

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF REQUESTING )  
GREATER FLEXIBILITY IN THE USE )  
OF THE I-205 BUSLANE FUNDS )

RESOLUTION NO. 92-1584  
Introduced by  
Councilor Richard Devlin

WHEREAS, The I-205 Freeway between Airport Way and Foster Road was approved by the Federal Highway Administration with a provision for buslanes; and

WHEREAS, Section 142 of the Surface Transportation Act of 1987 allowed the Portland region and the Governor to request withdrawal of the I-205 buslanes and transfer to a light rail transit project in the I-205 corridor; and

WHEREAS, By Metro Resolution No. 89-1094, the Portland region approved a request for withdrawal of the I-205 buslanes from the Interstate system; and

WHEREAS, On May 30, 1989, the Governor requested withdrawal of the I-205 buslanes from the Interstate system; and

WHEREAS, The Federal Highway Administration approved withdrawal of the I-205 buslanes, providing \$16,366,283 for light rail transit in the I-205 corridor; and

WHEREAS, By Resolution No. 89-1094 and Resolution No. 91-1456 and IRC Resolution No. TPC 6-91-2, the Portland region established that the next LRT project after the Westside LRT to Hillsboro will include a terminus in Clackamas County; and

WHEREAS, Resolution No. 91-1407 approved the FY 92 Unified Work Program authorizing application for Federal Transit Administration (FTA) grants for a "Preliminary Alternatives

Analysis" of the I-205 and Milwaukie corridors to determine the project to next proceed into the Alternatives Analysis/Environmental Impact Statement process and to determine the financing strategy for the recommended improvements; and

WHEREAS, Bus and LRT alternatives will be considered in both the I-205 and Milwaukie corridors; and

WHEREAS, \$425,000 of the I-205 buslane funds have been awarded in a grant from the FTA for the I-205 portion of the I-205/Milwaukie Preliminary Alternatives Analysis, leaving a \$15,941,283 balance available; and

WHEREAS, If LRT is not constructed in the I-205 corridor due to lack of funding, the \$16 million cannot be used for alternate purposes and will be lost to the Portland region; and

WHEREAS, FY 93 is the final year of the Interstate Transfer Transit Program as provided in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and is therefore the final opportunity to seek increased flexibility in the use of these funds; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District:

1. Approves seeking Congressional action to provide flexibility in the use of I-205 buslane funds for alternate transit projects in the Portland region.

2. Retains the JPACT commitment of the I-205 buslane funds in the I-205 corridor for LRT purposes.

3. Requires further JPACT approval to shift the funds out of the I-205 corridor and will only be considered if a concurrent

commitment is made to replace the funds from an alternate source for LRT purposes in the I-205 corridor.

4. Establishes that final allocation of these funds (or the replacement funds) will be made based upon the I-205/Milwaukie Preliminary Alternatives Analysis together with an implementation funding strategy.

ADOPTED by the Council of the Metropolitan Service District  
this 23rd day of April, 1992.

  
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Jim Gardner, Presiding Officer

ACC:lmk  
92-1584.RES  
3-27-92

## TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 92-1584, REQUESTING GREATER FLEXIBILITY IN THE USE OF THE I-205 BUSLANE FUNDS

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Date: April 20, 1992

Presented by: Councilor McLain

**Committee Recommendation:** At the April 14, 1992 meeting, the Transportation and Planning Committee voted 3-2 to recommend Council adoption of Resolution No. 92-1584. Voting in favor: Councilors Devlin, McLain, and Washington. Voting no: Councilors Bauer and Buchanan.

**Committee Issues/Discussion:** Andy Cotugno, Transportation Director, presented the staff report. He clarified that the resolution does four things: 1) requests Congressional action for greater "flexibility" in spending the \$16.3 million of I-205 buslane funds for alternative transit projects in the region; 2) continues JPACT's commitment that these funds be used for I-205 corridor light rail transit projects; 3) set parameters under which funds may be used for alternative purpose, including JPACT approval and replacement of funds; and 4) provides that final allocation of the funds is to be based upon the outcome of the I-205/Milwaukie Preliminary Alternatives Analysis (Pre-AA) together with an implementation funding strategy.

Councilor Buchanan asked Mr. Cotugno to clarify the fourth item of the resolution regarding the Pre-AA of I-205/Milwaukie. Buchanan's concern was that the previous agreement regarding this resolution was being compromised because of #4. His understanding was that regardless of the ultimate decision in the Pre-AA, the funds would be used for transit projects along I-205. Cotugno disagreed.

A lengthy discussion occurred regarding the interpretation of #4 in the resolution; the agreement reached in a meeting in Salem with Senator Frank Roberts; and Metro's status as the Metropolitan Planning Organization (MPO) for the region.

After the discussion, Councilor Buchanan moved to delete subsection 4. After more discussion, the committee voted on the motion which failed 2-3 (voting aye: Councilors Buchanan and Bauer; voting no: Councilors Devlin McLain and Washington).

Councilor McLain explained her vote. She felt it was better to have \$16 million for the region to use in any capacity than to risk the entire amount by tying it to I-205 light rail transit uses only. This resolution allows the region to do better long term planning.

Councilor Buchanan disagreed. He felt that Clackamas County has "gone along" with two other transit projects on the basis that I-

205 would be next. Number 4 of this resolution puts the \$16 million in jeopardy of being lost from the I-205 corridor and is therefore unacceptable.

Councilor Bauer explained his vote. He explained that the area he represents has already been a recipient of light rail transit but it was his understanding that I-205 would be next and he voiced concern that this resolution may nullify that agreement.

Councilor Gardner, attending the meeting as an observer, voiced his concern about the trend to create a myth regarding the I-205 corridor light rail project. He said there has never been an agreement that I-205 would be the next corridor selected. It is one of two corridors under study, through the Pre-AA. The only agreement is that Clackamas County will be the next county to have a light rail system. The Pre-AA for I-205/Milwaukie will decide which corridor.

Councilor Buchanan reiterated that this argument is not about the Pre-AA decision, it is about the \$16 million. The money has been earmarked for I-205, regardless of the final decision between I-205 and Milwaukie, and it should remain dedicated to I-205.

The committee asked Mr. Cotugno for his opinion. He suggested that the matter be returned to JPACT for further examination. When asked if this would allow enough time for action by the federal government, he replied, he hoped so but could not guarantee it. The committee opted to vote on the issue and passed it to the Council on a 3-2 vote.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 92-1584 FOR THE PURPOSE  
OF REQUESTING GREATER FLEXIBILITY IN THE USE OF THE I-  
205 BUSLANE FUNDS

Date: February 20, 1992

Presented by: Andrew Cotugno

PROPOSED ACTION

Adoption of the proposed resolution to seek Congressional action to broaden the allowed use of the I-205 Buslane Interstate Transfer funds but retain the current commitment of these funds for LRT in the I-205 corridor.

TPAC has reviewed this funding framework and recommends approval of Resolution No. 92-1584.

FACTUAL BACKGROUND AND ANALYSIS

The Surface Transportation Act of 1985 allowed the Portland region and the State of Oregon to withdraw the I-205 buslanes between Foster Road and Airport Way and to transfer these funds for future LRT in the I-205 corridor. The amount of funding made available for this purpose was \$16,366,283 of which \$425,000 was recently received for the I-205/Milwaukie Pre-AA study. The remaining amount of \$15,941,283 is restricted to LRT purposes only and does not inflate in value.

The recently initiated I-205/Milwaukie Pre-AA study is intended to conclude with one of the two corridors proceeding to full Alternatives Analysis in order to further consider LRT and to identify an interim improvement for the other corridor. As such, LRT in the near term may or may not be pursued in the I-205 corridor, thereby raising concerns about the region's ability to use these funds. The concern is particularly urgent since FY 93 is the last year that these funds can be appropriated by Congress and therefore likely the last opportunity to address this concern. In addition, the problem is compounded by the fact that the amount that will be available is fixed at \$15,941,283 and therefore loses purchasing power with time. Since this amount is only a very small portion of the cost to implement LRT in the I-205 corridor, the option of building something now is not available to the region.

Possible alternatives:

1. Leave the eligible use of the funds unchanged, thereby making it available for LRT in the I-205 corridor if and when a decision is made to implement LRT together with securing the remaining funds needed to implement the project. In the event LRT is not built, these funds will be lost to the Portland region.

2. Seek a Congressional action as part of the FY 93 Appropriations Bill to change the eligibility to allow it to be used for:
  - a. Any transit project in the I-205 region;
  - b. Any transit project in the I-205 or Milwaukie corridors (resulting from the I-205/Milwaukie Pre-AA);
  - c. Any transportation project in the I-205 corridor; or
  - d. Any transportation project in the region.

Options 2a and 2b would restrict the use to transit as originally intended but would result in lost purchasing power by waiting until a project is advanced to construction. Options 2c and 2d would allow the region to use these funds for an alternate regional purpose and assign future regional "Surface Transportation Program" funds to the I-205 or Milwaukie project.

Option 2a is recommended since it gives the Portland region the broadest flexibility for transit purposes. However, the recommended resolution also retains the current commitment of the funds to LRT in the I-205 corridor, thereby requiring further Council action to exercise the flexibility provision.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 92-1584.



# Port of Portland

Box 3529 Portland, Oregon 97208  
503/231-5000

Council  
4/23/92  
6.1

April 23, 1992

Jim Gardner, Presiding Officer  
Metro Council  
2000 S.W. 1st Avenue  
Portland, OR 97201

I-205 BUSLANE FUNDS

Dear Jim:

Council Resolution No. 92-1584 on tonight's agenda requests flexibility in the use of the I-205 BusLane Funds. The Port supported adoption of the resolution at JPACT earlier this month because it accomplishes the important goal of greater flexibility in the short term use of those funds, while ensuring that an equal amount will be available for a light rail improvement on I-205 later.

We do have concerns about this approach. If the Pre-Alternatives Analysis does not show a need for light rail in the I-205 corridor in the foreseeable future, further action will have to be taken to allocate the money to some other use. We firmly believe that the money needs to be reserved to solve problems in the corridor for which it was intended - I-205 between the Columbia River and Foster Road. If that is not light rail, then it should go for an alternative transit or roadway improvement. Others may not find that use appropriate, which could lead to serious disagreements at that time.

Ideally, we would like to see this money committed now to a project (or projects) which would address existing and future corridor problems. However, since we will not know what those projects are until after the Pre-Alternative Analysis, this resolution is the best we can do at this time. In order to move forward on this issue with our legislative delegation in Washington, the consensus language of this resolution should be approved by the Metro Council.

Sincerely,

Brian Campbell  
Planning Manager

cc: Mike Thorne  
Carter MacNichol



Port of Portland offices located in Portland, Oregon U.S.A.  
Chicago, Illinois, Washington, D.C., Hong Kong, Seoul, Taipei, Tokyo