

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING) RESOLUTION NO. 92-1578
COMMENTS AND RECOMMENDATIONS)
REGARDING ODOT'S 1993-1998) Introduced by
SIX-YEAR TRANSPORTATION) Councilor Richard Devlin
IMPROVEMENT PROGRAM)

WHEREAS, The Preliminary 1993-1998 Six-Year Transportation Improvement Program has been prepared by the Oregon Department of Transportation (ODOT); and

WHEREAS, The program establishes priorities and schedules for funding a multi-modal transportation system; and

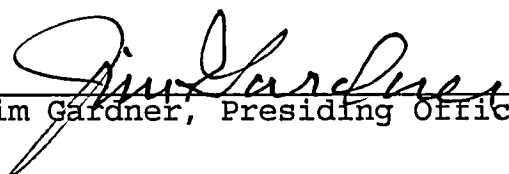
WHEREAS, The program was developed on the basis of the act submitted by the President which was considerably different than the final adopted version; and

WHEREAS, The program does not address the possibility of using new flexibility for alternative transportation improvements allowed in the adopted act; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District endorses comments and recommendations set forth in Exhibit A.
2. That Metro staff be directed to forward the comments and recommendations submitted for testimony during the appropriate hearings on the 1993-1998 Six-Year Transportation Improvement Program update by the Oregon Transportation Commission.
3. That this action is consistent with the Regional Transportation Program.

ADOPTED by the Council of the Metropolitan Service District
this 27th day of February, 1992.


Jim Gardner, Presiding Officer



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

EXHIBIT A

Date: February 13, 1992
To: ODOT
From: JPACT
Re: ODOT Six-Year Transportation Improvement Program

We have reviewed the Draft program in anticipation of the upcoming hearings and find it very difficult to evaluate due to the current circumstances. The process was initiated well before Congress adopted the new Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). As such, it was developed on the basis of the Act submitted by the President which was considerably different than the final adopted version. In particular, although the ISTEA produced \$386.7 million of increased funds over the previous STA, the Draft program is based upon \$173 million more than is now expected to be available during the next six years.

The adopted ISTEA is responsive to many of the initiatives recommended by the Portland region to introduce greater flexibility to fund needed improvements and provide for integration with land use and environmental concerns. It is an opportunity that we worked hard to achieve and is consistent with the multimodal direction set in the Regional Transportation Plan and the Oregon Transportation Plan. It allows the new "National Highway System" (NHS) category of funds to be used on alternative arterial or transit improvements that cost-effectively benefit the NHS route. In addition, it provides for the transfer of up to 50 percent of the NHS funds (100 percent with the approval of the Secretary of Transportation) to the more flexible "Surface Transportation Program" (STP) category. This program provides funds to the state and the region which can be used for literally any transportation capital improvement. In addition, ISTEA creates two new categories to address environmental concerns. An Enhancement Program is created to fund environmental mitigation, bike trails, historic preservation, scenic easements and landscaping and acquisition of abandoned rail corridors. A new Congestion Mitigation/Air Quality Program is created to implement Air Quality Implementation Plans in non-attainment areas. In total, up to one-half of the \$1.1 billion of federal highway funds are potentially flexible.

Under these circumstances, we have the following comments:

1. The projects identified for Modernization are important priorities for the Portland region. They were ranked "high" by the Portland region based upon a comparison with other needed highway projects. They would help advance the highway element of the Regional Transportation Plan.
2. The Draft as currently published is \$173 million overprogrammed and, in all likelihood, is more overprogrammed considering the eligibility of using the two new environmental accounts. In order to comment on these priorities, we need a balanced statewide program to evaluate. While we can comment on the relative priority of projects in our region, we are unable to weigh these against projects elsewhere in the state.
3. ISTEA changes directions for metropolitan areas and states throughout the country, emphasizing a multi-modal approach to transportation solutions and a sensitivity to protecting the environment. ODOT has done an excellent job in moving toward a more multi-modal direction through development of the Draft Oregon Transportation Plan (OTP). The Six-Year Program, however, does not consider the possibility of using this new flexibility for alternative transportation improvements. The Portland region expects to consider a multi-modal set of alternative transportation projects for funding through its STP Program. Use of state STP and NHS funds should also take into consideration a multi-modal set of transportation improvements and it is important to have resources to implement the OTP when it is adopted. In addition, use of the Enhancement Program and the Air Quality Program should consider a broader set of candidate projects. In particular, the Regional Transportation Plan includes examples for each of the following types of projects which should be considered:
 - arterial alternatives to NHS routes;
 - arterial improvements required for urban mobility;
 - transit projects as alternatives to an NHS improvement or urban mobility improvement to accelerate Tri-Met's Transit Development Program;
 - bikepaths, pedestrian paths, rail right-of-way acquisition, historic preservation and other enhancement projects;

- air quality projects, particularly demand management programs; and
- establishment of funding towards future regional rail corridors.

We recommend creation of a separate Bikepath/Pedestrian Path section of the program in order to clearly reflect compliance on this issue to the Transportation Rule. We also recommend that ODOT separate out the newly available "Enhancement" and "Air Quality/Congestion Mitigation" programs and allow the region to submit project recommendations before adoption in July. Finally, multi-modal projects should be included in the "Development" section to ensure projects are ready to go for future Six-Year Program updates.

4. We request that ODOT work with the region to respond to the changing environment created by passage of ISTEA in order to ensure that programming of funds produces a balanced multi-modal Regional Transportation Plan and Oregon Transportation Plan. In addition, we request that ODOT flag specific new Modernization projects in the adopted Six-Year Program in order to allow the region to work with ODOT to consider alternative projects by October. This would then allow ODOT to entertain an amendment to the Six-Year Program at that time.
5. Consideration of bonds for meeting the unfunded portion of the Six-Year Program is an interesting prospect. However, care should be taken to not use bonds to commit future flexible federal funds for highway improvements to be built in the short term. This would have the effect of committing future flexible funds for highways, thereby closing out their consideration for alternative transportation projects.
6. A Bridge Program could be administered on a statewide basis. The opportunity for ODOT to undertake this task is presented by the large increase in Highway Bridge Replacement (HBR) funds. Under this approach, ODOT would select projects for funding based upon the severity of the problem, regardless of jurisdiction rather than administering a state highway Bridge Program separate from a City/County Bridge Program. (See attachment endorsed by JPACT and AOC for more details.)

ODOT

February 13, 1992

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7. The region expects to undertake a similar multi-modal project evaluation for newly available Surface Transportation Program funds, Enhancement funds, Air Quality/Congestion Mitigation funds and Section 9 funds.

The overall concern of the Portland region is to implement all aspects of the multi-modal Regional Transportation Plan. Toward this objective, use of funds in the Six-Year Program and new federal funds available to the region are only a part of the overall solution. These decisions must be integrated with a comprehensive approach to development of new transportation resources.

ACC:lmk

Federal Funding Assumptions		
\$. Millions		
1st Draft	Preliminary Program	'91 Act est.
\$766.60	\$1,326.40	\$1,153.30
Net Difference = (\$173.1 million)		

1153.30
- 766.60

386.70

1326.40
- 1153.30

173.10

System Changes				
System	1992	Potentially	Old Funds	1991
	\$, millions	Flexible		\$, millions
I Completion	23.3	0	Same	18.1
I Maint.	35.1	0	I-4R (Pres.)	31.1
NHS	34.5	17.25	I-4R (Cap.)	15.6
		to 34.5	F.A. (AOH)	15.5
STP	60	60	FAU	3.8
			FAS	4.9
			F.A. (non AOH)	21.9
Bridge	25.2	0	Same	7.8
Cong./Air Qual.	4.4	4.4	New	New
Enhancement	4.5	0	New	New
Federal Lands	12.5	0	Similar	9.4

199.5 81.65
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 to
 98.9

40.9% to 49.6% Flexible

METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Date: June 3, 1991

To: JPACT

From: Andrew C. Cotugno, Transportation Director, Metro
Jerry Parmenter, Washington County
Terry Bray, City of Portland

Re: ODOT HBR Program

We recommend inclusion of the attached HBR recommendations as part of the region's comments on the ODOT Six-Year Program update. TPAC endorsed this proposal at their May 31, 1991 meeting.

ACC:JP:TB:lmk

Attachment

Highway Bridge Replacement Program
Recommendations

1. The program under the 1987 Surface Transportation Act is now nearly complete. During the period from 1987 to 1991, the program faced severe federal cutbacks, resulting in deferred bridge projects. The 1991 Surface Transportation Act appears to include a renewed Bridge Program with a substantial increase in funding level to Oregon. This presents an opportunity to take a fresh approach to the administration of the program.
2. It is recommended that ODOT pursue a comprehensive approach to selecting bridge projects to fund through the new HBR Program which selects bridges according to their importance and severity of deficiency regardless of jurisdiction. This would put state and local bridge projects on an even playing field.
3. As an interim approach, it is recommended that ODOT develop a two-year allocation of funds to both state and local projects through the current Six-Year Program process using existing policies and procedures. The criteria and ranking used for the selection of state and local projects should be released through the Six-Year Program process.
4. During the next two years, it is recommended that ODOT, AOC and LOC develop through an independent contractor a process and criteria to be used in the next update to select bridges. The selection of projects for the remainder of the '91 Surface Transportation Act should be programmed in the next Six-Year Program update. This should be based upon a common set of criteria, regardless of jurisdiction.
5. These recommendations should be communicated to the Oregon Transportation Commission and ODOT's Local Officials Advisory Committee as input to the current Six-Year Program process.
6. These recommendations should be communicated to AOC and LOC for consideration of a revised intergovernmental agreement with ODOT regarding administration of the HBR Program.

CURRENT POLICIES AND CRITERIA:

1. The current STA requires a minimum of 15 percent and a maximum of 35 percent to be spent for bridges "off the Federal-Aid Highway system." All such bridges are under the jurisdiction of local governments.
2. The ODOT/AOC/LOC agreement on the HBR Program provides an allocation of HBR funds to off-system bridges (between 15-35 percent) based upon their share of the total cost of deficient bridges.

3. There is no clear criteria to fund "on-system" local projects. Actual experience has been a 37 percent share to local governments for both on and off-system projects.
4. Local government bridge priorities are established using the following criteria:
 - . FHWA sufficiency rating
 - . Cost per ADT
 - . Percent of deficient structures under the responsibility of the applying jurisdiction (sufficiency rating < 50)
 - . Historical structure rehabilitated rather than replaced

Local bridge selection is administered through a bridge committee which includes an AOC and LOC appointee.

5. ODOT provides half of the 80/20 local match; they are now reconsidering this policy.
6. ODOT pays for the inspection of all state and local bridges, providing a comprehensive, uniform assessment.
7. The design standards for state and federally funded bridge projects are defined by ODOT consistent with AASHTO standards. Changes in these design standards as prescribed by the state become the defacto standard for locally funded bridge projects.

TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 92-1578, ENDORSING JPACT COMMENTS ON OREGON DEPARTMENT OF TRANSPORTATION'S DRAFT SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM

Date: February 27, 1992

Presented by: Councilor McLain

Committee Recommendation: At the February 25 meeting, the Transportation and Planning Committee voted unanimously to recommend Council adoption of Resolution No. 92-1578. Voting in favor: Councilors Devlin, Buchanan, McLain and Washington. Excused: Councilor Bauer.

Committee Issues/Discussion: Andy Cotugno, Director of Transportation Department, explained the process related to the Oregon Department of Transportation's (ODOT) Six-Year Plan. Every two years, when ODOT updates the Six-Year Program, they go through a six-month period of soliciting recommendations for projects. This was completed during the first half of 1991. There is an in-house evaluation process to consider recommendations and finalize the draft plan. This was completed during the second half of 1991. ODOT then holds statewide hearings for additional input before final modification of the plan. That stage occurs during the first six months of 1992. The comments in the JPACT memorandum respond to the "draft" plan, and this is the final stage to comment prior to final adoption.

Further complicating matters is the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) which makes significant changes in Federal law, which has been implemented at a point where the Six-Year Plan is nearly finalized.

When ODOT began their process they were operating under the old Surface Transportation Act, with clear categories of funds for specific types of projects. They submitted recommendations, as did everyone else, based on the old law and the "draft" plan is based on the old law. We now find ourselves in a situation where the new funds are considerably more flexible than they used to be and there is a whole range of types of projects that could be considered with the new program funds than were before.

The comments in the memorandum focus on this point and ask ODOT to work with the region to provide an opportunity to weight other types of projects. This is further complicated by the fact that the "draft" Six-Year Plan is "over-programmed". They made their best estimate of the amount of funding available and proceeded based on a certain expectation of funding. This estimate was in error. The amount of funding is significantly lower than expected and now it is necessary to cut between \$100-200 million worth of projects.

If we had proceeded under the old Surface Transportation Act we could have expected \$766.6 million. If the President's (first draft) bill had passed, \$1,326.4 million would have been available, which is \$386.7 million over what the old law allowed. What is actually estimated at this time is \$1,153.3 million, which is \$173.1 under what was expected under the President's bill but is still significantly higher than under the old law. 10% must be cut from anticipated Federal revenues.

In addition to the Federal funds, the Six-Year Plan also programs state funds for a full range of projects (i.e. preservation, maintenance, overlays, modernization). This amount will have to be cut 5%.

In the JPACT comments, they also request that ODOT flag specific new projects in the adopted Six-Year Program in order to allow the region to work with ODOT to consider alternative projects by October. This acts as an amendment to the Six-Year Program at that time. This allows for money to be temporarily committed to a project, with a final review step before it becomes a final commitment.

Another draft of the Six-Year Plan will be released in May, 1992. That draft could then be used to identify those project for application. This would be adopted in June, 1992. What is being requested is for the period from June until October, 1992 to be allowed to submit additional recommendations before finalization. The plan is then updated every two years.

Chairman Devlin described the situation as part of a continuum - you just complete one cycle and start again. He stressed that one important issue is that ISTEA allows more "flexibility" within this six-year period. He believes that it will take great effort to fully utilize this flexibility within six years. The fear is that if the "flexibility" is not significantly utilized, opponents to the Act will use that fact as an opportunity to sabotage the Act in four years. If jurisdictions do not utilize the flexibility, they may lose it and with it large amounts of Federal funds.

Councilor Buchanan asked if anything about this resolution and memorandum affects the \$16.9 million dedicated to I-205 light rail. The answer was negative, this impacts a different funding package.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 92-1578 FOR THE PURPOSE OF ENDORSING COMMENTS AND RECOMMENDATIONS REGARDING ODOT'S 1993-1998 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM

Date: February 19, 1992

Presented by: Andrew Cotugno

PROPOSED ACTION

Adopt Resolution No. 92-1578 endorsing comments and recommendations regarding the Oregon Department of Transportation's (ODOT's) preliminary 1993-1998 Six-Year Transportation Improvement Program (TIP) update.

TPAC and JPACT have reviewed and endorsed the comments and recommendations appearing in Exhibit A to the resolution and recommend their transmittal to ODOT.

FACTUAL BACKGROUND AND ANALYSIS

ODOT updates its Six-Year Transportation Improvement Program every two years. Previously called the Six-Year Highway Improvement Program, the Transportation Improvement Program identifies state-assisted transportation projects for transit, aeronautics, rail and highway improvements. The Transportation Improvement Program is based on an optimistic funding scenario. It identifies projects for the next six years based on the level of funding proposed by the President in a new Surface Transportation Act. Changes in that act by Congress will require at least minor changes to the final program.

Public meetings provide a formal opportunity to comment on the program and make recommendations to the Oregon Transportation Commission (OTC). The OTC is sensitive to the recommendations of local officials and the concerns of citizens and industry in choosing projects. This preliminary program is a draft and, although all dollars are accounted for, some flexibility exists.

The program update called for the following schedule:

- . January - June 1991 -- solicited candidate projects; Metro region priorities submitted in June.
- . June - December 1991 -- ODOT evaluated projects and priorities.
- . January 1992 -- Preliminary program released.
- . February - March 1992 -- Public meetings held throughout the state.

- . March - May 1992 -- Consider comments and publish second draft.
- . July 1992 -- OTC adopts the final 1993-1998 Six-Year Transportation Improvement Program.

As outlined in Exhibit A, the process to date has been based on the previous Surface Transportation Act. The new Act provides a much greater flexibility by allowing funds to be applied to a variety of alternative transportation improvements. These alternative improvements, taking advantage of new funding flexibility, have not been fully explored or evaluated. Although projects recommended for funding in the Portland region are high priority, they have not been assessed in light of these new possibilities.

The resolution adopts an approach to consider alternatives within ODOT's timeframe.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 92-1578.

92-1578.RES
ACC:BP:lmk
2-19-92