

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: March 18, 2004
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. CONSENT AGENDA

3.1 Consideration of Minutes for the March 11, 2004 Metro Council Regular Meeting.

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 04-1042**, For the Purpose of Amending Metro Code Chapter 5.02 to Amend Disposal Charges and System Fees.

4.2 **Ordinance No. 04-1046**, For the Purpose of Amending Ordinance No. 02-969B In order to Change a Condition on Addition of Study Area 59 (Sherwood) to the Urban Growth Boundary; and Declaring an Emergency.

5. RESOLUTIONS

5.1 **Resolution No. 04-3429**, For the Purpose of Approving the FY 2005 Unified Park Work Program.

5.2 **Resolution No. 04-3430**, For the Purpose of Certifying that the Portland Metropolitan Area is in compliance with Federal Transportation Planning Requirements. Monroe

5.3 **Resolution No. 04-3431**, For the Purpose of Adopting the Policy Direction, Program Objectives, Procedures and Criteria for the Transportation Priorities 2006-09 Allocation Process and Metropolitan Transportation Improvement Program (MTIP). Burkholder

5.4 **Resolution No. 04-3435**, For the Purpose of Council Approval of the Trolley Trail Master Plan. Monroe

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for March 18, 2004 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, Vancouver, Wash. Channel 11 -- Community Access Network www.yourtv.org -- (503) 629-8534 Thursday, March 18 at 2 p.m. (live)</p>	<p>Portland Channel 30 (CityNet 30) -- Portland Community Media www.pcatv.org -- (503) 288-1515 Sunday, March 21 at 8:30 p.m. Monday, March 22 at 2 p.m.</p>
<p>Gresham Channel 30 -- MCTV www.mctv.org -- (503) 491-7636 Monday, March 22 at 2 p.m.</p>	<p>Washington County Channel 30 -- TVTV www.yourtv.org -- (503) 629-8534 Saturday, March 20 at 7 p.m. Sunday, March 21 at 7 p.m. Tuesday, March 23 at 6 a.m. Wednesday, March 24 at 4 p.m.</p>
<p>Oregon City, Gladstone Channel 28 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times.</p>	<p>West Linn Channel 30 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times.</p>

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 Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Consideration of Minutes of the March 11, 2004 Regular Council meetings.

Metro Council Meeting
Thursday, March 18, 2004
Metro Council Chamber

MINUTES OF THE METRO COUNCIL MEETING

Thursday, March 11, 2004
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Rod Monroe, Rex Burkholder, Carl Hosticka, Rod Park

Councilors Absent: Brian Newman (excused)

Council President Bragdon convened the Regular Council Meeting at 2:03 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the March 4, 2004 Regular Council Meetings.

Motion:

Councilor Hosticka moved to adopt the meeting minutes of the March 4, 2004, Regular Metro Council.
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Vote:

Councilors Burkholder, McLain, Monroe, Park, Hosticka, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

4. ORDINANCES – FIRST READING

4.1 Ordinance No. 04-1037, For the Purpose of Amending Metro Code Chapter 7.01 to Repeal the Sunset Date for Additional Excise Tax Dedicated to Regional Parks and Greenspaces Programs.

Council President Bragdon assigned Ordinance No. 04-1037 to Council.

4.2 Ordinance No. 04-1043, For the Purpose of Amending Metro Code Chapter 5.03 to Amend License and Franchise Fees; and Making Related Changes to Metro Code Chapter 5.01.

Council President Bragdon assigned Ordinance No. 04-1043 to Council.

5. RESOLUTIONS

5.1 Resolution No. 04-3433, For the Purpose of Authorizing the Chief Operating Officer to Execute an Intergovernmental Agreement Regarding Maintenance and Funding for the Willamette Shoreline Right-of-Way.

Motion:	Councilor Monroe moved to adopt Resolution No. 04-3433.
Seconded:	Councilor McLain seconded the motion

Councilor Monroe explained the proposed intergovernmental agreement (IGA), making TriMet the agent of the right-of-way and Lake Oswego in charge of maintenance. He urged support. Councilor Hosticka suggested explaining Metro's role in this IGA. Councilor Monroe responded to his question. Councilor Burkholder asked about the consortium committee who would be looking at the project. He asked Sharon Kelly, Planning Department, to explain Metro's policy role. Ms. Kelley explained each participant's role in the consortium. Councilor Monroe said Congressman Blumenhauer was working hard on possible funding for the trolley.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

6. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, Chief Operating Officer, said March Madness continued. They will be in Wilsonville tonight. Starting time would begin at 3:30 p.m. He noted that he would be out of the office next Monday and Tuesday.

7. COUNCILOR COMMUNICATION

Council President Bragdon said there was also an open house in Gresham tonight as well.

Councilor McLain noted a memo from Mike Hoglund and Doug Anderson concerning delaying the change to solid waste rate. She explained the solid waste industry concerns (a copy of the memo is included in the meeting record).

Councilor Park said he and Councilor Burkholder were in Washington D.C. last week to visit U.S. Congressmen concerning transportation issues. He felt that they needed to try and make these visits more valuable in order to present our case better. He felt there needed to be a better connection between land use and transportation. He said he and Andy Cotugno testified before the State legislators yesterday and presented the regional transportation needs. There was an interesting discussion on freight issues. Councilor Burkholder asked about the Bi-State efforts. Councilor Park said during their presentation Mr. Cotugno brought up the role of Metro in the Bi-State discussion.

Councilor President Bragdon said they had met earlier this week and discussed policy direction for Metropolitan Transportation Improvement Program (MTIP). He asked what happened at this morning's Joint Policy Advisory Committee on Transportation (JPACT) meeting. Councilor Monroe explained the MTIP process and that the Council wished to look at alternative modes of transportation. He noted the debate at JPACT.

8. ADJOURN

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There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 2:20 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 11,
2004

Item	Topic	Doc Date	Document Description	Doc. Number
3.1	Minutes	3/4/04	Metro Council Minutes of March 4, 2004	031104c-01
7	Memo	3/11/04	To: David Bragdon and Michael Jordan From: Michael Hogle and Doug Anderson, Solid Waste and Recycling Department Re: Delay of implementation date of FY 2004-05 solid waste rates	031104c-02

Agenda Item Number 4.1

**Ordinance No. 04-1042, For the Purpose of Amending Metro Code
Chapter 5.02 to Amend Disposal Charges and System Fees.**

First Reading

Metro Council Meeting
Thursday, March 18, 2004
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 04-1042
METRO CODE CHAPTER 5.02 TO)
AMEND DISPOSAL CHARGES AND) Introduced by: Michael Jordan, Chief Operating
SYSTEM FEES) Officer, with the concurrence of David Bragdon,
) Council President

WHEREAS, Metro Code Chapter 5.02 establishes solid waste charges for disposal at Metro South and Metro Central transfer stations; and,

WHEREAS, Metro Code Chapter 5.02 establishes fees assessed on solid waste generated within the District or delivered to solid waste facilities regulated by or contracting with Metro; and,

WHEREAS, pursuant to its charge under Metro Code Chapter 2.19.170, the Solid Waste Rate Review Committee, has reviewed the Solid Waste & Recycling department's budget and organization, and has recommended methodological changes to the calculation of administrative and overhead costs, and the allocation of these costs to rate bases; and,

WHEREAS, Metro's costs for solid waste programs have increased; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Section 5.02.025 is amended to read:

5.02.025 Disposal Charges at Metro South & Metro Central Station

(a) The fee for disposal of solid waste at the Metro South Station and at the Metro Central Station shall consist of:

- (1) The following charges for each ton of solid waste delivered for disposal:
 - (A) A tonnage charge of ~~\$42.55~~ 47.75 per ton,
 - (B) The Regional System Fee as provided in Section 5.02.045,
 - (C) An enhancement fee of \$.50 per ton, and
 - (D) DEQ fees totaling \$1.24 per ton;
- (2) All applicable solid waste taxes as established in Metro Code Chapter 7.01, which excise taxes shall be stated separately; and
- (3) A Transaction Charge of ~~\$9.506.00~~ for each Solid Waste Disposal Transaction.

(b) Notwithstanding subsection (a) of this section, there shall be a minimum solid waste disposal charge at the Metro South Station and at the Metro Central Station for loads of solid waste weighing ~~220340~~ pounds or less of \$17, which shall consist of a minimum Tonnage Charge of ~~\$7.5011.00~~ plus a Transaction Charge of ~~\$9.506.00~~ per Transaction.

(c) Total fees assessed in cash at the Metro South Station and at the Metro Central Station shall be rounded to the nearest whole dollar amount, with any \$0.50 charge rounded down.

(d) The Director of the Solid Waste & Recycling Department may waive disposal fees created in this section for Non-commercial Customers of the Metro Central Station and of the Metro South Station under extraordinary, emergency conditions or circumstances.

Section 2. Metro Code Section 5.02.045 is amended to read:

5.02.045 System Fees

(a) Regional System Fee: Solid waste system facility operators shall collect and pay to Metro a Regional System Fee of ~~\$13.20~~^{\$6.57} per ton for the disposal of solid waste generated, originating, collected, or disposed of within Metro boundaries, in accordance with Metro Code Section 5.01.150.

(b) Metro Facility Fee: Metro shall collect a Metro Facility Fee of \$1.09 per ton for all solid waste delivered to Metro Central Station or Metro South Station.

(c) System fees described in paragraph (a) shall not apply to exemptions listed in Section 5.01.150(b) of this Code.

Section 3. Effective Date

The provisions of this ordinance shall become effective on July 1, 2004, or 90 days after adoption by Metro Council, whichever is later.

ADOPTED by the Metro Council this _____ day of _____, 2004.

David Bragdon, Council President

ATTEST:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 04-1042 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 TO AMEND DISPOSAL CHARGES AND SYSTEM FEES

Date: February 24, 2004

Prepared by: Douglas Anderson

BACKGROUND

Summary

Ordinance No. 04-1042, and a companion Ordinance No. 04-1043, would establish solid waste fees (but not excise tax) for FY 2004-05. The two ordinances are related, and changes to one should be reflected in changes to the other.

Ordinance No. 04-1042 is the basic rate ordinance adopted by Council each year. This ordinance amends Metro Code Chapter 5.02 to set three basic rates: the transaction fee and tonnage charge at Metro transfer stations, and the Regional System Fee charged against all regional solid waste disposal. By setting these rates, the Metro tip fee is established. The ordinance also adjusts the minimum load charge to reflect these changes.

Depending on the Council's decisions on the Solid Waste & Recycling budget, acceptance of the recommendations of the Solid Waste Rate Review Committee, and the FY 2004-05 excise tax, the Metro tip fee would rise from its current \$67.18 per ton to either \$68.44 or \$70.97 per ton—an increase ranging from \$1.26 to \$3.79 per ton. This increase is exaggerated by the fact that the current tip fee is subsidized by \$1, but the FY 2004-05 rates are proposed at their full cost recovery levels. Depending on these same decisions, the transaction fee (an important component of the disposal charge at Metro transfer stations) would remain flat at \$6.00 or rise as much as \$3.50, to \$9.50. This difference is largely a function of the Solid Waste Rate Review Committee recommendations.

The companion Ordinance No. 04-1043 amends Metro Code Chapter 5.03 to establish new license and franchise fees to be charged at privately-owned facilities. These new fees, recommended by the Solid Waste Rate Review Committee, are designed to recover Metro's costs of regulating private facilities. Unlike Metro's other rates, the new license/franchise fees would not be incurred by customers of Metro transfer stations. By absorbing some of the costs currently recovered by the Regional System Fee, these new charges reduce the Regional System Fee. If Ordinance No. 04-1043 is not adopted, the level of the Regional System Fee in Ordinance No. 04-1042 would have to be adjusted.

Because of the budget schedule this year, the numerical values of the FY 2004-05 rates had not been reviewed by the Solid Waste Rate Review Committee as of the filing deadline for the ordinances. This review is expected before mid-March, and should be forwarded to Council prior to March 25, which is the last day to make substantive amendments to the ordinances and remain on track for a July 1 implementation date for the new rates.

Every year, the Council adjusts solid waste rates to account for changes in costs, tonnage, and to remain in compliance with the rate covenant of the bonds. Council must adopt rates by ordinance. The Metro Charter requires at least 90-days between adoption of the rate ordinance and the effective date of the rates. Historically, Metro has targeted July 1 as the effective date for new rates. This date is a matter of

convenience, allowing for business planning and coordination by Metro, local governments and the solid waste industry. However, there is no legal requirement to meet this date.

An additional element this year is a detailed study of the Department's cost structure by the Solid Waste Rate Review Committee ("RRC"). The RRC requested this study after the FY 2003-04 rate process, in order to improve the quality of their professional recommendations.

The cost study has implications for rates, because a basic starting principle in rate-setting (and articulated by the RRC) is that recovery of costs should be related to the causes of those costs. More simply put, users (or beneficiaries) should pay for the goods and services they consume, all else equal. If the cost is generated by a public policy choice—say, the provision of hazardous waste collection—then the beneficiaries should pay. For example, in the case of hazardous waste, all regional ratepayers contribute to paying the costs of Metro's program.

The RRC recognizes that this principle is a starting point, and not the only determinant of rates. However, the RRC felt that they were not in a position to give Council the best advice until they had a firmer empirical grasp on the basic mechanisms that generate Metro's solid waste costs.

As a result of the cost study, the RRC makes 3 general recommendations on allocations and rates, listed below. **Ordinances No. 04-1042 and 04-1043 reflect these recommendations on cost allocations.** As mentioned in the summary, however, the RRC has not yet reviewed the specific numerical FY 2004-05 results of these allocation policies, as the budget was not yet available.

Summary Rate Review Committee Recommendations on Cost Allocations and Rates

1. *Maintain a financial model of the true full cost of programs and services, and allocate fully-loaded programs and services largely according to the current rate model.*

This recommendation is based on the RRC's opinion that the current rate model (1) allocates the direct costs of programs and services appropriately—with the exception of private facility regulatory costs and debt service; and (2) does not work as well for relating the costs of administration and overhead with the activities that cause those costs. See Table 1 (next page) for more details.

2. *Establish a new fee.*

A new fee, to be levied on non-Metro users of the system should be established. This recommendation is consistent with collecting the true and full costs of programs from the persons who cause the cost—in this case, privately-owned and Metro-regulated facilities.

3. *Extend the philosophy above to the recovery of debt service.*

Debt service (amortized capital costs) should be partitioned into two elements, one representing the cost of utilized capital, and the other representing the cost of underutilized, or "stranded" capacity. Users—Metro customers—should pay for the utilized portion, and the entire region should pay for the stranded capacity through the Regional System Fee.

For more background on these points, see Table 1, "Rate Review Committee Preliminary Findings on Cost Allocations," on the following page.

**Table 1
Rate Review Committee Preliminary Findings on Cost Allocations**

Center	Direct Costs	Administrative Support & Overhead
Disposal services	Currently allocated to Metro customers. RRC agrees with status quo	<p>Administration & overhead are currently allocated to all regional ratepayers through the RSF. Therefore, Metro customers as a group pay for administration & overhead in proportion to tonnage—currently 47.5%, or about \$3.1 million. Non-Metro customers pay the balance.</p> <p>The RRC’s preliminary findings on the \$6.45 million in administration, overhead and service transfers in the FY 2003-04 budget, are:*</p> <ul style="list-style-type: none"> □ Disposal operations generate administrative and overhead costs of about \$2.10 million. This amount should be paid by the persons who cause those costs; namely, transfer station customers. □ Regional programs (such as hazardous waste and waste reduction) are responsible for about \$4.15 million. This amount should be paid by the beneficiaries of those programs; namely, all regional ratepayers. □ Private facility regulation generates about \$204,000 of administration and overhead. This amount should be paid by the persons who cause those costs; namely, Metro-regulated facilities.
Programs	<p>Currently allocated to all regional ratepayers through the RSF.</p> <p>RRC recommends that regulatory and auditing functions be allocated to a new fee paid by non-Metro customers, and agrees that the balance should remain allocated to the RSF.</p>	<p>In order to better associate the activities that generate these costs, the RRC recommends that:</p> <ol style="list-style-type: none"> 1. The true administrative costs of programs and services be established; 2. These costs be added to the direct costs of programs and services; 3. These fully-loaded programs and services be allocated to rate bases according to the recommendations on direct costs (column left).
Debt service	Recommend dividing into two parts, representing (1) utilized capacity & (2) underutilized, or “stranded” capacity. Allocate the utilization portion to Metro customers (representing payment for use), and the stranded portion to the RSF (representing policy that all ratepayers should pay for public investments undertaken on the behalf of the region).	

* Observation. A fair allocation of administration & OH costs to Metro customers would be the entire \$2.1 million associated with disposal operations, plus \$2 million (47.5%, the tonnage share) of the costs associated with regional programs, for a total of \$4.1 million. Thus, the “tonnage share” allocation that is implicit within the current rate model collects about \$1 million less from Metro customers than when full costs and cost causation are accounted for.

Comparative Analysis of the Rates

Staff employed the RRC’s allocation recommendations to calculate the rates in this ordinance. These rates and the effect on Metro’s tip fee are shown in the following table. The figures in the column under “This Ordinance” are the rates implemented by Ordinance No. 04-1042 as filed.

Although the overall increase in the tip fee is reasonable and in historical range (less than \$2, or 1.9 percent), the changes in the various components are large (over 50 percent increase in the case of the transaction fee). In the past, the RRC has recommended against abrupt “steps” in the rates; and for this

reason, staff expects the RRC to look critically at the implementation path and phasing of its recommendation once the committee has had the opportunity to review these results.

Table 2
Components of the Metro Tip Fee & Change, FY 2003-04 to 2004-05
 Shown for 2 Different Rate Models and 2 Excise Tax Scenarios
 (all figures in dollars per ton)

Rate Component	Current Rates (FY 2003-04)	FY 2004-05 Rates			
		Based on Current Rate Model		This Ordinance	
		Rates	Change	Rates	Change
Transaction Fee	\$6.00	\$6.00	-	\$9.50	\$3.50
Disposal Operations	\$42.55	\$43.79	\$1.24	\$47.45	\$4.90
Regional System Fee	\$16.57 ¹	\$16.30	(\$0.27) ¹	\$13.20	(\$3.37) ¹
Excise Tax	\$6.32	\$6.61 ²	\$0.29	\$6.61 ²	\$0.29
DEQ Fees	\$1.24	\$1.24	-	\$1.24	-
Host Fee	\$0.50	\$0.50	-	\$0.50	-
Tip Fee	\$67.18¹	\$68.44	\$1.26	\$69.00	\$1.82
<i>With new excise tax³</i>	<i>\$67.18</i>	<i>\$70.41</i>	<i>\$3.23</i>	<i>\$70.97</i>	<i>\$3.79</i>

- 1 The FY 03-04 rate is subsidized ("bought down") by the fund balance. The unit cost is about \$1 higher at \$17.56, making the unsubsidized tip fee \$68.18/ ton. For better comparability, \$1 should be subtracted from the changes. (For example, the 2004-05 tip fee under the current rate model would become an increase of only 26¢ rather than \$1.26.)
- 2 Assumes extension or elimination of the sunset on the tax for Parks. The resulting total rate of \$6.61 is: base excise tax rate of \$5.58, plus \$1.03 for Parks.
- 3 Assumes \$8.58 total rate = base excise tax rate of \$5.58 + \$3.00 additional tax.

Metro also imposes charges on privately-owned facilities and non-system licensees. These charges are added to the private per-ton costs. The fees are shown in Table 3.

Table 3
Components of Metro Charges on Privately-Owned, Metro-Regulated Facilities
 Rates and Changes, FY 2003-04 to 2004-05
 Shown for 2 Different Rate Models and 2 Excise Tax Scenarios
 (all figures in dollars per ton)

Private Facility Charges	Current Rates (FY 2003-04)	FY 2004-05 Rates			
		Based on Current Rate Model		This Ordinance	
		Rates	Change	Rates	Change
Regional System Fee	\$16.57 ¹	\$16.30	(\$0.27)	\$13.20	(\$3.37)
Excise Tax	\$6.32	\$6.61 ²	\$0.29	\$6.61 ²	\$0.29
License/Franchise Fee ³	-	-	-	\$0.88 ³	\$0.88
Total charges	\$22.89	\$22.91	\$0.02	\$20.69	(\$2.20)
<i>With new excise tax⁴</i>	<i>\$22.89</i>	<i>\$24.88</i>	<i>\$1.99</i>	<i>\$22.66</i>	<i>(\$0.23)</i>

—Footnotes to this table may be found at the top of the next page—

- 1 This rate is subsidized (“bought down”) by the fund balance. Unit cost rate is ~\$1 higher at \$17.56. All other rates in this table are unsubsidized rates. The excise tax is calculated by a separate formula set forth in Metro Code Chapter 7.01.
- 2 Assumes extension or elimination of the sunset on the tax for Parks. The resulting total rate of \$6.61 is: base excise tax rate of \$5.58, plus \$1.03 for Parks.
- 3 The License/Franchise Fee shown is the average rate per ton. Rates incurred at individual facilities may be higher or lower than this figure.
- 4 Assumes \$8.58 total rate = base excise tax rate of \$5.58 + \$3.00 additional tax.

INFORMATION/ANALYSIS

1. Known Opposition.

Although no specific opposition has been voiced as of this writing, there is precedent for opposition to solid waste rate increases. The following are historical reactions from various user groups:

Haulers. Haulers’ reactions to rate increases have been mixed. But generally, haulers tend to dislike rate increases because these costs are passed on to their customers, and the haulers are typically the first in line to field the resulting complaints and potential loss of business. In some local jurisdictions that regulate haulers’ service charges, the allowed rate-of-return is based on the cost-of-sales; and in some of these cases, haulers may profit mildly from a rate increase because it increases the base on which their rate of return is calculated. However, historically, the majority of haulers have testified that negative customer relations issues outweigh any other advantages to rate increases, and therefore haulers have generally opposed such increases.

Ratepayers. Ratepayers’ costs will go up. Ratepayers typically oppose rate increases, although increases of \$1 to \$2 per ton have historically not motivated significant opposition. However, the current economic climate may magnify the effect of any rate increase.

Mixed Reaction.

Recycling Interests. Recycling interests have historically supported higher disposal fees, because that makes recycling relatively more attractive. However, because the Regional System Fee is levied on disposal only, it is a powerful region-wide price incentive for recycling—and for this reason, recycling interests would tend to disagree with reductions in the Regional System Fee.

Probable Support.

Private Facility Operators. Private solid waste facility operators have historically supported increases in Metro’s tip fee because their own private tip fees can follow the public lead—so long as the increase is not due primarily to the Regional System Fee, which is a cost to these same operators. Because this ordinance raises the tip fee through an increase in the tonnage charge and transaction fee, and at the same time *reduces* the Regional System Fee (although this reduction is partially offset by the imposition of the new license/franchise fee), facility operators are likely to support this change.

Private Disposal Site Operators. Landfills and private transfer stations simply pass any changes in the Regional System Fee on to their customers. The reduction of the system fee means that private operators have an opportunity to reduce or hold the line on their own tip fees. As all but one local private disposal operation are rate regulated (the exception being Forest Grove Transfer Station), the increase in the Metro tip fee is not likely to confer any relative pricing advantages.

2. **Legal Antecedents.** Metro's solid waste rates are set in Metro Code Chapter 5.02. Any change in these rates requires an ordinance amending Chapter 5.02. Metro reviews solid waste rates annually, and has amended Chapter 5.02 when changes are warranted.
3. **Anticipated Effects:** This ordinance will increase the cost of disposal at Metro transfer stations. Historically, most private facilities have mirrored the Metro increases. The reduction of the Regional System Fee will improve operating margins at private facilities, which provides Metro with an opportunity to examine the level of Regional System Fee credits.
4. **Budget Impacts.** These rates are designed to recover fully the department's budgeted costs. These rates are in full compliance with the rate covenant of the solid waste revenue bonds.

RECOMMENDATION

The Chief Operating Officer generally recommends adjustment of solid waste rates to recover costs and remain in compliance with the bond covenant. However, the Chief Operating Officer awaits the final findings and recommendations of the Solid Waste Rate Review Committee before taking a specific position on Ordinance No. 04-1042.

Ordinance No. 04-1046, For the Purpose of Amending Ordinance No. 02-969B in order to change a condition on addition of Study Area 59 (Sherwood) to the Urban Growth Boundary; and Declaring an Emergency.

First Reading

Metro Council Meeting
Thursday, March 18, 2004
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 04-1046
ORDINANCE NO. 02-969B IN ORDER TO)
CHANGE A CONDITION ON ADDITION OF)
STUDY AREA 59 (SHERWOOD) TO THE) Introduced by Councilor McLain
UGB; AND DECLARING AN EMERGENCY)

WHEREAS, the Metro Council adopted Ordinance No. 02-969B, For The Purpose Of Amending The Metro Urban Growth Boundary, The Regional Framework Plan And The Metro Code In Order To Increase The Capacity Of The Boundary To Accommodate Population Growth To The Year 2022, on December 5, 2002, to add land to the urban growth boundary (“UGB”) as part of Task 2 of periodic review; and

WHEREAS, among the land added to the UGB by Ordinance No. 02-969B was a portion of Study Area 59, adjacent to and west of the City of Sherwood; and

WHEREAS, the Council applied the “Inner Neighborhood” 2040 Growth Concept design type to the added portion of Study Area 59, as show on Exhibit N; and

WHEREAS, in response to a need for land for one or more public schools in the Sherwood School District, the Council placed a condition on the added portion of Study Area 59 that limited development to “public facilities and other development necessary and accessory to public school use ...”; and

WHEREAS, further review of public school needs by the Sherwood School District and further coordination among the district, Washington County, and the City of Sherwood indicate that the District does not need the entire portion of the added part of Study Area 59 for school facilities; now, therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. Condition 2 in Section H [Study Area 59 (partial)] of Exhibit M to Ordinance No. 02-969B is amended to read as follows:

The county or the city, in coordination with the Sherwood School District, shall, in the Title 11 plan, determine a location and size for one or more sites for public school facilities in the portion of Study Area 59 included within the UGB by this ordinance, and shall adopt provisions in its comprehensive plan and zoning regulations to provide the opportunity to site one or more public school facilities consistent with the Title 11 plan.

2. The Findings of Fact and Conclusions of Law in Exhibit A, attached and incorporated into this ordinance, explain how this amendment complies with state law and the Regional Framework Plan.
3. This ordinance is necessary for the immediate preservation of public health, safety and welfare because modification of the subject condition is a pre-requisite to adoption of an ordinance by Washington County to place interim limitations on uses of the area while planning pursuant to Title 11, and a county charter provision limits the time for consideration of such ordinances. An emergency is therefore declared to exist, and this ordinance shall take effect upon adoption pursuant to Metro Charter section 39(1).

ADOPTED by the Metro Council this ____ day of _____ 2004.

David Bragdon, Council President

ATTEST:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

**Exhibit A to Ordinance No. 04-1046
Findings of Fact and Conclusions of Law**

I. Overview

Ordinance No.04-1046 amends Ordinance No. 02-969B (FOR THE PURPOSE OF AMENDING THE URBAN GROWTH BOUNDARY, THE REGIONAL FRAMEWORK PLAN AND THE METRO CODE IN ORDER TO INCREASE THE CAPACITY OF THE BOUNDARY TO ACCOMMODATE POPULATION GROWTH TO THE YEAR 2022) to revise Condition H.2 of Exhibit M of that ordinance, affecting the portion of Study Area 59 added to the UGB, west of the City of Sherwood. The original condition limited development to public school facilities. The revised condition requires the county or city, in coordination with the Sherwood School District, to determine a location for one or more public school facilities in the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The effect of the change is to allow the portion of the area not needed for public school facilities to urbanize in a manner otherwise allowed by Ordinance No. 02-969B and local law.

II. Statewide Planning Laws

Statewide Planning Goal 1 – Citizen Involvement: The Council followed its customary procedure for enactment of ordinances, including public notification, consideration by the Metropolitan Policy Advisory Committee, and a public hearing before the Council on March 25, 2004. This process complies with Metro’s public involvement policy and with Goal 1

Statewide Planning Goal 2 – Land Use Planning: The Council undertook amendment of Condition H.2 in response to comments from the school district and local governments. This process fulfilled the coordination requirements of Goal 2.

Statewide Planning Goal 3 – Agricultural Lands: Because this ordinance applies only to territory within Metro’s urban growth boundary, Goal 3 does not apply.

Statewide Planning Goal 4 – Forest Lands: Because this ordinance applies only to territory within Metro’s urban growth boundary, Goal 4 does not apply.

Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 5 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 5

Statewide Planning Goal 6 – Air, Land and Water Resources Quality: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 6 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Disasters and Hazards: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 7 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 7.

Statewide Planning Goal 8 – Recreational Needs: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 8 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 8.

Statewide Planning Goal 9 – Economic Development: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 9 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 9.

Statewide Planning Goal 10 – Housing: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area to include residential use as well public school facilities. The revision, therefore, will make it more likely that the region will meet its housing needs. Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 10 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to

Ordinance No. 02-969B and because the revision to the condition makes the area available for residential use, this ordinance complies with Goal 10.

Statewide Planning Goal 11 – Public Facilities and Services: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 11 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 11.

Statewide Planning Goal 12 – Transportation: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 12 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 12.

Statewide Planning Goal 13 – Energy Conservation: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 13 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 13.

Statewide Planning Goal 14 – Urbanization: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area to include residential use as well public school facilities. The revision, therefore, will make it more likely that the region will meet its housing needs. Because the revision makes the area available for a wider range of uses, included needed housing, the revision enhances an orderly and efficient transition from rural to urban land use. The ordinance complies with Goal 14.

Statewide Planning Goal 15 – Willamette River Greenway: This does not address or affect uses within the Willamette River Greenway. Hence, Goal 15 does not apply to this ordinance.

III. Regional Framework Plan

Policy 1.1 – Urban Form: This policy calls for a compact urban form and affordable housing choices. Revision of Condition H.2 will allow this area to accommodate residential development that would otherwise have been accommodated elsewhere, perhaps on land added to the UGB.

Policy 1.3 – Affordable Housing: This policy seeks opportunities for a wide range of housing opportunities. Revision of Condition H.2 will allow this area to accommodate residential development, providing housing opportunities that would otherwise not have been available.

Policy 1.6 – Growth Management: This policy calls for efficient management of urban land, among other things. For the same reasons stated under Statewide Planning Goal 14 and RFP Policy 1.1, these revisions will encourage the evolution of an efficient urban growth form, and comply with Policy 1.6.

Policy 1.14 – School Siting: This policy calls for coordination with local governments, including school districts, to ensure that the UGB includes a sufficient supply of sites for school facility needs. The revision to Condition H.2 will improve coordination among these units of local government and still ensure a supply of land for school facilities in Study Area 59.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 04-1046, FOR THE PURPOSE OF AMENDING ORDINANCE 02-969B IN ORDER TO CHANGE A CONDITION ON ADDITION OF STUDY AREA 59 (SHERWOOD) TO THE UGB; AND DECLARING AN EMERGENCY

Date: March 18, 2004

Prepared by: Ray Valone,
Dick Benner

BACKGROUND

In December 2002, the Council adopted Ordinance No. 02-969B to expand the Urban Growth Boundary. This ordinance included an 85-acre portion of former Study Area 59, located northwest of Sherwood. Condition of Addition 2 of the ordinance required the city or county "to limit development in this portion of Study Area 59 to public school facilities and other development necessary and accessory to public school use." As written, this condition would dedicate and limit the entire 85-acre area to public school facilities. Proposed Ordinance 04-1046 would correct this condition to require that the county or city work with the Sherwood School District to determine a location and size for one or more sites for public school facilities within the 85-acre area.

The Washington County Board of Commissioners (BOC) is scheduled to hold a hearing on March 17 to authorize changes to a previous proposed ordinance that would implement a new zoning district within the areas added to the UGB in 2002. This ordinance would codify the restrictions in Title 11 (section 3.07.1110, Interim Protection) and incorporate the Council's conditions of addition for all these areas. If the BOC authorizes the changes, it could vote to approve the ordinance in April. For this reason, Ordinance 04-1046 includes an emergency provision in order to complete the changes for Area 59 before the BOC takes action to adopt its ordinance.

ANALYSIS/INFORMATION

1. Known Opposition

No known opposition.

2. Legal Antecedents

This action would amend existing Ordinance 02-969B.

3. Anticipated Effects

If adopted, Ordinance No. 04-1046 would require Washington County or the city of Sherwood, as part of the Title 11 planning process, to determine a location and size for public school facilities within Area 59, and not dedicate the entire area to school facilities.

4. Budget Impacts

There is no cost to implement the proposed ordinance.

RECOMMENDED ACTION

Staff recommends that the Council adopt Ordinance No. 04-1046.

Agenda Item Number 5.1

Resolution No. 04-3429, For the Purpose of Approving the FY 2005 Unified Work Program.

Metro Council Meeting
Thursday, March 18, 2004
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE) RESOLUTION NO. 04-3429
FY 2005 UNIFIED PLANNING WORK)
PROGRAM) Introduced by Councilor Rod Park

WHEREAS, the Unified Planning Work Program as shown in Exhibit A, describes all federally-funded transportation planning activities for the Portland-Vancouver metropolitan area to be conducted in FY 2005; and

WHEREAS, the FY 2005 Unified Planning Work Program indicates federal funding sources for transportation planning activities carried out by Metro, Southwest Washington Regional Transportation Council, Oregon Department of Transportation, TriMet and the local jurisdictions; and

WHEREAS, approval of the FY 2005 Unified Planning Work Program is required to receive federal transportation planning funds; and

WHEREAS, the FY 2005 Unified Planning Work Program is consistent with the proposed Metro budget submitted to the Metro Council; now, therefore,

BE IT RESOLVED, that the Metro Council hereby declares:

1. That the FY 2005 Unified Planning Work Program is approved.
2. That the FY 2005 Unified Planning Work Program is consistent with the continuing, cooperative and comprehensive planning process and is given positive Intergovernmental Project Review action.
3. That Metro's Chief Operating Officer is authorized to apply for, accept and execute grants and agreements specified in the Unified Planning Work Program.
4. That staff shall update the UPWP budget figures, as necessary, to reflect the final Metro budget.

ADOPTED by the Metro Council this _____ day of _____ 2004.

David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

FY 2004-05 Unified Planning Work Program

Transportation Planning in the Portland/Vancouver Metropolitan Area

Metro
Southwest Washington Regional Transportation Council
Oregon Department of Transportation
City of Portland
Clackamas County
Multnomah County
Washington County
Port of Portland
TriMet
City of Wilsonville (SMART)

Adopted
_____, 2004

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 04-3429 FOR THE PURPOSE OF APPROVING THE FY 2005 UNIFIED PLANNING WORK PROGRAM

Date: February 10, 2004

Presented by: Andrew C. Cotugno

PROPOSED ACTION

This resolution would: 1) approve the Unified Planning Work Program continuing the transportation planning work program for FY 2005; and 2) authorize submittal of grant applications to the appropriate funding agencies.

EXISTING LAW

Federal transportation agencies (Federal Transit Administration [FTA] and Federal Highway Administration [FHWA]) require an adopted Unified Planning Work Program as a prerequisite for receiving federal funds.

FACTUAL BACKGROUND AND ANALYSIS

The FY 2005 Unified Planning Work Program (UPWP) describes the transportation planning activities to be carried out in the Portland-Vancouver metropolitan region during the fiscal year beginning July 1, 2004. Included in the document are federally funded studies to be conducted by Metro, Southwest Washington Regional Transportation Council (RTC), the Oregon Department of Transportation (ODOT), TriMet, the Port of Portland, and local jurisdictions. Continuing commitments include implementing the adopted Regional Transportation Plan (RTP), identifying solutions to improve goods flow in the I-5 Corridor; completing the South Corridor preliminary engineering (PE) and Final Environmental Impact Statement (FEIS), and increasing the communication of transportation system performance, needs and proposed plans. In addition, it continues a greater emphasis on freight planning and further advancements in travel modeling in cooperation with Los Alamos National Laboratories. Environmental Justice also will be an emphasis area.

One project not reflected in the UPWP is the Port of Portland's proposal to create a freight design tool that complements Metro's Creating Livable Streets handbook. Metro will be coordinating an amendment to the UPWP with the Port of Portland, City of Portland and ODOT that incorporates a work program and expected products from this effort.

BUDGET IMPACT

The UPWP matches the projects and studies reflected in the proposed Metro budget submitted by the Metro Chief Operating Officer to the Metro Council and is subject to revision in the final Metro budget. This resolution also directs staff to update the UPWP budget figures, as necessary, to reflect the final Metro budget.

Approval will mean that grants can be submitted and contracts executed so work can commence on July 1, 2004, in accordance established Metro priorities.

Agenda Item Number 5.2

Resolution No. 04-3430, For the Purpose of Certifying that the Portland Metropolitan Area is in compliance with Federal Transportation Planning Requirements.

Metro Council Meeting
Thursday, March 18, 2004
Metro Council Chamber

JOINT RESOLUTION OF THE
METRO COUNCIL
AND OREGON STATE HIGHWAY ENGINEER

FOR THE PURPOSE OF CERTIFYING THAT)	RESOLUTION NO. 04-3430
THE PORTLAND METROPOLITAN AREA IS IN)	
COMPLIANCE WITH FEDERAL)	Introduced by Councilor Rod Park
TRANSPORTATION PLANNING)	
REQUIREMENTS)	

WHEREAS, substantial federal funding from the Federal Transit Administration and Federal Highway Administration is available to the Portland metropolitan area; and

WHEREAS, the Federal Transit Administration and Federal Highway Administration require that the planning process for the use of these funds complies with certain requirements as a prerequisite for receipt of such funds; and

WHEREAS, satisfaction of the various requirements is documented in Exhibit A; now, therefore,

BE IT RESOLVED, that the transportation planning process for the Portland metropolitan area (Oregon portion) is in compliance with federal requirements as defined in Title 23 Code of Federal Regulations, Part 450, and Title 49 Code of Federal Regulations, Part 613.

ADOPTED by the Metro Council this _____ day of _____ 2004.

David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

APPROVED by the Oregon Department of Transportation State Highway Engineer this _____
day of _____ 2004.

State Highway Engineer

Metro Self-Certification

1. Metropolitan Planning Organization (MPO) Designation

Metro is the MPO designated by the Governor for the urbanized areas of Clackamas, Multnomah and Washington Counties.

Metro is a regional government with six directly elected district councilors and a regionally elected Council President. Local elected officials are directly involved in the transportation planning/decision process through the Joint Policy Advisory Committee on Transportation (JPACT) (see membership roster). JPACT provides the “forum for cooperative decision-making by principal elected officials of general purpose governments” as required by USDOT and takes action on the Regional Transportation Plan (RTP), the Metropolitan Transportation Improvement Program (MTIP) and the Unified Work Program (UWP). The Metro Policy Advisory Committee (MPAC) deals with non-transportation-related matters with the exception of adoption and amendment to the Regional Transportation Plan (RTP). Specific roles and responsibilities of the committees are described on page 2.

2. Geographic Scope

Transportation planning in the Metro region includes the entire area within the Federal-Aid Urban Boundary.

2001 Review Corrective Action: 4.A.1 Metro should clarify their existing metropolitan planning area boundary and provide a map. The map should clearly show any differences between:

- 1) *the overall Metro boundary,*
- 2) *the air quality maintenance area boundary,*
- 3) *the urban growth boundary,*
- 4) *the federal urbanized area and small-urban boundaries and,*
- 5) *the MPO planning area boundary.*

The use of PL and Metro STP funds must be consistent with the official metropolitan area planning area, urbanized area and small-urban boundaries.

Response: A map has been prepared which includes: 1) the overall Metro boundary, 2) the air quality maintenance area boundary, 3) the urban growth boundary, 4) the federal urbanized area and small-urban area boundary and 5) the MPO planning area boundary. This map was prepared as part of the 2004 Federal Update to the RTP and has been approved by the Governor.

2001 Review Recommendation: 4.A.2 If the City of Wilsonville is not currently included in the Portland metropolitan planning area boundary, it is recommended that the MAPB be expanded to include the City.

Response: The map has been expanded to include Wilsonville.

3. Agreements

- a. A basic memorandum of agreement between Metro and the Regional Transportation Council (Southwest Washington RTC) delineates areas of responsibility and coordination. A revised document was executed February 2003.

- b. An agreement between TriMet and Metro implementing the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. Executed May 2001; to be updated in 2004.
 - c. An agreement between the Oregon Department of Transportation (ODOT) and Metro implementing the ISTEA of 1991. Executed May 2001; to be updated in 2004.
 - d. Yearly agreements are executed between Metro and ODOT defining the terms and use of FHWA planning funds.
 - e. Bi-State Resolution – Metro and RTC jointly adopted a resolution establishing a Bi-State Policy Advisory Committee.
 - f. An agreement between Metro and the Department of Environmental Quality (DEQ) describing each agency's responsibilities and roles for air quality planning. Executed May 2001; to be updated in 2004.
4. Responsibilities, Cooperation and Coordination

Metro uses a decision-making structure, which provides state, regional and local governments the opportunity to participate in the transportation and land use decisions of the organization. The two key committees are JPACT and MPAC. These committees receive recommendations from the Transportation Policy Alternatives Committee (TPAC) and the Metro Technical Advisory Committee (MTAC).

JPACT

This committee is comprised of three Metro Councilors; nine local elected officials including two from Clark County, Washington, and appointed officials from ODOT, TriMet, the Port of Portland and DEQ. All transportation-related actions (including federal MPO actions) are recommended by JPACT to the Metro Council. The Metro Council can approve the recommendations or refer them back to JPACT with a specific concern for reconsideration. Final approval of each item, therefore, requires the concurrence of both bodies.

Bi-State Coordination Committee

Based on a recommendation from the I-5 Partnership Governors Task Force the Bi-State Transportation Committee became the Bi-State Coordination Committee in early 2003. This joint committee will advise the region, state and local jurisdictions on transportation and land use issues of bi state significance. The intergovernmental agreement between RTC and Metro states that JPACT and the RTC Board "shall take no action on an issue of bi-state significance without first referring the issue to the Bi-State Coordination Committee for their consideration and recommendation."

MPAC

This committee was established by the Metro Charter to provide a vehicle for local government involvement in Metro's planning activities. It includes eleven local elected officials, three appointed officials representing special districts, TriMet, a representative of school districts, three citizens, two non-voting Metro Councilors, two Clark County, Washington representatives and a non-voting appointed official from the State of Oregon. Under the Metro Charter, this committee has

responsibility for recommending to the Metro Council adoption of or amendment to any element of the Charter-required RTP.

The Regional Framework Plan was adopted on December 11, 1997, and addresses the following topics:

- Transportation
- Land use (including the Metro Urban Growth Boundary and urban reserves)
- Open space and parks
- Water supply and watershed management
- Natural hazards
- Coordination with Clark County, Washington
- Management and implementation

In accordance with this requirement, the transportation plan developed to meet Transportation Efficiency Act of the 21st Century (TEA-21) Rule 12 and Charter requirements will require a recommendation from both MPAC and JPACT. This will ensure proper integration of transportation with land use and environmental concerns.

5. Metropolitan Transportation Planning Products

a. Unified Work Program (UWP)

JPACT, the Metro Council and the Southwest Washington RTC adopt the UWP annually. It fully describes work projects planned for the Transportation Department during the fiscal year and is the basis for grant and funding applications. The UWP also includes federally funded major projects being planned by member jurisdictions.

2001 Review Recommendation: 7.A.1 It is recommended that Metro and ODOT continue the work underway to insure that:

- 1) *funds programmed for planning activities in the MTIP/STIP are clearly identified in and coordinated with the UWP,*
- 2) *all parties understand that Metro remains responsible for coordinating all federally-funded planning activities included in the UWP, and*
- 3) *a clear distinction is made in the UWP between funded activities and proposed activities (e.g., pending TSCP application, TGM applications, etc.).*

Response: Efforts continue to provide information in the UWP as indicated in the review recommendation. Metro is coordinating with the jurisdictions to clarify the understanding of what is a “planning project” and to make sure all MTIP/STIP planning projects are included in the UWP. As part of the identification/tracking process, Federal Aid and MTIP key numbers are being added to the UWP spreadsheets. Local jurisdiction planning agreements with ODOT are including a requirement to submit quarterly progress reports to Metro and ODOT.

2001 Review Recommendation: 7.A.2 Federal-funded reports, that are not approved by FHWA and FTA, and prepared as a part of the UWP, should include a statement that indicates that the views expressed and conclusions drawn do not reflect the views of the USDOT.

Response: Metro includes the federal disclaimer in its documents.

b. Regional Transportation Plan (RTP)

The 2000 RTP was adopted in August 2000, culminating a two-phase, five-year effort to reorient the plan to Metro's 2040 Growth Concept. The updated plan contains a new emphasis on implementing key aspects of the 2040 land use plan with strategic transportation infrastructure improvements and programs. The plan is fully organized around these land use goals, with modal systems for motor vehicles, transit, freight, bicycles and pedestrians geared to serve the long-term needs called for in the 2040 plan.

The 2000 RTP also includes a new level of detail, prescribing a number of new performance measures and system design standards for the 24 cities and 3 counties in the Metro region to enact. These include: new requirements for local street connectivity; modal orientation in street design; 2040-based level-of-service policy for sizing roads; targets for combined alternative modes of travel; and, parking ratios for new developments. The plan contains nearly 900 individual projects totaling \$7.2 billion in system improvements, and a corresponding series of financing scenarios for funding these projects. It also calls for more than a dozen corridor studies to define specific projects for many of the major corridors where more analysis is needed to determine which improvements best respond to expected demand.

JPACT and the Metro Council approved the RTP 2004 Federal Update on Dec. 11, 2003. The 2004 update was limited in scope, leaving the 2000 RTP requirements unchanged. The update included "housekeeping" amendments to reflect fine-tuning of the various model system maps, as recommended by local cities and counties through transportation plans adopted since the last RTP update in August 2000. The 2004 RTP includes new policy text that establishes two tiers of industrial areas ("regionally significant" and "local") for the purpose of transportation planning and project funding. This update also provided an updated set of financially constrained projects. The total reasonably expected revenue base assumed in the 2004 RTP for the road system is approximately \$ 4.3 billion, with \$2.16 billion for freeways, highways and roads, \$1.67 billion for transit and the balance for planning, bike, pedestrian, transportation demand management, system management and other similar programs. In addition to the financially constrained system, the 2004 Federal Update to the RTP identifies a larger set of projects and programs for the "Illustrative System," which is nearly double the scale and cost of the financially constrained system. The illustrative system represents the region's objective for implementing the Region 2040 Plan.

Finally, a new map has been added to Chapter 1 of the RTP that identifies the Metropolitan Planning Organization (MPO) Planning Boundary. This boundary defines the area that the Regional Transportation Plan applies to for federal planning purposes. The boundary includes the area inside Metro's jurisdictional boundary, the 2003 urban growth boundary and the 2000 census defined urbanized area boundary for the Portland metropolitan region.

2001 Review Recommendation: 12.A.1. In order to avoid a future conformity lapse and the possible interruption of USDOT funds, we remind Metro that the RTP requires an update every three years. Because Metro is a maintenance area, EPA's air quality regulations require the Plan to be updated on a three-year cycle. This is because Plans need to be more sensitive to changing environmental conditions and responsive to goals established by the Clean Air Act, and to ensure that transportation activities do not worsen air quality or interfere with the purpose of the SIP. Therefore the schedule for updating the Plan is tied to the schedule for air quality conformity determinations. An update does not require a complete revisiting of underlying RTP policies, goals and assumptions; extend the planning horizon to minimum of 20 years; and complete the

USDOT air quality conformity process for the financially constrained system before January 26, 2004.

Response: A federal update of the RTP was completed in December 2003 and an air quality conformity determination in January 2004. These documents were submitted to USDOT concurrence of air quality conformity. This update process meets the three-year update requirements.

2001 Review Recommendation: 12.A.2 It is recommended that every effort be made to advance the completion of the refinement plans identified as "outstanding issues" in Metro's 2000 RTP.

Response: Metro completed the Corridor Initiatives project in late 2001, and amended the RTP in 2002 to adopt the recommended priorities for completing major corridor studies in the region. Two of the 19 corridors have already been studied, or are underway using MTIP and state TGM monies, and two additional corridor studies received funding in the 04-07 MTIP update. However, it should be noted that all of the refinement corridors are centered on ODOT facilities, and will require greater funding support from ODOT than is currently available to complete this work in a timely manner.

2001 Review Recommendation: 12.A.3 It is strongly recommended that short-term operations/management plans be developed expeditiously for the corridors identified in the RTP as having unmet needs but not scheduled for full corridor studies in the near-term. The goal should be to preserve and enhance mobility, reduce congestion and prevent the foreclosure of options that may occur if no action is taken until "deficiency thresholds" are reached.

Response: ODOT has undertaken an aggressive ITS system for principal routes that are identified as refinement plan corridors in the RTP, with almost all access points metered and travel information systems installed. ODOT does not plan to employ this level of system management to the few major arterials that are called out as refinement plans, and instead will focus on access management as a strategy to protect interim mobility in these corridors.

2001 Review Recommendation: 12.A.4 Metro is encouraged to seek consensus on new approaches that might decrease the gap between the 2000 RTP's financially constrained and priority systems.

Response: Metro convened a Transportation Investment Task Force in 2002 to identify key improvements in the region, and propose mechanisms for increasing transportation funding to construct these improvements. JPACT and the Metro Council accepted the recommendations of the task force in February 2003, and the Metro Council expressed the intent to continue working with the Task Force to implement the recommendations. The Oregon Legislature has also been working to reduce the transportation funding gap, with a major bond measure approved in the last session, and a follow up measure proposed for this session.

2001 Review Recommendation: 12.A.5 We recommend that Metro's next RTP update expand the discussion of Operating and Maintenance (O&M) costs in simplified terms (possibly charts, graphs, etc.) to help educate the public on the huge cost of operating and maintaining the existing and proposed transportation infrastructure (both transit and roadway).

Response: The 2004 Federal update did not respond to this issue due to time constraints. Metro will expand the discussion of O&M costs in Fall 2004 to better explain the growing financial burden in this area.

2001 Review Recommendation: 12.A.6 Minor RTP amendments are planned in the near future to reflect changes agreed to during the plan "acknowledgement" process with the Oregon Department of Land Conservation and Development. We recommend using this opportunity to make editorial corrections needed in the current document. Examples of corrections needed include:

- Clarify effective dates of federal RTP recognition*
- Clarify required update cycle*
- Complete missing tables and graphs*
- Publish referenced appendices*

Response: The recommended clarifications proposed by FHWA and FTA were incorporated into the 2004 Federal Update to the RTP.

c. Metropolitan Transportation Improvement Program (MTIP)

The MTIP was updated in spring 2002 and incorporated into ODOT 2002-2005 State Transportation Improvement Program (STIP). The 2002 update includes projects or project phases with prior funding commitments and allocated \$50 million of State Transportation Program (STP) and Congestion Mitigation Air Quality Program (CMAQ). The adopted MTIP features a three-year approved program of projects and a fourth "out-year." The first year of projects are considered the priority year projects. Should any of these be delayed for any reason, projects of equivalent dollar value may be advanced from the second and third years of the program without processing formal Transportation Improvement Program (TIP) amendments. This flexibility was adopted in response to ISTEA (now TEA-21) planning requirements. The flexibility reduces the need for multiple amendments throughout the year. The FY 2000-03 MTIP was completed in FY 2000.

2001 Review Corrective Action: 13.A.1. Within 90 days of this report, Metro should produce a current MTIP document that meets the requirements of 23 CFR 450. As subsequent amendments are approved, the MTIP document must be kept current and accessible to the public. Further, Metro should publish, or otherwise make available for public review, an annual listing of projects for which Federal funds have been obligated in the preceding year. The list must be consistent with the categories identified in the transportation improvement program. (23 U.S.C. 134(h)(7)(B); 49 U.S.C.5303(c)(5)(B))

Response: Metro produced a current MTIP document in 2002 for the last allocation of funds, programming the years 2002-05. Metro also completed an annual listing of projects using federal funds for the year 2002, and is scheduled to complete annual lists in upcoming years. The 2004-07 MTIP was adopted in December 2003. The associated air quality conformity determination was adopted in January 2004. These documents meet the requirements of 23 CFR 450. Printed documents are available to the public and a web version will be available upon receiving the Governor's signature. The MTIP includes a listing of project obligation from previous years and a summary of completed projects and one of those delayed. Project obligations will be summarized in a separate document and updated on an annual basis.

2001 Review Comment: 13.A.2. It is recommended that Metro research and document the current delegation of the Governor's MTIP approval. If current delegation cannot be documented, the Governor should either be asked to provide the required MTIP approvals or make new delegations.

Response: The MTIP was approved by Council in December 2003 and the Air Quality Conformity Designation in January 2004. Both documents along with others from throughout the state are on the Governors desk awaiting approval.

2001 Review Comment: 13.A.3 It is recommended that consideration to be given to adjusting the timing of Metro's MTIP update process to allow the full identification of State-selected projects and FTA-funded transit projects while the debate on MPO-selected projects is still underway. Earlier information on the full range of projects could allow for better-informed decisions, particularly in regard to alternative mode transfers.

Response: The current 2004-07 MTIP update was scheduled to help close the timing gap between STIP and MTIP updates, and will enable the next updates of the MTIP and STIP to be completely coordinated. For this round, Metro coordinated comments from the region on the draft STIP, which will be completed roughly four months in advance of the MTIP (scheduled for completion in July).

6. Planning Factors

Metro's planning process addresses the seven TEA-21 planning factors in all projects and policies. The table below describes this relationship. The TEA-21 planning factors are:

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity and efficiency;
- Increase the safety and security of the transportation system for motorized and non-motorized users;
- Increase the accessibility and mobility options available to people and for freight;
- Protect and enhance the environment, promote energy conservation and improve quality of life;
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- Promote efficient management and operations; and
- Emphasize the preservation of the existing transportation system.

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
<p>1. Support Economic Vitality</p>	<ul style="list-style-type: none"> • RTP policies linked to land use strategies that promote economic development. • Industrial areas and intermodal facilities identified in policies as “primary” areas of focus for planned improvements. • Comprehensive, multimodal freight improvements that link intermodal facilities to industry are detailed for 20-year plan period. • Highway LOS policy tailored to protect key freight corridors. • RTP recognizes need for freight linkages to destinations beyond the region by all modes. 	<ul style="list-style-type: none"> • All projects subject to consistency with RTP policies on economic development and promotion of “primary” land use element of 2040 development such as centers, industrial areas and intermodal facilities. • Special category for freight improvements calls out the unique importance for these projects. • All freight projects subject to funding criteria that promotes industrial jobs and businesses in the “traded sector.” 	<ul style="list-style-type: none"> • HCT plans designed to support continued development of regional centers and central city by increasing transit accessibility to these locations. • HCT improvements in major commute corridors lessen need for major capacity improvements in these locations, allowing for freight improvements in other corridors.
<p>2. Increase Safety</p>	<ul style="list-style-type: none"> • The RTP policies call out safety as a primary focus for improvements to the system. • Safety is identified as one of three implementation priorities for all modal systems (along with preservation of the system and implementation of the region’s 2040-growth management strategy). 	<ul style="list-style-type: none"> • All projects ranked according to specific safety criteria. • Road modernization and reconstruction projects are scored according to relative accident incidence. • All projects must be consistent with regional street design guidelines that provide safe designs for all modes of travel. 	<ul style="list-style-type: none"> • Station area planning for proposed HCT improvements is primarily driven by pedestrian access and safety considerations.

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
<p>3. Increase Accessibility</p>	<ul style="list-style-type: none"> • The RTP policies are organized on the principle of providing accessibility to centers and employment areas with a balanced, multi-modal transportation system. • The policies also identify the need for freight mobility in key freight corridors and to provide freight access to industrial areas and intermodal facilities. 	<ul style="list-style-type: none"> • Measurable increases in accessibility to priority land use elements of the 2040-growth concept is a criterion for all projects. • The MTIP program places a heavy emphasis on non-auto modes in an effort to improve multi-modal accessibility in the region. 	<ul style="list-style-type: none"> • The planned HCT improvements in the region will provide increased accessibility to the most congested corridors and centers. • Planned HCT improvements provide mobility options to persons traditionally underserved by the transportation system.
<p>4. Protect Environment and Quality of Life</p>	<ul style="list-style-type: none"> • The RTP is constructed as a transportation strategy for implementing the region's 2040-growth concept. The growth concept is a long-term vision for retaining the region's livability through managed growth. • The RTP system has been "sized" to minimize the impact on the built and natural environment. • The region has developed an environmental street design guidebook to facilitate environmentally sound transportation improvements in sensitive areas, and to coordinate transportation project development with regional strategies to protect endangered 	<ul style="list-style-type: none"> • The MTIP conforms to the Clean Air Act. • The MTIP focuses on allocating funds for clean air (CMAQ), livability (Transportation Enhancement) and multi- and alternative – modes (STIP). • Bridge projects in lieu of culverts have been funded through the MTIP to enhance endangered salmon and steelhead passage. • "Green Street" demonstration projects funded to employ new practices for mitigating the effects of storm water runoff. 	<ul style="list-style-type: none"> • Light rail improvements provide emission-free transportation alternatives to the automobile in some of the region's most congested corridors and centers. • HCT transportation alternatives enhance quality of life for residents by providing an alternative to auto travel in congested corridors and centers.

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
	<p>species.</p> <ul style="list-style-type: none"> The RTP conforms to the Clean Air Act. 		
	<ul style="list-style-type: none"> Many new transit, bicycle, pedestrian and TDM projects have been added to the plan in recent updates to provide a more balanced multi-modal system that maintains livability. RTP transit, bicycle, pedestrian and TDM projects planned for the next 20 years will complement the compact urban form envisioned in the 2040 growth concept by promoting an energy-efficient transportation system. Metro coordinates its system level planning with resource agencies to identify and resolve key issues. 		
<p>5. System Integration/ Connectivity</p>	<ul style="list-style-type: none"> The RTP includes a functional classification system for all modes that establishes an integrated modal hierarchy. The RTP policies and Functional Plan* include a street design element that integrates transportation modes in relation to land use for all regional facilities. The RTP policies and Functional Plan include connectivity provisions that will increase local and 	<ul style="list-style-type: none"> Projects funded through the MTIP must be consistent with regional street design guidelines. Freight improvements are evaluated according to potential conflicts with other modes. 	<ul style="list-style-type: none"> Planned HCT improvements are closely integrated with other modes, including pedestrian and bicycle access plans for station areas and park-and-ride and passenger drop-off facilities at major stations.

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
	<p>major street connectivity.</p> <ul style="list-style-type: none"> • The RTP freight policies and projects address the intermodal connectivity needs at major freight terminals in the region. • The intermodal management system identifies key intermodal links in the region. 		
<p>6. Efficient Management & Operations</p>	<ul style="list-style-type: none"> • The RTP policy chapter includes specific system management policies aimed at promoting efficient system management and operation. • Proposed RTP projects include many system management improvements along regional corridors. • The RTP financial analysis includes a comprehensive summary of current and anticipated operations and maintenance costs. 	<ul style="list-style-type: none"> • Projects are scored according to relative cost effectiveness (measured as a factor of total project cost compared to measurable project benefits). • TDM projects are solicited in a special category to promote improvements or programs that reduce SOV pressure on congested corridors. • TSM/ITS projects are funded through the MTIP. 	<ul style="list-style-type: none"> • Proposed HCT improvements include redesigned feeder bus systems that take advantage of new HCT capacity and reduce the number of redundant transit lines.
<p>7. System Preservation</p>	<ul style="list-style-type: none"> • Proposed RTP projects include major roadway preservation projects. • The RTP financial analysis includes a comprehensive summary of current and anticipated operations and maintenance costs. 	<ul style="list-style-type: none"> • Reconstruction projects that provide long-term maintenance are identified as a funding priority. 	<ul style="list-style-type: none"> • The RTP financial plan includes the 20-year costs of HCT maintenance and operation for planned HCT systems.

* Functional Plan = Urban Growth Management Functional Plan, an adopted regulation that requires local governments in Metro's jurisdiction to complete certain planning tasks.

7. Public Involvement

Metro maintains a proactive public involvement process that provides complete information, timely public notice, full public access to key decisions and supports early and continuing involvement of the public in developing its policies, plans and programs. Public Involvement Plans are designed to both support the technical scope and objectives of Metro studies and programs while simultaneously providing for innovative, effective and inclusive opportunities for engagement. Every effort is made to employ broad and diverse methods, tools and activities to reach potentially impacted communities and other neighborhoods and to encourage the participation of low-income and minority citizens and organizations.

All Metro UWP studies and projects that have a public involvement component require a Public Involvement Plan (PIP) that meets or exceeds adopted public involvement procedures. Included in individualized PIPs are strategies and methods to best involve a diverse citizenry. Some of these may include special public opinion survey mechanisms, custom citizen working committees or advisory committee structures, special task forces, web instruments and a broad array of public information materials. For example, given the geographically and philosophically diverse make-up of the South Corridor Study, it was determined that the traditional single citizens advisory committee would not prove effective. Hence, the study incorporated area specific working committees, local advisory committees and assemblies as well as corridor-wide all-assemblies. Hearings, workshops, open houses, charrettes and other activities are also held as needed.

The MTIP relies on early program kick-off notification, inviting input on the development of criteria, project solicitation, project ranking and the recommended program. Workshops, informal and formal opportunities for input as well as a 45-day + comment period are repetitive aspects of the MTIP process. By assessing census information, block analysis is conducted on areas surrounding each project being considered for funding to ensure that environmental justice principles are met and to identify where additional outreach might be beneficial.

Finally, TPAC includes six citizen positions. TPAC makes recommendations to JPACT and the Metro Council.

2001 Review Recommendation: 9.A.1 Metro is encouraged to consider reaffirming its 1995 Public Involvement Process and to document the evaluation that has taken place and is planned for the coming year.

Response: Projects and programs continue to abide by the agency's adopted Transportation Planning Public Involvement Policy. This policy is currently being revised. A 45-day comment period will accompany the review/adoption process. The policy was used as the basis for establishing Metro's agency-wide 2002 adopted Public Involvement Planning Guide.

2001 Review Recommendation: 9.A.2 Although Metro's public involvement process appears to be very vibrant, open and responsive, it is recommended that, whenever possible, more time be provided between the closing of comments and final decisions.

Response: Every effort is made to add more time for deliberation between the closing of a public involvement period and decision-making. For example, "Listening Posts" for the 2004-2007 TIP process, seeking comments on the larger list of potentially funded projects, are now scheduled at the beginning of the 30-day comment period.

8. Title VI – In September 2002 Metro submitted to the FTA the 1999-2002 Title VI Compliance report with accompanying mapped demographic information. To date there has not been a response. In addition, the Federal Highway Administration (FHWA) and FTA certified Metro's Public Involvement, Title VI and Environmental Justice processes as part of the October 2001 Metropolitan Transportation Planning and Programming USDOT Certification Review.

9. Disadvantaged Business Enterprise (DBE)

A revised DBE program was adopted by the Metro Council in June 1997 (Ordinance No. 97-692A); 49CFR 26 allows recipients to use the DBE goal of another recipient in the same market. Metro's Executive Officer approved an overall DBE annual goal in accordance with ODOT. This goal was established utilizing ODOT's methodology to determine DBE availability of "ready, willing and able" firms for federally funded professional and construction projects. The current goal is 14 percent.

Metro's DBE program was reviewed and determined to be in compliance by FTA after conducting a Triennial Review in August 1999.

10. Americans with Disabilities Act (ADA)

The Americans with Disabilities Act Joint Complementary Paratransit Plan was adopted by the TriMet Board in December 1991 and was certified as compatible with the RTP by Metro Council in January 1992. The plan was phased in over five years and TriMet has been in compliance since January 1997. Metro approved the 1997 plan as in conformance with the RTP. FTA audited and approved the plan in summer 1999.

Additional 2001 Review Recommendations

Vision and Goals

2001 Review Recommendation: 1.A.1 It is recommended that Metro pursue the development of performance measures for both highway and transit and use them to evaluate progress towards attaining their regional goals for the mobility of people and goods.

Response: The performance measures program provides a periodic and rigorous evaluation of the region's effort in providing transportation infrastructure and services to enhance local economy and livability.

Environmental Justice

2001 Review Recommendation: 10.A.1 We encourage Metro's plans to use 2000 Census and other supplemental data to identify the distribution of minority and low-income populations and to evaluate the Environmental Justice performance of the RTP and MTIP.

Response: Staff will continue to use Census 2000 information to access aspects of projects or programs that may be of interest or have potential impact or benefit to minority and/or low-income populations. This helps us to better engage appropriate communities in effective communication and transportation decision-making processes. For the 2004-07 MTIP, block analysis was conducted on the areas surrounding each project submitted for funding consideration. A qualitative assessment of the project was provided as part of project evaluation. A similar method will be applied to projects or project areas during future regional transportation updates.

Congestion Management

2001 Review Recommendation: 11.A.1 It is recommended that Metro develop a short index or "roadmap" document that describes how their current Congestion Management System is being implemented and where the specific components can be found. (This would serve as a replacement for the 1996 Interim CMS Document.) Metro should also clarify how the CMS is to be used in the overall project selection and ranking process, and how the CMS is used to develop stand-alone or integrated congestion responses.

Response: Metro will incorporate a new section in the Appendix to the RTP during the upcoming update to provide a "roadmap" to CMS features in the plan. This would serve as a replacement for the 1996 CMS document, and would allow users to easily understand how CMS has been incorporated into our regional planning.

2001 Review Recommendation: 11.A.2 Metro is strongly encouraged to work with local jurisdictions and transit operators to identify short-term strategies for managing existing transportation assets. This is particularly important in corridors identified as needing large-scale improvements, but not scheduled for detailed analysis in the near term.

Response: Metro participates in TRANSPORT, the regional technical steering committee for ITS, where most short-term strategies for managing existing highway are addressed by the operating agencies. In 2004, TPAC will formally consider appointing "Transport" as the ITS Subcommittee. Transport will also have responsibility for bi-state coordination of the ITS architecture. This committee will be on going and include members from both sides of the river. Metro also operates a subcommittee of TPAC that monitors TDM programs in the region, including new performance measures on effectiveness of regional strategies and creation of new transportation management associations. This subcommittee includes citizen representatives and technical staff from jurisdictions around the region, including Metro, ODOT, TriMet, Washington County, Multnomah County, Clackamas County, City of Portland, Oregon Department of Energy, DEQ, Port of Portland and Wilsonville's South Metro Area Rapid Transit (SMART) agency and the Clark County Strategic Planning group (C-TRAN, WASHDOT or SWRTC).

2001 Review Recommendation: 11.A.3 As owners and operators of the regional freeway system, it is recommended that ODOT, in cooperation with Metro, also develop management plans and project refinement plans for their facilities, including operational and system management strategies and a range of capital actions.

Response: ODOT has undertaken an aggressive ITS system for principal routes that are identified as refinement plan corridors in the RTP, with almost all access points metered and travel information systems installed. ODOT does not plan to employ this level of system management to the few major arterials that are called out as refinement plans, and instead will focus on access management as a strategy to protect interim mobility in these corridors.

2001 Review Recommendation: 11.A.4 Metro and ODOT are strongly encouraged to accelerate the corridor studies identified in Metro's RTP as outstanding issues.

Response: Metro completed the Corridor Initiatives project in late 2001, and amended the RTP in 2002 to adopt the recommended priorities for completing major corridor studies in the region. Two of the 19 corridors have already been studied, or are underway using MTIP and state TGM monies, and two additional corridor studies received funding in the 04-07MTIP update. However, it should be noted that all of the refinement corridors are centered on ODOT facilities, and will require greater funding support from ODOT than is currently available to complete this work in a timely manner.

2001 Review Recommendation: 11.A.5 it is recommended that Metro establish a goal of reduced congestion and establish performance measures to determine progress toward achieving the goal.

Response: Metro has adopted a tiered, land use-based strategy for managing congestion, but does not have general policies for reducing congestion. Instead, plan policies focus on removing congestion bottlenecks in the system, and maintaining an acceptable level-of-service during peak and off-peak periods. The plan also uses a CMS-based approach to identify improvements that maintain desired level-of-service. Metro has also adopted policies that will ensure that value pricing and other alternatives to general purpose lanes are considered when adding future capacity to principal routes.

Air Quality Conformity

2001 Review Recommendation: 14.A.1 If Metro chooses to continue the practice of adopting RTP and MTIP actions contingent upon completion of the air quality conformity process, it is highly recommended that the public process more clearly indicate that the documents have no federal status until the USDOT air quality conformity findings have been finalized.

Response: In the fall 2002 Metro amended both the RTP/MTIP to authorize OTIA expansion projects. Project funds and accompanying conformity determination were approved in the same resolution/ordinance action.

The 2004 Federal Update to the RTP and 2004-07 MTIP were approved contingent on completion of the air quality conformity process. Public documents, Metro resolutions, and the Metro website clearly explained that the documents have no federal status until the USDOT air quality conformity findings are finalized. This approach will be used in the future should future actions prove incapable of being approved in a joint action draft and final materials.

ITS

2001 Review Recommendation: 15.A.1 it is recommended that Metro work with RTC and their partners to clarify bi-state ITS architecture and operations issues. (e.g., Will a single bi-state architecture or two separate but coordinated architectures be developed? Who will be responsible for updating the architecture(s) and ensuring continued bi-state compatibility?)

Response: In 2004, TPAC will formally consider appointing "Transport" as the ITS Subcommittee. Transport will have responsibility for bi-state coordination of the ITS architecture. This committee will be on going and include members from both sides of the river.

Bi-State Coordination

2001 Review Recommendation: 17.C.1 It is recommended that Metro and RTC continue to work together on regional ITS issues. Metro and RTC should clearly identify the roles and responsibilities of each agency with regard to the operation, maintenance and assurance of compatibility of the regional ITS infrastructure. From the motorist's perspective, the two systems should operate as a single unit, as if the state line did not exist.

2001 Review Recommendation: 17.C.2 It is recommended that Metro and RTC identify how their respective congestion management systems interact, particularly in regard to how they identify and measure congestion, and address short term needs.

Response: A regional ITS committee, TransPort, provides oversight and coordination throughout the region on issues related to ITS planning, architecture, hardware and implementation. The goal of the committee is to ensure consistent architecture and seamless implementation of ITS improvements throughout the metropolitan area, including Clark County Washington. TPAC recently recommended that the TransPort Committee function as an official sub-committee to TPAC and provide regular reports to TPAC and JPACT. Metro is working to implement this recommendation. During this reporting period, there have been no major ITS projects that affect the two states.

In December 2003 and January 2004 the Bi-State Committee discussed a congestion relief study that includes southwest Washington and the Metro area. It was initiated in fall, 2003 and is scheduled for completion in summer 2004. The Bi-State reviewed the scope of work and expressed interest in reviewing assumptions and future work products. The goal is to ensure bi-state coordination and improve the understanding of congestion in the two states within the greater metropolitan area.

JPACT Members and Alternates

	COURTESY	TITL	FIRST_NAME	MIDDLE_NAME	LAST_NAME	ORGANIZATION	REPRESENTING	ADDRESS	SUITE_TYP	SUITE	CITY	STATE	ZIPCODE
1	The Honorable		Rod		Park	Metro	Chair	600 NE Grand Ave.			Portland	OR	97232-2736
2	The Honorable		Rex		Burkholder	Metro	Vice-Chair	600 NE Grand Ave.			Portland	OR	97232-2736
3	The Honorable		Rod		Monroe	Metro	Metro	600 NE Grand Ave.			Portland	OR	97232-2736
4	The Honorable		Bill		Kennemer	Clackamas County	Clackamas County	907 Main St.			Oregon City	OR	97045-1882
	The Honorable		Martha		Schrader	Clackamas County	Clackamas County	907 Main St.			Oregon City	OR	97045-1882
5	The Honorable		Maria		Rojo de Steffey	Multnomah County	Multnomah County	501 SE Hawthorne Blvd. Room			Portland	OR	97214-3585
	The Honorable		Lonnie		Roberts	Multnomah County	Multnomah County	501 SE Hawthorne Blvd. Room		600	Portland	OR	97214-3585
6	The Honorable		Roy		Rogers	Washington County	Washington County	12700 SW 72ND Ave.			Portland	OR	97223-8335
	The Honorable		Tom		Brian	Washington County	Washington County	155 N. 1st Ave.	MS	22	Hillsboro	OR	97124-3001
7	The Honorable		Jim		Francesconi	City of Portland	City of Portland	1221 SW 4th Ave.	Room	220	Portland	OR	97204-1906
	The Honorable		Vera		Katz	City of Portland	City of Portland	1221 SW 4th Ave.	Room	340	Portland	OR	97204-1907
8	The Honorable		Karl		Rohde	City of Lake	Cities of Clackamas County	PO Box 227			Lake	OR	97034-0369
	The Honorable		James		Bernard	City of Milwaukie	Cities of Clackamas County	2036 SE Washington St.			Milwaukie	OR	97222-7606
9	The Honorable		Larry		Haverkamp	City of Gresham	Cities of Multnomah County	1333 NW Eastman Pkwy.			Gresham	OR	97030-3825
	The Honorable		James	W	Kight	City of Troutdale	Cities of Multnomah County	950 Jackson Park Rd.			Troutdale	OR	97060-2114
10.	The Honorable		Robert		Drake	City of Beaverton	Cities of Washington County	PO Box 4755			Beaverton	OR	97076-4755
	The Honorable		Lou		Ogden	City of Tualatin	Cities of Washington County	21040 SW 90TH Ave.			Tualatin	OR	97062-9346
11.	Mr.		Fred		Hansen	Tri-Met	Tri-Met	4012 SE 17th Ave.			Portland	OR	97202
	Mr.		Neil		McFarlane	Tri-Met	Tri-Met	710 NE Holladay St.			Portland	OR	97232
12.	Mr.		Matthew		Garrett	ODOT	ODOT	123 NW Flanders St.			Portland	OR	97209-4037
	Mr.		Bruce		Wamer	ODOT	ODOT	355 Capitol St., NE	Room	135	Salem	OR	97301-3871
13.	Ms.		Stephanie		Hallock	DEQ	Oregon DEQ	811 SW 6TH Ave.			Portland	OR	97204
	Mr.		Paul		Slyman	DEQ	Oregon DEQ	811 SW 6TH Ave.			Portland	OR	97204
	Mr.		Andy		Ginsburg	DEQ	Oregon DEQ	811 SW 6th Ave.	Floor	11	Portland	OR	97204
	Ms.		Annette		Liebe	DEQ	Oregon DEQ	811 SW 6th Ave.			Portland	OR	97204-1390
14.	Mr.		Don		Wagner	WSDOT	Washington State DOT	PO Box 1709			Vancouver	WA	98668
	Ms.		Mary		Legry	WSDOT	Washington State DOT	PO Box 1709			Vancouver	WA	98668
15.	Mr.		Bill		Wyatt	Port of Portland	Port of Portland	PO Box 3529			Portland	OR	97208
	Ms.		Susie		Lahsene	Port of Portland	Port of Portland	PO Box 3529			Portland	OR	97208
16.	The Honorable		Royce	E	Pollard	City of Vancouver	City of Vancouver	PO Box 1995			Vancouver	WA	98668
	Mr.		Dean		Lookingbill	SW Washington RTC	SW Washington RTC	1351 Officers Row			Vancouver	WA	98661
17.	The Honorable		Judie		Stanton	Clark County	Clark County	PO Box 5000			Vancouver	WA	98666-5000
	The Honorable		Craig		Pridemore	Clark County	Clark County	PO Box 5000			Vancouver	WA	98666-5000

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 04-3430 FOR THE PURPOSE OF CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH FEDERAL TRANSPORTATION PLANNING REQUIREMENTS

Date: February 18, 2004

Presented by: Andrew C. Cotugno

PROPOSED ACTION

This resolution certifies that the Portland metropolitan area is in compliance with federal transportation planning requirements as defined in Title 2.3, Code of Federal Regulations, Part 450 and Title 49, Code of Federal Regulations, Part 613.

EXISTING LAW

Federal transportation agencies (Federal Transit Administration [FTA] and Federal Highway Administration [FHWA]) require a self-certification that our planning process is in compliance with certain federal requirements as a prerequisite to receiving federal funds. The self-certification documents that we have met those requirements and is considered yearly at the time of Unified Work Program approval.

FACTUAL BACKGROUND AND ANALYSIS

Required self certification areas include:

- Metropolitan Planning Organization (MPO) designation
- Geographic scope
- Agreements
- Responsibilities, cooperation and coordination
- Metropolitan Transportation Planning products
- Planning factors
- Public Involvement
- Title VI
- Disadvantaged Business Enterprise (DBE)
- Americans with Disabilities Act (ADA)

Each of these areas is discussed in Exhibit A to Resolution No.

BUDGET IMPACT

Approval of this resolution is a companion to the Unified Work Program. It is a prerequisite to receipt of federal planning funds and is, therefore, critical to the Metro budget. The UWP matches the projects and studies reflected in the proposed Metro budget submitted by the Metro Chief Operating Officer to the Metro Council and is subject to revision in the final adopted Metro budget.

Approval will mean that grants can be submitted and contracts executed so work can commence on July 1, 2004, in accordance established Metro priorities.

Agenda Item Number 5.3

Resolution No. 04-3431, For the Purpose of Adopting the Policy Direction, Program Objectives, Procedures and Criteria for the Transportation Priorities 2006-09 Allocation Process and Metropolitan Transportation Improvement Program.

Metro Council Meeting
Thursday, March 18, 2004
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE POLICY)	RESOLUTION NO. 04-3431
DIRECTION, PROGRAM OBJECTIVES,)	
PROCEDURES AND CRITERIA FOR THE)	Introduced by
TRANSPORTATION PRIORITIES 2006-09)	Councilor Rod Park
ALLOCATION PROCESS AND METROPOLITAN)	
TRANSPORTATION IMPROVEMENT PROGRAM)	
(MTIP).)	

WHEREAS, the Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT) are identified in federal regulations as the Portland Area Metropolitan Planning Organization responsible for the allocation of federal highway and transit funding; and

WHEREAS, federal regulations identify preparation of a metropolitan transportation improvement program (MTIP) as the means for programming of such funds; and

WHEREAS, the Transportation Priorities program is the process by which two categories of federal funds, Surface Transportation Program (STP) and Congestion Management/Air Quality (CMAQ) are allocated within the region by JPACT and the Metro Council; and

WHEREAS, new Transportation Priorities and MTIP policy direction, program development and evaluation criteria were adopted following a major outreach process prior to the previous Transportation Priorities allocation process; and

WHEREAS, several policy issues have emerged since the adoption of the previous Transportation Priorities and MTIP policy guidance; and

WHEREAS, JPACT proposes the Transportation Priorities 2006-09 and MTIP policy direction, program development and evaluation criteria will be updated as defined in Exhibit A; and

WHEREAS, further opportunity for agency and public input to the project evaluation and selection process will be provided during the fall of 2004, prior to the narrowing to a final list of projects and programs to be allocated funds; now, therefore,

BE IT RESOLVED,

1. The Transportation Priorities 2006-09 and MTIP policy direction, program development and evaluation criteria stated in Exhibit A are approved.

ADOPTED by the Metro Council this _____ day of _____, 2004.

David Bragdon, Council President

APPROVED AS TO FORM:

Daniel B. Cooper, Metro Attorney



**Transportation Priorities
2006-09 Allocation Process
and Metropolitan
Transportation Improvement
Program Update**

Policy Report

March 8, 2004

*TPAC recommendation to JPACT
and Metro Council*



METRO
PEOPLE PLACES
OPEN SPACES

Regional Transportation Funding and the Transportation Priorities Program

There are several different sources of transportation funding in the region, many of which are dedicated to specific purposes or modes.

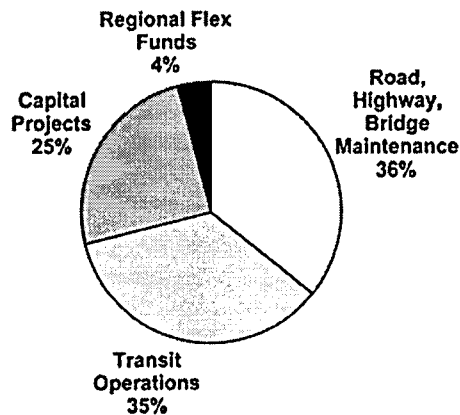
Recent data demonstrates that approximately \$425 million is spent in this region on operation and maintenance of the existing transportation system. While there are unmet needs within operations and maintenance, the relatively small potential impact that regional flexible funds would have on these needs and because there are other potential means to address these needs, JPACT and the Metro Council have adopted policy against using regional flexible funds for these purposes. Exceptions include the Transportation Demand Management (TDM) programs as they have demonstrated a high cost-effectiveness at reducing the need for capital projects, because they lack other sources of public funding to leverage private funding and because they directly benefit priority 2040 land-use areas. A second exception is expenditures on the expansion of transit service. This exception has been limited to situations where the transit provider can demonstrate the ability to fund the increased transit service in the subsequent MTIP funding cycle.

Capital spending in the region for new capital transportation projects outside of regional flexible funding is approximately \$180 million per year. This includes funding for state highways, new transit capital projects, port landside facilities and local spending.

Approximately \$26 million of regional flexible funds are spent each year in the Metro region. This funding is summarized in the following Figure 1.

Figure 1

Annual Regional Transportation Spending \$630 million



Recent acts by the state legislature have provided one-time revenue sources for transportation improvements in the region. This includes \$22 in road capacity projects in OTIA I & II, a portion of the expected \$31 million for capacity projects in OTIA III and a portion of OTIA III funds targeted for freight mobility, industrial access and job creation (\$100 million state wide). These funds directly supplement the construction of road capacity projects in the region.

Additionally, \$34 in highway capacity and \$158 million in highway, bridge and road reconstruction funding programmed to this region for expenditure by 2010. These highway funds will be supplemented by highway projects of statewide significance (\$100 million statewide), and match to OTC-requested federal earmarks (\$200 million statewide) that will be programmed to this region by Oregon Transportation Commission.

This increase in state revenue dedicated to highway and road capacity and preservation and bridge repair and reconstruction represents the first major increase in state resources in more than a decade. Prior to this increase, regional flexible funds were used to fund a number of highway capacity projects, such as the I-5/Highway 217 interchange, capacity improvements on Highway 26, the Tacoma Street over crossing of Highway 99E and the Nyberg Road interchange.

However, these allocations were made with the knowledge that no other resources were available for these improvements, and at the expense of smaller, multi-modal improvement that could have been funded with regional flexible funds, instead. A key policy issue in this MTIP update is to determine degree to which the current increase in state highway revenue argues for less emphasis on such projects with regional flexible funds. Currently, main-stem highway capacity improvements are limited under the existing MTIP policies, but there is no limit on allocation for road expansion, highway interchanges, or Preliminary Engineering for major capacity projects.

2004-07 Transportation Priorities Allocation Process and Policy Direction

The 2004-07 Transportation Priorities process began with the adoption of the following program policy direction.

The primary policy objective for the MTIP program and the allocation of region flexible transportation funds is to:

- Leverage economic development in priority 2040 land-use areas through investment to support
 - centers
 - industrial areas and
 - UGB expansion areas with completed concept plans

Other policy objectives include:

- Emphasize modes that do not have other sources of dedicated revenues
- Complete gaps in modal systems
- Develop a multi-modal transportation system

An application process was adopted to implement this policy direction. It included retaining a technical rating of 2040 land use criteria and creating a monetary incentive to applying agencies to nominate projects that best leverage development of 2040 priority land-use areas. While further advancing the program objectives, this option retained flexibility to fund projects that do not directly benefit a regional priority land-use area but that are deemed to be important and effective transportation projects due to other considerations.

This process was referred to as the Region 2040 Match Advantage and is summarized as follows:

- A. Projects that highly benefit:
 - i. Centers, main streets, and station communities
 - ii. Industrial areas and inter-modal facilities

- iii. UGB concept plan areas are eligible for up to 89.73% match of regional funds.
- B. Planning, TOD, TDM and Green Street Demonstration projects are also eligible for up to an 89.73% match of regional funds.
- C. Projects determined to not provide a direct, significant benefit to a priority land-use area would be eligible for up to a 70% match of regional funds.
- D. No funding for operations or maintenance, except for TDM programs and start-up transit operations that demonstrate capacity for future operation funds to replace regional flexible funds by the next MTIP funding cycle.
- E. The technical measures of the 2040 land use criteria have been modified and the method for determining which projects qualify for a regional match of up to 89.73% were developed using lessons learned from current centers and industrial lands research and the Pleasant Valley concept plan and implementation study. Technical measures attempt to rate the direct benefit (or negative effect) of a project to the priority land-use area, not simply assess whether a project is located in or near the priority area.

Additionally, a smaller cost target to limit the number of applications submitted to Metro through the Coordinating Committee process was adopted. The cost target was reduced from 200% of a potential share of funds based on rough geographic equity of fund distribution to 150%. Initially, this was considered as a means that could allow elimination of a step in the allocation process that screens the project list down to a First Cut list. However, the two-step screening process was retained.

Screening and Evaluation Criteria

Screening and evaluation criteria were reviewed and direction adopted for the 2004-07 Transportation Priorities program.

Screening Criteria for all projects

- Highway, road and boulevard projects must be consistent with regional street design guidelines
- Project designs must be consistent with the Functional Classification System of the 2000 RTP
- Project on RTP Financially Constrained list
- Project has received support of governing body at a public meeting as a local priority for regional flexible funding. Adoption of a resolution at a public meeting would qualify as receiving support of the governing body. Documentation of such support would need to be provided prior to release of a technical evaluation of any project.
- Statement that project is deliverable within funding time frame and brief summary of anticipated project development schedule

Evaluation Criteria

1. 2040 Criteria

Review the work of the current centers research and industrial lands studies to clarify how transportation funding can most effectively leverage successful development of these priority

land-use areas. This includes developing methods to distinguish between the readiness of different mixed-use areas and industrial areas to develop and methods to evaluate and measure the positive and negative impacts of a project or program on leveraging development of a priority land use area other than simply the location of the facility. Applications were scored on how the project contributes to the most critical objectives a center plan or industrial area needs to achieve to become a successful area in terms of 2040 development objectives and to describe what actions the local jurisdiction is taking to address its most critical needs.

2. Multi-modal Road Projects

The provision of pedestrian and bicycle improvements within priority 2040 priority land-use areas as a part of a road modernization or reconstruction project qualified a project for additional technical points over a multi-modal road project outside of these priority areas. The creation of new pedestrian and bicycle improvements qualified a road project for additional technical points over a road project that simply moved or replaced pedestrian and/or bicycle facilities.

Similarly, the TIP Subcommittee was asked to review potential methods for awarding additional technical points to road projects that provide a significant freight or transit benefit, particularly benefits supporting priority land-use areas over road projects that do not provide this multi-modal benefit. However, no method of adjusting the technical score for these considerations was developed.

3. Qualitative Criteria

The use of qualitative criteria was limited as a means for technical staff to recommend elevating a project to receive funding over other higher technically ranked projects within their same project categories.

Qualitative criteria

- Minimum logical project phase
- Linked to another high priority project
- Over-match
- Past regional commitment*
- Includes significant multi-modal benefits
- Affordable housing connection
- Assists the recovery of endangered fish species
- Other factors not reflected by technical criteria

Any project could receive a recommendation from Metro staff or TPAC for funding based on these administrative criteria only if it is technically ranked no more than 10 technical points lower than the highest technically ranked project not to receive funding in the same project category (e.g. a project with a technical score of 75 could receive funding based on administrative criteria if the highest technically ranked project in the same project category that did not receive funding had a technical score of 85 or lower).

* Previous funding of Preliminary Engineering (PE) does constitute a past regional commitment to a project and should be listed as a consideration for funding. Projects are typically allocated funding for PE because they are promising projects for future funding. However, Metro does not guarantee a future financial commitment for construction of these projects.

4. Green Streets Design Elements

A new category of funding was established in the 2004-07 process: Green Streets Demonstration projects. Further, elements of green street designs that had an established record of performance were added as a means of obtaining bonus points within the technical scoring of the road and boulevard categories.

5. Measurement of Safety Criteria

In the interest of broadening the technical scoring of projects from accident data only, an “expert analysis” approach using general guidelines of safety considerations, including but not limited to Safety Priority Indexing System (SPIS) data, was developed for all relevant project categories as a means of providing a comprehensive method for considering safety issues. This approach will utilize a panel of project professionals to review each project relative to a list of quantitative and qualitative safety considerations and score each project accordingly.

Solicitation, Allocation and Follow-up Process Issues

There were several changes to the 2004-07 Transportation Priorities process used to solicit and allocate regional flexible funds.

1. **Additional Time for Application Process;** A third month was added to the project solicitation phase of the process. This allowed more time to for coordination among jurisdictional staff and for completing the applications.
2. **Public Kick-off Notice;** To address concerns about the ability for community interest groups and jurisdictional staff from outside of transportation agencies to influence project applications, Metro provided public announcements of the kick-off of the application process and provided interested parties with a list of local agency contacts.
3. **Regional Objectives;** In order to provide better information about regional objectives, successful project examples and assistance on completing project applications, Metro staff provided presentations to jurisdictional staff early in the solicitation period at coordinating committee meetings.
4. **STIP Coordination;** Metro and ODOT attempted to identify areas for coordination related to STIP projects that could be supplemented with Transportation Priorities funding applications and Transportation Priorities staff attended public comment meetings of the STIP with information about the Transportation Priorities process.
5. **MTIP Subcommittee;** The MTIP Subcommittee of TPAC was used to review the draft technical scoring by project staff.
6. **Public Outreach;** Metro will utilize a public involvement program consistent with Metro’s policies on public involvement. This included early notification of process kick-off and key decision points and opportunities for comment and a response to those comments. Key components included the ability of the public to review and comment on the projects and their technical rankings and draft First Cut list on Metro’s website and a formal public hearing on the recommended allocation package prior to the final decision meetings of JPACT and the Metro Council.

7. **Public Information;** Increasing public understanding of the MTIP and Transportation Priorities program was increased through the inclusion of Metro information, including signage, on funded project or program materials, participation in public events and new informational materials, and Metro's website highlighting funded projects.
8. **Allocation Follow-up Activities;** Metro committed to improve project monitoring to ensure project development that is consistent with application materials post-construction data collection (particularly with demonstration projects) and awards or other recognition for quality project implementation.

Policy Direction to Narrow from First Cut List to Final Cut List

After adoption of the First Cut List, a policy discussion of JPACT and the Metro Council resulted in the following direction to technical staff for development of a recommendation to a Final Cut List.

1. Honor Prior Commitments
2. Metro Planning Funded
3. Land Use and Economic Development Direction:
 - Invest in all types of 2040 mixed-use and industrial lands
 - Emphasize non-road/bridge projects to maximize development and multi-modal objectives in mixed-use areas
 - Screen all projects and programs on their relationship to the implementation of mixed-use and/or industrial area plans and development (2040 technical score, qualitative issues/public comments)

Transportation Priorities 2006-09 Update

Metro staff recommends the 2006-09 Transportation Priorities process retain the updates that evolved from the extensive outreach process of the 2004-07 effort. Additional policy, technical and process issues were identified during implementation of and subsequent to the 2004-07 process, however, that should be addressed prior to kick off of the 2006-09 process.

Transportation Priorities 2006-09 Policy Refinement Recommendations

1. Integration of General Program Policies with 2004-07 Final Cut list policy direction

During the 2004-07 Transportation Priorities process, JPACT directed technical staff on how to provide recommendations to narrow from the First Cut list to a Final Cut list. This direction included policies that could be considered as an update to general program policies for the 2006-09 process.

To integrate the policy directive received during the narrowing process to fund projects in all types (Type I and II) of mixed-use and industrial areas and to emphasize non-road/bridge categories, TPAC recommends the following changes to the general program policy directive.

The primary policy objective for the MTIP program and the allocation of region flexible transportation funds is to:

- Leverage economic development in priority 2040 land-use areas through investment to support
 - centers, 2040 Tier I and II mixed-use areas (central city, regional centers, town centers, main streets and station communities)
 - 2040 Tier I and II industrial areas (regionally significant industrial areas and industrial areas), and
 - 2040 Tier I and II mixed-use and industrial areas within UGB expansion areas with completed concept plans
 -

Other policy objectives include:

- Emphasize modes that do not have other sources of dedicated revenues
- Complete gaps in modal systems
- Develop a multi-modal transportation system with a strong emphasis on funding bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs.
- Meet the average annual requirements of the State Implementation Plan for air quality for the provision of pedestrian and bicycle facilities

Secondly, the local match requirement for bicycle projects located more than 1 mile outside of Tier I and town center 2040 land use areas is recommended to be decreased to the federally required minimum of 10.27%.

Finally, JPACT and the Metro Council should consider limiting road and bridge projects are proposed to no more than 60% of the total cost of candidate projects submitted for application by each of the County coordinating committees and the City and Port of Portland. This is equivalent to the percentage of regional flexible funds derived from the Surface Transportation Program.

2. Direction on funding of Bicycle and Pedestrian transportation control measures for air quality

The Transportation Priorities funding in 2006-07 did not meet the average biennial requirement of providing 1.5 miles of pedestrian and 5 miles of bicycle improvements but had to rely on a defined ODOT maintenance project and over building from previous years to meet this requirement as reported in the MTIP.

The general program policy statement is recommended to be updated as indicated above to state that the Transportation Priorities process will fund a minimum of the average requirement for implementation of the pedestrian (1.5 miles) and bicycle (5 miles) improvements required by the State Implementation Plan for air quality.

3. Functional Plan compliance as Screening Criteria for Transportation Priorities funding

Requiring compliance with the Metro functional plan would provide an incentive for local jurisdictions to complete the planning work necessary to comply with the regional functional plan and ensure that regional transportation funding is more closely linked to local implementation of regional growth management policies.

TPAC recommends that the following language be added to the MTIP policy report and Transportation Priorities application.

Screening and Evaluation Criteria

Screening and evaluation criteria were reviewed and direction adopted for the 2004-07 Transportation Priorities program.

Screening Criteria for all projects

- Highway, road and boulevard projects must be consistent with regional street design guidelines
- Project designs must be consistent with the Functional Classification System of the 2000 RTP
- Project on RTP Financially Constrained list
- Project has received support of governing body at a public meeting as a local priority for regional flexible funding. Adoption of a resolution at a public meeting would qualify as receiving support of the governing body. Documentation of such support would need to be provided prior to release of a technical evaluation of any project.
- Statement that project is deliverable within funding time frame and brief summary of anticipated project development schedule.
- The applicant jurisdiction is in compliance with the Metro functional plan or has received an extension to complete compliance planning activities. If the applicant jurisdiction is not in compliance or has not received an extension, it must provide documentation of good faith effort in making progress toward accomplishment of its compliance work program. The work program documentation must be approved by the governing body of the applicant jurisdiction at a meeting open to the public and submitted to Metro prior to the release of the draft technical evaluation of project applications by Metro staff.

Transportation Priorities 2006-09 Technical Refinement Issues

Metro staff is directed to work with TPAC to address the following technical evaluation issues.

1. Street Connectivity as Technical Measure for Road Capacity projects

Direct the MTIP Subcommittee and TPAC to evaluate whether a bonus point system for road modernization projects can be developed that adequately defines a methodology to reward a project that increases street connectivity. Any proposal for such a point system should be reviewed by TPAC prior to implementation.

Clarify in the application that collector projects defined as a part of the regional transportation system are eligible projects for Transportation Priorities funding and that are encouraged for application if they contribute to increased street connectivity.

2. Develop technical criteria for a new Intelligent Transportation System modal category

TPAC recommends requesting the ITS subcommittee to develop recommendations for 2008-2011 Transportation Priorities process. The recommendation should address the positive and negative aspects of ranking ITS projects with road capacity projects and as a separate ranking category.

The subcommittee could also recommend changes to the road capacity technical ranking criteria if ITS projects remain within that ranking category.

Furthermore, request the ITS subcommittee review and comment on the technical rankings of the 2006-09 Transportation Priority ITS candidate applications.

3. Use of recycled materials

TPAC recommends the incorporation educational statement in Transportation Priorities and MTIP supporting FHWA directive that when selecting materials for transportation projects, recycled materials should be considered first.

Assign the MTIP Subcommittee and TPAC to work with professional experts in this field to study this issue and develop recommendations on how to further address it in the 2008-11 Transportation Priorities process.

4. Refinement of 2040 Qualitative Technical Score – Attachment C

Additional knowledge has been developed about the development of mixed-use areas and their relationship to transportation infrastructure since the development of the 2004-07 Transportation Priorities process. The “Community Focus” qualitative analysis should be updated to reflect refinements in evaluating differences between the readiness of planned mixed-use areas to develop and the relationship between a potential transportation investment and the potential success in the development of a mixed-use area. The attachment should also be clarified on how individual elements of the qualitative summary contribute to the overall technical score.

5. Safety Technical Score Methodology

Applicants will be asked to provide information regarding specific safety factors that will be evaluated by a panel of transportation professionals. The method by which the panel will use this information in developing their project scores will be described in the application.

6. Use of system level data and project level data to evaluate congestion relief

Resolve the issue of when or how to use project level data to supplement system level data when analyzing expected congestion relief provided by a candidate road project application.

7. Technical evaluation of road projects that provide a significant freight or transit benefit

Technical staff was directed in the existing policy report to attempt to develop a technical evaluation to reward road projects that provide a significant freight or transit benefit. However, no methodology was agreed upon prior to the previous allocation process. TPAC will evaluate the benefits and drawbacks of this approach and attempt to reach a recommendation on its implementation.

8. Regionally Significant Industrial Lands

The Regional Transportation Plan has been amended to recognize regionally significant industrial lands as a Tier I 2040 land-use priority over other industrial lands subsequent to the policy update of the 2004-07 Transportation Priorities process. TPAC recommends the technical scoring for

freight and road projects be updated to award more points to projects that serve regionally significant industrial lands as a Tier I priority and other industrial lands as a Tier II priority.

9. Green Trails

TPAC recommends the development of a technical bonus point system for projects that commit to meeting particular design elements of the Green Trail handbook. This bonus point system shall be reviewed by TPAC prior to implementation.

Transportation Priorities 2006-09 Process Refinement Issues

Metro staff is directed to implement the following changes to the application process.

1. Jurisdiction and Agency program/application review at TPAC and JPACT

Arrange for the following programs and coordinating committees to provide presentations at TPAC and JPACT as a summary of their program and/or their package of project/program candidate applications. TOD Program, RTO Program, ITS status update, Clackamas County, Multnomah County, City and Port of Portland, Washington County, TriMet/SMART, Metro Planning, ODOT (STIP Presentation).

2. Joint public outreach process with ODOT STIP process and Transit funding summary

A joint public outreach process with the ODOT State Transportation Improvement Program will be implemented. This outreach will include participation by the regions transit agencies to provide information on their planned development and expenditures of the 2006-09 period.

3. ODOT applications to supplement STIP projects

In an effort to improve the delivery of transportation services in the region and coordination between ODOT and regional/local policy objectives, ODOT and Metro staff have discussed the possibility of early notification of ODOT preservation projects to allow for application for regional flexible funds, supplemental ODOT funds, and local funds to address missing or substandard facilities for pedestrians and/or bicycles as a part of the preservation project.

ODOT staff work with local agency partners to consider joint local, regional or supplemental state funding for missing elements of pedestrian and bicycle facilities along state facilities proposed for pavement preservation work in the 2006-09 STIP. This may result in ODOT application for Transportation Priority funds to provide for these improvements. Requests for local or regional funds should be made in context of coordination with the STIP to fully disclose need for additional funds for state projects and to understand the potential impacts to preservation project schedules and other state transportation programs within the region.

4. Directives to technical staff on development of recommendations to narrow from a First Cut list to a Final Cut list

Directives to technical staff on the development of recommendations to narrow from a First Cut List to a Final Cut List are to be developed by JPACT and Metro Council after the adoption of the First Cut list. This was a process element that was instigated during the previous Transportation

Priorities allocation process. It is now a scheduled process element expected in the December 2004 time frame.

5. Engineering Review of Application Scope, Schedule and Budget

Metro staff will work with ODOT staff to investigate whether consultant services can be provided to review candidate project applications for accuracy of scope, schedule and budget to ensure projects can be delivered as described in the application and ranked fairly against similar projects.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 04-3431 FOR THE PURPOSE OF ADOPTING THE POLICY DIRECTION, PROGRAM OBJECTIVES, PROCEDURES AND CRITERIA FOR THE TRANSPORTATION PRIORITIES 2006-09 ALLOCATION PROCESS AND METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP).

March 18, 2004

Presented by: Ted Leybold

PROPOSED ACTION

This resolution would approve a report outlining the policy direction, program objectives, and procedures that will be used during the Transportation Priorities 2006-09 Allocation Process and MTIP update to nominate, evaluate, and select projects to receive federal transportation funds in the fiscal year 2008-09 biennium.

BACKGROUND

The Metro Council and the Executive Officer are preparing a request to local jurisdictions to submit projects to Metro for evaluation and award of regional flexible transportation funding. Regional flexible transportation funds are those portion of federal funds accounted for in the MTIP that are allocated through the JPACT/Metro Council decision-making process. This process is referred to as the Transportation Priorities 2006-09 allocation.

Metro and ODOT update the MTIP/STIP every two years to schedule funding for the following four-year period. The Transportation Priorities 2006-09 allocation encompasses the four-year period of federal fiscal year's 2004 through 2007 (FY 06 - FY 09). This update will therefore adjust, as necessary, funds already allocated to projects in FY 06 and FY 07 in the current approved MTIP. It will also allocate funds to new projects in the last two years of the new MTIP (i.e., FY 08 and FY 09).

The regional flexible funds available in the Transportation Priorities 2006-09 allocation is composed of two types of federal transportation assistance, which come with differing restrictions. The most flexible funds are surface transportation program (STP) funds that may be used for virtually any transportation purpose, identified in the Financially Constrained RTP, short of building local residential streets.

The second category of money is Congestion Mitigation/Air Quality (CMAQ) funds. CMAQ funds cannot be used to build new lanes for automobile travel. Also, projects that use CMAQ funds must demonstrate that some improvement of air quality will result from building or operating the project.

Prior to the previous Transportation Priorities allocation process and MTIP update a major outreach effort led to the adoption of a report outlining the policy direction, program objectives, and procedures to be used during the Transportation Priorities 2004-07 Allocation Process and MTIP update. Since that time, several policy issues have emerged that potentially affect the Transportation Priorities process and MTIP. Following is a summary of those issues and recommended changes to address them. Exhibit A is an amended version of the existing policy report, reflecting recommended changes to provide policy direction, program objectives and procedures for the Transportation Priorities 2006-09 allocation process and MTIP update.

The format of this summary is to identify the policy issues that have emerged since adoption of the existing policy report and to list options for addressing the policy issue, and highlight in bold those

options that are recommended. If the recommendation includes changes to the existing policy report, Exhibit A highlights those proposed changes in underline/strikeout text.

1. Integration of General Program Policies with 2004-07 Final Cut List policy direction

During the 2004-07 Transportation Priorities process, JPACT directed technical staff on how to provide recommendations to narrow from the First Cut list to a Final Cut list. This direction included policies that could be considered as an update to general program policies for the 2006-09 Transportation Priorities process.

A. One policy directive received during the 2004-07 Final Cut list policy direction process was to direct staff to develop a recommendation that funded projects in mixed-use centers, main streets, station communities and industrial areas. TPAC recommends the following option to integrate this policy direction into the general program policies for the Transportation Priorities process.

Option:

a. Change the general policy direction statement regarding priority land used areas from “centers” to “2040 Tier I and II mixed-use areas (central city, regional centers, town centers, main streets and station communities)”.

Corridors are not included as the policy direction received from JPACT and the Metro Council during the 2004-07 final cut list process specified the addition of main streets and station communities as the 2040 mixed use areas as the areas where projects should be included in addition to centers. Additionally, while corridors were included as a Tier II priority mixed use area for their potential to accommodate mixed-use development, this potential was optional at the discretion of local land use planning. The implementation of local planning generally did not locate mixed use comprehensive plan designations or zoning in corridors. Finally, the inclusion of corridors as a priority land use for Transportation Priorities funding would significantly dilute the ability to concentrate transportation investments in areas that have the most potential to meet the other program goals.

Industrial lands are already addressed in the current program policy statement and do not need to be changed.

The result of this change would be:

The primary policy objective for the MTIP program and the allocation of region flexible transportation funds is to:

- Leverage economic development in priority 2040 land-use areas through investment to support
 - centers, 2040 Tier I and II mixed-use areas (central city, regional centers, town centers, main streets and station communities)
 - 2040 Tier I and II industrial areas (regionally significant industrial areas and industrial areas), and
 - 2040 Tier I and II mixed-use and industrial areas within UGB expansion areas with completed concept plans

Other policy objectives include:

- Emphasize modes that do not have other sources of dedicated revenues
- Complete gaps in modal systems
- Develop a multi-modal transportation system

B. A second policy directive received from JPACT and the Metro Council during the 2004-07 final cut

list process was to direct staff to develop a recommendation of projects and programs that emphasized bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs.

Following are options considered by TPAC of how this policy direction could be implemented within the Transportation Priorities policies and process. TPAC unanimously recommended actions b and d below as highlighted in **bold**.

Options:

- a. Eliminate road modernization/reconstruction and bridge as mode categories. (Currently, freeway interchange projects and preliminary engineering of projects for addition of new freeway lanes are eligible for funding. Projects to acquire right of way or to construct new freeway capacity are not eligible.)
- b. Strengthen policy statement on purpose of regional flexible funds to indicate that JPACT and Metro Council intend to fund a package of projects and programs with a strong emphasis on funding bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs.**

The result of this change would be as follows:

The primary policy objective for the MTIP program and the allocation of region flexible transportation funds is to:

- Leverage economic development in priority 2040 land-use areas through investment to support
 - 2040 Tier I and II mixed-use areas (central city, regional centers, town centers, main streets and station communities)
 - 2040 Tier I and II industrial areas (regionally significant industrial areas and industrial areas), and
 - 2040 Tier I and II mixed-use and industrial areas within UGB expansion areas with completed concept plans

Other policy objectives include:

- Emphasize modes that do not have other sources of dedicated revenues
- Complete gaps in modal systems
- Develop a multi-modal transportation system with a strong emphasis on funding bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs

- c. Change local match requirements to increase the percentage required for road and bridge projects outside of Tier I and town center land use areas.
- d. Change local match requirements to decrease the percentage required for bicycle projects in areas outside of Tier I and town center land use areas to the federally allowed minimum of 10.27%.**

TPAC had extensive debate about and was split on whether to recommend option e below as a means of implementing an emphasis on non-road and bridge projects. The committee recognized that this option would be a means of ensuring that each coordinating committee apply for bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs in support of the policy direction and to ensure there would be an adequate pool of CMAQ eligible projects.

There were concerns expressed, however, that such a limit would impede on a local jurisdictions ability to determine their local priorities even if they want to compete with such a project knowing that JPACT/Metro Council intends to fund a package of projects and programs with a strong emphasis on funding bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs. Concern was also expressed that road projects are often a means of providing bicycle and pedestrian projects where they do not currently exist and that cutting back on this category impedes the ability to provide these facilities where needed as they would not be constructed as stand alone pedestrian or bicycle projects.

e. Limit the total cost of road capacity, road reconstruction and bridge project applications to a percentage of the cost target for each coordinating committee equal to the percentage of regional flexible funds represented by STP funds.

2. Update the policy report to account for the additional funding resources provided by the recent Oregon Transportation Investment Acts (OTIA I – III).

TPAC recommends the following language be added to the policy report following the description of transportation funding in the region.

Recent acts by the state legislature have provided one-time revenue sources for transportation improvements in the region. This includes \$22 in motor vehicle capacity projects in OTIA I & II, a portion of the expected \$31 million for capacity projects in OTIA III and a portion of OTIA III funds targeted for freight mobility, industrial access and job creation (\$100 million state wide). These funds directly supplement the construction of motor vehicle capacity projects in the region.

Additionally, \$34 in highway modernization and \$158 million in highway, bridge and road reconstruction funding programmed to this region for expenditure by 2010. These highway funds will be supplemented by highway projects of statewide significance (\$100 million statewide), and match to OTC-requested federal earmarks (\$200 million statewide) that will be programmed to this region by Oregon Transportation Commission.

This increase in state revenue dedicated to highway and road capacity and preservation and bridge repair and reconstruction represents the first major increase in state resources in more than a decade. Prior to this increase, regional flexible funds were used to fund a number of highway capacity projects, such as the I-5/Highway 217 interchange, capacity improvements on Highway 26, the Tacoma Street over crossing of Highway 99E and the Nyberg Road interchange.

However, these allocations were made with the knowledge that no other resources were available for these improvements, and at the expense of smaller, multi-modal improvement that could have been funded with regional flexible funds, instead. A key policy issue in this MTIP update is to determine degree to which the current increase in state highway revenue argues for less emphasis on such projects with regional flexible funds. Currently, main-stem highway capacity improvements are limited under the existing MTIP policies, but there is no limit on allocation for road expansion, highway interchanges, or Preliminary Engineering for major capacity projects.

3. Direction on funding of Bicycle and Pedestrian transportation control measures for air quality

The Transportation Priorities funding in 2006-07 did not meet the biennial average for providing miles of pedestrian (1.5 miles) and bicycle (5 miles) improvements but had to rely on an ODOT preservation project and over building from previous years to meet this requirement as reported in the 2004-07 MTIP. These requirements are in addition to facilities constructed as a part of road capacity and reconstruction projects. Adding a policy directive to fully implement the biennial average requirement for the provision of pedestrian and bicycle facilities would be consistent with federal guidance that states “the TIP shall give priority to eligible Transportation Control Measures identified in the approved SIP in accordance with the US EPA conformity regulation (40 CFR part 51) and shall provide for their timely implementation.” Federal Register Vol. 58, No. 207; Section 450.324 (d).

TPAC recommends the general program policy statement be updated to state that the Transportation Priorities process will fund a minimum of the average biennial requirement for implementation of the pedestrian and bicycle improvements required by the State Implementation Plan for air quality.

The effect of this recommendation would be:

The primary policy objective for the MTIP program and the allocation of region flexible transportation funds is to:

- Leverage economic development in priority 2040 land-use areas through investment to support
 - 2040 Tier I and II mixed-use areas (other than corridors)
 - industrial areas and
 - 2040 Tier I and II mixed-use (other than corridors) and industrial areas within UGB expansion areas with completed concept plans

Other policy objectives include:

- Emphasize modes that do not have other sources of dedicated revenues
- Complete gaps in modal systems
- Develop a multi-modal transportation system with a strong emphasis on funding non-road and bridge modernization projects.
- Meet the average biennial requirements of the State Implementation Plan for air quality for the provision of pedestrian and bicycle facilities

4. Functional Plan compliance as Screening Criteria for Transportation Priorities funding

At their March 3rd meeting, MTAC reviewed the policy update for the 2006-09 Metropolitan Transportation Improvement Program (MTIP) and Transportation Priorities funding allocation process. Several committee members suggested the policy bodies consider adding compliance with the Metro functional plan as a screening criteria of eligibility to apply for Transportation Priorities funding. This would provide an incentive for local jurisdictions to complete the planning work necessary to comply with the regional functional plan and ensure that regional transportation funding is more closely linked to local implementation of regional growth management policies.

TPAC recommends that the following language be added to the MTIP policy report and Transportation Priorities application.

The applicant jurisdiction is in compliance with the Metro functional plan or has received an extension to complete compliance planning activities. If the applicant jurisdiction is not in

compliance or has not received an extension, it must provide documentation of good faith effort in making progress toward accomplishment of its compliance work program. The work program documentation must be approved by the governing body of the applicant jurisdiction at a meeting open to the public and submitted to Metro prior to the release of the draft technical evaluation of project applications by Metro staff.

5. Relationship of street connectivity to the technical evaluation of Road Modernization ranking category

Currently, congestion relief, cost-effectiveness of providing congestion relief, safety and 2040 land-use impacts are the four evaluation criteria for road modernization projects. Metro has adopted as part of the region's Congestion Management System policies standards for providing street connectivity prior to adding capacity to existing roads. However, the Transportation Priorities technical evaluation does not provide any technical evaluation of whether or how road capacity projects address the street connectivity standards.

Implementation of Title 6 of the Metro Functional Plan, however, provides that local development codes will provide for increased local street connectivity to the regional system over time as development occurs. Ensuring compliance with Title 6 of the Metro functional plan by applicant agencies, as recommended in item 4 above, addresses a large portion of meeting street connectivity requirements through requiring local street connections to the regional street system as development occurs. There are components of the regional system that are not yet built, however, that could also increase the overall connectivity of the street network.

Following are options considered by TPAC of how this policy direction could be implemented within the Transportation Priorities policies and process. Recommended actions are highlighted in bold.

Options:

- a. No change to the existing road modernization evaluation criteria.
- b. Add street connectivity as an evaluation criteria to the road capacity category.
- c. **Direct the MTIP Subcommittee and TPAC to evaluate whether a bonus point system for road capacity projects can be developed that adequately defines a methodology to reward a project that increases street connectivity.**
- d. **Clarify in the application that collector projects defined as a part of the regional transportation system are eligible projects for Transportation Priorities funding and if contributing to increased street connectivity are encouraged for application.**

6. Direction on Intelligent Transportation Systems (ITS)

While this category of projects has received several allocations of regional funding in the past, the Transportation Priorities process did not provide any funding for ITS in 2006-07. This is an eligible CMAQ activity and means of increasing the efficiency of existing road infrastructure. An ITS subcommittee of TPAC is in the process of being created to formally organize implementation of these technologies on a regional scale. Currently, there is no policy direction within the Transportation Priorities program regarding ITS. It has been technically ranked with road capacity projects.

Following are options considered by TPAC of how this policy direction could be implemented within the Transportation Priorities policies and process. Recommended actions are highlighted in bold.

Options:

- a. **No changes this round – charge ITS subcommittee to develop recommendations for 2008-2011 Transportation Priorities process. The recommendation should address the positive and negative aspects of ranking ITS projects with road capacity projects and as a separate ranking category. The subcommittee could also recommend changes to the road capacity technical ranking criteria if ITS projects remain within that ranking category.**
- b. Create a separate technical evaluation category for ITS projects. (Note: the addition of bonus points for street connectivity and the existing bonus points for the inclusion of green street design elements for road capacity projects would penalize ITS projects if left in the road capacity ranking category, unless other adjustments are made.)
- c. If other policy limits (such as the limit on the total cost of road capacity projects for which each coordinating committee may apply) are placed on road projects, exempt ITS projects.
- d. **Have the ITS subcommittee review and comment on the technical rankings of the 2006-09 Transportation Priority ITS candidate applications.**

7. Regionally Significant Industrial Lands

The Regional Transportation Plan has been amended to recognize regionally significant industrial lands as a Tier I 2040 land-use priority over other industrial lands subsequent to the policy update of the 2004-07 Transportation Priorities process.

TPAC recommends the technical scoring for freight and road projects be updated to award more points to projects that serve regionally significant industrial lands as a Tier I priority and other industrial lands as a Tier II priority to be consistent with the update to the Regional Transportation Plan.

8. ODOT applications to supplement STIP projects

In an effort to improve the delivery of transportation services in the region and coordination between ODOT and regional/local policy objectives, ODOT and Metro staff have discussed the possibility of early notification of ODOT preservation projects to allow for application for regional flexible funds, supplemental ODOT funds, and local funds to address missing or substandard facilities for pedestrians and/or bicycles as a part of the preservation project.

TPAC recommends that ODOT staff work with local agency partners to consider joint local, regional or supplemental state funding for missing elements of pedestrian and bicycle facilities along state facilities proposed for pavement preservation work in the 2006-09 STIP. This may result in ODOT application for Transportation Priority funds to provide for these improvements. Requests for local or regional funds should be made in context of coordination with the STIP to fully disclose need for additional funds for state projects and to understand the potential impacts to preservation project schedules and other state transportation programs within the region.

9. Green Streets

- Green Trails

The Metro Parks and Greenspaces Department has recently published a best practices guidebook on the construction of trails and multi-use paths in an environmentally sensitive manner.

Following are options considered by TPAC of how this policy direction could be implemented within the Transportation Priorities policies and process. Recommended actions are highlighted in **bold**.

Options:

- a. Require all multi-use paths funded through Transportation Priorities be constructed consistent with the design guidelines of the Green Trail handbook.
- b. Require all multi-use paths funded through Transportation Priorities consider the design guidelines of the Green Trail handbook during project development.
- c. **Award technical bonus points for projects that commit to meeting particular design elements of the Green Trail handbook as identified by TPAC.**

- Use of Recycled Materials in Transportation Projects

After the application process for the 2004-07 Transportation Priorities process had begun, program staff received a request from Metro Solid Waste and Recycling staff for inclusion of recycled materials for projects funded by the Transportation Priorities program. This is an effort to address a Federal Highway Administration (FHWA) directive to consider using recycled materials on transportation projects and to increase the market for recycled materials.

Following are options considered by TPAC of how this policy direction could be implemented within the Transportation Priorities policies and process. Recommended actions are highlighted in **bold**.

Options:

- a. **Incorporate educational statement in Transportation Priorities and MTIP supporting FHWA directive that when selecting materials for transportation projects, recycled materials should be considered first.**
- b. Award bonus points for commitment to certain level of use of recycled materials in road and multi-use path projects as identified by TPAC.
- c. **Assign the MTIP Subcommittee and TPAC to work with professional experts in this field to study this issue and develop recommendations on how to further address it in the 2008-11 Transportation Priorities process.**

- Wildlife Crossings

The Transportation Planning section was a project client for a Portland State University urban planning masters program effort to develop a supplemental best practices guidebook to constructing wildlife crossings into transportation facilities.

TPAC did not recommend any changes to the 2006-09 Transportation Priorities policies or process to address wildlife crossings described below as it was informed that Metro intended to submit an application to further study this issue with technical staff from across the region and develop a regionally recognized best practices guidebook and potential regional policy amendments.

Options:

- a. Award bonus points for commitment to create a wildlife crossing within a road project demonstrated to be in a wildlife crossing location.
- b. List as a specific qualitative criteria for consideration and allow deduction of cost of wildlife crossing elements from the cost-effectiveness calculation.

ANALYSIS/INFORMATION

1. **Known Opposition:** Staff of the City of Cornelius has expressed concern that the proposed amendment to add compliance with the Metro functional plan as an eligibility screen for Transportation Priorities funds might be a costly obstacle for smaller communities. It was expressed that smaller communities already have a difficult time competing with the bigger and more singular focused projects of bigger jurisdictions.

City of Forest Grove staff has expressed concern that proposed changes to emphasize funding bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs would have a negative effect on a small jurisdictions ability to complete their local priority projects.

2. **Legal Antecedents:** Federal planning regulations designate JPACT and the Metro Council as the Portland Area Metropolitan Planning Organization responsible for allocating federal highway and transit funds to projects in the metropolitan area. Preparation of an MTIP is the means prescribed for doing this. JPACT and the Metro Council have adopted a policy direction for the Transportation Priorities 2004-07 allocation process and MTIP update through Metro Resolution No. 02-3206. This Resolution updates that policy direction for the Transportation Priorities 2006-09 allocation process and MTIP update by amending the policy report as shown in Exhibit A. Projects approved for inclusion in the MTIP must come from a conforming, financially constrained transportation plan. The 2004 RTP is the current conforming plan.
3. **Anticipated Effects:** Adoption of this resolution will provide policy guidance to the process of allocating regional flexible transportation funds. This new policy guidance will refine how Metro staff solicits projects for funding, how project applications will be technically ranked for policy implementation, the public outreach and decision making process to select projects for funding and the ability to analyze and provide public information concerning the effectiveness of the MTIP program in addressing program policies.
4. **Budget Impacts:** none.

RECOMMENDED ACTION

Metro Council approve Resolution No. 04-3431.

TL: RC

Agenda Item Number 5.4

Resolution No. 04-3435, For the Purpose of Council Approval of the Trolley Trail Master Plan.

**Metro Council Meeting
Thursday, March 18, 2004
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF COUNCIL APPROVAL) RESOLUTION NO. 04-3435
OF THE TROLLEY TRAIL MASTER PLAN)
) Introduced by Michael Jordan, Chief
) Operation Officer, with the concurrence of
) David Bragdon, Metro Council President

WHEREAS, in July, 1992, Metro Council adopted by Resolution No. 92-1637 the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, the former Portland Traction Co. streetcar line (Trolley Trail Corridor) was identified as a regionally significant trail by the Metro Greenspaces Master Plan; and

WHEREAS, in May 1995 the Metro electors approved ballot measure 26-26, authorizing Metro to issue \$135.6 million for bonds for Open Spaces, Parks and Streams (the "Bond Measure") and providing that \$25 million from bond proceeds be used by local park providers to buy and make capital improvements on land for local open spaces and trails; and

WHEREAS, North Clackamas Parks and Recreation District (NCPRD) is a local parks provider and recipient of a "Local Share" portion of the bond proceeds, as set forth in Metro-NCPRD Intergovernmental Agreement Open Spaces Bond Measure Local Share Component, Contract No. 904589 (Local Share IGA), as amended and extended through December 31, 2002; and

WHEREAS, the Local Share IGA lists NCPRD's approved local share projects, including acquisition of the Trolley Trail Corridor; and

WHEREAS, the Local Share IGA specifies that capital improvement costs eligible for reimbursement out of the local share portion of the Bond Measure proceeds include any "cost incurred to place the asset in its intended location and condition of use"; and

WHEREAS, Metro and NCPRD entered into an IGA (#923742) (Exhibit A), whereby Metro agreed to manage a contract with independent consultants to perform master planning services for the Trolley Trail Corridor; and

WHEREAS, Metro retained Alta Planning + Design consultants to perform master planning services for the Trolley Trail Corridor in July 2002; and

WHEREAS, the highlights of the draft master plan were presented to Metro Council in July 2003 in an informal session; and

WHEREAS, the Trolley Trail Master Plan has been successfully completed and meets the intent of the IGA between Metro and NCPRD; and

WHEREAS, on February 12th, 2004 NCPRD Advisory Board forwarded their unanimous recommendation for approval of the Trolley Trail Master Plan to the Clackamas County Board of Commissioners; and

WHEREAS, on February 24, 2004 in a worksession of the Clackamas County Board of Commissioners the Trolley Trail Master Plan was considered, discussed favorably and will be voted on by the Board of Commissioners on March 11, 2004; now therefore

BE IT RESOLVED that the Metro Council hereby approves the Trolley Trail Master Plan as approved by the NCPRD Advisory Board and appended hereto as Exhibit B.

ADOPTED by the Metro Council this _____ day of _____, 2004

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

**Exhibit A
to Resolution No. 04-3435**

INTERGOVERNMENTAL AGREEMENT

**Regarding Land Acquisition, Planning and Management Services
for the Trolley Trail**

This Intergovernmental Agreement ("Agreement") is by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland, Oregon, 97232-2736 ("Metro"), and the North Clackamas Parks and Recreation District, located at 11022 SE 37th Avenue, Milwaukie, Oregon 97222 ("NCPRD").

RECITALS:

WHEREAS, in May 1995 the Metro electors approved ballot measure 26-26, authorizing Metro to issue \$135.6 million for bonds for Open Spaces, Parks, Trails and Streams (the "Bond Measure"), and providing that \$25 million from bond proceeds be used by local parks providers "to buy and make capital improvements on land for local open spaces and trails," and "to pay administrative costs associated with (said) land acquisition and capital improvements."

WHEREAS, NCPRD is a local parks provider and recipient of a "local share" portion of the bond proceeds, as set forth in the Metro-NCPRD Intergovernmental Agreement Open Spaces Bond Measure Local Share Component, Contract No. 904589 ("Local Share IGA"), as amended and extended through December 31, 2002; and

WHEREAS, Attachment "A" to the Local Share IGA lists NCPRD's approved local share projects, including acquisition of the former Portland Traction Company streetcar line now owned by Union Pacific Railroad ("UP") ("Trolley Trail Corridor" or "Portland Traction Line Project" or the "Property"); and

WHEREAS, Attachment "B" to the Local Share IGA specifies that capital improvement costs eligible for reimbursement out of the local share portion of the Bond Measure proceeds include any "cost incurred to place the asset in its intended location and condition for use"; and

WHEREAS, NCPRD does not currently have the staff to continue or conduct the negotiation, research, investigation, analyses, acquisition, post-acquisition stabilization and master planning of the Trolley Trail Corridor; and NCPRD has requested that Metro provide these services for NCPRD; and

WHEREAS, Metro may agree to accept full responsibility for and be given authority to carry out any or all projects described in the Local Share IGA, taking title to any property purchased with local share funds in Metro's name, as long as Metro's ownership and use of said property remains consistent with the Bond Measure and Metro's Greenspaces Master Plan.

WHEREAS, at NCPRD's request, and due to the exigencies of the negotiations with Union Pacific Railroad, Metro has conducted and completed negotiations and due diligence activities with UP, executing an Agreement of Purchase and Sale with the railroad dated October 16, 2001 for the acquisition of the Trolley Trail Corridor, as set forth as Exhibit A and incorporated herein, and closing said acquisition on December 19, 2001, as authorized by Metro Council Resolution No. 01-3142; and

WHEREAS, NCPRD wishes to agree herein to reimburse Metro for costs associated with acquiring the Trolley Trail Corridor, limited to the purchase price, closing costs, fees paid by Metro to

independent consultants to perform due diligence prior to closing, a post-closing boundary survey, fees to be paid by Metro to an independent consultant to perform the Trolley Trail Master Plan, and post-acquisition stabilization costs, and to amend the Local Share IGA to provide for Metro ownership of the Property until Trolley Trail construction is complete; and

WHEREAS, NCPRD wishes to fund such reimbursements to Metro out of and in an amount no greater than NCPRD's remaining Local Share Portland Traction Line Project allocation, less a \$50,000.00 reserve held for the acquisition of Tax Lot 02400, Township 2 South, Range 1 East, Section 13A, Clackamas County, Oregon (the "Naef Acquisition"), as set forth herein;

NOW, THEREFORE, the parties agree as follows:

Land Acquisition Services. Metro and its agents and contractors shall conduct all negotiations, research, investigation, and analyses related to the acquisition of the Property, including but not limited to negotiations with the property owner, adjacent or neighboring land owners, title review, environmental review, research, negotiation and preparation of documents and contracts, and any and all other due diligence and other work and investigations that Metro may choose. The services provided by Metro may, at Metro's discretion, also include addressing any post-Closing issues that may arise, including the processing and response of requests for easements and rights-of-way through, under and over the Property in accordance with Metro Council Resolution 97-2539B. These pre-and post-acquisition and ownership activities shall be referred to herein as "Land Acquisition Services." The scope of all Land Acquisition Services shall be at Metro's discretion but shall comply generally with the Bond Measure, the Metro Greenspaces Master Plan, and the land acquisition, stabilization, and real estate procedures governing the Metro Open Spaces Acquisition program. Metro shall conduct the pre-and post-Closing Land Acquisition Services using Metro staff, Metro legal counsel, and independent consultants and contractors of Metro's choosing. NCPRD shall reimburse Metro for the costs of said Land Acquisition Services, subject to the limits set forth below. At Metro's discretion, Metro may defend via litigation public ownership of the Property, including reversionary claimants and other issues and disputes regarding the Trolley Trail Project, whether initiated by Metro or by third parties. If Metro so chooses, the parties hereto shall cooperate to seek mutual agreement on reimbursement for said litigation costs and expenses, including court costs, legal fees, expert fees and any costs associated with settlement, assuming available funds, subject to the limits set forth below.

2. Boundary Survey Services. Metro shall conduct a competitive contractor selection process to choose a qualified consultant to perform a boundary survey of the Property. One (1) NCPRD representative shall be on the three (3)-person selection committee. Metro shall manage the Boundary Survey contract with said consultant in consultation with NCPRD. Metro and NCPRD have identified an initial proposed budget of no more than \$80,000.00 for said boundary survey. NCPRD shall reimburse Metro for the costs of said boundary survey, subject to the limits set forth below.
3. Master Planning Services. Metro conducted a competitive contractor selection process, which has resulted in the tentative selection of a consultant to perform the Trolley Trail Master Plan for the sum of \$50,000.00. Metro shall manage the Master Planning process and the contract with said consultant in consultation with NCPRD (hereafter, Master Planning Services") and NCPRD shall at all times continue to be an active participant in the development of the Trolley Trail Master Plan. The scope of all Metro-provided Master Planning Services shall be at Metro's discretion and shall comply generally with Metro Regional Parks and Greenspaces Planning and Education Division procedures, unless Metro and NCPRD specifically agree in writing otherwise. NCPRD shall reimburse Metro for the consultant fees to perform the Trolley Trail Master Plan, subject to the limits set forth below.

4. **Stabilization Services.** Metro has conducted post-acquisition Stabilization Services on the Property, including access control measures and excavation and backfill. Metro may at its sole discretion, continue to do so through the term of this Agreement, subject to the limitations of the Bond Measure, the Metro Greenspaces Master Plan, and the land acquisition, stabilization, and real estate procedures governing the Metro Open Spaces Acquisition program. NCPRD shall reimburse Metro for the costs of said Stabilization Services, subject to the limits set forth below.

5. **Reimbursement.** Reimbursements shall be made retroactive to the date that Metro, at NCPRD's request, began such work for NCPRD on the Trolley Trail Corridor, which was March 1, 2001. Metro shall be reimbursed from the NCPRD Local Share Portland Traction Line Project allocation, in accordance with the procedure and dollar limits set forth in section 6 below, for the following costs and expenses:

- 5. Land Acquisition Services
 - Purchase Price (closed Dec. 2001): \$250,000.00
 - Escrow and Closing Costs, including pro-rated taxes and fees: \$681.00
 - Updated Phase I Environmental Assessment: \$4,990.00
 - Charles Montagne – Trail Consultant: \$605.00

- 5.2. Boundary Survey Services (to be done)
 - Boundary Survey budget: \$80,000.00

- 5.3 Master Planning Services (to be done)
 - Trolley Trail Master Plan: \$50,000.00
 - Student Reimbursement: \$1,000.00

- 5.4 Stabilization Services (to be done)
 - Out of pocket costs, not to exceed: \$10,000.00

- 5.5 Boundary Survey and Master Plan Contract Amendments
 - Metro shall be reimbursed for contract amendments increasing the Boundary Survey budget and Master Plan contract amounts, assuming available funds, upon the mutual agreement of the Metro and NCPRD, as evidenced by letter agreement.

- 5.6 Title Defense
 - Metro shall be reimbursed for Metro's costs to defend via litigation its ownership or other issues and disputes regarding the Trolley Trail Corridor litigation costs and expenses, including court costs, legal fees, expert fees and any costs associated with settlement, assuming available funds, upon the mutual agreement of the Metro and NCPRD, as evidenced by letter agreement.

6. **Reimbursement Method/Draw from NCPRD Local Share Project Allocation.**

6. NCPRD shall reimburse Metro in the following manner: Reimbursements shall be drawn from the NCPRD Local Share Portland Traction Line Project allocation, Metro Code # 53370 which Metro administers pursuant to the Local Share IGA and the Bond Measure. This Local Share project allocation has a current balance of approximately \$461,152, as of the date hereof. Accounting for NCPRD's reservation of funds for the Naef Acquisition in the amount of \$50,000.00, as set forth above, \$411,152 is available for reimbursement hereunder. If NCPRD is unable to complete the Naef Acquisition or execute a binding agreement, the \$50,000.00

reserved therefore shall be available for reimbursement to Metro hereunder. When requesting reimbursement from the NCPRD Local Share allocation for this project, Metro shall prepare and sign a "Requisition Certificate" and shall attach all necessary proofs of expenditure, as required for all reimbursements under the Local Share program or as determined by the program administrator or its financial officer. The Requisition Certificate shall be approved by the Metro Regional Parks and Greenspaces Department Director. Upon this approval, the expenditures will be recorded against the NCPRD Local Share allocation for this project. A complete copy of the Requisition Certificate and attached proof of expenditure shall be forwarded to NCPRD within two (2) weeks of the expenditure being recorded. Metro shall provide NCPRD with informal financial reports, periodically or at NCPRD request, regarding requests for reimbursement for this Local Share project.

- 6.2. During the term of this Agreement, with the exception of the \$50,000.00 reserved for the Naef Acquisition, NCPRD shall make no draws, reductions, requests for expenditure, or requisition requests from or against the Local Share Portland Traction Line Project allocation budget, and all amounts in such allocation budget shall be for Metro's use under the terms of this Agreement. Upon completion of all activities related to the acquisition of the Trolley Trail Corridor and resolution of all potential post-Closing issues and activities as jointly determined in writing by Metro and NCPRD, any funds left unexpended shall be available for re-allocation by NCPRD per the process set forth in the Local Share IGA.
- 6.3. Unless agreed to by formal amendment to this Agreement, the cost to NCPRD of all services provided by Metro through this Agreement shall not exceed \$411,152, or \$461,152 if the Naef Acquisition is not completed and that money is dedicated to the services provided by this Agreement.
7. Routine Maintenance of Trail. As of July 1, 2002, NCPRD shall be responsible for routine maintenance of the Property. Such activities shall include, but not be limited to, maintenance, removal of debris, and security. Notwithstanding the above, Metro may perform stabilization activities on the Property after July 1, 2002, if Metro deems it to be necessary.
8. Termination of Agreement.
 8. Expiration of Agreement. Metro's agreement to provide the Services set forth above and NCPRD's agreement to reimburse Metro for said Services as set forth herein shall expire on December 31, 2003, unless mutually extended in writing by both parties
 - 8.2 Joint Termination by Mutual Agreement. Metro and NCPRD may jointly terminate all or part of this Agreement at any time. Termination under this provision shall be effective upon ten (10) days written notice of termination executed by both parties.
 - 8.3 Termination for Cause. Metro or NCPRD may unilaterally terminate this Agreement in the event of a breach of the Agreement by the other party. Prior to such termination, however, the party seeking the termination shall provide the other party written notice detailing the breach and of the party's intent to terminate if the breach is not cured within thirty (30) days. If the breaching party has not cured the breach within thirty (30) days of said notice, then the party providing the notice may terminate this Agreement at any time thereafter by giving written notice of its termination.
 - 8.4 Payment/Reimbursement After Termination. Notwithstanding any termination of this Agreement, Metro and its contractors, agents, or others shall be entitled to receive payments

and/or reimbursements for any work completed or for which Metro or its contractors are contractually or legally obligated, where such work or legal/contractual obligation occurred prior to the effective date of the termination.

9. Coordination of Public Statements. NCPRD and Metro shall coordinate their joint and independent public statements about the Trolley Trail Corridor project. All written statements and communications concerning the project shall be provided to both parties for review and approval no less than five (5) business days prior to the statement's release, or, if in case of emergency, no less than 48 hours prior to release.
10. Notices. All notices or other communications required or permitted under this Agreement shall be in writing, and shall be personally delivered (including by means of professional messenger service) or sent both by fax and regular mail as follows:

To Metro: Metro
Charles Ciecko
Director, Metro Regional Parks and Greenspaces
600 NE Grand Avenue
Portland, OR 97232-2736

To NCPRD: Mike Henley
Director
North Clackamas Parks and Recreation District
11022 SE 37th Avenue
Milwaukie, OR 97222

Entire Agreement. This Agreement constitutes the entire agreement between the parties regarding the subject matter set forth herein and supersedes any prior oral or written agreements or representations relating to this Property. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given.

Attachments:
Exhibit A - Agreement of Purchase and Sale with Union Pacific Railroad

IN WITNESS WHEREOF, the parties hereto have set their hands on the day and year set forth above.

NORTH CLACKAMAS PARKS
AND RECREATION DISTRICT

By: Candice Saha
Title: Chair
Date: 2/19/07

METRO

By: Mike Burton
Mike Burton
Metro Executive Officer
Date: _____

**AMENDMENT NO. 1
CONTRACT NO. 923742**

This Agreement hereby amends the above titled contract between Metro, a metropolitan service district, and North Clackamas Parks and Recreation District, 11022 SE 37th Street, Milwaukie, OR 97222, hereinafter referred to as "Contractor."

This amendment is a change order to the original Scope of Work as follows:

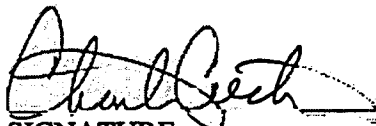
To extend the expiry to 12/31/04.

Except for the above, all other conditions and covenants remain in full force and effect.

In Witness to the above, the following duly authorized representatives of the parties referenced have executed this agreement:

North Clackamas Parks
And Recreation District

Metro


SIGNATURE
Charles Ciecko
NAME
Director
TITLE
10/22/03
DATE

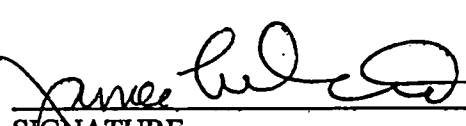
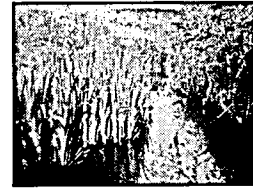

SIGNATURE
James Desmond
NAME
Director of Regional Parks and Greenspaces
TITLE
OCT 13 2003
DATE

Exhibit B to Resolution 04-3435
Too large to copy. May be found
on Metro website.

TROLLEY TRAIL MASTER PLAN

MILWAUKIE TO GLADSTONE, OREGON



January 2004



METRO
PEOPLE PLACES
OPEN SPACES

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO.04-3435 FOR THE PURPOSE OF COUNCIL APPROVAL OF THE TROLLEY TRAIL MASTER PLAN

Date: March 1, 2004

Prepared by: Jane Hart

BACKGROUND

The Trolley Trail Corridor is approximately 6 miles long and 40' wide and runs along the historic Portland Traction Co. streetcar line between Milwaukee and Gladstone. Metro Council Resolution No. 01-3142 ("For the Purpose of Authorizing the Executive Officer to Purchase the Portland Traction Company's Former Railway Corridor From the Union Pacific Railroad") authorized Metro (on behalf of NCPRD) to negotiate and execute an Agreement of Purchase and Sale for the Trolley Trail Corridor, which was completed in December 2001. Metro holds the property title to the corridor and NCPRD manages the unimproved land within the corridor.

In September of 2002 Metro entered into an Intergovernmental Agreement with North Clackamas Parks and Recreation District (NCPRD) for activities related to the Trolley Trail Corridor, including but not limited to Metro's management of independent consultants to conduct master planning services for the Trolley Trail. Item 3 of the IGA states that:

1. Metro, in consultation with NCPRD, shall manage the Master Planning process, including managing a contract with an outside consultant for master planning services in consultation with NCPRD.
2. NCPRD shall be an active participant at all times in the development of the Trolley Trail Master Plan.
3. The scope of all Metro-provided master planning services shall be at Metro's discretion and shall comply generally with Metro Regional Parks and Greenspaces Planning and Education Division procedures.
4. NCPRD shall reimburse Metro for the consultant fees to perform the Trolley Trail Master Plan.

Metro, in partnership with NCPRD, began work on the Trolley Trail Master Plan in June 2002. A professional planning firm, Alta Planning + Design, was retained to perform the master planning services. The final draft of the Master Plan represents the culmination of an 18-month master planning process and includes the final recommendations of a 14-member project working group. During the process, over 15 different groups lent their support and provided input to the project including the cities of Milwaukie, Gladstone, and Oregon City; Clackamas County (Dept. of Trans. and the Sheriff's Office); Oak Lodge Sanitary and Water Districts; the Friends of the Trolley Trail, and other neighborhood associations and civic clubs. Additionally, many neighbors, businesses and individuals participated in the master planning process by attending public open houses, trail tours, working group and community meetings; visiting the project website; and by writing letters and e-mails. In all, approximately 40 meetings were held with the public during the planning process. A Trolley Trail Public Involvement notebook contains all of the meeting notices; meeting minutes; letters and emails; and other public information collected throughout the planning process.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to the Trolley Trail Master Plan. During the project working group meetings, public open houses and meetings with neighbors, concerns and issues were raised related to the trail design, development and long term operation. These issues include public safety, aesthetic appearance of the trail, location and width of the trail, equestrian use, and trail maintenance. The public feedback received was useful and much of it has been incorporated into the master plan recommendations. Given the conceptual nature of the master plan, some design issues require further analysis which will occur during the design and engineering phases of the project. Additional public involvement will be important at that time to be sure that the concerns of neighbors can be addressed to the best degree possible in the final trail design.

2. Legal Antecedents

Metro Council resolution No. 01-3142 authorized Metro (on behalf of NCPRD) to execute a Purchase and Sales Agreement with the Union Pacific Railroad for the Trolley Trail Corridor. Subsequently, Metro and NCPRD entered into an Intergovernmental Agreement (No. 923742, as amended on October 22, 2004) regarding Metro management of the Trolley Trail master planning process. The IGA requires that Metro manage the contract with an independent consultant and get reimbursed by NCPRD for fees paid to the consultant for the master planning services. The IGA also requires that NCPRD and Metro work in close partnership throughout the master planning process.

3. Anticipated Effects

The future Trolley Trail will stretch from the Jefferson Street Boat Ramp in Milwaukie to Glen Echo Avenue in Gladstone. When completed, the approximately six mile long trail will connect with existing bike lanes in Milwaukie and Gladstone and complete a 20 mile trail loop in the regional trail system linking the cities of Milwaukie, Gladstone, Oregon City, Portland, and Gresham.

The Trolley Trail Master Plan provides a conceptual vision of the future trail and will help guide the development of the project. The plan identifies opportunities and constraints to development and provides recommendations on the alignment of the trail, design features (including surface materials and trail width), estimated costs of development and maintenance, security considerations, and trail amenities (e.g., benches, water fountains, art, etc.).

Specifically the master plan recommends that the trail:

- Follow the original Portland Traction Co. right of way.
- Include a 10-foot wide (minimum) to 12-foot wide (optimum) hard surface (concrete or asphalt) with 2 to 6 foot wide soft surface shoulders (gravel or rock "fines"). The preferred trail width is 12 feet; in some areas the trail will need to constrict to 10 feet to accommodate design challenges. The shoulders should be built and maintained to provide a useable soft surface for runners and walkers.
- Be accessible to people of all abilities and open to a multitude of non-motorized users (e.g. walkers, runners, bicyclers, roller blades, etc.)
- Provide connections to schools, parks, retirement communities, businesses and public transit.
- Include trail amenities such as signage, benches and garbage cans.
- Be designed to blend with the character of the surrounding environment and neighborhood.

- Be designed in an environmentally sensitive manner that protects native vegetation and plantings, enhances existing wetlands and helps improve drainage.
- Ensure the safety of users and neighbors through thoughtful safety and security measures (e.g., lighting at select locations, intersection improvements and creation of a trail watch program in partnership with the Clackamas County Sheriff's Office).
- Include public art designed by local artists with community input.
- Provide interpretive signage that reflects the cultural and natural history of the trail corridor.
- Include volunteer and community trail projects and events that will involve citizens in the long-term maintenance of the trail.

4. Budget Impacts

The development of the Trolley Trail project has been divided into eight segments running north to south (see page 13 of the master plan for a description of each segment). The total cost to design and construct the eight segments is estimated at \$3.6 million. NCPRD has been awarded approximately \$844,000 in federal transportation funding to help cover the cost of the preliminary engineering/design (PE) of the entire trail and construction of three of the eight segments (i.e., Phase 1). Additionally, Metro has approved the transfer of approximately \$278,000 in federal funds from another infeasible trail project to the Trolley Trail project. NCPRD will be contributing approximately \$205,000 in park system development charges as a match to these funds. This brings the total available budget for the PE and construction of Phase 1 to approximately \$1,327,000.

NCPRD will be responsible for the management and maintenance of the constructed trail. The estimated yearly cost to maintain the Trolley Trail is \$38,500. Currently, NCPRD minimally maintains the unimproved right of way with the assistance of Metro (pursuant to previously mentioned IGA) and the Friends of the Trolley Trail (Friends group) a group of private citizens that supports and actively promotes the trail. NCPRD looks forward to continuing a close working relationship with the Friends group and other groups to help maintain the trail in the long term.

Phase 1 of the Trolley Trail extends from the Jefferson Street Boat Ramp south to Courtney Road. NCPRD tentatively anticipates starting the PE in fall or winter of 2004 and subsequently the construction of Phase 1 in 2006.

RECOMMENDED ACTION

Michael J. Jordan, Chief Operating Officer, with the concurrence of David Bragdon, Metro Council President, recommends approval of Resolution No. 04-3435.

MINUTES OF THE METRO COUNCIL MEETING

Thursday, March 11, 2004
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Rod Monroe, Rex Burkholder, Carl Hosticka, Rod Park

Councilors Absent: Brian Newman (excused)

Council President Bragdon convened the Regular Council Meeting at 2:03 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the March 4, 2004 Regular Council Meetings.

Motion:

Councilor Hosticka moved to adopt the meeting minutes of the March 4, 2004, Regular Metro Council.
--

Vote:

Councilors Burkholder, McLain, Monroe, Park, Hosticka, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 04-1037**, For the Purpose of Amending Metro Code Chapter 7.01 to Repeal the Sunset Date for Additional Excise Tax Dedicated to Regional Parks and Greenspaces Programs.

Council President Bragdon assigned Ordinance No. 04-1037 to Council.

4.2 **Ordinance No. 04-1043**, For the Purpose of Amending Metro Code Chapter 5.03 to Amend License and Franchise Fees; and Making Related Changes to Metro Code Chapter 5.01.

Council President Bragdon assigned Ordinance No. 04-1043 to Council.

5. RESOLUTIONS

5.1 **Resolution No. 04-3433**, For the Purpose of Authorizing the Chief Operating Officer to Execute an Intergovernmental Agreement Regarding Maintenance and Funding for the Willamette Shoreline Right-of-Way.

Motion:	Councilor Monroe moved to adopt Resolution No. 04-3433.
Seconded:	Councilor McLain seconded the motion

Councilor Monroe explained the proposed intergovernmental agreement (IGA), making TriMet the agent of the right-of-way and Lake Oswego in charge of maintenance. He urged support. Councilor Hosticka suggested explaining Metro's role in this IGA. Councilor Monroe responded to his question. Councilor Burkholder asked about the consortium committee who would be looking at the project. He asked Sharon Kelly, Planning Department, to explain Metro's policy role. Ms. Kelley explained each participant's role in the consortium. Councilor Monroe said Congressman Blumenhauer was working hard on possible funding for the trolley.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

6. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, Chief Operating Officer, said March Madness continued. They will be in Wilsonville tonight. Starting time would begin at 3:30 p.m. He noted that he would be out of the office next Monday and Tuesday.

7. COUNCILOR COMMUNICATION

Council President Bragdon said there was also an open house in Gresham tonight as well.

Councilor McLain noted a memo from Mike Hogle and Doug Anderson concerning delaying the change to solid waste rate. She explained the solid waste industry concerns (a copy of the memo is included in the meeting record).

Councilor Park said he and Councilor Burkholder were in Washington D.C. last week to visit U.S. Congressmen concerning transportation issues. He felt that they needed to try and make these visits more valuable in order to present our case better. He felt there needed to be a better connection between land use and transportation. He said he and Andy Cotugno testified before the State legislators yesterday and presented the regional transportation needs. There was an interesting discussion on freight issues. Councilor Burkholder asked about the Bi-State efforts. Councilor Park said during their presentation Mr. Cotugno brought up the role of Metro in the Bi-State discussion.

Councilor President Bragdon said they had met earlier this week and discussed policy direction for Metropolitan Transportation Improvement Program (MTIP). He asked what happened at this morning's Joint Policy Advisory Committee on Transportation (JPACT) meeting. Councilor Monroe explained the MTIP process and that the Council wished to look at alternative modes of transportation. He noted the debate at JPACT.

8. ADJOURN

Metro Council Meeting

03/11/04

Page 3

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 2:20 p.m.

Prepared by

Chris Billington

Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 11,
2004**

Item	Topic	Doc Date	Document Description	Doc. Number
3.1	Minutes	3/4/04	Metro Council Minutes of March 4, 2004	031104c-01
7	Memo	3/11/04	To: David Bragdon and Michael Jordan From: Michael Heglund and Doug Anderson, Solid Waste and Recycling Department Re: Delay of implementation date of FY 2004-05 solid waste rates	031104c-02

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE POLICY)
DIRECTION, PROGRAM OBJECTIVES,)
PROCEDURES AND CRITERIA FOR THE)
TRANSPORTATION PRIORITIES 2006-09)
ALLOCATION PROCESS AND METROPOLITAN)
TRANSPORTATION IMPROVEMENT PROGRAM)
(MTIP).)

RESOLUTION NO. 04-3431A

Introduced by
Councilor Rod Park

WHEREAS, the Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT) are identified in federal regulations as the Portland Area Metropolitan Planning Organization responsible for the allocation of federal highway and transit funding; and

WHEREAS, federal regulations identify preparation of a metropolitan transportation improvement program (MTIP) as the means for programming of such funds; and

WHEREAS, the Transportation Priorities program is the process by which two categories of federal funds, Surface Transportation Program (STP) and Congestion Management/Air Quality (CMAQ) are allocated within the region by JPACT and the Metro Council; and

WHEREAS, new Transportation Priorities and MTIP policy direction, program development and evaluation criteria were adopted following a major outreach process prior to the previous Transportation Priorities allocation process; and

WHEREAS, several policy issues have emerged since the adoption of the previous Transportation Priorities and MTIP policy guidance; and

WHEREAS, JPACT proposes the Transportation Priorities 2006-09 and MTIP policy direction, program development and evaluation criteria will be updated as defined in Exhibit A; and

WHEREAS, further opportunity for agency and public input to the project evaluation and selection process will be provided during the fall of 2004, prior to the narrowing to a final list of projects and programs to be allocated funds; now, therefore,

BE IT RESOLVED,

- 1. The Transportation Priorities 2006-09 and MTIP policy direction, program development and evaluation criteria stated in Exhibit A are approved.

ADOPTED by the Metro Council this _____ day of _____, 2004.

David Bragdon, Council President

APPROVED AS TO FORM:

Daniel B. Cooper, Metro Attorney

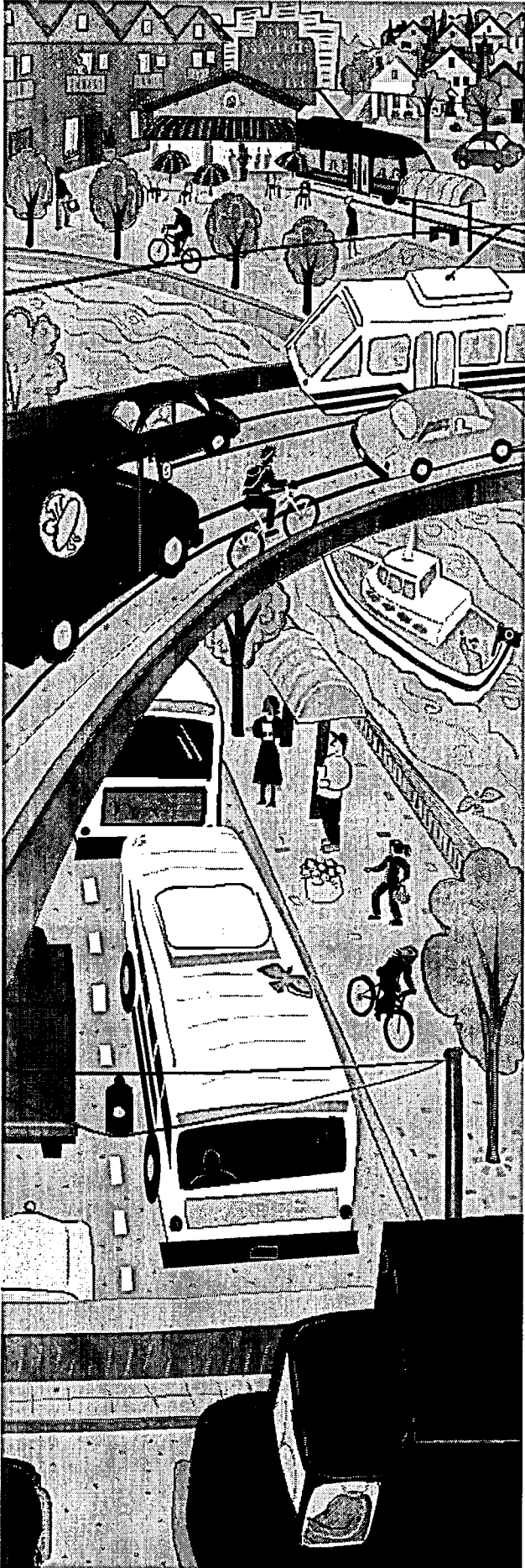


EXHIBIT "A" Res. 04-3431A

**Transportation Priorities
2006-09 Allocation Process
and Metropolitan
Transportation Improvement
Program Update**

Policy Report

March 18, 2004

*JPACT Adoption for
Consideration by Metro Council*



METRO

PEOPLE PLACES
OPEN SPACES

Regional Transportation Funding and the Transportation Priorities Program

There are several different sources of transportation funding in the region, many of which are dedicated to specific purposes or modes.

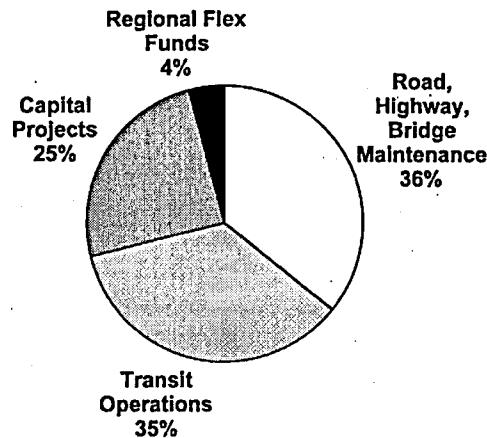
Recent data demonstrates that approximately \$425 million is spent in this region on operation and maintenance of the existing transportation system. While there are unmet needs within operations and maintenance, the relatively small potential impact that regional flexible funds would have on these needs and because there are other potential means to address these needs, JPACT and the Metro Council have adopted policy against using regional flexible funds for these purposes. Exceptions include the Transportation Demand Management (TDM) programs as they have demonstrated a high cost-effectiveness at reducing the need for capital projects, because they lack other sources of public funding to leverage private funding and because they directly benefit priority 2040 land-use areas. A second exception is expenditures on the expansion of transit service. This exception has been limited to situations where the transit provider can demonstrate the ability to fund the increased transit service in the subsequent MTIP funding cycle.

Capital spending in the region for new capital transportation projects outside of regional flexible funding is approximately \$180 million per year. This includes funding for state highways, new transit capital projects, port landside facilities and local spending.

Approximately \$26 million of regional flexible funds are spent each year in the Metro region. This funding is summarized in the following Figure 1.

Figure 1

Annual Regional Transportation Spending \$630 million



Recent acts by the state legislature have provided one-time revenue sources for transportation improvements in the region. This includes \$22 in road capacity projects in OTIA I & II, a portion of the expected \$31 million for capacity projects in OTIA III and a portion of OTIA III funds targeted for freight mobility, industrial access and job creation (\$100 million state wide). These funds directly supplement the construction of road capacity projects in the region.

Additionally, \$34 in highway capacity and \$158 million in highway, bridge and road reconstruction funding programmed to this region for expenditure by 2010. These highway funds will be supplemented by highway projects of statewide significance (\$100 million statewide), and match to OTC-requested federal earmarks (\$200 million statewide) that will be programmed to this region by Oregon Transportation Commission.

This increase in state revenue dedicated to highway and road capacity and preservation and bridge repair and reconstruction represents the first major increase in state resources in more than a decade. Prior to this increase, regional flexible funds were used to fund a number of highway capacity projects, such as the I-5/Highway 217 interchange, capacity improvements on Highway 26, the Tacoma Street over crossing of Highway 99E and the Nyberg Road interchange.

However, these allocations were made with the knowledge that no other resources were available for these improvements, and at the expense of smaller, multi-modal improvement that could have been funded with regional flexible funds, instead. A key policy issue in this MTIP update is to determine degree to which the current increase in state highway revenue argues for less emphasis on such projects with regional flexible funds. Currently, main-stem highway capacity improvements are limited under the existing MTIP policies, but there is no limit on allocation for road expansion, highway interchanges, or Preliminary Engineering for major capacity projects.

2004-07 Transportation Priorities Allocation Process and Policy Direction

The 2004-07 Transportation Priorities process began with the adoption of the following program policy direction.

The primary policy objective for the MTIP program and the allocation of region flexible transportation funds is to:

- Leverage economic development in priority 2040 land-use areas through investment to support
 - centers
 - industrial areas and
 - UGB expansion areas with completed concept plans

Other policy objectives include:

- Emphasize modes that do not have other sources of dedicated revenues
- Complete gaps in modal systems
- Develop a multi-modal transportation system

An application process was adopted to implement this policy direction. It included retaining a technical rating of 2040 land use criteria and creating a monetary incentive to applying agencies to nominate projects that best leverage development of 2040 priority land-use areas. While further advancing the program objectives, this option retained flexibility to fund projects that do not directly benefit a regional priority land-use area but that are deemed to be important and effective transportation projects due to other considerations.

This process was referred to as the Region 2040 Match Advantage and is summarized as follows:

- A. Projects that highly benefit:
 - i. Centers, main streets, and station communities
 - ii. Industrial areas and inter-modal facilities

- iii. UGB concept plan areas are eligible for up to 89.73% match of regional funds.
- B. Planning, TOD, TDM and Green Street Demonstration projects are also eligible for up to an 89.73% match of regional funds.
- C. Projects determined to not provide a direct, significant benefit to a priority land-use area would be eligible for up to a 70% match of regional funds.
- D. No funding for operations or maintenance, except for TDM programs and start-up transit operations that demonstrate capacity for future operation funds to replace regional flexible funds by the next MTIP funding cycle.
- E. The technical measures of the 2040 land use criteria have been modified and the method for determining which projects qualify for a regional match of up to 89.73% were developed using lessons learned from current centers and industrial lands research and the Pleasant Valley concept plan and implementation study. Technical measures attempt to rate the direct benefit (or negative effect) of a project to the priority land-use area, not simply assess whether a project is located in or near the priority area.

Additionally, a smaller cost target to limit the number of applications submitted to Metro through the Coordinating Committee process was adopted. The cost target was reduced from 200% of a potential share of funds based on rough geographic equity of fund distribution to 150%. Initially, this was considered as a means that could allow elimination of a step in the allocation process that screens the project list down to a First Cut list. However, the two-step screening process was retained.

Screening and Evaluation Criteria

Screening and evaluation criteria were reviewed and direction adopted for the 2004-07 Transportation Priorities program.

Screening Criteria for all projects

- Highway, road and boulevard projects must be consistent with regional street design guidelines
- Project designs must be consistent with the Functional Classification System of the 2000 RTP
- Project on RTP Financially Constrained list
- Project has received support of governing body at a public meeting as a local priority for regional flexible funding. Adoption of a resolution at a public meeting would qualify as receiving support of the governing body. Documentation of such support would need to be provided prior to release of a technical evaluation of any project.
- Statement that project is deliverable within funding time frame and brief summary of anticipated project development schedule

Evaluation Criteria

1. 2040 Criteria

Review the work of the current centers research and industrial lands studies to clarify how transportation funding can most effectively leverage successful development of these priority

land-use areas. This includes developing methods to distinguish between the readiness of different mixed-use areas and industrial areas to develop and methods to evaluate and measure the positive and negative impacts of a project or program on leveraging development of a priority land use area other than simply the location of the facility. Applications were scored on how the project contributes to the most critical objectives a center plan or industrial area needs to achieve to become a successful area in terms of 2040 development objectives and to describe what actions the local jurisdiction is taking to address its most critical needs.

2. Multi-modal Road Projects

The provision of pedestrian and bicycle improvements within priority 2040 priority land-use areas as a part of a road modernization or reconstruction project qualified a project for additional technical points over a multi-modal road project outside of these priority areas. The creation of new pedestrian and bicycle improvements qualified a road project for additional technical points over a road project that simply moved or replaced pedestrian and/or bicycle facilities.

Similarly, the TIP Subcommittee was asked to review potential methods for awarding additional technical points to road projects that provide a significant freight or transit benefit, particularly benefits supporting priority land-use areas over road projects that do not provide this multi-modal benefit. However, no method of adjusting the technical score for these considerations was developed.

3. Qualitative Criteria

The use of qualitative criteria was limited as a means for technical staff to recommend elevating a project to receive funding over other higher technically ranked projects within their same project categories.

Qualitative criteria

- Minimum logical project phase
- Linked to another high priority project
- Over-match
- Past regional commitment*
- Includes significant multi-modal benefits
- Affordable housing connection
- Assists the recovery of endangered fish species
- Other factors not reflected by technical criteria

Any project could receive a recommendation from Metro staff or TPAC for funding based on these administrative criteria only if it is technically ranked no more than 10 technical points lower than the highest technically ranked project not to receive funding in the same project category (e.g. a project with a technical score of 75 could receive funding based on administrative criteria if the highest technically ranked project in the same project category that did not receive funding had a technical score of 85 or lower).

* Previous funding of Preliminary Engineering (PE) does constitute a past regional commitment to a project and should be listed as a consideration for funding. Projects are typically allocated funding for PE because they are promising projects for future funding. However, Metro does not guarantee a future financial commitment for construction of these projects.

4. Green Streets Design Elements

A new category of funding was established in the 2004-07 process: Green Streets Demonstration projects. Further, elements of green street designs that had an established record of performance were added as a means of obtaining bonus points within the technical scoring of the road and boulevard categories.

5. Measurement of Safety Criteria

In the interest of broadening the technical scoring of projects from accident data only, an “expert analysis” approach using general guidelines of safety considerations, including but not limited to Safety Priority Indexing System (SPIS) data, was developed for all relevant project categories as a means of providing a comprehensive method for considering safety issues. This approach will utilize a panel of project professionals to review each project relative to a list of quantitative and qualitative safety considerations and score each project accordingly.

Solicitation, Allocation and Follow-up Process Issues

There were several changes to the 2004-07 Transportation Priorities process used to solicit and allocate regional flexible funds.

1. **Additional Time for Application Process:** A third month was added to the project solicitation phase of the process. This allowed more time to for coordination among jurisdictional staff and for completing the applications.
2. **Public Kick-off Notice:** To address concerns about the ability for community interest groups and jurisdictional staff from outside of transportation agencies to influence project applications, Metro provided public announcements of the kick-off of the application process and provided interested parties with a list of local agency contacts.
3. **Regional Objectives:** In order to provide better information about regional objectives, successful project examples and assistance on completing project applications, Metro staff provided presentations to jurisdictional staff early in the solicitation period at coordinating committee meetings.
4. **STIP Coordination:** Metro and ODOT attempted to identify areas for coordination related to STIP projects that could be supplemented with Transportation Priorities funding applications and Transportation Priorities staff attended public comment meetings of the STIP with information about the Transportation Priorities process.
5. **MTIP Subcommittee:** The MTIP Subcommittee of TPAC was used to review the draft technical scoring by project staff.
6. **Public Outreach:** Metro will utilize a public involvement program consistent with Metro’s policies on public involvement. This included early notification of process kick-off and key decision points and opportunities for comment and a response to those comments. Key components included the ability of the public to review and comment on the projects and their technical rankings and draft First Cut list on Metro’s website and a formal public hearing on the recommended allocation package prior to the final decision meetings of JPACT and the Metro Council.

7. **Public Information:** Increasing public understanding of the MTIP and Transportation Priorities program was increased through the inclusion of Metro information, including signage, on funded project or program materials, participation in public events and new informational materials, and Metro's website highlighting funded projects.
8. **Allocation Follow-up Activities:** Metro committed to improve project monitoring to ensure project development that is consistent with application materials post-construction data collection (particularly with demonstration projects) and awards or other recognition for quality project implementation.

Policy Direction to Narrow from First Cut List to Final Cut List

After adoption of the First Cut List, a policy discussion of JPACT and the Metro Council resulted in the following direction to technical staff for development of a recommendation to a Final Cut List.

1. **Honor Prior Commitments**
2. **Metro Planning Funded**
3. **Land Use and Economic Development Direction:**
 - Invest in all types of 2040 mixed-use and industrial lands
 - Emphasize non-road/bridge projects to maximize development and multi-modal objectives in mixed-use areas
 - Screen all projects and programs on their relationship to the implementation of mixed-use and/or industrial area plans and development (2040 technical score, qualitative issues/public comments)

Transportation Priorities 2006-09 Update

The 2006-09 Transportation Priorities process retains the policy updates that evolved from the extensive outreach process of the 2004-07 effort as described above. Additional policy, technical and process issues were identified during implementation of and subsequent to the 2004-07 process, however, that are addressed in this report.

Transportation Priorities 2006-09 Policy Refinement Recommendations

1. Integration of General Program Policies with 2004-07 Final Cut list policy direction

During the 2004-07 Transportation Priorities process, JPACT and Metro Council directed technical staff on how to provide recommendations to narrow from the First Cut list to a Final Cut list. This direction included policies that could be considered as an update to general program policies for the 2006-09 process.

To integrate the policy directive received during the narrowing process to fund projects in all types (Type I and II) of mixed-use and industrial areas and to emphasize funding bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs, the general program policy directive should be amended.

Secondly, the local match requirement for bicycle projects located more than 1 mile outside of Tier I and town center 2040 land use areas is recommended to be decreased to the federally required minimum of 10.27%.

Finally, JPACT and the Metro Council should consider limiting road and bridge projects are proposed to no more than 60% of the total cost of candidate projects submitted for application by each of the County coordinating committees and the City and Port of Portland. This is equivalent to the percentage of regional flexible funds derived from the Surface Transportation Program.

2. Direction on funding of Bicycle and Pedestrian transportation control measures for air quality

The Transportation Priorities funding in 2006-07 did not meet the average biennial requirement of providing 1.5 miles of pedestrian and 5 miles of bicycle improvements but had to rely on a defined ODOT maintenance project and over building from previous years to meet this requirement as reported in the MTIP.

The general program policy statement is recommended to be updated as indicated above to state that the Transportation Priorities process will fund a minimum of the average requirement for implementation of the pedestrian (1.5 miles) and bicycle (5 miles) improvements required by the State Implementation Plan for air quality.

3. Regionally Significant Industrial Lands

The Regional Transportation Plan has been amended to recognize regionally significant industrial lands as a Tier I 2040 land-use priority over other industrial lands subsequent to the policy update of the 2004-07 Transportation Priorities process. The program policy statement is to be updated to reflect this change.

Changes to the program policy statement, which describes the intent of JPACT and the Metro Council on the purpose and objectives of the Transportation Priorities funding allocation process, is updated to reflect directives described in items 1 through 3 above as follows:

The primary policy objective for the MTIP program and the allocation of region flexible transportation funds is to:

- Leverage economic development in priority 2040 land-use areas through investment to support
 - centers, 2040 Tier I and II mixed-use areas (central city, regional centers, town centers, main streets and station communities)
 - 2040 Tier I and II industrial areas (regionally significant industrial areas and industrial areas), and
 - 2040 Tier I and II mixed-use and industrial areas within UGB expansion areas with completed concept plans

Other policy objectives include:

- Emphasize modes that do not have other sources of dedicated revenues
- Complete gaps in modal systems
- Develop a multi-modal transportation system with a strong emphasis on funding bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs.
- Meet the average annual requirements of the State Implementation Plan for air quality for the provision of pedestrian and bicycle facilities

4. Functional Plan compliance as Screening Criteria for Transportation Priorities funding

Requiring compliance with the Metro functional plan would provide an incentive for local jurisdictions to complete the planning work necessary to comply with the regional functional plan and ensure that regional transportation funding is more closely linked to local implementation of regional growth management policies.

The following language is to be added to the MTIP policy report and Transportation Priorities application.

Screening and Evaluation Criteria

Screening and evaluation criteria were reviewed and direction adopted for the 2004-07 Transportation Priorities program.

Screening Criteria for all projects

- Highway, road and boulevard projects must be consistent with regional street design guidelines
- Project designs must be consistent with the Functional Classification System of the 2000 RTP
- Project on RTP Financially Constrained list
- Project has received support of governing body at a public meeting as a local priority for regional flexible funding. Adoption of a resolution at a public meeting would qualify as receiving support of the governing body. Documentation of such support would need to be provided prior to release of a technical evaluation of any project.

- Statement that project is deliverable within funding time frame and brief summary of anticipated project development schedule.
- The applicant jurisdiction is in compliance with the Metro functional plan or has received an extension to complete compliance planning activities. If the applicant jurisdiction is not in compliance or has not received an extension, it must provide documentation of good faith effort in making progress toward accomplishment of its compliance work program. The work program documentation must be approved by the governing body of the applicant jurisdiction at a meeting open to the public and submitted to Metro prior to the release of the draft technical evaluation of project applications by Metro staff.

Transportation Priorities 2006-09 Technical Refinement Issues

Metro staff is directed to work with TPAC to address the following technical evaluation issues.

1. Street Connectivity as Technical Measure for Road Capacity projects

Direct the MTIP Subcommittee and TPAC to evaluate whether a bonus point system for road modernization projects can be developed that adequately defines a methodology to reward a project that increases street connectivity. Any proposal for such a point system should be reviewed by TPAC prior to implementation.

Clarify in the application that collector projects defined as a part of the regional transportation system are eligible projects for Transportation Priorities funding and that are encouraged for application if they contribute to increased street connectivity.

2. Develop technical criteria for a new Intelligent Transportation System modal category

The ITS subcommittee is requested to develop recommendations for 2008-2011 Transportation Priorities process. The recommendation should address the positive and negative aspects of ranking ITS projects with road capacity projects and as a separate ranking category. The subcommittee could also recommend changes to the road capacity technical ranking criteria if ITS projects remain within that ranking category.

Furthermore, the ITS subcommittee is requested to review and comment on the technical rankings of the 2006-09 Transportation Priority ITS candidate applications.

3. Use of recycled materials

The educational statement in Transportation Priorities and MTIP supporting FHWA directive that when selecting materials for transportation projects, recycled materials should be considered first shall be incorporated into the Transportation Priorities application materials.

Assign the MTIP Subcommittee and TPAC to work with professional experts in this field to study this issue and develop recommendations on how to further address it in the 2008-11 Transportation Priorities process.

4. Refinement of 2040 Qualitative Technical Score – Attachment C

Additional knowledge has been developed about the development of mixed-use areas and their relationship to transportation infrastructure since the development of the 2004-07 Transportation Priorities process. The “Community Focus” qualitative analysis should be updated to reflect refinements in evaluating differences between the readiness of planned mixed-use areas to develop and the relationship between a potential transportation investment and the potential success in the development of a mixed-use area. The attachment should also be clarified on how individual elements of the qualitative summary contribute to the overall technical score.

5. Safety Technical Score Methodology

Applicants will be asked to provide information regarding specific safety factors that will be evaluated by a panel of transportation professionals. The method by which the panel will use this information in developing their project scores will be described in the application.

6. Use of system level data and project level data to evaluate congestion relief

Metro staff and TPAC are to work to resolve the issue of when or how to use project level data to supplement system level data when analyzing expected congestion relief provided by a candidate road project application.

7. Technical evaluation of road projects that provide a significant freight or transit benefit

Technical staff is directed in the existing policy report to attempt to develop a technical evaluation to reward road projects that provide a significant freight or transit benefit. However, no methodology was agreed upon prior to the previous allocation process. TPAC is to evaluate the benefits and drawbacks of this approach and attempt to reach a recommendation on its implementation.

8. Regionally Significant Industrial Lands

The Regional Transportation Plan has been amended to recognize regionally significant industrial lands as a Tier I 2040 land-use priority over other industrial lands subsequent to the policy update of the 2004-07 Transportation Priorities process. The technical scoring for freight and road projects are to be updated to award more points to projects that serve regionally significant industrial land as a Tier I priority and other industrial lands as a Tier II priority.

9. Green Trails

Metro staff is to work with TPAC to recommend the development of a technical bonus point system for projects that commit to meeting particular design elements of the Green Trail handbook. This bonus point system shall be reviewed by TPAC prior to implementation.

Transportation Priorities 2006-09 Process Refinement Issues

Metro staff is directed to implement the following changes to the application process.

1. Jurisdiction and Agency program/application review at TPAC and JPACT

Arrange for the following programs and coordinating committees to provide presentations at TPAC and JPACT as a summary of their program and/or their package of project/program candidate applications. TOD Program, RTO Program, ITS status update, Clackamas County, Multnomah County, City and Port of Portland, Washington County, TriMet/SMART, Metro Planning, ODOT (STIP Presentation).

2. Joint public outreach process with ODOT STIP process and Transit funding summary

Plan for a joint public outreach process with the ODOT State Transportation Improvement Program is to made. This outreach should include participation by the regions transit agencies to provide information on their planned development and expenditures of the 2006-09 period.

3. ODOT applications to supplement STIP projects

In an effort to improve the delivery of transportation services in the region and coordination between ODOT and regional/local policy objectives, ODOT and Metro staff have discussed the possibility of early notification of ODOT preservation projects to allow for application for regional flexible funds, supplemental ODOT funds, and local funds to address missing or substandard facilities for pedestrians and/or bicycles as a part of the preservation project.

ODOT staff should work with local agency partners to consider joint local, regional or supplemental state funding for missing elements of pedestrian and bicycle facilities along state facilities proposed for pavement preservation work in the 2006-09 STIP. This may result in ODOT application for Transportation Priority funds to provide for these improvements. Requests for local or regional funds should be made in context of coordination with the STIP to fully disclose need for additional funds for state projects and to understand the potential impacts to preservation project schedules and other state transportation programs within the region.

4. Directives to technical staff on development of recommendations to narrow from a First Cut list to a Final Cut list

Directives to technical staff on the development of recommendations to narrow from a First Cut List to a Final Cut List are to be developed by JPACT and Metro Council after the adoption of the First Cut list. This was a process element that was instigated during the previous Transportation Priorities allocation process. It is now a scheduled process element expected in the December 2004 time frame.

5. Engineering Review of Application Scope, Schedule and Budget

Metro staff are to work with ODOT staff to investigate whether consultant services can be provided to review candidate project applications for accuracy of scope, schedule and budget to ensure projects can be delivered as described in the application and ranked fairly against similar projects.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 04-3431A FOR THE PURPOSE OF ADOPTING THE POLICY DIRECTION, PROGRAM OBJECTIVES, PROCEDURES AND CRITERIA FOR THE TRANSPORTATION PRIORITIES 2006-09 ALLOCATION PROCESS AND METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP).

March 18, 2004

Presented by: Ted Leybold

PROPOSED ACTION

This resolution would approve a report outlining the policy direction, program objectives, and procedures that will be used during the Transportation Priorities 2006-09 Allocation Process and MTIP update to nominate, evaluate, and select projects to receive federal transportation funds in the fiscal year 2008-09 biennium.

BACKGROUND

The Metro Council and the Executive Officer are preparing a request to local jurisdictions to submit projects to Metro for evaluation and award of regional flexible transportation funding. Regional flexible transportation funds are those portion of federal funds accounted for in the MTIP that are allocated through the JPACT/Metro Council decision-making process. This process is referred to as the Transportation Priorities 2006-09 allocation.

Metro and ODOT update the MTIP/STIP every two years to schedule funding for the following four-year period. The Transportation Priorities 2006-09 allocation encompasses the four-year period of federal fiscal year's 2004 through 2007 (FY 06 - FY 09). This update will therefore adjust, as necessary, funds already allocated to projects in FY 06 and FY 07 in the current approved MTIP. It will also allocate funds to new projects in the last two years of the new MTIP (i.e., FY 08 and FY 09).

The regional flexible funds available in the Transportation Priorities 2006-09 allocation is composed of two types of federal transportation assistance, which come with differing restrictions. The most flexible funds are surface transportation program (STP) funds that may be used for virtually any transportation purpose, identified in the Financially Constrained RTP, short of building local residential streets.

The second category of money is Congestion Mitigation/Air Quality (CMAQ) funds. CMAQ funds cannot be used to build new lanes for automobile travel. Also, projects that use CMAQ funds must demonstrate that some improvement of air quality will result from building or operating the project.

Prior to the previous Transportation Priorities allocation process and MTIP update a major outreach effort led to the adoption of a report outlining the policy direction, program objectives, and procedures to be used during the Transportation Priorities 2004-07 Allocation Process and MTIP update. Since that time, several policy issues have emerged that potentially affect the Transportation Priorities process and MTIP. Following is a summary of those issues and recommended changes to address them. Exhibit A is an amended version of the existing policy report, reflecting changes adopted by JPACT for consideration by the Metro Council to provide policy direction, program objectives and procedures for the Transportation Priorities 2006-09 allocation process and MTIP update.

The format of this summary is to identify the policy issues that have emerged since adoption of the existing policy report and to list options for addressing the policy issue, and highlight in bold those options that were adopted by JPACT for consideration by the Metro Council.

1. Integration of General Program Policies with 2004-07 Final Cut List policy direction

During the 2004-07 Transportation Priorities process, JPACT and the Metro Council directed technical staff on how to provide recommendations to narrow from the First Cut list to a Final Cut list. This direction included policies that could be considered as an update to general program policies for the 2006-09 Transportation Priorities process.

A. One policy directive received during the 2004-07 Final Cut list policy direction process was to direct staff to develop a recommendation that funded projects in mixed-use centers, main streets, station communities and industrial areas. TPAC recommends the following option to integrate this policy direction into the general program policies for the Transportation Priorities process.

Option:

a. Change the general policy direction statement regarding priority land used areas from “centers” to “2040 Tier I and II mixed-use areas (central city, regional centers, town centers, main streets and station communities)”.

Corridors are not included as the policy direction received from JPACT and the Metro Council during the 2004-07 final cut list process specified the addition of main streets and station communities as the 2040 mixed use areas as the areas where projects should be included in addition to centers. Additionally, while corridors were included as a Tier II priority mixed use area for their potential to accommodate mixed-use development, this potential was optional at the discretion of local land use planning. The implementation of local planning generally did not locate mixed use comprehensive plan designations or zoning in corridors. Finally, the inclusion of corridors as a priority land use for Transportation Priorities funding would significantly dilute the ability to concentrate transportation investments in areas that have the most potential to meet the other program goals.

Industrial lands are already addressed in the current program policy statement and do not need to be changed.

The effect of this direction would be the addition of the language in underline to the program policy statement:

The primary policy objective for the MTIP program and the allocation of region flexible transportation funds is to:

- Leverage economic development in priority 2040 land-use areas through investment to support
 - centers, 2040 Tier I and II mixed-use areas (central city, regional centers, town centers, main streets and station communities)
 - 2040 Tier I and II industrial areas (regionally significant industrial areas and industrial areas), and
 - 2040 Tier I and II mixed-use and industrial areas within UGB expansion areas with completed concept plans

Other policy objectives include:

- Emphasize modes that do not have other sources of dedicated revenues
- Complete gaps in modal systems
- Develop a multi-modal transportation system

B. A second policy directive received from JPACT and the Metro Council during the 2004-07 final cut list process was to direct staff to develop a recommendation of projects and programs that emphasized bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs.

Following are options considered by JPACT of how this policy direction could be implemented within the Transportation Priorities policies and process. JPACT unanimously adopted actions b and d below as highlighted in bold.

Options:

- a. Eliminate road modernization/reconstruction and bridge as mode categories. (Currently, freeway interchange projects and preliminary engineering of projects for addition of new freeway lanes are eligible for funding. Projects to acquire right of way or to construct new freeway capacity are not eligible.)
- b. Strengthen policy statement on purpose of regional flexible funds to indicate that JPACT and Metro Council intend to fund a package of projects and programs with a strong emphasis on funding bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs.**

The effect of this direction would be the addition of the language in underline to the program policy statement:

The primary policy objective for the MTIP program and the allocation of region flexible transportation funds is to:

- Leverage economic development in priority 2040 land-use areas through investment to support
 - 2040 Tier I and II mixed-use areas (central city, regional centers, town centers, main streets and station communities)
 - 2040 Tier I and II industrial areas (regionally significant industrial areas and industrial areas), and
 - 2040 Tier I and II mixed-use and industrial areas within UGB expansion areas with completed concept plans

Other policy objectives include:

- Emphasize modes that do not have other sources of dedicated revenues
- Complete gaps in modal systems

- Develop a multi-modal transportation system with a strong emphasis on funding bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs
- c. Change local match requirements to increase the percentage required for road and bridge projects outside of Tier I and town center land use areas.
 - d. **Change local match requirements to decrease the percentage required for bicycle projects in areas outside of Tier I and town center land use areas to the federally allowed minimum of 10.27%.**

JPACT had extensive debate about and was split on whether to adopt option e below as a means of implementing an emphasis on funding bicycle, boulevard, freight, green street demonstration, pedestrian, regional transit options, transit and transit oriented projects and programs. The committee recognized that this option would be a means of ensuring that each coordinating committee apply for bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs in support of the policy direction and to ensure there would be an adequate pool of CMAQ eligible projects.

There were concerns expressed, however, that such a limit would impede on a local jurisdictions ability to determine their local priorities even if they want to compete with such a project knowing that JPACT/Metro Council intends to fund a package of projects and programs with a strong emphasis on funding bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs. Concern was also expressed that road projects are often a means of providing bicycle and pedestrian projects where they do not currently exist and that cutting back on this category impedes the ability to provide these facilities where needed as they would not be constructed as stand alone pedestrian or bicycle projects.

After this debate, JPACT did adopt the following option.

- e. **Limit the total cost of road capacity, road reconstruction and bridge project applications to a percentage of the cost target for each coordinating committee equal to the percentage of regional flexible funds represented by STP funds.**

A clarification was provided during JPACT discussion that this language is not to be interpreted as a statement of intent by JPACT to allocate all STP funding to road capacity, road reconstruction and bridge projects.

2. Update the policy report to account for the additional funding resources provided by the recent Oregon Transportation Investment Acts (OTIA I – III).

JPACT directed the following language be added to the policy report following the description of transportation funding in the region.

Recent acts by the state legislature have provided one-time revenue sources for transportation improvements in the region. This includes \$22 in motor vehicle capacity projects in OTIA I & II, a portion of the expected \$31 million for capacity projects in OTIA III and a portion of OTIA III funds targeted for freight mobility, industrial access and job creation (\$100 million state wide). These funds directly supplement the construction of motor vehicle capacity projects in the region.

Additionally, \$34 in highway modernization and \$158 million in highway, bridge and road reconstruction funding programmed to this region for expenditure by 2010. These highway funds will be supplemented by highway projects of statewide significance (\$100 million statewide), and match to OTC-requested federal earmarks (\$200 million statewide) that will be programmed to this region by Oregon Transportation Commission.

This increase in state revenue dedicated to highway and road capacity and preservation and bridge repair and reconstruction represents the first major increase in state resources in more than a decade. Prior to this increase, regional flexible funds were used to fund a number of highway capacity projects, such as the I-5/Highway 217 interchange, capacity improvements on Highway 26, the Tacoma Street over crossing of Highway 99E and the Nyberg Road interchange.

However, these allocations were made with the knowledge that no other resources were available for these improvements, and at the expense of smaller, multi-modal improvement that could have been funded with regional flexible funds, instead. A key policy issue in this MTIP update is to determine degree to which the current increase in state highway revenue argues for less emphasis on such projects with regional flexible funds. Currently, main-stem highway capacity improvements are limited under the existing MTIP policies, but there is no limit on allocation for road expansion, highway interchanges, or Preliminary Engineering for major capacity projects.

3. Direction on funding of Bicycle and Pedestrian transportation control measures for air quality

The Transportation Priorities funding in 2006-07 did not meet the biennial average for providing miles of pedestrian (1.5 miles) and bicycle (5 miles) improvements but had to rely on an ODOT preservation project and over building from previous years to meet this requirement as reported in the 2004-07 MTIP. These requirements are in addition to facilities constructed as a part of road capacity and reconstruction projects. Adding a policy directive to fully implement the biennial average requirement for the provision of pedestrian and bicycle facilities would be consistent with federal guidance that states "the TIP shall give priority to eligible Transportation Control Measures identified in the approved SIP in accordance with the US EPA conformity regulation (40 CFR part 51) and shall provide for their timely implementation." Federal Register Vol. 58, No. 207; Section 450.324 (d).

JPACT adopted direction to update the general program policy statement to state that the Transportation Priorities process will fund a minimum of the average biennial requirement for implementation of the pedestrian and bicycle improvements required by the State Implementation Plan for air quality.

The effect of this direction would be the addition of the language in underline to the program policy statement:

The primary policy objective for the MTIP program and the allocation of region flexible transportation funds is to:

- Leverage economic development in priority 2040 land-use areas through investment to support
 - 2040 Tier I and II mixed-use areas (central city, regional centers, town centers, main streets and station communities)
 - 2040 Tier I and II industrial areas (regionally significant industrial areas and industrial areas), and
 - 2040 Tier I and II mixed-use and industrial areas within UGB expansion areas with completed concept plans

Other policy objectives include:

- Emphasize modes that do not have other sources of dedicated revenues
- Complete gaps in modal systems
- Develop a multi-modal transportation system with a strong emphasis on funding bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs
- Meet the average biennial requirements of the State Implementation Plan for air quality for the provision of pedestrian and bicycle facilities

4. Functional Plan compliance as Screening Criteria for Transportation Priorities funding

At their March 3rd meeting, MTAC reviewed the policy update for the 2006-09 Metropolitan Transportation Improvement Program (MTIP) and Transportation Priorities funding allocation process. Several committee members suggested the policy bodies consider adding compliance with the Metro functional plan as a screening criteria of eligibility to apply for Transportation Priorities funding. This would provide an incentive for local jurisdictions to complete the planning work necessary to comply with the regional functional plan and ensure that regional transportation funding is more closely linked to local implementation of regional growth management policies.

JPACT adopted the following language be added to the MTIP policy report and Transportation Priorities application.

The applicant jurisdiction is in compliance with the Metro functional plan or has received an extension to complete compliance planning activities. If the applicant jurisdiction is not in compliance or has not received an extension, it must provide documentation of good faith effort in making progress toward accomplishment of its compliance work program. The work program documentation must be approved by the governing body of the applicant jurisdiction at a meeting open to the public and submitted to Metro prior to the release of the draft technical evaluation of project applications by Metro staff.

JPACT members commented that the execution of this screening criteria during the application process should be attentive to the circumstances of the region's smaller jurisdictions that typically have limited resources to respond to planning requirements.

5. Relationship of street connectivity to the technical evaluation of Road Capacity technical ranking category

Currently, congestion relief, cost-effectiveness of providing congestion relief, safety and 2040 land-use impacts are the four evaluation criteria for road modernization projects. Metro has adopted as part of the region's Congestion Management System policies standards for providing street connectivity prior to adding capacity to existing roads. However, the Transportation Priorities technical evaluation does not provide any technical evaluation of whether or how road capacity projects address the street connectivity standards.

Implementation of the Regional Transportation Plan, however, provides that local development codes will provide for increased local street connectivity to the regional system over time as development occurs. Ensuring compliance with the street connectivity requirements of the Regional Transportation Plan by applicant agencies, as recommended in item 4 above, addresses a large portion of meeting street connectivity requirements through requiring local street connections to the regional street system as

development occurs. There are components of the regional system that are not yet built, however, that could also increase the overall connectivity of the street network.

Following are options considered by JPACT of how this policy direction could be implemented within the Transportation Priorities policies and process. Adopted actions are highlighted in **bold**.

Options:

- a. No change to the existing road capacity evaluation criteria.
- b. Add street connectivity as an evaluation criteria to the road capacity category.
- c. **Direct the MTIP Subcommittee and TPAC to evaluate whether a bonus point system for road capacity projects can be developed that adequately defines a methodology to reward a project that increases street connectivity.**
- d. **Clarify in the application that collector projects defined as a part of the regional transportation system are eligible projects for Transportation Priorities funding and if contributing to increased street connectivity are encouraged for application.**

6. Direction on Intelligent Transportation Systems (ITS)

While this category of projects has received several allocations of regional funding in the past, the Transportation Priorities process did not provide any funding for ITS in 2006-07. This is an eligible CMAQ activity and means of increasing the efficiency of existing road infrastructure. An ITS subcommittee of TPAC is in the process of being created to formally organize implementation of these technologies on a regional scale. Currently, there is no policy direction within the Transportation Priorities program regarding ITS. It has been technically ranked with road capacity projects.

Following are options considered by JPACT of how this policy direction could be implemented within the Transportation Priorities policies and process. Adopted actions are highlighted in **bold**.

Options:

- a. **No changes this round – charge ITS subcommittee to develop recommendations for 2008-2011 Transportation Priorities process. The recommendation should address the positive and negative aspects of ranking ITS projects with road capacity projects and as a separate ranking category. The subcommittee could also recommend changes to the road capacity technical ranking criteria if ITS projects remain within that ranking category.**
- b. Create a separate technical evaluation category for ITS projects. (Note: the addition of bonus points for street connectivity and the existing bonus points for the inclusion of green street design elements for road capacity projects would penalize ITS projects if left in the road capacity ranking category, unless other adjustments are made.)
- c. If other policy limits (such as the limit on the total cost of road capacity projects for which each coordinating committee may apply) are placed on road projects, exempt ITS projects.
- d. **Have the ITS subcommittee review and comment on the technical rankings of the 2006-09 Transportation Priority ITS candidate applications.**

7. Regionally Significant Industrial Lands

The Regional Transportation Plan has been amended to recognize regionally significant industrial lands as a Tier I 2040 land-use priority over other industrial lands subsequent to the policy update of the 2004-07 Transportation Priorities process.

JPACT adopted direction that the technical scoring for freight and road projects be updated to award more points to projects that serve regionally significant industrial lands as a Tier I priority and other industrial lands as a Tier II priority to be consistent with the update to the Regional Transportation Plan.

8. ODOT applications to supplement STIP projects

In an effort to improve the delivery of transportation services in the region and coordination between ODOT and regional/local policy objectives, ODOT and Metro staff have discussed the possibility of early notification of ODOT preservation projects to allow for application for regional flexible funds, supplemental ODOT funds, and local funds to address missing or substandard facilities for pedestrians and/or bicycles as a part of the preservation project.

JPACT adopted direction that ODOT staff work with local agency partners to consider joint local, regional or supplemental state funding for missing elements of pedestrian and bicycle facilities along state facilities proposed for pavement preservation work in the 2006-09 STIP. This may result in ODOT application for Transportation Priority funds to provide for these improvements. Requests for local or regional funds should be made in context of coordination with the STIP to fully disclose need for additional funds for state projects and to understand the potential impacts to preservation project schedules and other state transportation programs within the region.

9. Green Streets

- Green Trails

The Metro Parks and Greenspaces Department has recently published a best practices guidebook on the construction of trails and multi-use paths in an environmentally sensitive manner.

Following are options considered by JPACT of how this policy direction could be implemented within the Transportation Priorities policies and process. Adopted actions are highlighted in **bold**.

Options:

- a. Require all multi-use paths funded through Transportation Priorities be constructed consistent with the design guidelines of the Green Trail handbook.
- b. Require all multi-use paths funded through Transportation Priorities consider the design guidelines of the Green Trail handbook during project development.
- c. **Award technical bonus points for projects that commit to meeting particular design elements of the Green Trail handbook as identified by TPAC.**

- Use of Recycled Materials in Transportation Projects

After the application process for the 2004-07 Transportation Priorities process had begun, program staff received a request from Metro Solid Waste and Recycling staff for inclusion of recycled materials for projects funded by the Transportation Priorities program. This is an effort to address a Federal Highway Administration (FHWA) directive to consider using recycled materials on transportation projects and to increase the market for recycled materials.

Following are options considered by JPACT of how this policy direction could be implemented within the Transportation Priorities policies and process. Adopted actions are highlighted in **bold**.

Options:

- a. **Incorporate educational statement in Transportation Priorities and MTIP supporting FHWA directive that when selecting materials for transportation projects, recycled materials should be considered first.**
- b. Award bonus points for commitment to certain level of use of recycled materials in road and multi-use path projects as identified by TPAC.
- c. **Assign the MTIP Subcommittee and TPAC to work with professional experts in this field to study this issue and develop recommendations on how to further address it in the 2008-11 Transportation Priorities process.**

- Wildlife Crossings

The Transportation Planning section was a project client for a Portland State University urban planning masters program effort to develop a supplemental best practices guidebook to constructing wildlife crossings into transportation facilities.

JPACT did not adopt any changes to the 2006-09 Transportation Priorities policies or process to address wildlife crossings described below as it was informed that Metro intended to submit an application to further study this issue with technical staff from across the region and develop a regionally recognized best practices guidebook and potential regional policy amendments.

Options:

- a. Award bonus points for commitment to create a wildlife crossing within a road project demonstrated to be in a wildlife crossing location.
- b. List as a specific qualitative criteria for consideration and allow deduction of cost of wildlife crossing elements from the cost-effectiveness calculation.

ANALYSIS/INFORMATION

1. **Known Opposition:** Staff of the City of Cornelius has expressed concern that the proposed amendment to add compliance with the Metro functional plan as an eligibility screen for Transportation Priorities funds might be a costly obstacle for smaller communities. It was expressed that smaller communities already have a difficult time competing with the bigger and more singular focused projects of bigger jurisdictions.

City of Forest Grove staff has expressed concern that proposed changes to emphasize funding bicycle, boulevard, freight, green street demonstration, pedestrian, regional transportation options, transit oriented development and transit projects and programs would have a negative effect on a small jurisdictions ability to complete their local priority projects.

2. **Legal Antecedents:** Federal planning regulations designate JPACT and the Metro Council as the Portland Area Metropolitan Planning Organization responsible for allocating federal highway and transit funds to projects in the metropolitan area. Preparation of an MTIP is the means prescribed for doing this. JPACT and the Metro Council have adopted a policy direction for the Transportation Priorities 2004-07 allocation process and MTIP update through Metro Resolution No. 02-3206. This Resolution updates that policy direction for the Transportation Priorities 2006-09 allocation process and MTIP update by amending the policy report as shown in Exhibit A. Projects approved for inclusion in the MTIP must come from a conforming, financially constrained transportation plan. The 2004 RTP is the current conforming plan.
3. **Anticipated Effects:** Adoption of this resolution will provide policy guidance to the process of allocating regional flexible transportation funds. This new policy guidance will refine how Metro staff solicits projects for funding, how project applications will be technically ranked for policy implementation, the public outreach and decision making process to select projects for funding and the ability to analyze and provide public information concerning the effectiveness of the MTIP program in addressing program policies.
4. **Budget Impacts:** none.

RECOMMENDED ACTION

Metro Council approve Resolution No. 04-3431A.

TL: RC

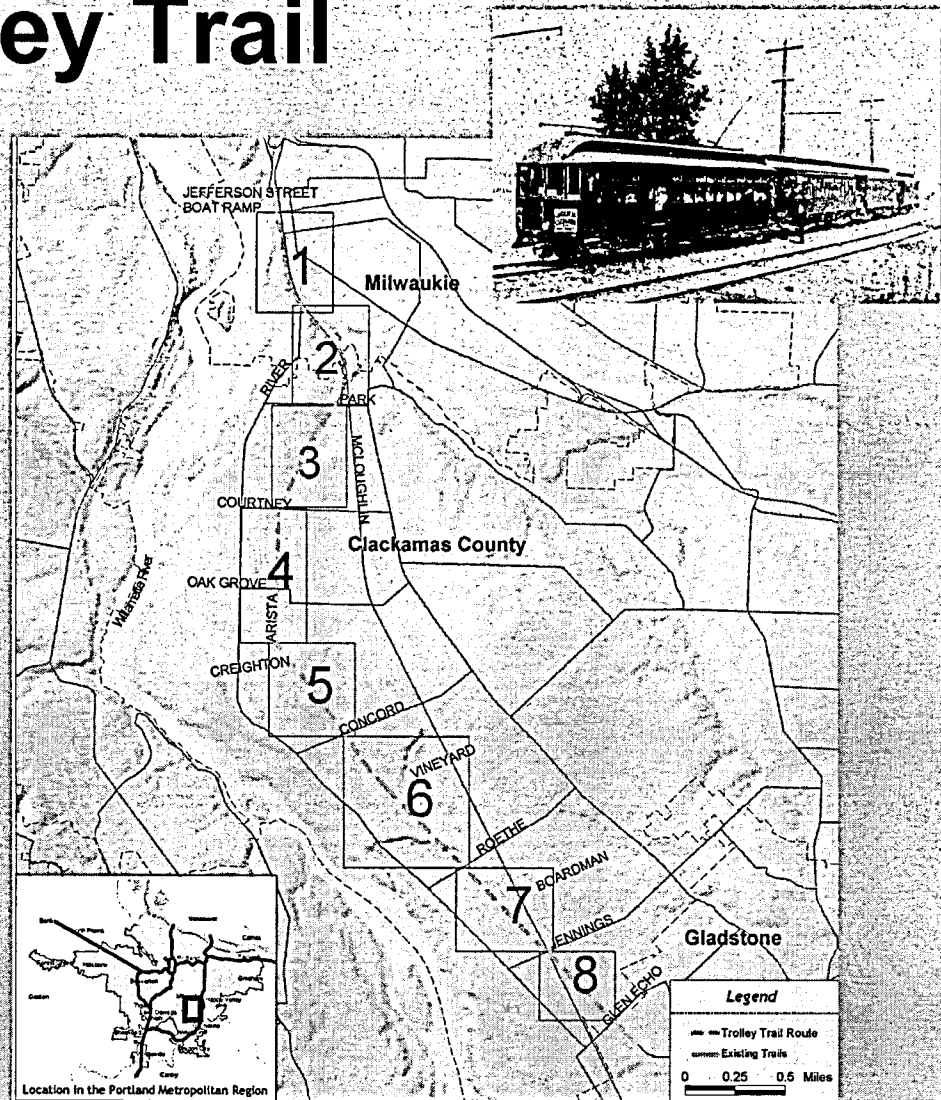
03/24/03

Trolley Trail Master Plan Milwaukie to Gladstone



From a Streetcar Line to the Trolley Trail

- ❖ Six-mile alignment from Milwaukie to Gladstone
- ❖ Old streetcar line
- ❖ Corridor purchased in December 2001
- ❖ Connects with other regional trails

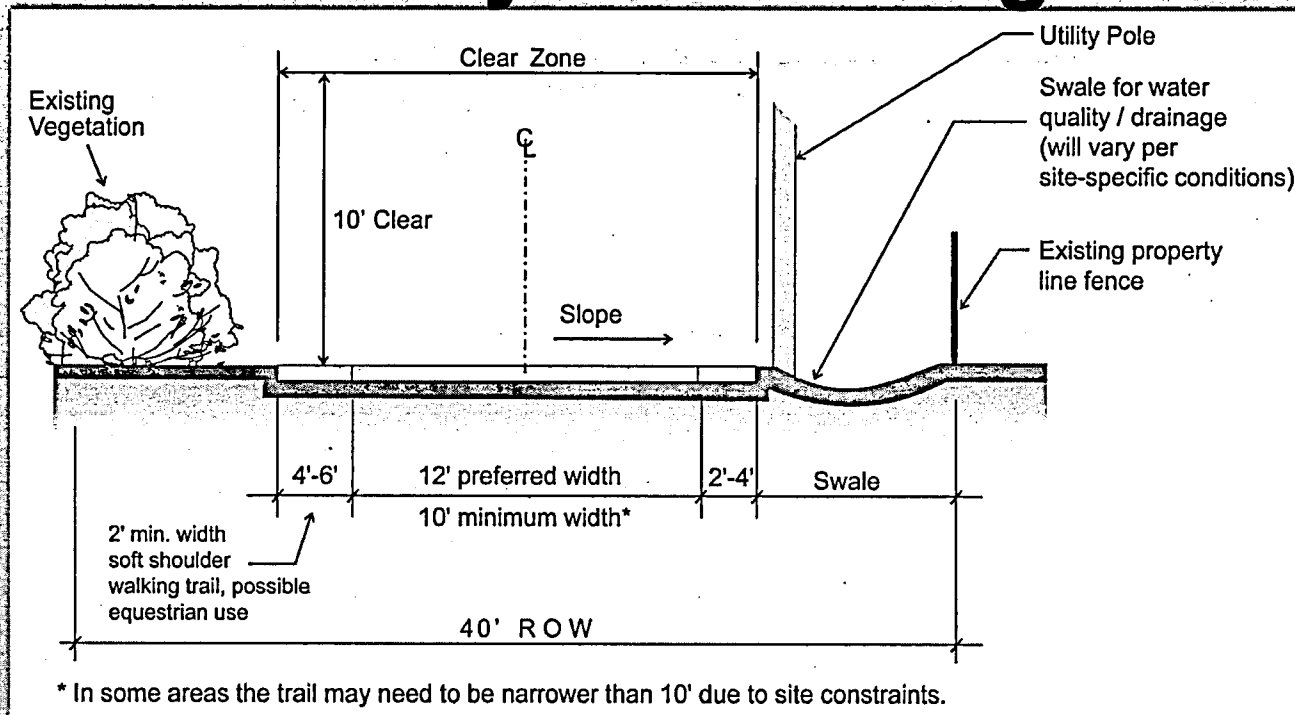


Trolley Trail Public Involvement



- ❖ Project partners
- ❖ Project stakeholders
- ❖ Trolley Trail working group
- ❖ General community outreach and involvement

Trolley Trail Design

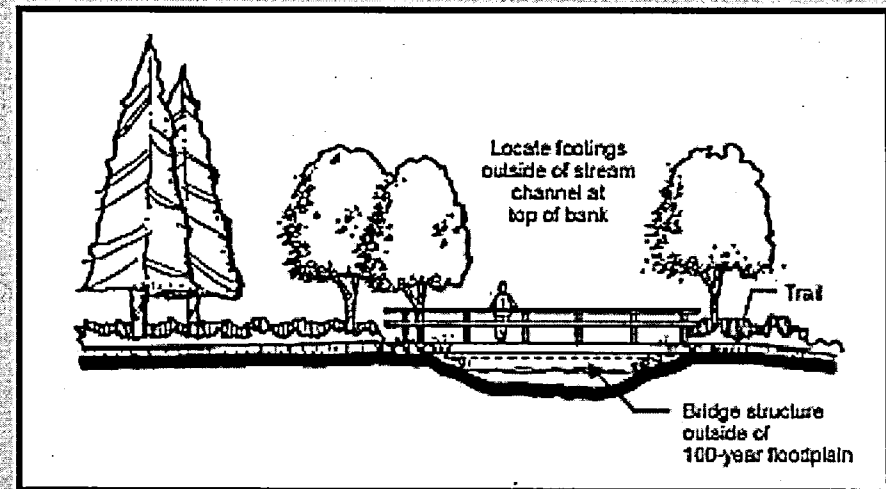
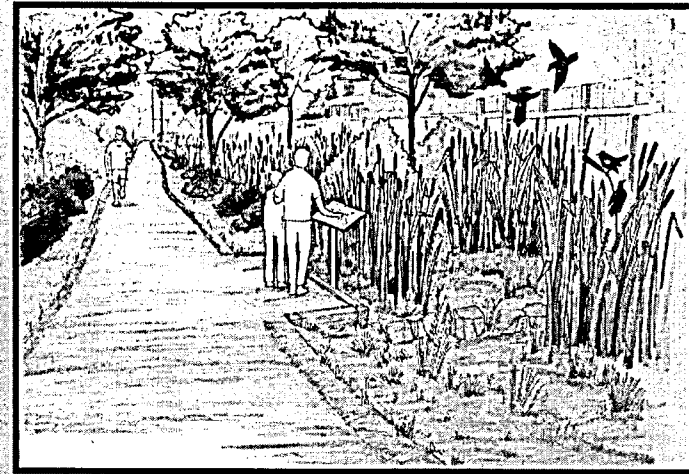


Trolley Trail Cross Section

- ❖ 10ft to 12ft wide hard surface
- ❖ 2ft to 6ft wide soft shoulders
- ❖ Non-motorized, multiuse regional trail
- ❖ Trail design to blend with surrounding environment

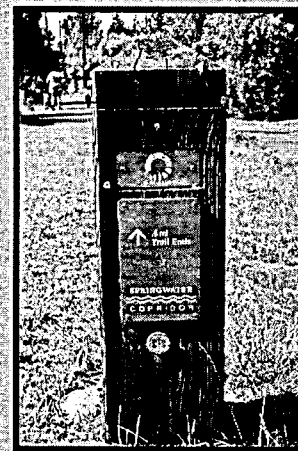
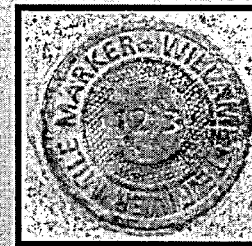
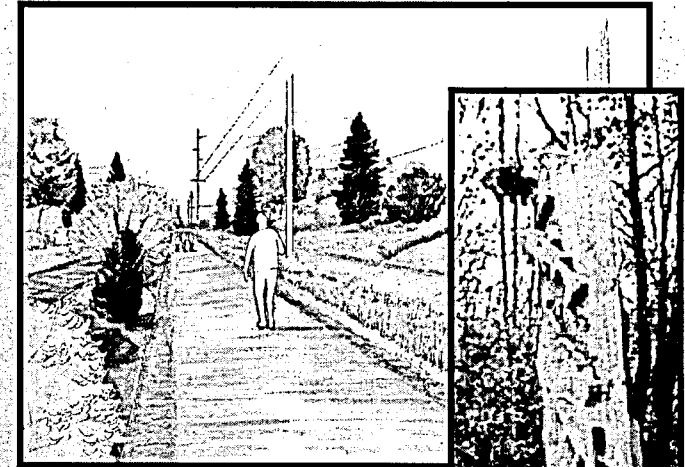
Environmentally Sensitive Trail Design

- ❖ Native vegetation plantings
- ❖ Wetland enhancements
- ❖ Bioswale stormwater management



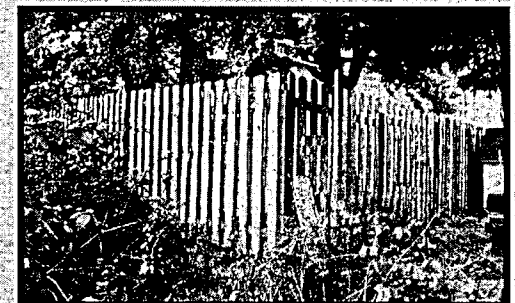
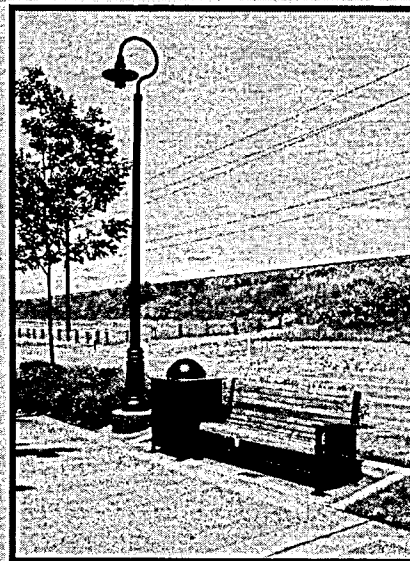
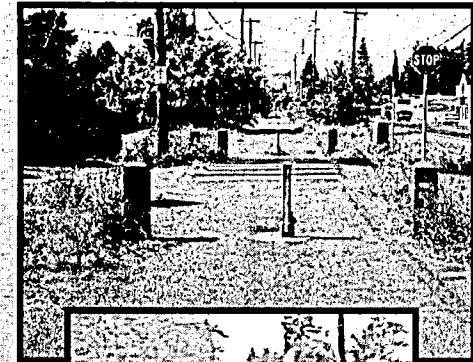
Trolley Trail Amenities

- ❖ Benches
- ❖ Signs
- ❖ Public art
- ❖ Historic and environmental interpretation
- ❖ Landscaping



Public Safety on the Trolley Trail

- ❖ Intersection safety
- ❖ Control vehicle access
- ❖ Advocate “good neighbor” fencing
- ❖ Provide good physical and visual access to the trail
- ❖ Lighting at select locations
- ❖ Trail Watch



Trolley Trail Management and Maintenance



- ❖ **NCPRD will manage and maintain the Trolley Trail**
- ❖ **On-going “Trail Watch” through the Friends of the Trolley Trail and neighbors**

Trolley Trail

Estimated Cost and Funding

❖ Cost estimate

- Trail construction = \$3,689,000
- Annual operation = \$38,500

❖ Trail project funding

- Phase I

\$1,122,000 (federal funding)

205,000 (NCPRD match)

\$1,327,000

- Future phases

Federal, state and local grants



