and sign the trail.	All
	4. Where autos share access along the Trolley Trail for private property access, separate the auto use from the trail use and provide a vegetative buffer between the trail and the driveway.	Segment 3, Park to Torbank.
	5. Close off opportunity for driving through between Silver Springs & Torbank with a physical barrier and "no outlet" signage.	Segment 3, Park to Torbank.
	6. Create a Trail Watch program and encourage citizens to photograph report illegal vehicle use of the corridor.	All
	7. Lay the trail out with curves that allow bike/ped passage, but are uncomfortably tight for automobile passage.	Segment 5, Creighton to Concord.
Privacy of adjacent property owners This was one of the biggest concerns expressed by neighbors in the Creighton area. Concern is that the trail will bring people into areas that have for decades been quasi-private. Trail users will be able to peer into people's backyards and homes.	1. Encourage the use of neighborhood friendly fencing and also planting of landscape buffers.	All
	2. Clearly mark trail access points.	All
	3. Post trail rules that encourage respect for private property.	All
	4. Strategically placed lighting.	All

TRAIL SAFETY RECOMMENDATIONS

Safety Issue	Recommended Improvements	Location on Trail
Litter and dumping Incidental dumping was noted throughout the right-of-way, the majority of which was yard debris that appears to be dumped over property line fences.	1. Post trail rules encouraging pack it in pack it out etiquette.	All, post rules at access points.
	2. Place garbage receptacles at trailheads.	All
	3. Provide good visual access to the trail.	All
	4. Strategically-placed lighting, utilizing light shields to minimize unwanted light in adjacent homes.	All
	5. Manage vegetation within the right-of-way to allow good visual surveillance of the trail from adjacent properties and from roadway/trail intersections.	All
	6. Encourage local residents to report incidents as soon as they occur.	All
	7. Remove dumpsites as soon as possible.	All
	8. Encourage use of yard debris recycling service.	All
Trespassing Trespassing through people's backyards was a concern expressed by some members of the public.	1. Clearly distinguish public trail right-of-way from private property through the use of vegetative buffers and the use of good neighbor type fencing.	All; Special emphasis on Creighton area in segment 5.
	2. Post trail rules that encourage respect for private property.	All
	3. Place good neighbor fencing between trail and residence immediately north of Park.	Segment 2, single resident just north of Park.
Crime Creighton area neighbors expressed concern about potential loitering, burglary, muggings, kidnapping, etc. Neighbors stated there were issues several years ago that went away once the right-of-way became impassable due to dense vegetation. Undesirable transient activity should be handled following these recommendations as well.	1. Manage vegetation so that corridor can be visually surveyed from adjacent streets and residences.	All, special noted emphasis on segments 1, 2, and 6.
	2. Select shrubs that grow below 3' in height and trees that branch out greater than 6' in height.	All
	3. Place lights strategically and as necessary.	Light all of segments 1 and 2 (where necessary). Add lights at intersections and where necessary between intersections for segments 3-8.
	4. Place benches and other trail amenities at locations with good visual surveillance and high activity.	All, two sites were identified one at 28th as an access point; second at just south of Concord. Both are suitable bench locations.
	5. Provide mileage markers at quarter-mile increments and clear directional signage for orientation.	All
	6. Create a "Trail Watch Program" involving local residents.	All
	7. Proactive law enforcement. Utilize the corridor for mounted patrol training.	All
	8. Encourage use of yard debris recycling service.	All
Private use of corridor Private use of the corridor includes parking, vehicle access to private property, landscaping, and placement of small buildings on the right-of-way.	1. Attempt to negotiate win/win solution with property owners.	All Parking noted at Concord, Hull, and Glen Echo. Encroachment activity in segment 2, 3, 7, and 8.
	2. Eliminate where detrimental impact to trail cannot be reasonably ameliorated.	All

TRAIL SAFETY RECOMMENDATIONS

Safety Issue	Recommended Improvements	Location on Trail
Intersection safety Roadway and trail crossings present a potential safety concern between trail users and cars. Naef and Roethe were both noted as higher level safety concerns due to local high school traffic.	1. Require all trail users to stop at public roadway intersections through posting of stop signs.	All
	2. Provide cross walk striping and trail crossing warning signs for vehicle drivers. Put Trolley Trail logo on warning signs.	All
	3. Install flashing yellow lights at Naef, Roethe, and Concord.	Segment 6 and 7
	4. Utilize existing signal at SE Jennings and SE McLoughlin Boulevard crossing. Widen sidewalk at west and east side of SE McLoughlin Boulevard.	Segment 7
	5. Manage vegetation at intersections to allow visual access at crossings.	All
	6. Redesign 22nd to force vehicles to slow down as they exit SE McLoughlin Boulevard.	Segment 1
	7. Redesign 26th & Sparrow to narrow pavement area and slow vehicles down as they exit SE McLoughlin Boulevard	Segment 2
Local on-street parking A concern in the Evergreen, Silver Springs and Torbank area.	1. Post local residential streets as parking for local residents only to discourage trail user parking. Place "no outlet" and "no parking" signs prior to trail access points.	All
Trailhead safety	1. Clearly identify trailhead access areas.	All trailheads.
SE McLoughlin Boulevard impacts The proximity of the trail to SE McLoughlin Boulevard in segments 1 and 2 was identified as a concern. Though adequate setback is present, greater separation should be encouraged.	1. Deepen and widen the drainage ditch at the roadway shoulder while still allowing surveillance through and across ditch. 2. Place a small earth berm between trail and road.	Segment 1 and 2
Vandalism	1. Select benches, bollards, signage and other site amenities that are durable, low maintenance and vandal resistant.	All
	2. Respond through removal or replacement in rapid manner.	All
	3. Keep a photo record of all vandalism and turn over to local law enforcement.	All
	4. Encourage local residents to report vandalism.	All
	5. Create a trail watch program; maintain good surveillance of the corridor.	All
	6. Involve neighbors in trail projects to build a sense of ownership.	All
	7. Place amenities (benches, etc.) in well used and highly visible areas.	All

Community Involvement with Safety on the Trail

Creating a safe trail environment goes beyond design and law enforcement and should involve the entire community. The most effective and most visible deterrent to illegal activity on the Trolley Trail will be the presence of legitimate trail users. Getting as many "eyes on the corridor" as possible is a key deterrent to undesirable activity on the Trolley Trail. There are several components to accomplishing this as outlined below:

Provide good access to the trail

Access ranges from providing conveniently located trailheads along the trail, to encouraging the construction of sidewalks to accommodate access from private developments adjacent to the trail. Access points should be inviting and signed so as to welcome the public onto the trail.

Good visibility from adjacent neighbors

Neighbors adjacent to the trail can potentially provide 24-hour surveillance of the trail and can become NCPRD's biggest ally. Though some screening and setback of the trail is needed for privacy of adjacent neighbors, complete blocking out of the trail from neighborhood view should be discouraged. This eliminates the potential of neighbors' "eyes on the trail," and could result in a "tunnel effect" on the trail.

High level of maintenance

A well maintained trail sends a message that the community cares about the public space. This message alone will discourage undesirable activity along the trail.

Programmed events

Community events along the Trolley Trail will help increase public awareness and thereby attract more people to use the trail. The Friends of the Trolley Trail can help organize numerous public events along the trail which will increase support for the trail. Events might include a day-long trail clean up or a series of short interpretive walks led by long time residents or a park naturalist. The Friends of the Trolley Trail can also generate public support for future funding applications.

Community projects

The support generated by the Friends of the Trolley Trail could be further capitalized by involving neighbors and friends of the trail in a community project. Ideas for community projects include volunteer planting events, art projects, interpretive research projects, or even bridge building events. These community projects are the strongest means of creating a sense of ownership along the trail that is perhaps the strongest single deterrent to undesirable activity along the trail.

Adopt-a-Trail Program

Nearby businesses, community institutions, and residential neighbors often see the benefit of their involvement in the trail development and maintenance. Businesses and developers may view the trail as an integral piece of their site planning and be willing to take on some level of responsibility for the trail. The Elks Club may provide an excellent opportunity to make contact with local business leaders. Creation of an adopt-a-trail program should be explored to capitalize on this opportunity and build civic pride.

Trail Watch Program

The Clackamas County's Sheriff's office is pursuing the development of a "Trail Watch" program along the Trolley Trail. This program would provide an opportunity for local residents to become actively involved in crime prevention along the trail. Similar to Neighborhood Watch programs, residents are brought together to get to know their neighbors, and are educated on how to recognize and report suspicious activity.

Roger Alfred

From: Veka, Clay [Clay.Veka@portlandoregon.gov]
Sent: Thursday, June 05, 2014 12:07 PM
To: Roger Alfred
Cc: Geller, Roger
Subject: Crash data for N Portland Greenway Trail
Attachments: Swan Island Crash Data 2000-2012.xlsx; Swan Island Crash Map.jpg

Hi Roger,

Responding to our conversation on the phone, I've pulled crash data for some segments along the N Portland Greenway Trail and nearby roads on Swan Island. I've attached the Excel report of crashes as well as a map that shows the intersections I included (red and blue marks indicate crash locations). I did a search from 2000-2012. You will see that of the 297 reported crashes, 2 included bikes (2004 and 2010) and none included pedestrians.

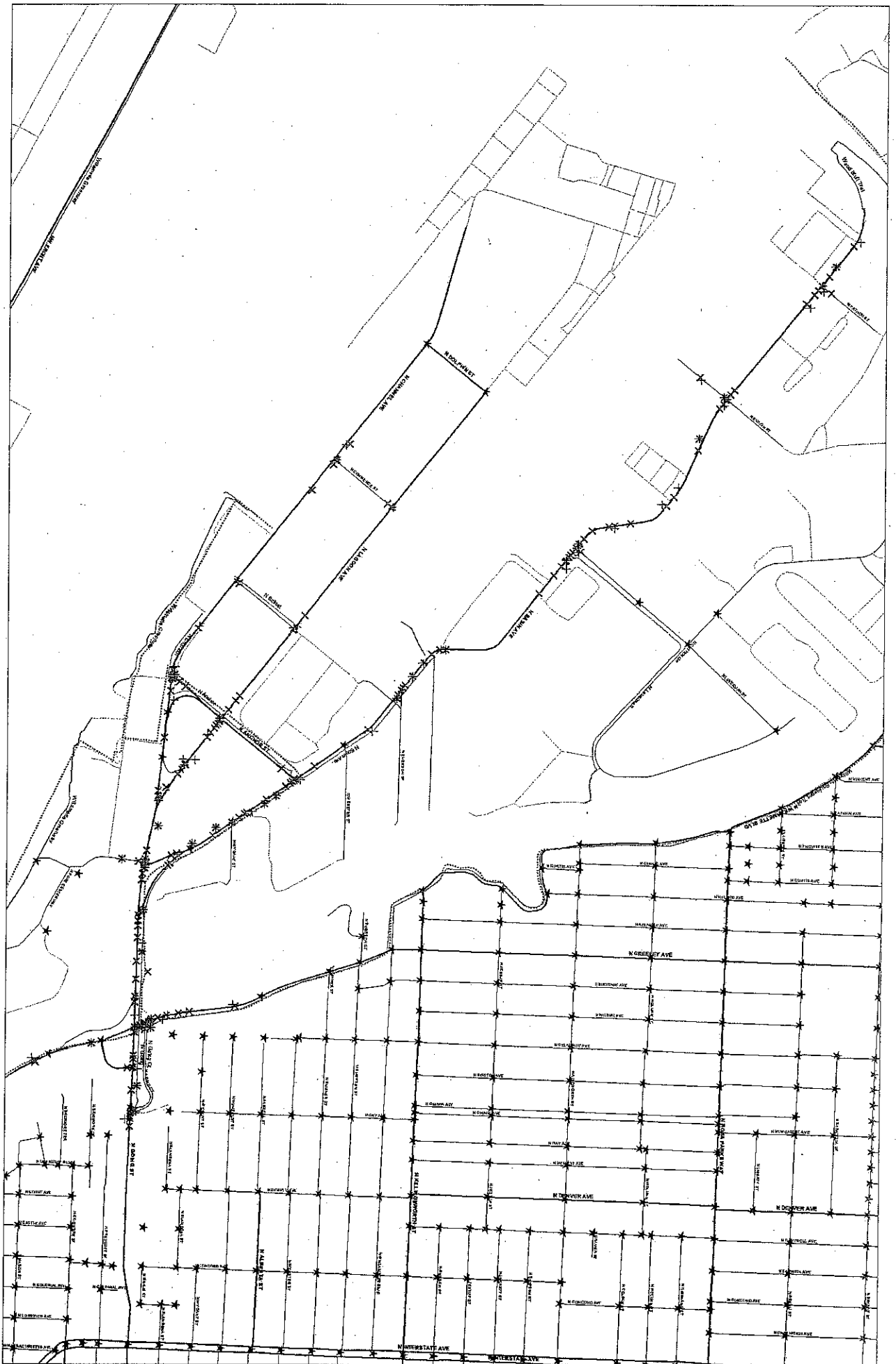
Please let me know if you have any questions.

Regards,
Clay.

Clay Veka

High Crash Corridor Program and ADA Curb Ramp Program | Portland Bureau of Transportation
1120 SW 5th Ave, Suite 800 | Portland, OR 97204

503.823.4998 | clay.veka@portlandoregon.gov | [Website - High Crash Corridor](#) | [Website - ADA Curb Ramps](#)



Roger Alfred

From: Geller, Roger [Roger.Geller@portlandoregon.gov]
Sent: Tuesday, June 03, 2014 11:35 AM
To: Roger Alfred; Robert Spurlock
Subject: RE: Crash data for Springwater

It was at 4th & Caruthers.

Roger Geller

503 823 7671 (w) / 503 823 7609 (f)

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]
Sent: Tuesday, June 03, 2014 10:05 AM
To: Geller, Roger; Robert Spurlock
Subject: [Approved Sender] RE: Crash data for Springwater

Thanks Roger – does your data show the precise location of the single bicycle-related crash? I'm just curious if it involved the intersection of the trail and the access point for the Ross Island Sand and Gravel cement batch plant near SE Ivon and 4th Ave.

Roger Alfred
Office of Metro Attorney
(503) 797-1532

From: Geller, Roger [mailto:Roger.Geller@portlandoregon.gov]
Sent: Tuesday, June 03, 2014 9:33 AM
To: Robert Spurlock
Cc: Roger Alfred
Subject: Crash data for Springwater

Hi Robert,

In response to your question about safety conditions in the industrial areas through which the Springwater Corridor Trail passes, I can tell you the following:

The Springwater Corridor Trail passes through an industrial area along SE Caruthers Street from the river and SE 4th Ave, and along SE 4th Ave from SE Caruthers Street and SE Ivon Street. For the period from January 1, 2003 through December 31, 2012 there has been 1 crash involving an automobile and either a bicyclist or pedestrian along this three-block area. It was a bike-automobile crash in 2008 and was caused by not yielding at a stop sign to crossing traffic. In the same time period, there have been 6 crashes involving only automobiles in this area.

The city designed these streets to accommodate trail users and industrial freight traffic while minimizing potential conflicts between the two.

Please let me know if you have any other questions.

Roger Geller
Bicycle Coordinator / City of Portland, Oregon
503 823 7671 (w) / 503 823 7609 (f)
Active Transportation

Troy Rayburn

From: Roger Alfred
Sent: Thursday, May 29, 2014 4:23 PM
To: Troy Rayburn
Subject: FW: Metro Ordinance 14-1329 - Title 4 RSIA's - Council Action

Think I forwarded you this already for the record, but just in case....

-----Original Message-----

From: Glancy, Lise [<mailto:Lise.Glancy@portofportland.com>]
Sent: Thursday, May 08, 2014 10:35 AM
To: Andy Cotugno; Andy Shaw; Bob Stacey; Carlotta Collette; Craig Dirksen; Elissa Gertler; John Williams; Kathryn Harrington; Martha Bennett; Randy Tucker; Sam Chase; Shirley Craddick; Steve Owen - Fairview City Council; Ted Reid; Tom Hughes
Cc: Roger Alfred; Elissa Gertler; John Williams
Subject: Metro Ordinance 14-1329 - Title 4 RSIA's - Council Action

Metro Council President Tom Hughes and Councilors

The Port of Portland owns a number of industrial lands designated as Title 4 Regionally Significant Industrial Areas (RSIAs). This includes Portland International Airport, Portland International Center, Rivergate, Swan Island and West Hayden Island. We also own Title 4 industrial sites that are not designated as RSIA's but serve a similar function (Gresham Vista Industrial Park and Troutdale Reynolds Industrial Park). Our industrial developments typically include trails and some accessory trail uses as these are important amenities in most industrial areas.

Recognizing that the Title 4 RSIA language inadvertently precluded trails and related facilities within such industrial areas, the Port supports the technical fix proposed by Metro in Ordinance 14-1329. Our understanding is that NAIOP recently raised some issues on the proposed amendments being overly broad and provided suggested edits to this ordinance in a letter dated May 5. We appreciate the issues identified by NAIOP and encourage Council to consider their proposed amendments to the ordinance to address the technical fix needed as well as the concerns related to preserving these industrial areas for industrial uses.

Lise B. Glancy
Regional Government Relations Manager
Port of Portland
503/415-6519 work
503/961-5123 cell
lise.glancy@portofportland.com

The case for an integrated mobility strategy

WALKING AND BIKING OFFER AN IMMEDIATE OPPORTUNITY TO TACKLE KEY CHALLENGES.

Congestion, climate change, burdensome fuel costs, lack of funding to even maintain roads, concern about making sure our transportation investments build, rather than destroy, communities—these challenges make it plain to each of us in our daily lives that the times are changing.

The good news is that we can take one relatively small step that will attack every one of these problems. It won't work overnight and it won't solve everything, but it will set us on a path towards a transportation network that is truly earth and community friendly. It is a policy that brings smiles to commuters, kids and communities (as well as taxpayers!)

Our region already has a good start, with Portland the most "bike friendly" city in America. But with smart investments in a network of routes and trails for biking and walking, in ten years we can more than double the number of people who choose to walk or bike. People like us in cities around the world with climates and hills as challenging as ours have done it. Their air and water are cleaner, their communities are stronger, and they are more active and healthy as a result.

It is time. It will work.

"We must recognize that we are on the cusp of a new wave of transportation policy. The infrastructure challenge of President Eisenhower's 1950s was to build out our nation and connect within. For Senator Moynihan and his colleagues in the 1980s and 1990s it was to modernize the program and better connect roads, transit, rail, air, and other modes. Today, the challenge is to take transportation out of its box in order to ensure the health, vitality, and sustainability of our metropolitan areas."

— Robert Puentes, *Brookings Institution, A Bridge to Somewhere: Rethinking American Transportation for the 21st Century*

Why encourage bike and pedestrian travel now?

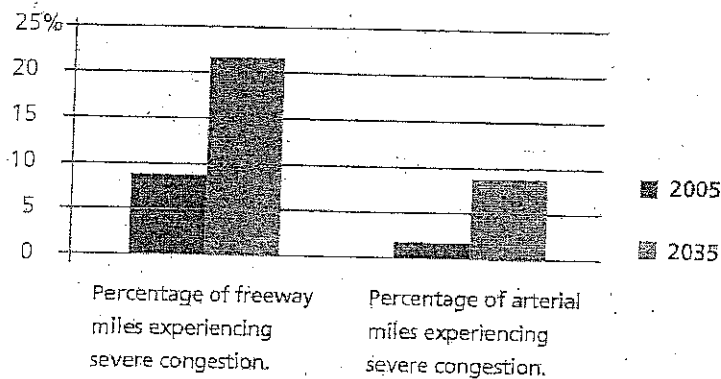
INVESTMENT PRODUCES ENVIRONMENTAL, LIVABILITY AND FINANCIAL RETURNS

Non-motorized travel reduces congestion

Thirty years from now, one million more people are expected to call the Portland region home. During this time, car traffic is expected to grow by nearly half, while truck traffic will more than double. The percentage of roadways experiencing severe congestion is expected to quintuple from 2% today to 10% by 2035. Increasing congestion has real economic costs. Dedicated facilities for pedestrians and cyclists frees roadways for other users.

Projected congestion growth in Portland region

Source: www.gasbuddy.com



Bicycling and walking reduce congestion by replacing cars on short trips, increasing use of public transportation and by stimulating compact, mixed use development.

Non-motorized travel is inexpensive

Transportation is second to housing as a proportion of household budgets and fuel costs have risen from 3% of household expenditures in 2002 to 8.5% as of June 2008, putting an increasing strain on resident's budgets. Bicycle and pedestrian infrastructure saves public dollars as well. A lane of roadway will accommodate five to ten times more pedestrian and bicycle traffic than driving and the cost of bicycling and pedestrian infrastructure is just a small fraction of that of building highways. Trails and paths can also be efficient connections to transit, reducing the need for expensive and land-gobbling park-and-ride stations.

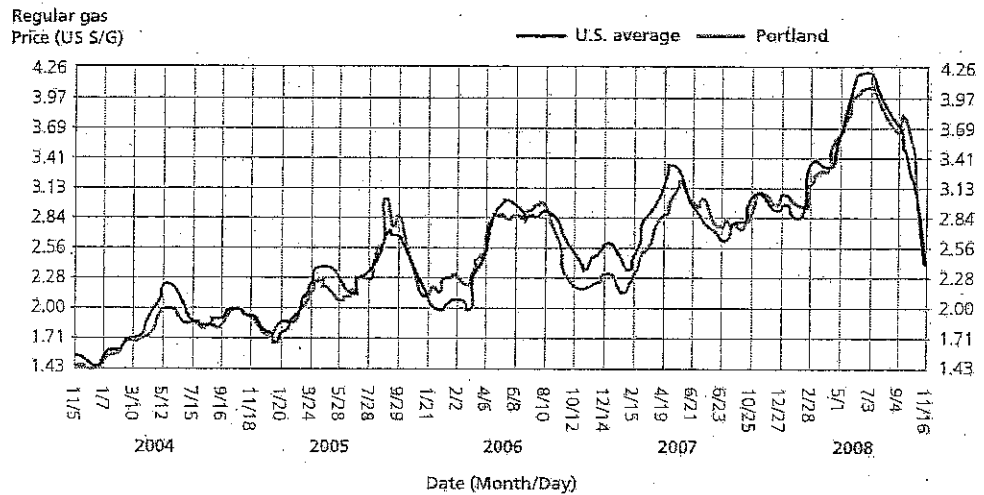
Those households that rely on walking and cycling as their primary means of travel save an average of \$694 per month.

— www.gasbuddy.com

Those households living near a greenway are more likely to meet CDC health guidelines – CDC, Rails To Trails Conservancy

60 Month average U.S. and Oregon gas prices

Source: www.gasbuddy.com

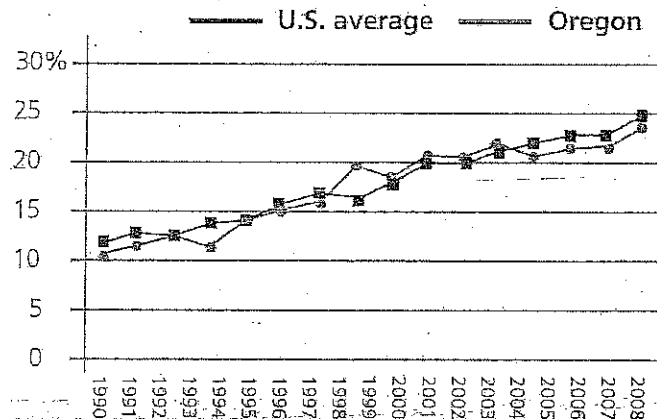


Non-motorized travel improves health and reduces health care costs

Americans' lack of physical activity is leading to an increase in a variety of health conditions including hypertension, cancer, heart disease, diabetes, and obesity, which will soon eclipse tobacco as the number one preventable cause of death in the United States. Studies have shown that people living in communities with walking and cycling facilities walk and cycle more. Bicycling and walking offer a way to integrate physical activity into busy schedules, and have been demonstrated to improve these conditions as well as to contribute to emotional well-being.

Percentage of adults who obese, Oregon and U.S. 1990-2008

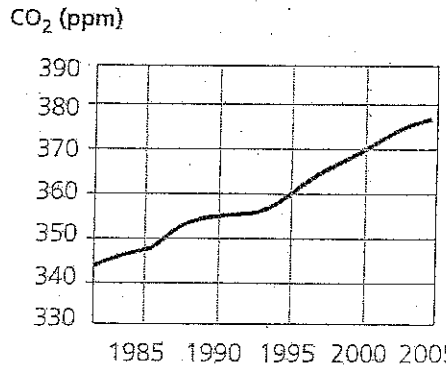
Source: Oregon Department of Human Services



Non-motorized travel reduces greenhouse gas emissions

Greenhouse gas emissions are causing climate change, which leads to environmental and economic disruption and threatens our health and well being. The transportation sector is responsible for 38% of greenhouse gas emissions. Any strategy to address climate change requires reducing energy consumption in this sector. Bicycle and pedestrian transportation must be a key element in our region's strategy to increase the share of total trips made by bicycle and by foot. The Rails To Trails Conservancy estimates that bicycling and pedestrian travel can offset between 3 percent and 8 percent of greenhouse gas emissions of US cars and trucks.

Globally averaged CO₂ 1985 - 2005
Source: World Meteorological Organization



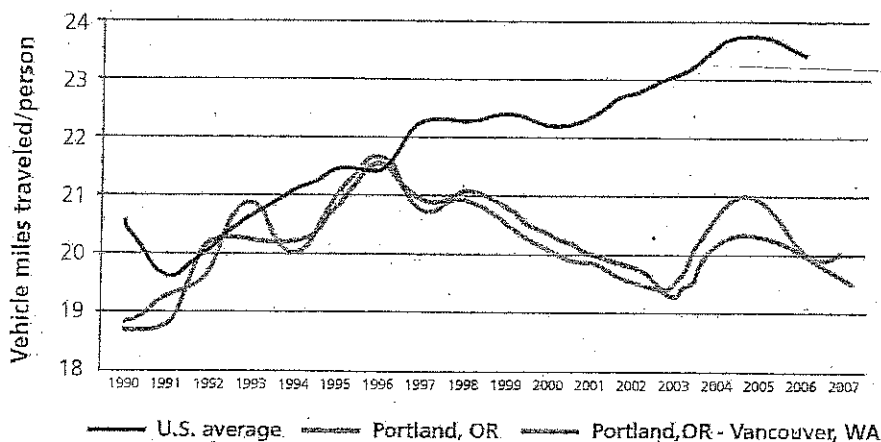
Every 1% increase in miles traveled by bicycle or on foot instead of by car reduces our region's greenhouse gas emissions by 0.4%

Non-motorized travel fosters dynamic, mixed-use communities

Non-motorized travel encourages a diverse mix of housing, shopping, restaurants, workplaces and recreation in convenient proximity. Residents that walk or ride tend to patronize small businesses, buying in smaller quantities but making more frequent purchases than motorists. This pattern of commerce supports small, community-based businesses and leads to a dynamic community environment. Motorists in such communities also benefit from shorter distances between services, which leads to fewer vehicle miles traveled per person.

Vehicle miles traveled per person 1990 - 2007

Source: FHWA, ODOT, WDOT



Motor vehicle miles traveled per person are increasing nationally. The Portland region has shown it is possible to counter this trend through compact growth and by providing transportation options.

The special case for greenways

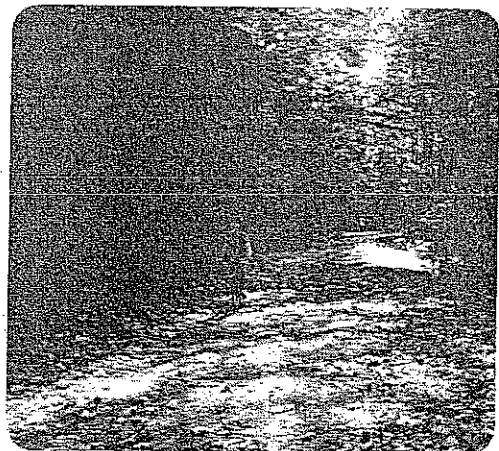
GREENWAYS PROVIDE PREMIER ROUTES AND DISTINGUISH THE REGION

Greenways are a significant element of Connecting Green, a broad-based movement in the Portland region to create a system of parks, trails and natural areas that is second to none.

Some greenways connect population centers with a non-motorized, natural corridor that provides an unrivaled commute experience. Other Greenways connect the best natural gems our region has to offer and draw both residents and visitors for long recreational excursions. In either case, Greenways play a special role in the region's mobility strategy.

- Greenways are like parks. They are places for families and friends to be together and places to find solitude and connect with nature. But unlike parks, they facilitate travel through the urban area, from neighborhood to neighborhood, or from park to school, or from home to work.
- Greenways are like roads. They give us a way to get where we need to go. But unlike roads, they are built for nonmotorized travel and so they are safer, less stressful and truly enjoyable. They are places where you can experience the wind in your hair or the sun on your shoulders as you travel.
- Greenways are like public squares. They are places for community to gather and can be good locations for shops, restaurants, museums, benches, fountains or works of art. But unlike public squares they extend in either direction as gateways to additional urban and natural experiences.
- Greenways are like a local gym, except that the scenery is better and you can exercise while you get to work rather than before or after.

Greenways may pass through a park, natural area or stream corridor. The land may be newly developed, but usually it is redeveloped, having been formerly occupied by a railroad, highway, or other transportation route. Many greenways in urban centers or developed areas are linear parks. Greenways are the premier travel corridor for walking and riding because they are safe and fast, and because they offer a natural experience that is removed from the noise and frenzy of the urban environment.



Why the Portland region?

PORTLAND IS UNIQUELY QUALIFIED TO UNDERTAKE THIS STRATEGY

Residents are choosing non-motorized transportation with increased frequency

An active, outdoor-oriented culture, sustainability consciousness, and strong civic and elected leadership position the Portland Region to lead the nation in implementing a nonmotorized transportation strategy. In the city, bicycling to work increased 146% between 2000 and 2006 despite accounting for only 0.7% of the Portland Office of Transportation's capital budget. Travel by bike and foot now makes up as much as 9% of total commute trips in the city, and just under 5% in the metropolitan region as a whole. In 2008, Portland became the first major city to be designated by the League of American Bicyclists as a platinum level bicycle friendly community. The City of Beaverton has been awarded Bronze status. The region's strong transit system is a key asset that positions the Portland region to lead a bicycle and pedestrian strategy.

Finally, Metro, local governments and nonprofit groups have proposed an exemplary network of greenways that span the region and provide opportunities for connection with the region's rich natural heritage. These routes are in varying stages of development, with many in the advanced stages of planning and ready to proceed.



Solution requires a more integrated approach to mobility

A FOUR PRONGED STRATEGY IS NEEDED

Our nation's overwhelming emphasis on one mode of travel has created stark inefficiencies and negative side effects. A regionwide network of on-street and off-street bikeways and walkways integrated with transit and supported by educational programs would make travel by foot and bike safe, fast and enjoyable. Such a system would take walking and cycling well beyond the exclusive domain of avid cyclists and the courageous to become a practical and preferred option for average residents. This is well within reach if we achieve four things:

1 Organize leadership

The strategy requires public and private leadership with interagency staff support.

Form a Caucus of Elected Leaders. Caucus members will make a commitment to champion the strategy. Members of the caucus agree to support the strategy's themes and direction. There will also be opportunities to help support specific proposals at the local, regional, state and federal levels.

Establish a Leadership Council. The council will be made up of civic and business leaders that make a commitment to support the caucus of elected leaders and serve as third party validators when the caucus is presenting proposals, making presentations, or involved in campaigns for elements of the strategy.

Create an Interagency Staff Team. Staff from interested cities, counties, state agencies and Metro will form an interagency team to support the work of the Caucus of Elected Leaders and the Leadership Council.

Model Cross-Discipline Integration at Metro. Cycling and walking, and particularly off-street trails, have in the past been treated as minor transportation facilities, with a divide between park and transportation planning. This schism reduces the functionality of the region's transportation system, limits options and increases costs. The aesthetic, recreation, health and ecological objectives associated with cycling and walking, which have been the traditional responsibility of parks bureaus and associated policy-making bodies, need to be acknowledged and fully integrated with transportation and mobility objectives, which are the purview of transportation departments. Metro should model the organizational changes that are necessary to integrate bicycle and pedestrian facilities planning with planning for other modes and encourage this integration within other jurisdictions in the region.

2 Demonstrate potential

There is excellent work going on across the region building trails, transit and bicycle/pedestrian facilities. Plans are in place, they are coordinated through the Regional Transportation Plan (RTP) and, as a region, our accomplishments are nationally significant. However, institutional traditions marginalize the planning, funding and development of trails and other bicycling and pedestrian infrastructure, resulting in weak coordination or even competition among these facilities.

The strategy's leadership must establish recognition among elected officials and influential organizations and committees that walking and cycling are serious transportation options. Such recognition stems from a realistic understanding of the return on investment such a system could have for our communities, our economy, and the environment. Nothing substitutes for results. Strategy leadership will showcase existing results as well as champion demonstration projects that take bike and pedestrian travel to new levels. Three pilot projects are envisioned:

Urban. Complete a well-designed and well-connected nonmotorized transportation project within a single urban "commute shed." Partner with area businesses to provide education and encourage use. For example, develop a trail that connects a regional center with the central city and provide associated on-street feeder routes and transit connections to substantially increase bicycle and pedestrian commuting within a targeted area.

Suburban. Partner with TriMet and area businesses to create an integrated bicycle/transit strategy for a geographically-defined area in the suburbs. For example, develop on and off-street bicycle and walking paths that feed a transit node. Provide safe, dry bicycle parking at the transit node. Make an agreement with area businesses to encourage their employees to use the facilities. A partnership with transit is critical in the suburbs, because distances between population and employment centers can be too long for bicycle travel (greater than 30 minutes by bike), but can be well served by transit.

Greenway. Identify a demonstration project that would link together key natural attractions to create a unique urban/natural experience. This would be a greenway of exceptional quality that can serve as a day or multi-day excursion for residents and visitors.

Actions required are as follows:

Select Demonstration Areas. A committee will be formed to select three demonstration areas: an urban, a suburban and a recreational greenway. The areas will be based on the extensive data and research that has been compiled through the Blue Ribbon Committee for Trails process, and will draw from existing transportation plans. The committee will meet three times to complete the selection by early 2009.

Secure Federal and State Funds. The Caucus of Elected Officials and Leadership Council will advocate for funding for the demonstration areas in upcoming legislative sessions at the state and federal levels.

Build Demonstration Projects. The goal is to begin moving demonstration areas forward in 2009.

3 Reduce costs

Federal and state standards set up for road construction complicate the construction of off-street bicycling and walking trails and add an estimated 30% to their cost. The barriers generally relate to procedures in place to support highway construction that don't adapt well for trails, such as cumbersome acquisition requirements that give the impression that a condemnation is about to take place; time consuming change order reviews because standards for roads aren't appropriate for trails; redundancy of effort to fulfill local, state and federal requirements; and excessively time consuming paperwork for intergovernmental agreements, accounting and project closeout.

A key element of the strategy is to bring these costs into line. Federal funding is administered through ODOT. Eliminating these barriers will involve working with ODOT staff, the Oregon Transportation Commission, state legislature and federal congressional staff.

Convene an "Oregon Solutions" style Cost Reduction Project. Strategy leadership would convene agencies involved in trail construction to identify opportunities to streamline, fasttrack and reduce costs and implement solutions.

4 Develop system

Strategy leadership will work towards a regional mobility strategy that fully integrates walking and cycling into the region's transportation plans. The Regional Transportation Plan (RTP) is now being updated and so the timing for such an integration is excellent.

Refine Guiding Principles. A work group will refine the guiding principles that will guide the development of the region's bicycle and pedestrian system. A preliminary list, developed during the work of the Blue Ribbon Committee for Trails, is provided in a later section of this document.

Develop Mobility Strategy and Integrate with Regional Transportation Plan. Inclusion in the Regional Transportation Plan qualifies projects for federal funding.

Create Safe Crossings. Work with the Oregon Department of Transportation to create a "safe crossings" initiative that addresses bicycle and pedestrian crossings. Areas where trails cross arterials or highways are particularly challenging. Crossings are in the right-of-way and so are eligible for gas tax investments and are key to protecting the safety of those who travel by bike and by foot.

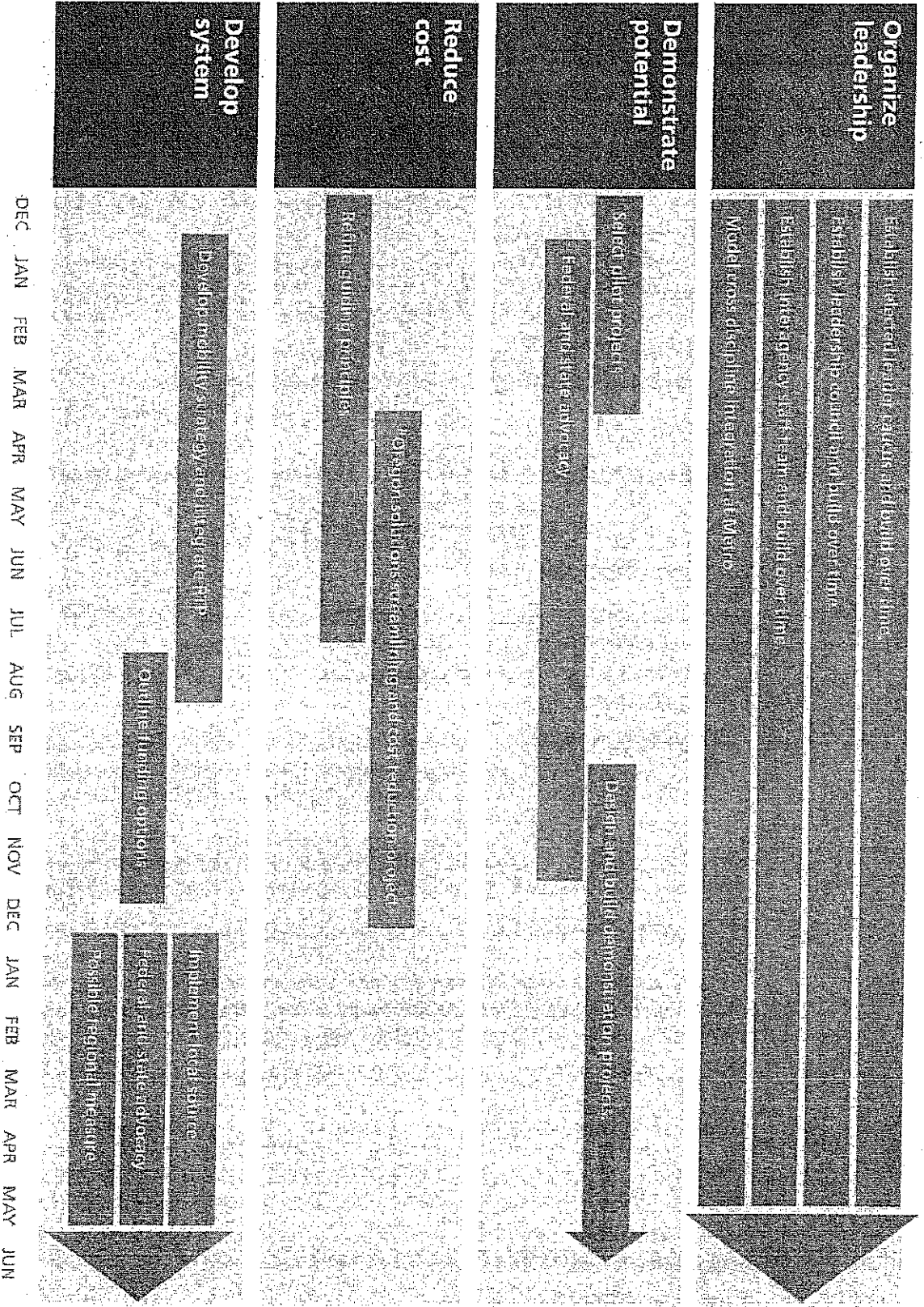
Design Funding Package. A staff team will outline a broad strategy for funding the mobility strategy identifying a target amount to be raised at the local, regional, state and federal levels and suggesting sources and a time frame for these amounts.

Implement Local Source. It is likely that the funding package will require a local match from system users. This source will need to be identified and implemented.

Secure State and Federal Funds. Strategy leadership will advocate at the state and federal level.

Implement a Regional Measure. A regional ballot measure or other source may need to be implemented.

Portland region bicycle and pedestrian strategy



Costs are small relative to other options

THE FINANCIAL INVESTMENT REQUIRED IS WITHIN THE REGION'S CAPACITY

Near term | Capacity \$118,000/year

Project management and technical staff support would include:

Project management. Provide support to the Caucus of Elected Leaders and Leadership Committee and serve as lead staff to the Interagency Staff Team. Direct overall strategy effort and provide staff leadership to key initiatives outlined in this document.

Demonstration areas. Scope and Develop demonstration project proposals, support selection process.

Funding. Develop materials, coordinate with partners and orchestrate advocacy for federal and state funding.

Fast tracking and Cost Reduction. Provide technical and project management support to Oregon Solutions to complete an interagency cost reduction project.

System Development. Coordinate development of the mobility strategy, facilitate integration of bicycle, pedestrian and trail plans with plans for other transportation modes.

The above is in addition to staff currently available at Metro and other governments in the region who will participate in the interagency staff team. The roles outlined above will be needed for two years at a total cost of \$236,000.

Mid term | Demonstration areas \$50 to 75 million

The urban, suburban and greenway demonstration areas have not been identified. However, a reasonable estimate for urban, suburban and greenway demonstration areas, including design, permitting, bidding, and construction is \$50-75 million.

Long term | System \$300 million to \$1 billion

A fully functioning bicycle and pedestrian system, built over the coming decades, is likely to cost between \$300 million and \$1 billion depending on the ultimate scope desired. To achieve this, the pace of investment must be increased over the current rate. For example, an average of only \$2.8 million per year in regional transportation funds are spent on urban multi modal trails. In the context of the region's overall investment in public transportation facilities of approximately \$630 million per year, a \$300 million investment over a span of ten or more years should not be out of range.

Appendices

NOTES ON FUNDING

A near term opportunity with the Federal reauthorization

The 2035 Regional Transportation Plan (RTP) identifies a \$7B gap for capital and \$6B gap for operations and maintenance of the transportation system across the region. Federal transportation funding has been the primary source of trail, bike and transit planning and construction. This funding is likely to remain key to urban mobility projects and competition for these funds is keen.

Congress reauthorizes the federal transportation bill every six years. As the next scheduled reauthorization approaches in 2009, revenues are down and needs are up. Success in obtaining an increased level of trails funding will depend on building alliances and lobbying effectively. Specifically:

- Participate in shaping Metro's federal transportation agenda in coordination with JPACT and the Regional Transportation Plan.
- Build support from a variety of constituencies across the region for urban mobility projects
- Build alliances with trail supporters in other Oregon communities
- Build on Rails to Trails Conservancy (RTC) national "2010 Campaign for Active Transportation"
- Identify federal earmarks and advocate for them with Oregon's Congressional delegation
- Participate in the Bike Summit in Washington D.C., March 2009 and 2010

Timeframe: Now through 2010. (Note: while the transportation bill is scheduled to be reauthorized in 2009, the last reauthorization bill was late, and knowledgeable observers believe it is likely that this bill will not be completed until 2010.)

Outcomes: Trails and other bicycle and pedestrian facilities are seen as integral elements of a transportation system that responds to a range of current and future challenges. The City of Portland and the Portland region are successful in lobbying for \$100M from the transportation reauthorization in coordination with RTC. Traditional sources of federal trails funding (MTIP, TE) are expanded.

State funding opportunities are worth pursuing in 2009

State funding has not been strong for either urban transportation trails or recreation trails. State gas tax revenues cannot be used outside the road right-of-way, and lottery funds, which can be used for trails, are likely to be scarce in 2009 due to the ailing economy as well as ballot measures that may have dramatic effects on the state budget. However, several factors suggest it may be timely to pursue state funding in 2009. These factors include a multi-stakeholder effort to pass a significant transportation funding package, heightened concern over gas prices and climate change, and potential reauthorization of Measure 66. There are several arenas to pursue.

Transportation-related

- The Governor's Vision Committee is considering a proposal to allocate up to \$20M annually across the state for trails and bicycle facilities.
- The Legislature doesn't necessarily follow the Governor's budget and is important to get in front of Legislative committees.
- A proposed third round of funding for multimodal transportation investments, the so-called ConnectOregon program, provides a logical legislative vehicle and funding structure for trail investments.

Recreation-related

Measure 66 is up for reauthorization in 2014 and may be under discussion sooner, possibly in 2009. A strategic approach is needed to secure a portion of these funds for scenic greenways.

Outcomes: Active transportation and scenic greenways are recognized as legitimate elements of a complete transportation system and receive state funding accordingly. Pilot projects have been funded by the state and are successful in demonstrating the need for bicycle and pedestrian facilities coordinated with transit. Consistent funding sources, at appropriate levels, are dedicated to these projects.

New funding

- The level of public support needs to be tested for new funding opportunities:
- Voter-approved Funding. Review the field of upcoming ballot measures and evaluate the potential for a mobility focused measure.
- Potential for Bicycle Community Contribution. Pursue a contribution or registration fee for bicycles to engage cyclists and to address concern, however mistaken, that cyclists don't carry their weight. This may be an important equity effort, rather than a key funding source.
- Potential for Regional and Local Funding. There may be traditional funding sources that could contribute to the funding mix. All have many competing priorities and the associated institutional hurdles. However, the case should be made for non-motorized mobility with sources such as urban renewal, transportation and parks systems development charges, and local gas taxes.

Principles for development

Demonstration areas will test and refine a set of principles that can then guide the development of a region-wide system. Based on the work of the Blue Ribbon Committee for Trails and the German Marshall Fund study tour to Amsterdam and Copenhagen, the following principles are suggested as a point of departure:

- Focus on the users experience over their entire trip. Working with the "total trip" experience requires not just transportation engineering but landscape and recreational planning expertise.
- Connectivity is key. Coordinate on-street, off-street, and transit facilities within key transportation corridors. Determine a range of mobility options to serve the corridors.

-
- Factor health, the environment, personal and public costs, convenience, the travel experience and community health into investment decisions.
 - Consider the pattern of development and respond with effective mobility strategies; urban solutions are likely to be different than suburban solutions.
 - Emphasize bicycle trails and routes to connect population and employment centers that are accessed with a 30 minute ride.
 - Set Priorities. Focus on completing or a few commute sheds at a time. Build regional equity into the sequence, so each part of the region gets a turn. This is similar to the way light rail was developed—first the east, then the west, then north, then airport, then south...
 - Provide separated bicycle and pedestrian facilities in high-volume corridors.
 - Set high standards for both the quality of the travel experience and a unified way finding system.
 - Consider principles used in Europe that the system should be coherent, direct and easy, safe and secure, self-explanatory, comfortable and attractive.
 - For greenways, the quality of the experience, the destinations, and the opportunities along the route to enjoy nature are all important. The process also has a focus on development of tree canopy and understory for wildlife habitat with special sensitivity to stream bank conditions. The balance between providing access to nature while preserving fragile habitat and ecosystems requires judgment that must be further developed. The Portland region will be positioned as a national model on achieving the right balance.

Blue Ribbon Committee for Trails

CONVENED BY THE METRO COUNCIL

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Dave Yaden

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Scott Bricker
Bicycle Transportation Alliance

Councilor Rex Burkholder
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The Blue Ribbon Committee was supported by a team led by Metro and including staff from the City of Portland, Oregon State Parks, the City of Forest Grove, and Alta Planning and Design. The composition of the staff workgroups was diverse, with expertise in transportation, trail, bicycle and parks planning, data analysis, cartography and GIS, funding, legislative process, and design. Staff worked collaboratively to serve the needs of the committee as a whole and to foster shared understanding rather than to advocate any specific position.

Thank you to the following people for their work on the Blue Ribbon Committee for Trails:

Elizabeth Adams

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Lake Strongheart McTighe

Joanna Mensher

John Mermin

Brian Monberg

Derek Robbins

Robert Spurlock

Patricia Sullivan

Mike Tresidder

Randy Tucker

Patty Unfred

Lia Waiwaiole

Marion Warren

Mike Wetter

Max Woodbury

From Trail Towns to TrOD

Trails and Economic Development

Trails build strong, economically vital communities. Trails, according to a National Association of Homebuilders study cited by *The New York Times*, are the number one amenity potential homeowners cite when they are looking at moving into a new community.

Trails provide communities with a valuable amenity that translates into increased housing values. In Indianapolis, for example, the increased property value of trails was more than \$140 million.

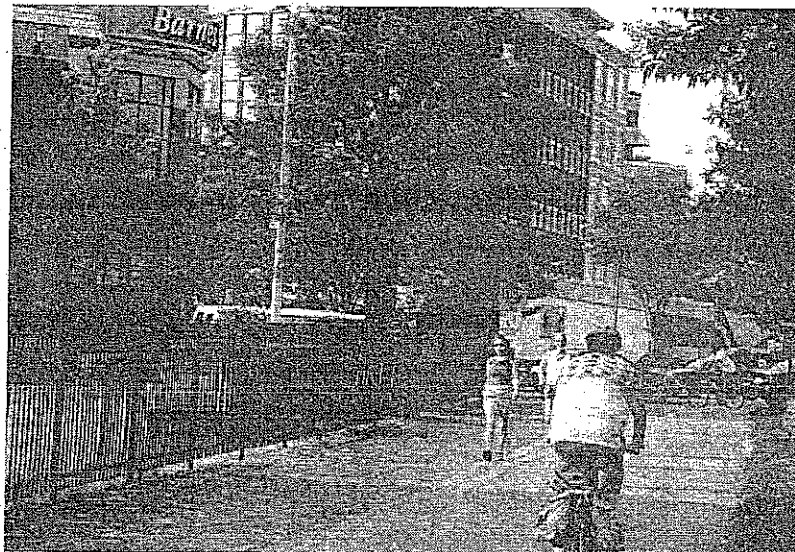
Trails revitalize neighborhoods. In Minneapolis, the Midtown Greenway has spurred development of new housing and businesses to take advantage of the desirable location adjacent to the trail.

Trails build local businesses. Bicycle tourists, a growing, affluent segment of the tourist market, contribute significantly to local businesses that are well-connected to trails. Along the Virginia Creeper Trail in southwest Virginia, visitors spend \$1.59 million annually providing an estimated 27 new full-time jobs.

August 2007

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The Capital Crescent Trail in Bethesda, Md. © HUGH MORRIS / RAILS-TO-TRAILS CONSERVANCY

Trails and Economic Development

Trails and green space are important community amenities that help to spur economic development. From home owners choosing to live along a park-like trail to bicycle tourists making their way from small town to small town, trails are important community facilities that attract people and dollars.

The relationship between well-designed green spaces and trails and economic development has long been understood. Fredrick Law Olmsted, the renowned landscape architect, conducted the first economic impact analysis of urban parks on Central Park, finding a strong positive relationship between this new amenity and property values. The evidence of the positive impact of green space on adjacent land values became "conventional wisdom" (Crompton 2001, p. 9) for park planners and was used to fuel the early park movement in communities around the country. But with increasing competition for scarce resources, this conventional wisdom on the value of parks for economic development was supplanted by wariness to invest in purely recreational resources.

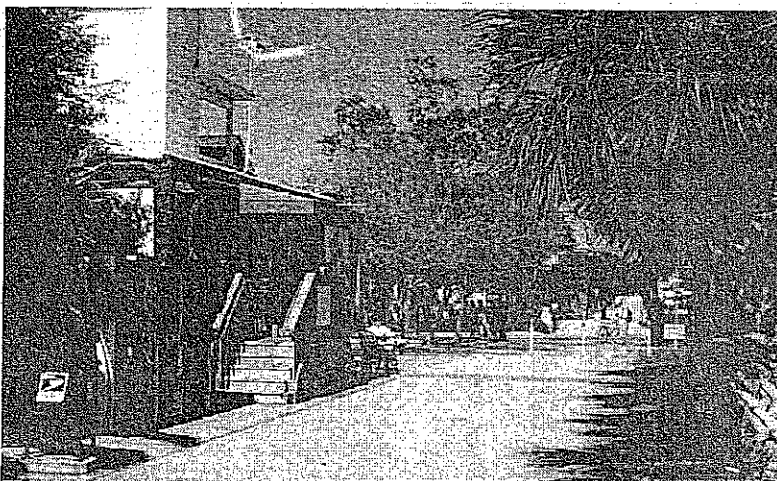
Over the last decade, however, community leaders and planners, buoyed by sophisticated new economic studies, have once again begun to use greenways, urban parks and trails as economic engines for community revitalization. Mounting new evidence shows an almost universal positive connection between well-designed open spaces and trails and important economic development indicators. As Donna Erickson, author of *MetroGreen: Connecting Open Space in North America* (2006), recently pointed out, trails and greenways are helping "shape urban growth, contribute [to] critical environmental values, and, indeed, place economic development and neighborhood revitalization" (p. 34).

Trail Towns: The Tourism Potential of Trails

Communities are realizing the economic potential of trails as highly desirable destinations that bring dollars into the places they serve. In addition to preserving critical open space and providing important transportation options, trails and greenways attract visitors from near and far—visitors who facilitate job growth in tourism-related opportunities like restaurants, local stores and lodging.

Communities around the country are increasingly utilizing this "Trail Town" model of economic revitalization that places trails as the centerpiece of a tourism-centered strategy for small-town revitalization. Trail Towns contain trails that are well-connected to downtown businesses. Based on the well-known National Main Streets economic model, Trail Towns are literally inviting trail users to spend time and dollars in their community. Researchers have found that the economic impact of this approach is significant. The Virginia Creeper Trail generates \$1.59 million in annual spendings, supporting approximately 27 new full-time jobs (United States Department of Agriculture, 2004).

Through careful planning, communities are realizing the full economic potential of linking trails and local businesses. In Cumberland, Md., for example, local businesses, in partnership with elected officials, have crafted a well-organized Trail Town model that helps link bicycle tourists to downtown businesses. Cumberland Mayor Lee Fiedler points to the importance of this model for economic revitalization when he states that: "The revival of the city is driven, in part, by the trail. ... No one



Trailside businesses along the Pinellas Trail, Florida. © FRANZ SIMMLER / TRAILS-TO-TRAILS CONSERVANCY

thought people with bikes would spend money, but they were wrong. Business is spreading back from the trail" (*Baltimore Sun*, December 13, 2006).

Trail-Oriented Development: Capitalizing on Trail's Amenity Value

In addition to helping promote small-town revitalization, trails are increasingly being used to help more urban communities revitalize long-underutilized corridors. Trails are building strong, vital communities with increased property values for area residents and improved economic opportunities for local businesses.

One of the most innovative applications of this new wave of thinking involves the promotion of Trail-Oriented Development (TOD). TOD is an emerging planning tool that seeks to combine the active transportation benefits of a trail with the revitalization potential associated with well-designed and well-managed urban parks to help create more livable communities. TOD

draws obvious inspiration from the Transit-Oriented Development (TOD) concept. TODs have a proven track record of economic success. TOD expert Robert Cervero notes that: "Studies over the past two decades show average housing value premiums associated with being near a station...are 6.4 percent in Philadelphia, 6.7 percent in Boston, 10.6 percent in Portland, 17 percent in San Diego, 20 percent in Chicago, 24 percent in Dallas, and 45 percent in Santa Clara County" (Cervero et al 2004, p. 162).

In much the same way that TODs aim to build places where people can live, shop and travel from a string of centralized community centers, TOD aims to provide a network of local business and housing choices within a web of safe and enticing trails. The amenity of the trail provides a pull for home buyers and a new market for local businesses.

The potential synergy associated with well-designed trail corridors and revitalization planning has attracted several communities around North America to experiment with TOD-type redevelopment projects. Minneapolis with its Midtown Greenway project and Montreal with the Lachine Canal redevelopment are at the forefront of this movement. Both have experienced success in encouraging redevelopment through the mix of new public space

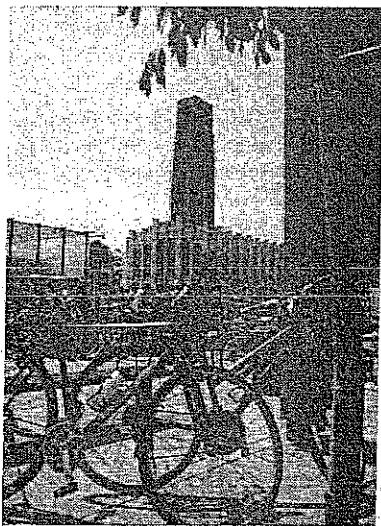
"The revival of the city is driven, in part, by the trail," says Mayor Lee Fiedler (Cumberland, Md.), who ordered bike racks installed on downtown corners. "No one thought people with bikes would spend money, but they were wrong. Business is spreading back from the trail."

—*Baltimore Sun*, December 2006

amenities designed to lure new development to the edge of the corridors, and zoning changes designed to facilitate new mixed-use development to anchor the corridors.

The Midtown Greenway in Minneapolis provides a good example of how focused planning and outreach for trail development can help to enhance economic development along a corridor. The first phase of the Greenway was opened in 2000, converting a rail line trench into a new neighborhood amenity. The depressed former rail line, however, was not well-connected to communities around the trail. During the next several years, members of the Midtown Greenway Coalition worked to create zoning and land use plans designed to provide enhanced access to the trail. While there are many factors spurring redevelopment along the corridor, the new trail amenity and good planning appear to be key factors in helping create new nodes of positive development along the corridor.

While these recent developments in Minneapolis show promise, a more fully developed approach to integrated TOD has emerged just to our north in Montreal. The Lachine Canal Trail shows how city investments in public space improvements, coupled with tax



Lachine Canal Trail, Montreal, Canada links to the Atwater Market. © BILLY FIELDS / RAILS-TO-TRAILS CONSERVANCY

"Builders say having a project on the Katy Trail has become money in the bank. Some builders say there is a '25 percent premium for having their product back up against the Katy Trail.'"

—Dallas Morning News, December 2006

incentives and zoning changes, can encourage new development along a trail corridor. The trail, Sijpkens (1989) notes, "is a minor miracle and a major blessing. The miracle is that the canal was not filled in and asphalted over to bring yet more cars to downtown Montreal; the blessing is that it has allowed, on a nice Sunday, up to 50,000 Montrealers enjoy the stark beauty of the canal zone and discover its communities such as Pointe St Charles, Verdun, and St Henri" (p. 187). The renewed focus on the area, made possible through the trail, has helped jumpstart the wider revitalization plan geared at capitalizing on this great amenity.

Trails as Economic Engines

The amenity value of trails translates into increased property values and enhanced tax revenue for communities. In a study on the impact of trails on adjacent property values in Indianapolis, Lindsey et al (2003) found that proximity to a greenway generally has a statistically significant, positive effect on property values. The overall impact of trails on property values in Marion County was estimated at more than \$140 million dollars. They point out that while "the average effect on individual properties is fairly small, the total effect is substantial because so many homes are located in close proximity to greenways" (p. 9).

The link between well-designed trails and improved property values is strong. Trails are a positive community asset that people appreciate. While any single community asset will not significantly increase the value of a single piece of property, the aggregated impact on the whole community of the trail amenity can be dramatic. Nicholls and Crompton (2005) note that "linear green spaces, of which greenways are a prime example, maximize the number of

properties that can be positioned adjacent or nearby to them. As a result, a higher number of properties' values are enhanced and the impact on the property tax base is greater" (p. 339 and 340). The authors conclude that the economic impact of the new amenity value associated with increased property values along a single trail corridor in Austin, Texas was \$13.64 million of new property tax revenue (p. 338).

Trails can be powerful tools for economic development. *The New York Times* recently noted a National Association of Homebuilders study that found that trails are the number one amenity that potential homeowners cite when choosing a new community. By consciously linking trails and businesses, and by providing new desirable housing choices along trails, communities around the country are building vital, economically stable neighborhoods that are truly sustainable.

An Economic Boon for Communities: Tourism and Trails

Across the country, trails and greenways are stimulating tourism and recreation spending. This spending is a catalyst to revitalization.

- Total visitor spending estimates for six trailheads along the Allegheny Trail in Pennsylvania ranged from \$5.4 million to \$14.1 million in 1998. Trips to the trail are expected to increase by more than 50 percent (Farber, 1999).
- The economic impacts of the Virginia Creeper Trail in two southwest Virginia counties are \$1.59 million annually. In addition, the visitors to the trail support approximately 27.4 new full time jobs (United States Department of Agriculture, 2004).

- A 1993 survey of 38 businesses along the Cape Cod Rail Trail in Massachusetts found that 24 percent of the business owners cited the rail-trail as one reason they opened or acquired their business (Massachusetts Department of Environmental Management, 1993).
- This same survey found that 60 percent of the businesses expanded their business and of those, one-half considered the rail-trail a prominent factor in this decision.

Trails provide places for a variety of users to enjoy the outdoors, translating into multi-faceted economic benefits for states. In 2001, the Maine Department of Transportation sponsored a study of the economic impacts of bicycle tourism and found that:

- In 1999, two million bicycle tourists spent an estimated \$36.3 million.
- The equivalent of 1,200 full-time jobs is attributed to bicycle tourism.
- Investments in three MDOT trails will result in approximately \$2.7 million per year.
- The East Coast Greenway route through Maine (primarily on rail-trails) is estimated to generate \$530,000 per year.

Impacts on Quality of Life

In rural, suburban or urban communities, more Americans demand that green places be protected as a way to maintain their quality of life. Trails and greenways are connecting all Americans with their communities, by preserving open space.

- "Trails are the No. 1 amenity potential homeowners cite when asked what they would like to see in a new community, ahead of public parks and outdoor pools, according to the National Association of Home Builders. Trails were cited by 57 percent of prospective buyers in a 2004 survey by the association" *New*

York Times Bradley Melekian (2006)

- In a businesses survey in Burlington, VT, 96 percent of respondents stated that they felt the Burlington Bikeway had increased the quality of life (Leadership Champlain Project 2001).

Property Values

Trails and greenways increase the natural beauty of communities and have been shown to bolster property values.

- A 2003 study found that the amenity value of trails was associated with over \$140 million dollars in increased property values in Indianapolis (Lindsey et al, 2003).
- In Austin, Texas, increased property values associated with a single greenway were estimated to result in \$13.64 million of new property tax revenue (Nicholls and Crompton, 2005).
- In Dallas, developers report that there is a 25 percent premium for properties adjacent to the Katy Trail (*Dallas Morning News*, 2006).
- Realizing the selling power of greenways, developers of the Shepherd's Vineyard housing development in Apex, N.C., added \$5,000 to the price of 40 homes adjacent to the regional greenway. Those homes were the first to sell (Hohey, 1999).

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Notes on Economy

ECONOMIC BENEFITS of TRAILS

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Trails and greenways impact our economy through Tourism, Events, Urban redevelopment, Community improvement, Property values, Health care costs, Jobs and investment, and General consumer spending.

From the Summer 2011 issue of the American Trails Magazine

Join our blog and discussions on economic benefits of trails

Evidence of many varieties of economic benefits linked to trails

By Stuart Macdonald, Editor, American Trails Magazine

What does "economic benefits" really mean in the context of trails, tourism, and communities? We are eager to share the many positive aspects of trails, but as we are increasingly having to defend trails, it is worth looking more closely at the evidence.

Americans do spend a great deal on outdoor recreation. A 2006 Outdoor Industry Foundation study found that "Active Outdoor Recreation" contributes \$730 billion annually to the U.S. economy, supports 6.5 million jobs, and generates \$88 billion in annual state and national tax revenue. Active recreation is defined as bicycling, trail activities, paddling, snow sports, camping, fishing, hunting, and wildlife viewing.

Youth and conservation corps provide jobs as well as skills training for young people

Looking at our public lands, a recent study shows the importance of national parks and Bureau of Land Management area to the economy:

"The 437 million recreational visits to Interior-managed lands in 2010 supported more than 388,000 jobs nationwide and contributed over \$44 billion in economic activity. Many of those jobs were in rural communities, including 15,000 jobs in Utah, 14,000 jobs in Wyoming, 9,000 in Colorado, and 8,000 in Arizona."

— *The Department of the Interior's Economic Contributions (2011)*

Varieties of economic impacts

There are many ways that trails and greenways affect the local and national economies, including:

- Tourism
- Events
- Urban redevelopment
- Community improvement
- Property value
- Health care savings
- Jobs and investment
- General consumer spending

Cuyahoga Valley Scenic Railroad provides access to riders on the Cuyahoga Valley Trail (Photo by MarY Shaw - all rights reserved)

Tourism on trails

While money spent on a trail trip is money not spent elsewhere, the real benefit is that it is money spent in rural towns and in more economically disadvantaged areas.

"Although the trails are small income generators compared to manufacturing, health services, and other large sectors of the local economy, their impacts are concentrated in communities dependent on trail activity, and spread to other businesses in population centers and commercial hubs of the region."

— Economic Impact of Recreational Trail Use in Different Regions of Minnesota (2009) - [download pdf \(2.1 mb\)](#)

Many of the people traveling to a trail and spending a night or more in the area are economically well off with significant discretionary income. On the Great Allegheny Passage, over a third of overnight trail users reported household incomes of \$100K or more.

"Almost half of surveyed bicyclists earn more than \$100,000 annually and 87% earn more than \$50,000. 40% have a Masters or Doctoral degree and an additional 38% reported completion of a college degree."

— *The Economic Impact of Investments in Bicycle Facilities: A Case Study of the North Carolina Northern Outer Banks* (2004)

Trail tourism is one way of creating opportunities for people to vacation in the U.S. and especially places that are not standard tourist destinations. Rather than spending money in Las Vegas, at Disney World, or on cruise ships, they are traveling to rural areas across America.

"Fruita, CO has earned a reputation as a world-class mountain biking destination that pumps \$1.5 million a year into the local economy, according to the BLM. And Fruita's sales tax revenues have increased by 51% in the last 5 years, including an 80% increase in sales tax revenues from restaurants."

— *Outdoor Industry Foundation* (2006)

A former industrial building along the Caperton Trail has a new life in retail as a sandwich shop (Photo by MarY Shaw - all rights reserved)

Local business benefits

Communities adjacent to public lands benefit from trails on those lands. Much of the investment in maintaining and creating trail systems comes from volunteers and donations from businesses. Many towns have been successful at identifying the recreation resources, creating systems of trails, and making them more available through maps, signs, marketing, events, and tours.

An estimated 800,000 trips are taken annually on the Great Allegheny Passage, a 141-mile system of biking and hiking trails from Cumberland, MD to Homestead, PA:

- Annual direct spending attributed to trail users was \$40.8 million in 2008, up from \$7.26 million in 2002.
 - Total annual wages attributed to trail user spending: \$7.5 million.
 - Since 2007, 93 new trail-related businesses opened in the Trail Towns while 19 businesses closed, for a net gain of 47 new businesses.
 - 77% of businesses opened since 2007 remain in operation.
 - Business owners attribute 25% of revenues to their proximity to the trail.
- *Great Allegheny Passage Economic Impact Study (2007–2008)*

"The West Orange, Little Econ, and Cady Way trails in Orange County supported 516 jobs and an estimated economic impact of \$42.6 million in 2010."

— *East Central Florida Regional Planning Council (2011)*

The Teton County trail system generated an estimated \$18 million in economic activity in 2010, with \$1.1 million spent by local trail users and \$17 million by non-local trail users:

"Employment and wages relating to the trail system in Teton County totaled \$3.6 million with approximately 213 workers employed in the summer and fall of 2010."

— *Jackson Hole Trails Project Economic Impact Study (2011)*

Advertising condos along the Highline Canal Trail in Denver, CO (Photo by Stuart Macdonald)

Community benefits

Benefits of trail systems to cities and towns include:

- More attractive communities
- Safer routes for bicyclists, pedestrians, and children going to school
- Higher property values and taxes

Businesses want to locate in the same kinds of communities that home buyers want to live in: places perceived as safe and attractive, with opportunities for walking and trail activities.

"Trails consistently remain the number one community amenity sought by prospective homeowners."

— *National Association of Homebuilders (2008)*

In pointing out the benefits of trails and greenways, we should remember that this value reflects an investment of public tax revenue. The question, according to the Center for Urban Policy and the Environment is:

"Are these investments worth the burden to taxpayers? We need more data about the costs of greenways to answer this question fully, but it is clear that homes in greenway corridors on average sell for higher prices. The premium to private property owners in greenway trail and conservation corridors across Marion County likely exceeds \$140

million."

— *Public Choices and Property Values* (2003)

"Investment in bicycle facilities improves the safety of the transportation system for all users and also benefits health and fitness, quality of life, and the environment."

— *The Economic Impact of Investments in Bicycle Facilities: A Case Study of the North Carolina Northern Outer Banks* (2004)

The Walkway Over the Hudson is a 19th Century railroad bridge that has been renovated as a mile-long trail high over the river at Poughkeepsie, NY. Over a million visitors have come since the bridge was opened in 2009:

"The park's success has inspired officials in both Poughkeepsie and Lloyd to enact or speed up zoning changes that will allow for tourist-friendly businesses in areas currently zoned only for housing, as they strive to build on the Walkway's momentum to revitalize their communities."

— "Walkway Over Hudson Invigorates Businesses," *Wall Street Journal*, Sept. 20, 2010

Promoting the link between health and trail activities

(Photo by Stuart Macdonald)

Health care savings

Another way that we all benefit from trail facilities is increased public health. Studies are beginning to look at the link between trail use and health benefits. In Lincoln, Nebraska:

"Per capita annual cost of using the trails was \$209 (\$59 construction and maintenance, \$150 equipment and travel). Per capita annual direct medical benefit of using the trails was \$564. The cost-benefit ratio was 2.94, which means that every \$1 investment in trails for physical activity led to \$2.94 in direct medical benefit."

— *A Cost-Benefit Analysis of Physical Activity Using Bike/Pedestrian Trails*, Wang, G., et al., (2004)

We will be watching for new research in this area. The potential benefits are great, as a recent study in the Miami area suggests:

"The development of Ludlam Trail will save the community between \$1.68 million and \$2.25 million annually in direct medical costs related to lack of physical exercise while leading to approximately 4,931 to 6,579 area residents becoming new exercisers. Residents within the Ludlam Trail Study Area can expect to lose or keep off between 32,664 and 109,939 pounds of weight annually by burning between 2.19 million and 7.39 million calories (kilocalories) per week while exercising on Ludlam Trail."

— *Trail Benefits Study: Ludlam Trail Case Study* (2011)

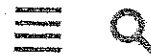
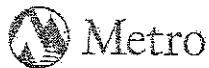
Kayak Pittsburgh rents sea kayaks for use on the Three Rivers Water Trail

(Photo by MarY Shaw - all rights reserved)

Statewide impacts of trails

Another type of statistic cited in economic studies is the general level of expenditure associated with a particular trail activity. Typical examples are statewide studies of off-highway vehicle recreation expenditures or the economic value of horses. These studies include household spending for equipment, storage, repair and maintenance, and related costs.

Bicycle recreation currently supports more than \$924 million in tourism and resident spending each year, of which



Home > News

METRO NEWS

Staples Inc. donates a different kind of green, helping Metro Natural Areas Program complete trail

Submitted:
Apr 04, 2011 05:04pm

Share

Staples Inc. donated the rights to 441 feet of its property near Gresham to build the Marine Drive Trail.

Some do-gooders donate cash, some donate furniture or clothing. When it comes to Metro's voter-approved Natural Areas Program, charitable contributions get a little more creative – coming in the form of forests, wetlands or future trails.

Metro accepted a donation last week from Staples Inc., which is giving the rights to build 441 feet of the Marine Drive Trail near its distribution center just east of the Gresham-Portland border. Metro is working to fill gaps in the pedestrian and bicycle pathway, which eventually will trace the Columbia River between North Portland and Troutdale.

"Thanks to this generous donation, we're 441 feet closer to completing the Marine Drive Trail," said Metro Councilor Shirley Craddick, who represents the eastern part of the region. "Every little bit helps."

nearly \$533 million is direct impact occurring annually, such as travel, equipment sales, and restaurant expenditures.
— *The Economic Impact of Bicycling in Wisconsin (2001)*

"Bicycle tourism brings \$66.8 million to the Maine economy."

— *Bicycle Tourism in Maine: Economic Impacts and Marketing Recommendations (2001)*

An Arizona State University economic study of recreational off-highway vehicle use in Arizona found:

"The total economic impact (direct and indirect) to Arizona from recreational OHV use is more than \$4 billion annually. OHV recreation activities provide an economic contribution to the State and its 15 counties mainly through direct expenditures for motorized vehicles, tow trailers, related equipment, accessories, insurance, and maintenance costs."

— *Arizona State Parks, Statewide Motorized and Nonmotorized Trails Plan (2004)*

Spending on trail equipment

The purchase and maintenance of equipment used on trails is also a major economic factor.

"...in the horseback riding activity... purchases of new equipment and horses, boarding of horses, feeds, veterinary fees, and other maintenance costs reached \$551 million, or 59% of all equipment spending in the state."

"Spending on new snowmobile equipment was second highest at \$105 million, followed by ATV (\$75 million), bicycle riding (\$54 million), and running (\$37 million)."

— *Economic Impact of Recreational Trail Use in Different Regions of Minnesota (2009)*

See the full reports cited in this article as well as many other studies on the economic benefits of trails and greenways at www.AmericanTrails.org/resources/economic.

The Marine Drive Trail is part of the 40-Mile Loop, a longtime vision to connect the region with trails. It provides access to many parts of the Columbia Slough, a network of lakes, wetlands and slow-moving channels in the river's southern floodplain.

In less than a year, Metro has acquired the rights to build more than one-and-a-half miles of trail in the Columbia Slough area – including 1,000 feet flanking Northeast 185th Avenue, near the Staples property. City governments will begin trail design and construction when all the needed property has been acquired, and funding is in place.

Metro's Natural Areas Program, which is designed to protect water quality, wildlife habitat and outdoor recreation opportunities, typically pays market value to buy land, conservation easements or the right to build trails. Through the course of 16 years and two bond measures, more than a dozen landowners have donated property or sold it at a significant price reduction. Donations are scattered across the region, from the Chehalem Mountains near Forest Grove to the East Buttes of Gresham.

"Donating to Metro's Natural Areas Program leaves a legacy of green and trails to stitch it together," said Metro Council President Tom Hughes. "When you think of all the things we can leave behind for future generations, this is one of the most important: a promise that wild places will stay wild."

TOPICS

Land use and development

Nature

Solid waste and recycling

Transportation

Venues

Roger Alfred

Subject: FW: Question

From: Roger Alfred [<mailto:Roger.Alfred@oregonmetro.gov>]

Sent: Wednesday, May 07, 2014 2:23 PM

To: Wendie Kellington

Cc: John Mermin

Subject: RE: Question

Wendie – The matter before council tomorrow involves nothing more than the tentative “acceptance” of the RTP project list as currently proposed. The only purpose of this resolution is to create a snapshot of the project list that we can then use to run the air quality modeling on those projects for purposes of air quality conformance. That modeling will occur between Friday and May 14. Assuming the modeling works out and shows that the region will still be in conformance with federal clean air act requirements if all of the proposed projects are built, we will go forward with that list as part of the actual RTP amendments scheduled for July 17.

Federal law requires us to have a public involvement plan for transportation projects. Therefore, in 2009 Metro adopted a “Public Involvement Policy for Transportation Planning,” which was revised into the current “Public Engagement Guide” in 2013. Those documents include a requirement that for any proposed amendment to the RTP we must provide a formal 45-day public comment period. Don’t ask me why, but that is what it says... I understand that it does not really mesh with the typical land use decision making process, but in any event that is the only reason for the “formal” 45-day comment period from March 21 to May 5. However, as John notes, that formal period does not foreclose anyone’s ability to comment on the actual RTP amendments any time between now and the public hearing on July 17.

Bottom line – the hearing tomorrow regarding the RTP project list really does not matter for your purposes unless perhaps you have concerns about what projects should be modeled for air quality conformance. And even if you did, you would still have the opportunity to comment any time up until the July 17 hearing.

From: Wendie Kellington [<mailto:wk@wkellington.com>]

Sent: Tuesday, May 06, 2014 7:49 PM

To: John Mermin

Cc: Roger Alfred

Subject: RE: Question

John,

This really makes no sense. This is not noticed as a public comment on the RTP. It is an “acceptance” of the conformity determination. There is no transparency on the two processes – why May 8 and then July 17 and how they are different. Probably by design. Regardless, I will treat this as a hearing on the RTP that matters based on this email. And likely appeal the outcome. Best, Wendie

From: John Mermin [<mailto:John.Mermin@oregonmetro.gov>]
Sent: Tuesday, May 06, 2014 3:26 PM
To: Wendie Kellington
Cc: Roger Alfred
Subject: RE: Question

Hi Wendie,

We just wrapped up a 45-day public comment period on the RTP (3/21-5/5).

Whenever we have a formal comment period, it is our practice to have a public hearing to allow for additional public comments to be made directly to the Metro Council before they take action. They will be taking action on 5/8 and again on 7/17.

Thanks,
John

From: Wendie Kellington [<mailto:wk@wkellington.com>]
Sent: Tuesday, May 06, 2014 1:25 PM
To: John Mermin
Cc: Roger Alfred
Subject: RE: Question

Hi John,

Thank you. I do not understand the point of the public hearing on the conformity determination. What issues are relevant to the public hearing? What drives having a public hearing at all?

From: John Mermin [<mailto:John.Mermin@oregonmetro.gov>]
Sent: Tuesday, May 06, 2014 1:19 PM
To: Wendie Kellington; Roger Alfred
Subject: RE: Question

Hi Wendie,

I've attached the agenda for the council meeting on the 8th...

John

From: John Mermin
Sent: Tuesday, May 06, 2014 1:13 PM
To: 'Wendie Kellington'; Roger Alfred
Subject: RE: Question

Hi Wendie,

Sorry for the confusion.

The action and hearing was originally scheduled for May 15th, but had to be rescheduled for May 8th.

On May 8, The Metro Council will be asked accept the RTP project list so that we can run our air quality model to test if we will meet the clean air act if we were to build all the projects in the list. This air quality modeling determination is a federal requirement.

FYI - This is not the final action on the RTP. That is scheduled for the July 17th Metro Council meeting. There will be another public hearing with that meeting.

Let me know if you any further questions.

Roger Alfred

From: Wendie Kellington [wk@wkellington.com]
Sent: Wednesday, May 07, 2014 6:03 PM
To: Roger Alfred
Cc: John Mermin; Steve McGuire (stevemcguire@mcguirebearing.com); Hank Stukey (corporate@terrahydr.com)
Subject: RE: Question

Thank you. Perhaps the elected officials will listen to testimony then and decide what makes sense is not to model the IATT in the TIG RSIA but rather in 124th as the affected public has asked. Metro is not hurt by such a decision. The region benefits because we stop wasting time chasing away industry; and have a healthy RSIA and a trail not blighted by controversy. Best, Wendie

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]
Sent: Wednesday, May 07, 2014 5:53 PM
To: Wendie Kellington
Cc: John Mermin; Steve McGuire (stevemcguire@mcguirebearing.com); Hank Stukey (corporate@terrahydr.com)
Subject: RE: Question

The decision tomorrow does not do anything except allow the air quality monitoring to begin, based on the list of proposed projects. Any trail facilities included in that list do not affect the modeling because bike and pedestrian projects are exempt, since they do not create air quality concerns. Tomorrow's decision does not make any substantive decision about what should or should not be included in the RTP. That decision will be made in July. Tomorrow's decision just provides the snapshot of a list that allows us to run models to determine whether the Metro region will still be in conformance with federal Clean Air Act requirements if all of the (non-trail) projects on the list are ultimately built. Once the air quality conformity results are obtained in about a week, there is a 30-day public comment period on the results from May 16 to June 15 and those results are going to MTAC, TPAC, and to the Metro Council in a work session on June 17. My understanding of the process (this is new for me also) is that the final Metro decision regarding air quality conformance would be a decision in July to amend the RTP to include some or all of the projects on the list. It is difficult for me to imagine what the basis would be for an appeal of tomorrow's decision to authorize the commencement of air quality modeling, since the whole point of the modeling is to determine whether or not the project list can actually be included in the RTP, but at no point have I suggested that the Metro Council has no interest in testimony at either of the hearings tomorrow.

Roger Alfred

From: Wendie Kellington [wk@wkellington.com]
Sent: Thursday, May 08, 2014 6:23 PM
To: Roger Alfred
Subject: RE: RTP project list

Hi Roger,

Please confirm no final decision was made today on the project list. IF so we can work through this later. Best,
Wendie

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]
Sent: Thursday, May 08, 2014 1:47 PM
To: Wendie Kellington
Subject: RE: RTP project list

My people are telling me that none of the Tonquin Trail segments shown on the list you forwarded are in the TIG or its related RSIA. Is there a particular segment you feel differently about? There is a fourth TT segment on the project list that John missed in his first cut (#11427); however, that appears to be well north, inside the city of Tualatin (112th to Boones Ferry) and not in any RSIA.

From: Wendie Kellington [mailto:wk@wkellington.com]
Sent: Thursday, May 08, 2014 12:57 PM
To: Roger Alfred
Subject: RE: RTP project list

Roger, the problem is, this is inconsistent with the project list on the website. Which is represented as the official version, which I tend to believe. Which I attach so you have it. If the region will specifically remove the IATT from the TIG RSIA in the project list and put it say in 124th we have no problem. But absent some credible showing the trail and remarkable facilities are not on the project list, my clients will be challenging the AQC determination whenever Metro decides it is fit to challenge. Fair warning. Best, Wendie

From: Roger Alfred [mailto:Roger.Alfred@oregonmetro.gov]
Sent: Thursday, May 08, 2014 12:10 PM
To: Wendie Kellington
Subject: RTP project list

Wendie – after yesterday's discussion I asked John Mermin to provide a list of Tonquin Trail segments included on the project list that is on today's agenda. That list is attached, with a map – apparently none of the TT segments on today's list actually cross through RSIA.

Roger

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 14-1342
CODE SECTION CHAPTER 2.19.130 TO)	
CHANGE THE NAME OF THE SOLID WASTE	)	Introduced by Chief Operating Officer Martha
ADVISORY COMMITTEE	)	Bennett in concurrence with Council
	)	President Tom Hughes

WHEREAS, Metro Code Chapter 2.19 provides the authority for the Metro Council to establish advisory committees, including the purpose, authority and membership of those committees; and

WHEREAS, the Metro Council established the Solid Waste Advisory Committee to provide advice regarding regional solid waste management and planning; and

WHEREAS, the Metro Council wishes to change the name of the committee to Solid Waste Alternatives Advisory Committee to better reflect the purpose of the committee; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Metro Code Amendment. Metro Code Sections 2.19.020, "Definitions," and 2.19.130, "Metro Solid Waste Advisory Committee (SWAC)" ~~is~~ are amended as set forth in the attached Exhibit A.

ADOPTED by the Metro Council this _____ day of _____ 2014.

Tom Hughes, Council President

Attest:

Approved as to Form:

Troy Rayburn, Recording Secretary

Alison R. Kean, Metro Attorney

Exhibit "A" to Ordinance No. 14-1342

CHAPTER 2.19

METRO ADVISORY COMMITTEES

2.19.020 Definitions

For the purposes of this chapter, unless the context requires otherwise, the following terms shall have the meanings indicated:

- (1) "SWAAC" means Solid Waste Alternatives Advisory Committee.

2.19.130 Metro Solid Waste Alternatives Advisory Committee (SWAAC)

(a) Purpose. The purpose of the Metro Solid Waste Alternatives Advisory Committee (SWAAC) is to develop policy options that, if implemented, would serve the public interest by reducing the amount and toxicity of waste generated and disposed, or enhancing the effectiveness and sustainability of the system through which the region's solid waste is managed. For the purpose of this Section, the term sustainability is as defined in Metro Council Resolution No. 08-3931.

- (b) Membership. Members are categorized as follows:

(1) Regular Voting Members:

Jurisdictions with a population under 50,000	3
Jurisdictions with a population between 50,000 and 500,000	3
Jurisdiction with a population over 500,000	<u>1</u>
Total Local Government Members:	7

(2) Non-Voting Members:

Oregon Department of Environmental Quality	1
Non Governmental	1
Solid Waste Industry	3
Chair, Metro	<u>1</u>

Total Non-Voting Members:	6
TOTAL MEMBERS	13

(c) Appointment of Members.

- (1) Local government members shall be nominated by a jurisdiction's presiding executive, appointed by the Metro Council President, and subject to confirmation by the Metro Council. In making the local government appointments, the Metro Council President will seek members directly involved in solid waste regulation or oversight and those involved in resource conservation.
- (2) The Oregon Department of Environmental Quality (DEQ) member shall be nominated by DEQ's presiding executive, appointed by the Metro Council President, and subject to confirmation by the Metro Council.
- (3) The Metro member shall be nominated by the Chief Operating Officer, appointed by the Metro Council President, and subject to confirmation by the Metro Council. The Chief Operating Officer also shall nominate an alternate Metro member who can serve when the confirmed member is unavailable.
- (4) The remaining non-voting members shall be nominated through a public application process, appointed by the Metro Council President, and subject to confirmation by the Metro Council.

(d) Membership.

(1) Terms of Office.

- (a) The local government members shall serve for a term of two (2) years. A member may be reappointed for additional terms through the process set forth above.
- (b) The DEQ member shall serve until a replacement is nominated by the DEQ executive.
- (c) The Metro member shall serve until a replacement is nominated by the Chief Operating Officer.
- (d) The remaining non-voting members shall serve for a term of two (2) years. A non-voting member in this category may serve for a second consecutive two (2) year term.

- (2) Meetings. SWAAC shall meet on a schedule determined by the Chairperson, with no fewer than two meetings per calendar year. The Chairperson shall schedule additional meetings as needed to respond to requests from the Metro Council for analysis of particular issues.
- (3) Attendance. Members should be present at and participate in all regular meetings. Members who are absent for more than one regular meeting in a calendar year may be asked by the Council President to resign.
- (4) Local government. For the members from jurisdictions with a population under 50,000, the Metro Council shall confirm at least one member each from a community west and east of the Willamette River. A County's population includes only those residents of the County's unincorporated areas.
- (5) Solid Waste Industry. Solid Waste Industry members shall include persons involved in the collection, transfer, processing, disposal, or recycling of Solid Waste generated in the Metro Region.
- (6) Non Governmental. The Non Governmental member shall be from a non-profit organization whose mission related to advancing sustainability in the Metro Region.

(e) Chair. The Chairperson of SWAAC shall be the Metro member or, in the Metro's member's absence, the Metro alternate member.

(f) Reports to Council. SWAAC shall include a summary of the minority opinions of voting and non-voting members when describing the policy options that it recommends to the Metro Council for consideration.

(g) Subcommittees. SWAAC may establish subcommittees of a limited and defined duration. Membership composition shall be determined by SWAAC and may include individuals who are not members of the Committee. All such subcommittees shall report to SWAAC.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1342, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 2.19.130 TO CHANGE THE NAME OF THE SOLID WASTE ADVISORY COMMITTEE

Date: July 17, 2014

Prepared by: Matt Korot, 503-797-1760

BACKGROUND

The proposed ordinance would change the name of the Metro Solid Waste Advisory Committee (SWAC) to the Metro Solid Waste Alternatives Advisory Committee (SWAAC).

Metro Code section 2.19.130 establishes that the purpose of the Metro Solid Waste Advisory Committee is:

... to develop policy options that, if implemented, would serve the public interest by reducing the amount and toxicity of waste generated and disposed, or enhancing the effectiveness and sustainability of the system through which the region's solid waste is managed.

The "policy options" component of this statement, which dates to the reestablishment of SWAC in 2009, purposefully distinguishes the committee's scope of work from that of its predecessor, which was charged with "... present[ing] policy recommendations to the Metro Council." While the current SWAC is operating in accordance with its chartering code language, staff recommends changing the name to more explicitly communicate that the committee should be identifying and/or providing input on a range of alternative courses of action in order to provide the Council with a broad spectrum of potential choices to make. The new name would also more closely align with that of TPAC, the Transportation Policy Alternatives Committee.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

Change to Metro Code requires an ordinance of the Metro Council.

3. Anticipated Effects

Adoption of this ordinance would result in changes to the Metro Code, as indicated in Exhibit A.

4. Budget Impacts

There are no expected budget impacts associated with the adoption of this ordinance.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 14-1342.