



600 NE Grand Ave.  
Portland, OR 97232-2736

## Council meeting agenda

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Thursday, April 4, 2019

2:00 PM

Metro Regional Center, Council chamber

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**1. Call to Order and Roll Call**

**2. Safety Briefing**

**3. Public Communication**

**4. Resolutions**

- 4.1 Resolution No. 19-4982, For the Purpose of Affirming Metro's Dedication to an Accurate 2020 Census Count

[RES 19-4982](#)

Attachments: [Resolution No. 19-4982](#)  
[Staff Report](#)

**5. Presentations**

- 5.1 DEI Diversity Award Presentation

[19-5165](#)

Presenter(s): Raahi Reddy, Metro

Attachments: [2019 DEI Difference Maker Certificate Awardees](#)

**6. Consent Agenda**

- 6.1 Resolution No. 19-4971, For the Purpose of Adding or Amending Existing Projects to the 2018-21 Metropolitan Transportation Improvement Program Involving Three Projects Impacting Gresham, Oregon City, and Wilsonville (MR19-07-MAR)

[RES 19-4971](#)

Attachments: [Resolution No. 19-4971](#)  
[Exhibit A to Resolution No. 19-4971](#)  
[Staff Report](#)  
[Attachment 1 to Staff Report](#)  
[Attachment 2 to Staff Report](#)

- 6.2 Resolution No. 19-4974, For the Purpose of Confirming the Appointment of Members to the Transportation Funding Task Force [RES 19-4974](#)

Attachments: [Resolution No. 19-4974](#)  
[Exhibit A to Resolution No. 19-4974](#)  
[Staff Report](#)

- 6.3 Consideration of Council Special Presentation Minutes for March 14, 2019 [18-5195](#)

Attachments: [Consideration of Council Special Presentation Minutes for March 14,](#)

- 6.4 Consideration of Council Meeting Minutes for March 21, 2019 **18-5196**

**7. Ordinances (First Reading and Public Hearing)**

- 7.1 Ordinance No. 19-1434, For the Purpose of Approving an Increased Tonnage Allocation and Authorizing the Chief Operating Officer to Issue an Amended Solid Waste Facility Franchise for GSS Transfer, LLC [ORD 19-1434](#)

Presenter(s): Roy Brower, Metro  
Hila Ritter, Metro

Attachments: [Ordinance No. 19-1434](#)  
[Exhibit A to Ordinance No. 19-1434](#)  
[Staff Report](#)  
[Attachment 1 to Staff Report](#)  
[Attachment 2 to Staff Report](#)

- 7.1.1 Public Hearing for Ordinance No. 19-1434, For the Purpose of Approving an Increased Tonnage Allocation and Authorizing the Chief Operating Officer to Issue an Amended Solid Waste Facility Franchise for GSS Transfer, LLC

**8. Resolutions**

- 8.1 Resolution No. 19-4963, For the Purpose of Adopting the 2021-2024 Metropolitan Transportation Improvement Program Policy Statement for the Portland Metro Area [RES 19-4963](#)

Presenter(s): Grace Cho, Metro  
Ted Leybold, Metro

Attachments: [Resolution No. 19-4963](#)  
[Exhibit A to Resolution No. 19-4963](#)  
[Staff Report](#)

- 8.2 Resolution No. 19-4959, For the Purpose of Adopting the 2022-2024 Regional Flexible Funds Allocation Policy Statement for the Portland Metropolitan Area [RES 19-4959](#)

Presenter(s): Dan Kaempff, Metro  
Ted Leybold, Metro  
Margi Bradway, Metro

Attachments: [Resolution No. 19-4959](#)  
[Exhibit A to Resolution No. 19-4959](#)  
[Staff Report](#)

**9. Chief Operating Officer Communication**

**10. Councilor Communication**

**11. Adjourn**

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تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يُرجى زيارة الموقع الإلكتروني [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1700 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

### Повідомлення Metro про заборону дискримінації

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### Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev saww ntxov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lwm ua ntej ntwam lub rooj sib tham.

**សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro**  
ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកម្មប្រព័ន្ធរើសអើងសម្រាប់សេចក្តីសុខុមាលភាព ។  
[www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights) ។  
បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។



**Television schedule for Metro Council meetings**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, WA</b>  Channel 30 – Community Access Network  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  Call or visit web site for program times.</p>	<p><b>Portland</b>  Channel 30 – Portland Community Media  <i>Web site:</i> <a href="http://www.pcmtv.org">www.pcmtv.org</a>  <i>Ph:</i> 503-288-1515  Call or visit web site for program times.</p>
<p><b>Gresham</b>  Channel 30 - MCTV  <i>Web site:</i> <a href="http://www.metroeast.org">www.metroeast.org</a>  <i>Ph:</i> 503-491-7636  Call or visit web site for program times.</p>	<p><b>Washington County and West Linn</b>  Channel 30– TVC TV  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  Call or visit web site for program times.</p>
<p><b>Oregon City and Gladstone</b>  Channel 28 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site 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 the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site [www.oregonmetro.gov](http://www.oregonmetro.gov) and click on public comment opportunities.

Agenda Item No. 4.1

**Resolution No. 19-4982**, For the Purpose of Affirming Metro's Dedication  
to an Accurate 2020 Census Count

*Resolutions*

Metro Council Meeting  
Thursday, April 4, 2019  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AFFIRMING ) RESOLUTION NO. 19-4982  
METRO’S DEDICATION TO AN )  
ACCURATE 2020 CENSUS COUNT ) Introduced by Councilor Sam Chase,  
) Councilor Juan Carlos Gonzalez and  
) Councilor Christine Lewis in concurrence  
) with Council President Lynn Peterson

**Whereas**, the decennial census is mandated by the U.S. Constitution and has been conducted every ten years since 1790 to produce an accurate count of federal, state, and local populations that leads to informed decision-making by elected representatives; and

**Whereas**, Census data is critical to a variety of Metro functions including the Urban Growth Management process, federally mandated transportation planning work, Data Resource Center, market research for the venues, legislative districting and federal funding formulas, and our efforts to advance racial equity; and

**Whereas**, census data is utilized for the redrawing of congressional maps that assure proper representation based on population, and that with a proper and accurate census count, Oregon is expected to gain one seat in the House of Representatives due to growth; and

**Whereas**, census data has a direct impact on the allocation of approximately \$13.5 billion in annual federal funds, grants and supports to Oregon, including Medicaid, Medicare, highway planning, supplemental nutrition assistance, housing vouchers, school lunch, and countless others; and

**Whereas**, it is known that communities of color, immigrant and refugee populations, non-English speakers, and other marginalized groups have historically been hard to count and therefore underrepresented in our democratic system of government and in the funding received by cities, counties, schools and other public agencies seeking to serve their entire populations; and

**Whereas**, in order to encourage public involvement and ensure a complete count of communities, individual census records are confidential and protected for 72 years; and

**Whereas**, Metro staff are in close coordination with representatives from the U.S. Census Bureau, State of Oregon, Multnomah, Clackamas and Washington counties, and will continue to be to collaborate on efforts aimed at ensuring an accurate census especially for hard to count populations; now therefore

**BE IT RESOLVED** that the Metro Council supports the goals and ideals of the census, and will support our regional partners in conducting robust public awareness and educational campaigns up to, on, and after the nationally-recognized “Census Day” on April 1, 2020.

1. General populations will be urged to take the census online, which lowers the overall cost of conducting the census and encourages participation.
2. Members of historically hard to count populations will be specifically reached out to in order to ensure that they participate and are confidentially yet fully recognized as members of the community.

ADOPTED by the Metro Council this 4th day of April 2019.

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Lynn Peterson, Council President

Approved as to Form:

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Nathan A. S. Sykes, Acting Metro Attorney

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 19-4982, FOR THE PURPOSE OF AFFIRMING METRO'S DEDICATION TO AN ACCURATE 2020 CENSUS COUNT

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Date: April 5, 2019

Prepared by: Ernest Hayes  
ernest.hayes@oregonmetro.gov

## BACKGROUND

Accurate and complete census data is essential to ensure that people are counted in our region. This information impacts all Metro lines of business and is a critical tool in the Strategy to Advance Racial Equity. It is the basis for a wide variety of federal funding formulas impacting the daily lives of greater Portland residents.

The State of Oregon, Multnomah, Clackamas and Washington counties are working with Metro staff to create a regional collaborative to support the work of census data collection particularly for hard to count populations.

Metro's involvement in a regional collaboration will help to convene a well-represented support system to get the best results from the 2020 census count. This is also important for Metro districting, and the potential for an additional federal delegate based on count numbers, among the many other benefits.

## ANALYSIS/INFORMATION

1. **Known Opposition** None
2. **Legal Antecedents** Article 1, Section 2 of the United States Constitution; Title 13 of the U.S. Code; Metro Charter Chapter VI, Section 31; Metro Resolution 83-392; Metro Resolution 14-4502.
3. **Anticipated Effects** Metro will participate in efforts to increase the accuracy of census 2020 counts for the region.
4. **Budget Impacts** None related to this Resolution.

## RECOMMENDED ACTION

Staff recommends that Metro Council approve Resolution 19-4982 in support of our regional partners in affirming efforts to assure an accurate count from the 2020 Census.

Agenda Item No. 5.1

**DEI Diversity Award Presentation**

*Presentation*

Metro Council Meeting  
Thursday, April 4, 2019  
Metro Regional Center, Council Chamber





Metro

## 2019 DEI Difference Maker: The Role Model

# Jennifer Payne

In recognition of your work to embrace,  
support and advance diversity, equity  
and inclusion at Metro.

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Martha Bennett  
Metro Chief Operating Officer

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Lynn Peterson  
Metro Council President





Metro

# 2019 DEI Difference Maker: The Continual Learner

## PES Youth Programs: Kimberly Taylor

In recognition of your work to embrace,  
support and advance diversity, equity  
and inclusion at Metro.

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Martha Bennett  
Metro Chief Operating Officer

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Lynn Peterson  
Metro Council President





Metro

# 2019 DEI Difference Maker: The Continual Learner

## PES Youth Programs: Darwin Eustaquio

In recognition of your work to embrace,  
support and advance diversity, equity  
and inclusion at Metro.

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Martha Bennett  
Metro Chief Operating Officer

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Lynn Peterson  
Metro Council President





Metro

# 2019 DEI Difference Maker: The Continual Learner

## PES Youth Programs: Nicole Hernandez-Marrs

In recognition of your work to embrace,  
support and advance diversity, equity  
and inclusion at Metro.

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Martha Bennett  
Metro Chief Operating Officer

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Lynn Peterson  
Metro Council President





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# 2019 DEI Difference Maker: The Continual Learner

## PES Youth Programs: Lake Thelen

In recognition of your work to embrace,  
support and advance diversity, equity  
and inclusion at Metro.

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Martha Bennett  
Metro Chief Operating Officer

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Lynn Peterson  
Metro Council President







Metro

# 2019 DEI Difference Maker: The Continual Learner

## PES Youth Programs: Ken Pitts

In recognition of your work to embrace,  
support and advance diversity, equity  
and inclusion at Metro.

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Martha Bennett  
Metro Chief Operating Officer

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Lynn Peterson  
Metro Council President







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# 2019 DEI Difference Maker: The Continual Learner

## PES Youth Programs: Jamie Repasky

In recognition of your work to embrace,  
support and advance diversity, equity  
and inclusion at Metro.

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Martha Bennett  
Metro Chief Operating Officer

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Lynn Peterson  
Metro Council President





Metro

# 2019 DEI Difference Maker: The Continual Learner

## PES Youth Programs: Yaquelin Garcia-Delgado

In recognition of your work to embrace,  
support and advance diversity, equity  
and inclusion at Metro.

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Martha Bennett  
Metro Chief Operating Officer

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Lynn Peterson  
Metro Council President





Metro

# 2019 DEI Difference Maker: The Continual Learner

## PES Youth Programs: Jon Mayer

In recognition of your work to embrace,  
support and advance diversity, equity  
and inclusion at Metro.

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Martha Bennett  
Metro Chief Operating Officer

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Lynn Peterson  
Metro Council President





Metro

## 2019 DEI Difference Maker: The Innovative Thinker

# Enrique Vargas

In recognition of your work to embrace,  
support and advance diversity, equity  
and inclusion at Metro.

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Martha Bennett  
Metro Chief Operating Officer

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Lynn Peterson  
Metro Council President



Agenda Item No. 6.1

**Resolution No. 19-4971**, For the Purpose of Adding or Amending Existing Projects to the 2018-21 Metropolitan Transportation Improvement Program Involving Three Projects Impacting Gresham, Oregon City, and Wilsonville (MR19-07-MAR)

*Consent Agenda*

Metro Council Meeting  
Thursday, April 4, 2019  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING OR	)	RESOLUTION NO. 19-4971
AMENDING EXISTING PROJECTS TO THE	)	
2018-21 METROPOLITAN TRANSPORTATION	)	Introduced by: Chief Operating Officer
IMPROVEMENT PROGRAM INVOLVING	)	Martha Bennett in concurrence with
THREE PROJECTS IMPACTING GRESHAM,	)	Council President Lynn Peterson
OREGON CITY, AND WILSONVILLE (MR19-07-	)	
MAR)	)	

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan (RTP) to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2018-21 MTIP via Resolution 17-4817 on July 27, 2017; and

WHEREAS, JPACT and the Metro Council must approve any subsequent amendments to add new projects or substantially modify existing projects in the MTIP; and

WHEREAS, the U.S. Department of Transportation (USDOT) has issued clarified MTIP amendment submission rules and definitions for MTIP formal amendments and administrative modifications that both ODOT and all Oregon MPOs must adhere to which includes that all new projects added to the MTIP must complete the formal amendment process; and

WHEREAS, the city of Gresham received a \$100,000 project development grant from Metro for their SE Division Street from Wallula Ave to Birdsdales Ave active transportation improvement project, and with their \$107,000 matching contribution will complete required pre-National Environmental Policy Act (NEPA) environmental impact assessments, develop a staff preferred alternative, and complete design work up to thirty percent enabling the project to move forward and complete preliminary engineering much faster; and

WHEREAS, Oregon City received an Oregon Transportation Commission (OTC) approved \$250,000 Immediate Opportunity Fund (IOF) grant which supports primary economic development in Oregon through the construction and improvement of streets and roads and will be applied with Oregon City's \$9 million plus of local committed funds to their Meyers Rd: OR 213 to High School Ave roadway improvement and extension project; and

WHEREAS, the city of Wilsonville's Interstate 5 Bike and Pedestrian Crossing project from SW Barbur St to SW Town Center Loop completed a local fund exchange and has been de-federalized and will continue as a locally funded project not subject to federal approvals and will be monitored through Metro's Local Funded Project Delivery Program allowing it to now be removed from the MTIP to avoid potential monitoring and delivery duplication issues between Metro and ODOT; and

WHEREAS, all amended projects were evaluated against seven revised MTIP review factors to ensure all requested changes and additions can be accomplished legally through the MTIP amendment process; and

WHEREAS, the MTIP review factors included project eligibility/proof of funding, RTP consistency with the financially constrained element, consistency with RTP goals and strategies,



determination of amendment type, inclusion in the Metro transportation regional models, determination of Regional Significance, fiscal constraint verification, and compliance with MPO MTIP federal management responsibilities; and

WHEREAS, the MTIP's financial constraint finding is maintained as all projects proof of funding has been verified; and

WHEREAS, no negative impacts to air conformity will exist as a result of the changes completed through the March 2019 Formal MTIP Amendment; and

WHEREAS, all projects included in the March 2019 Formal MTIP Amendment successfully completed a required 30-day public notification/opportunity to comment period without any significant issues raised; and

WHEREAS, TPAC received their notification and recommended approval on March 1, 2019 and approved the amendment approval recommendation to JPACT; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on March 21, 2019 to formally amend the 2018-21 MTIP to include the March 2019 Formal Amendment bundle consisting of three projects.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 2019.

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Lynn Peterson, Council President

Approved as to Form:

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Nathan A.S. Sykes, Acting Metro Attorney

**2018-2021 Metropolitan Transportation Improvement Program  
Exhibit A to Resolution 19-4971**



**Proposed March 2019 Formal Amendment Bundle  
Amendment Type: **Formal/Full**  
Amendment #: **MR19-07-MAR**  
Total Number of Projects: 3**

<b>ODOT Key #</b>	<b>MTIP ID #</b>	<b>Lead Agency</b>	<b>Project Name</b>	<b>Project Description</b>	<b>Description of Changes</b>
16986	70542	Gresham	<del>Division Street Corridor Improvements (Gresham)</del> <b>SE Division St Improvements: Wallula-Birdsdale</b>	Construct sidewalks and bicycle lanes on each side of Division Street between Gresham/Fairview Trail and NW Wallula Ave.	<b>ADD FUNDING:</b> The project received a Metro Local Funds Project Development Grant which is being added to the Planning phase for project development activities including pre-NEPA environmental work and pre-Project Specifications, & Estimates (PS&E) design work up to 30% design.
<b>21423 NEW</b>	TBD	Oregon City	Meyers Rd: OR213 - High School Ave (Oregon City)	Construct 2,100 feet of new Meyers Rd between OR213 and just west of High School Ave. Add a southbound left turn lane on OR213. Add 1,400 feet of new northbound through-lane on OR213. Replace traffic signal at the OR213/Meyers Rd intersection to accommodate the new east leg of the intersection.	<b>ADD NEW PROJECT:</b> The formal amendment adds this new project to the 2018 MTIP.
20816	70883	Wilsonville	I-5 Bike/Ped O-xing: SW Barber - SW Town Center Loop	14-foot wide pedestrian and bicycle bridge spanning 290 feet over SW Boones Ferry Road and Interstate 5 connecting SW Barber Street with SW Town Center Loop West	<b>REMOVED PROJECT:</b> The project is a 2019-21 RFFA federally awarded project. Per discussions with FHWA, Metro agreed to a fund exchange and de-federalized the project. The project will be monitored by Metro through Metro's Locally Funded Project program. With no federal approvals required, the project is being removed from the MTIP through this amendment.



**Metro**  
**2018-21 Metropolitan Transportation Improvement Program (MTIP)**  
**Exhibit A to Resolution 19-4971**  
**PROJECT AMENDMENT DETAIL WORKSHEET**

**Formal Amendment**  
**Add Funding**  
**8th Amendment to Project**

<b>Lead Agency:</b> Gresham		Project Type:	Active Trns	<b>ODOT Key:</b>	<b>16986</b>
<b>Project Name:</b> <del>Division Street Corridor Improvements (Gresham)</del> SE Division St Improvements: Wallula-Birdsdale		ODOT Type	Bike/Ped	<b>MTIP ID:</b>	<b>70542</b>
		Capacity Enhancing:	No	<b>Status:</b>	<b>2</b>
<b>Short Description:</b> Construct sidewalks and bicycle lanes on each side of Division Street between Gresham/Fairview Trail and NW Wallula Ave.		Conformity Exempt:	Yes	RTP ID:	10440
		On State Hwy Sys:	No	RFFA ID:	N/A
		Mile Post Begin:	N/A	RFFA Cycle:	N/A
		Mile Post End:	N/A	UPWP:	No
		Length:	N/A	UPWP Cycle:	N/A
<b>Project Status:</b> 2 = Pre-design/project development activities (pre-NEPA) (ITS = ConOps.)		1st Year Program'd:	<b>2012</b>	Past Amend:	<b>7</b>
		Years Active:	<b>8</b>	OTC Approve:	No

**Detailed Description:** In the city of Gresham on Division Street between Gresham/Fairview Trail (GFT) and NW Wallula Ave, construct sidewalks and bicycle lanes on each side of Division Street (Project Development Activities). Completion of this project will address a key gap in the regional bicycle and pedestrian network, and is consistent with the Division BRT project. (Current funding is for project development activities only.)

**STIP Description:** None. Project is not in the active 2018-2021 STIP currently.

**PROJECT FUNDING DETAILS**

Fund Type Code	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other (Transit)	Total
<b>Federal Funds</b>								
TCSP	L68E	2013		\$ <del>161,514</del>				\$ -
TCSP	L68E	2013		\$ 179,460				\$ 179,460
							<b>Federal Total:</b>	\$ 179,460
<b>State Funds</b>								
								\$ -
							<b>State Total:</b>	\$ -
<b>Local Funds</b>								
Local	Match	2013		\$ <del>18,486</del>				\$ -
Local	Match	2013		\$ 20,540				\$ 20,540
Local	OVM	2018		\$ <del>100,000</del>				\$ -
Local-Metro	Bond	2019	\$ 100,000					\$ 100,000
Local -Grsham	Match	2019	\$ 107,500					\$ 107,500
							<b>Local Total</b>	\$ 228,040

Phase Totals Before Amend:	\$ -	<del>\$ 280,000</del>	\$ -	\$ -	\$ -	<del>\$ 280,000</del>
Phase Totals After Amend:	\$ 207,500	\$ 200,000	\$ -	\$ -	\$ -	\$ 407,500
Year Of Expenditure (YOE):						\$ 5,936,128

**Notes and Changes:**

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred

**Amendment Summary:**

Gresham received a local \$100,000 project development grant from Metro to complete project development activities including pre-NEPA and initial Project, Specifications & Design (PS&E) up to 30%. Project development deliverables include (1) establishing project alignment & sections to explore alternatives for bike lanes, multi-use paths, or other improvements, (2) completing survey and base mapping, (3) identify potential environmental impacts based on a staff preferred alternative, and initiate project design up to 30%. Once completed, the project should be able to move on into the formal Preliminary Engineering phase to compete NEPA and final design assuming Gresham has developed a complete funding plan for the project. Through this amendment, the project development grant funds are being added to the project in the MTIP.

**Project Notes:**

- > PE obligated 1/29/2013
- > EA: PE002199
- > Federal Aid ID: 3125(049)
- > YOE = Year of Expenditure. This identifies the estimated total project cost to complete with inflation included. The amount is pulled from the RTP. It will be updated once the project reaches 30% design and has a current estimate.

**RTP References:**

- > RTP ID: 10440 - Division - Gresham/Fairview Trail to Wallula/212th: Sidewalks, Bike Lanes
- > RTP Description: Retrofit street to add bicycle facilities, sidewalks, and explore other multimodal facilities and connections.

**Fund Codes:**

- > TCSP: Federal Transportation Community & System Preservation funds that support a variety of transportation system improvement areas.
- > Local = Local agency funds provided by the agency in support of the required match to the federal or state funds.

**Amendment Review and Development Personnel:**

- > ODOT LAL: Jonathan Horowitz. Project Manager/Engineer or Agency Contact: Jeff Shelley
- > Metro MTIP Programming Manager: Ken Lobeck. ODOT Region 1 STIP Coordinator: Gabriela Garcia

### **Capital and Implementation Project Status Codes**

#### Status Codes:

- 0 = No activity.
- 1 = Pre-first phase obligation activities (IGA development, project scoping, scoping refinement, etc.).
- 2 = Pre-design/project development activities (pre-NEPA) (ITS = ConOps.)
- 3 = (PE) Preliminary Engineering (NEPA) activities initiated
- 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%,90% design activities initiated).
- 5 = (RW ) Right-of Way activities initiated including R/W acquisition and/or utilities relocation.
- 6 = Pre-construction activities (pre-bid, construction management oversight, etc.).
- 7 = Construction activities or project implementation activities (e.g. for transit and ITS type projects) initiated.
- 8 = Post construction activities occurring (e.g. final rehab work, ITS system test and evaluation actions, etc.)
- 9 = Construction complete, facility open for use - no further obligations.
- 10 = Project close-out (final billings, de-obligations, etc.) in progress.
- 11 = Project completed, reimbursements finished.



**Metro**  
**2018-21 Metropolitan Transportation Improvement Program (MTIP)**  
**Exhibit A to Resolution 19-4971**  
**PROJECT AMENDMENT DETAIL WORKSHEET**

**Formal Amendment**  
**New Project**  
**Initial Programming**

<b>Lead Agency:</b> Oregon City		Project Type:	Local Rd	<b>ODOT Key:</b>	<b>21423</b>
<b>Project Name:</b> Meyers Rd: OR213 - High School Ave (Oregon City)		ODOT Type:	Modern	<b>MTIP ID:</b>	<b>TBD</b>
		Capacity Enhancing:	Yes	<b>Status:</b>	<b>6</b>
		Conformity Exempt:	No	RTP ID:	11544
		On State Hwy Sys:	OR213	RFFA ID:	N/A
		Mile Post Begin:	3.71	RFFA Cycle:	N/A
		Mile Post End:	3.89	UPWP:	No
		Length:	0.18	UPWP Cycle:	N/A
		1st Year Program'd:	<b>2019</b>	Past Amend:	<b>0</b>
		Years Active:	<b>1</b>	OTC Approve:	Yes
<b>Short Description:</b> Construct 2,100 feet of new Meyers Rd between OR213 and just west of High School Ave. Add a southbound left turn lane on OR213. Add 1,400 feet of new northbound through-lane on OR213. Replace traffic signal at the OR213/Meyers Rd intersection to accommodate the new east leg of the intersection.					
<b>Project Status:</b> 6 = Pre-construction activities (pre-bid, construction management oversight, etc.).					
<b>Detailed Description:</b> In Oregon City On OR213 from north of OR213/Meyers Rd (MP 3.71 to 3.89) and on Meyers Rd to west of High School Ave, Construct 2,100 feet of new Meyers Rd between OR213 and just west of High School Ave. Add a southbound left turn lane on OR213. Add 1,400 feet of new northbound through-lane on OR213. Replace traffic signal at the OR213/Meyers Rd intersection to accommodate the new east leg of the intersection. (2018 RTP ID: 11544)					
<b>STIP Description:</b> Construct 2,100 feet of new Meyers Rd between OR213 and just west of High School Ave. Add a southbound left turn lane on OR213. Add 1,400 feet of new northbound through-lane on OR213. Replace traffic signal at the OR213/Meyers Rd intersection to accommodate the new east leg of the intersection.					

**PROJECT FUNDING DETAILS**

Fund Type Code	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction		<b>Total</b>
<b>Federal Funds</b>								\$	-
								<b>Federal Total:</b>	\$ -
<b>State Funds</b>									
IOF	S600	2019					\$ 250,000	\$	250,000
								\$	-
								\$	-
								<b>State Total:</b>	\$ 250,000
<b>Local Funds</b>									
Other	OTH0	2019					\$ 7,604,142	\$	7,604,142
								\$	-
								<b>Local Total</b>	\$ 7,604,142



Phase Totals Before Amend:	\$ -	\$ -	\$ -	\$ -	<del>\$ -</del>	<del>\$ -</del>
Phase Totals After Amend:	\$ -	\$ -	\$ -	\$ -	\$ 7,854,142	\$ 7,854,142
Year Of Expenditure (YOE):						\$ 9,352,514

**Notes and Changes:**

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

**Amendment Summary:**

The formal amendment adds the new project to the 2018 MTIP. The project is required to be included in the MTIP as it is identified as a regionally significant project located in a Metro defined Employment Zone as stated in the Metro Arterials and Throughways modeling network. The project is identified in the constrained 2018 RTP and the capacity improvement is included in the updated Arterials and Throughways network. The Project received a \$250,000 state Immediate Opportunity Funds grant award from ODOT for the construction phase. The current project schedule is to initiate the construction phase during Federal Fiscal Year 2019. Approval from the Oregon Transportation Commission was required and occurred during their January 2019 meeting. Only the Construction phase is required to be programmed. The total project cost including all other prior phases is \$9,352,514. There are no federal funds committed to this project.

**Project Background:**

The Beaver Creek Employment Area is comprised of 90 acres of industrial land located next to Clackamas Community College (CCC). Once fully developed, this area could enable the addition of 1,600 jobs with an estimated payroll of more than \$124 million. The Beaver Creek Employment Area consists of two development sites made up of several individual parcels. Both sites are zoned as "Campus Industrial" areas and are located within Oregon City's city limits. The Meyers Road Extension Project will provide a safe and multi-modal connection for motor vehicles, bicycles, and pedestrians traveling along Meyers Road.

**RTP References:**

- > RTP ID: 11544 - Meyers Road Extension (West)
- > RTP Description: Construct new 3 lane roadway, sidewalks, buffered bike lanes, WB right turn lane and center turn lanes to serve adjacent Clackamas Community College & underdeveloped industrial properties. (TSP D46)

**Fund Codes:**

- > IOF State Immediate Opportunity Funds allocated by ODOT for various highway improvements.
- > Other = Local agency funds provided by the agency beyond any required matching funds.

**Amendment Review and Development Personnel:**

- > ODOT LAL: Not Identified. Project Manager or Agency Contact: Not Identified
- > Metro MTIP Programming Manager: Ken Lobeck. ODOT Region 1 STIP Coordinator: Gabriela Garcia

### Capital and Implementation Project Status Codes

Status Codes:

- 0 = No activity.
- 1 = Pre-first phase obligation activities (IGA development, project scoping, scoping refinement, etc.).
- 2 = Pre-design/project development activities (pre-NEPA) (ITS = ConOps.)
- 3 = (PE) Preliminary Engineering (NEPA) activities initiated
- 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%,90% design activities initiated).
- 5 = (RW ) Right-of Way activities initiated including R/W acquisition and/or utilities relocation.
- 6 = Pre-construction activities (pre-bid, construction management oversight, etc.).
- 7 = Construction activities or project implementation activities (e.g. for transit and ITS type projects) initiated.
- 8 = Post construction activities occurring (e.g. final rehab work, ITS system test and evaluation actions, etc.)
- 9 = Construction complete, facility open for use - no further obligations.
- 10 = Project close-out (final billings, de-obligations, etc.) in progress.
- 11 = Project completed, reimbursements finished.



**Metro**  
**2018-21 Metropolitan Transportation Improvement Program (MTIP)**  
**Exhibit A to Resolution 19-4971**  
**PROJECT AMENDMENT DETAIL WORKSHEET**

**Formal Amendment**  
**Removed Project**  
 2nd Amendment to Project

<b>Lead Agency:</b> Wilsonville	Project Type: Active Trns	<b>ODOT Key:</b> 20816
<b>Project Name:</b> I-5 Bike/Ped O-xing: SW Barber - SW Town Center Loop	ODOT Type: Bike/Ped	<b>MTIP ID:</b> 70883
<b>Short Description:</b> 14-foot wide pedestrian and bicycle bridge spanning 290 feet over SW Boones Ferry Road and Interstate 5 connecting SW Barber Street with SW Town Center Loop West  <b>Project Status:</b> = (PE) Preliminary Engineering (NEPA) activities initiated	Capacity Enhancing: No	<b>Status:</b> 3
	Conformity Exempt: Yes	RTP ID: 11554
	On State Hwy Sys: No	RFFA ID: 50288
	Mile Post Begin: N/A	RFFA Cycle: 2019-21
	Mile Post End: N/A	UPWP: No
	Length: N/A	UPWP Cycle: N/A
	1st Year Program'd: <b>2019</b>	Past Amend: <b>1</b>
	Years Active: <b>1</b>	OTC Approve: No

**Detailed Description:** The project consists of a new 14-foot wide pedestrian and bicycle bridge spanning 290 feet over SW Boones Ferry Road and Interstate 5, connecting SW Barber Street with SW Town Center Loop West

**STIP Description:** Design a 14 ft. wide pedestrian and bicycle bridge spanning 290 ft over SW Boones Ferry Rd and I-5, connecting SW Barber St with SW Town Center Loop West. Project includes retaining walls, public art, utility relocation and storm water runoff treatment

**PROJECT FUNDING DETAILS**

Fund Type Code	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other (Transit)	Total
<b>Federal Funds</b>								
								\$ -
								\$ -
							<b>Federal Total:</b>	\$ -
<b>State Funds</b>								
								\$ -
								\$ -
							<b>State Total:</b>	\$ -
<b>Local Funds</b>								
Other	OTH0	2019		<del>\$ 1,727,405</del>				
								\$ -
								\$ -
							<b>Local Total</b>	\$ -

Phase Totals Before Amend:	\$ -	<del>\$ 1,727,405</del>	\$ -	\$ -	<del>\$ -</del>	<del>\$ 1,727,405</del>
Phase Totals After Amend:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Year Of Expenditure (YOE):						\$ 9,086,417

**Notes and Changes:**

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

**Amendment Summary:**

The amendment removes the project from the MTIP. The project is a 2019-21 Metro Regional Flexible Fund Allocation (RFFA) awarded project. Upon review of the project among Metro, ODOT and FHWA, the city of Wilsonville concluded they can deliver the project cheaper as a de-federalized project. FHWA provided a concurrence that Wilsonville could move forward and deliver the project without the usual federal approvals. The federal RFFA funds were exchanged with local funds as currently programmed in the PE phase. Metro will monitor the project through their Local Funded Project Delivery program. To help avoid monitoring and delivery duplication efforts with ODOT, the project is being removed from the MTIP at this time.

**RTP References:**

- > RTP ID: 11554 - I-5 Walking and Biking Bridge
- > RTP Description: Construct bike/pedestrian bridge over I-5 to connect Town Center area with businesses and neighborhoods west of I-5.

**Fund Codes:**

> Other = Local agency funds provided by the agency in support of the project and go beyond the minimum match requirement if federal funds are also committed .

**Amendment Review and Development Personnel:**

- > ODOT LAL: Not Applicable. Project Manager or Agency Contact: Not Available
- > Metro MTIP Programming Manager: Ken Lobeck. ODOT Region 1 STIP Coordinator: Gabriela Garcia

**Capital and Implementation Project Status Codes**

Status Codes:

- 0 = No activity.
- 1 = Pre-first phase obligation activities (IGA development, project scoping, scoping refinement, etc.).
- 2 = Pre-design/project development activities (pre-NEPA) (ITS = ConOps.)
- 3 = (PE) Preliminary Engineering (NEPA) activities initiated
- 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%,90% design activities initiated).
- 5 = (RW ) Right-of Way activities initiated including R/W acquisition and/or utilities relocation.
- 6 = Pre-construction activities (pre-bid, construction management oversight, etc.).
- 7 = Construction activities or project implementation activities (e.g. for transit and ITS type projects) initiated.
- 8 = Post construction activities occurring (e.g. final rehab work, ITS system test and evaluation actions, etc.)
- 9 = Construction complete, facility open for use - no further obligations.
- 10 = Project close-out (final billings, de-obligations, etc.) in progress.
- 11 = Project completed, reimbursements finished.

# Memo



Date: Friday, March 21, 2019  
 To: Metro Council and Interested Parties  
 From: Ken Lobeck, Funding Programs Lead, 503-797-1785  
 Subject: March 2019 MTIP Formal Amendment plus Approval Request of Resolution 19-4971

## STAFF REPORT

FOR THE PURPOSE OF ADDING OR AMENDING EXISTING PROJECTS TO THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM INVOLVING THREE PROJECTS IMPACTING GRESHAM, OREGON CITY, AND WILSONVILLE (MR19-07-MAR)

## BACKGROUND

### What This Is:

The March 2019 Formal Metropolitan Transportation Improvement Program (MTIP) Amendment bundle (for FFY 2019) contains required changes and updates impacting Gresham, Oregon City, and Wilsonville. Three projects comprise the amendment bundle.

### What is the requested action?

**JPACT requests the Metro Council approve Resolution 19-4971 enabling the three identified projects to be amended correctly into the 2018 MTIP with final approval to occur from USDOT.**

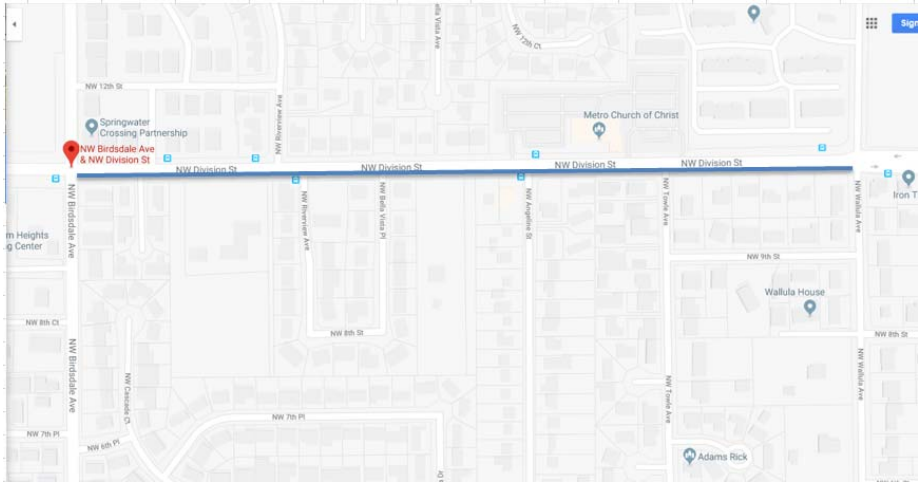
The summary of the three projects is shown in the below table:

Proposed March 2019 Formal Amendment Bundle Amendment Type: <b>Formal/Full</b> Amendment #: <b>MR19-07-MAR</b> Total Number of Projects: 3					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
16986	70542	Gresham	<del>Division Street Corridor</del> Improvements (Gresham) <b>SE Division St Improvements: Wallula-Birdsdale</b>	Construct sidewalks and bicycle lanes on each side of Division Street between Gresham/Fairview Trail and NW Wallula Ave.	<b>ADD FUNDING:</b> The project received a Metro Local Funds Project Development Grant which is being added to the Planning phase for project development activities including pre-NEPA environmental work and pre-Project Specifications, & Estimates (PS&E) design work up to 30% design.

Proposed March 2019 Formal Amendment Bundle Amendment Type: <b>Formal/Full</b> Amendment #: <b>MR19-07-MAR</b> Total Number of Projects: 3					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
21423 NEW	TBD	Oregon City	Meyers Rd: OR213 - High School Ave (Oregon City)	Construct 2,100 feet of new Meyers Rd between OR213 and just west of High School Ave. Add a southbound left turn lane on OR213. Add 1,400 feet of new northbound through-lane on OR213. Replace traffic signal at the OR213/Meyers Rd intersection to accommodate the new east leg of the intersection.	<b>ADD NEW PROJECT:</b> The formal amendment adds this new project to the 2018 MTIP.
20816	70883	Wilsonville	I-5 Bike/Ped O-xing: SW Barber - SW Town Center Loop	14-foot wide pedestrian and bicycle bridge spanning 290 feet over SW Boones Ferry Road and Interstate 5 connecting SW Barber Street with SW Town Center Loop West	<b>REMOVED PROJECT:</b> The project is a 2019-21 RFFA federally awarded project. Per discussions with FHWA, Metro agreed to a fund exchange and de-federalized the project. The project will be monitored by Metro through Metro's Locally Funded Project program. With no federal approvals required, the project is being removed from the MTIP through this amendment.

A detailed summary of the two projects being amended is provided in the tables on the following pages.

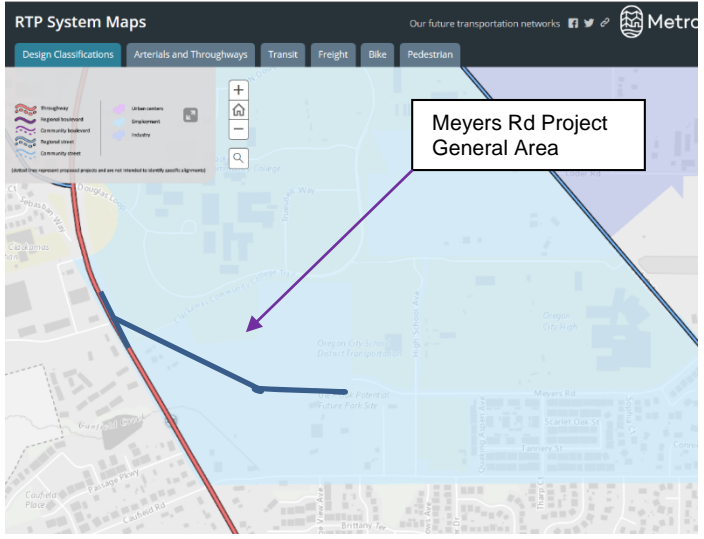
<b>Project 1:</b>		<del>Division Street Corridor Improvements (Gresham)</del> <b>SE Division St Improvements: Wallula - Birdsdale</b>	
Lead Agency:	<b>Gresham</b>		
ODOT Key Number:	<b>16986</b>	MTIP ID Number:	70542
Projects Description:	Project Snapshot: <ul style="list-style-type: none"> <li>Proposed improvements: In the city of Gresham on Division Street between Gresham/Fairview Trail (GFT) and NW Wallula Ave, construct sidewalks and bicycle lanes on each side of Division Street (Project Development Activities). Completion of this project will address a key gap in the regional bicycle and pedestrian network, and is consistent with the Division BRT project. (Current funding is for project development activities only.)</li> <li>Source: Existing MTIP project</li> <li>Funding: Federal Transportation Community and System Preservation (TCSP) funds</li> <li>Type: Active Transportation project</li> <li>Location: In the city of Gresham on SE Division Street</li> <li>Cross Streets: from Wallula Ave to Birdsdale Ave</li> <li>Mile Post Limits: N/A</li> </ul>		

	<ul style="list-style-type: none"> <li>• Current Status Code: 2 = Pre-design/project development activities (pre-NEPA) (ITS = ConOps)</li> <li>• STIP Amendment Number: TBD</li> <li>• MTIP Amendment Number: MR19-07-MAR</li> </ul>
<p>What is changing?</p>	<p><b>AMENDMENT ACTION: ADDING FUNDING</b></p> <p>The amendment adds local funds in the amount of \$207,500 to the MTIP Planning phase in support of project development pre-National Environmental Policy Act (NEPA) activities and to initiate preliminary design up to 30%.</p> <p>With this Metro project development support grant, Gresham is attempting to re-start this project and move forward to deliver the project. The amendment also includes project renaming from the Division Street Corridor Improvements Project (Gresham) to be “SE Division St Improvements: Wallula-Birdsdale” to reflect the update limits identified in the project development grant.</p>  <p>The project was originally awarded \$832,640 federal Transportation Community and Systems Preservation (TCSP) funds and was first programmed in the MTIP in early 2012. The estimated total project cost then was \$1,310,600. The PE phase was obligated in June of 2013. \$179,460 of TCSP funds were obligated for the PE phase in 2013.</p> <p>The TCSP funds were awarded to the project with a shelf-life use it or lose it obligation requirement. During 2017, the TCSP funds lapsed and a request for their extension was denied by FHWA. As a result a formal amendment occurred to remove the remaining TCSP funds (totaling \$653,180) and local match from the remaining phases the TCSP funds were programmed.</p> <p>Metro agreed to carry-over the project into the 2018 MTIP with \$100,000 of local funds in the PE phase while Gresham worked on developing a funding plan for the project.</p> <p>The Metro grant of \$100,000 for project development work will help Gresham take a step forward in developing their funding plan for the project.</p> <p>Per the 2018 RTP, the SE Division St Improvement project revised total estimated cost is now \$5,936,128 and represents a significant increase from the TCSP funded version at \$1,310,600.</p>

<p>Additional Details:</p>	<p>The award and use of federal transportation funds often comes with numerous conditions. Example: Federal Congestion Mitigation Air Quality improvement funds must clearly demonstrate appropriate reductions in four air pollutants for the funds to be declared eligible to the committed project.</p> <p>Another key condition for the use and reimbursement of all FHWA managed federal transportation surrounds Directive 5020.1A which involves the Repayment of Preliminary Engineering Costs for federally funded projects that do not make adequate progress through the federal transportation project delivery process. Directive 5020.1A, dated June 8, 2018 provides policy and procedures concerning the repayment of Federal-aid funds expended on preliminary engineering (PE) projects when on-site construction or right-of way (ROW) acquisition does not commence within 10 years of the date on which Federal funds were first made available.</p> <p>The TCSP funds for the PE phase were obligated on 1/29/2013. The project will need to have commenced the ROW phase before the end of FFY 2023 (or specific deadline established by FHWA) to ensure the remaining obligated TSCP are not subject to the 10-year PE Repayment Requirement as stated in Directive 5020.1A. Per Gresham’s project development grant IGA, the 30% design update final deliverable is scheduled to occur as of September 2021. The window to complete PE and move on to the ROW phase will be tight to avoid the PE payback requirement, and also assumes the project will have a sufficiently developed project financial plan.</p>
<p>Why a Formal amendment is required?</p>	<p>Per the FHWA/FTA/ODOT/MPO Amendment Matrix, Cost changes for FHWA funded projects with an active-year programming cost less than \$500,000 require a formal amendment if the cost change is in excess of 50%. Adding the \$207,500 of local funds into 2019 represents a 51.8% cost change to the project and is above the 50% threshold.</p>
<p>Total Programmed Amount:</p>	<p>The total project programming amount increases from \$100,000 to \$407,500 of which \$200,000 is reflected as prior obligated funds from years outside of the current 2018 MTIP.</p>
<p>Added Notes:</p>	

<p><b>Project #2: Meyers Rd: OR213 - High School Ave (Oregon City) (New Project)</b></p>	
<p>Lead Agency:</p>	<p><b>Oregon City</b></p>
<p>ODOT Key Number:</p>	<p><b>21423</b></p>
<p>Project Description:</p>	<p>Project Snapshot:</p> <ul style="list-style-type: none"> <li>• Proposed improvements: Construct 2,100 feet of new Meyers Rd between OR213 and just west of High School Ave. Add a southbound left turn lane on OR213. Add 1,400 feet of new northbound through-lane on OR213. Replace traffic signal at the OR213/ Meyers Rd intersection to accommodate the new east leg of the intersection..</li> <li>• Source: Local arterial in Oregon City</li> <li>• Funding: Primarily local funds from Oregon City with a \$250,000 State Immediate Opportunity Fund (IOF) grant from ODOT</li> <li>• Type: Modernization/capacity enhancing</li> <li>• Location: In Oregon City On OR213 from north of OR213/Meyers Rd and on Meyers Rd to west of High School Ave</li> <li>• Cross Streets: Meyers Rd east to just west of High School Ave</li> <li>• Mile Post Limits: 3.71 to 3.89</li> </ul>

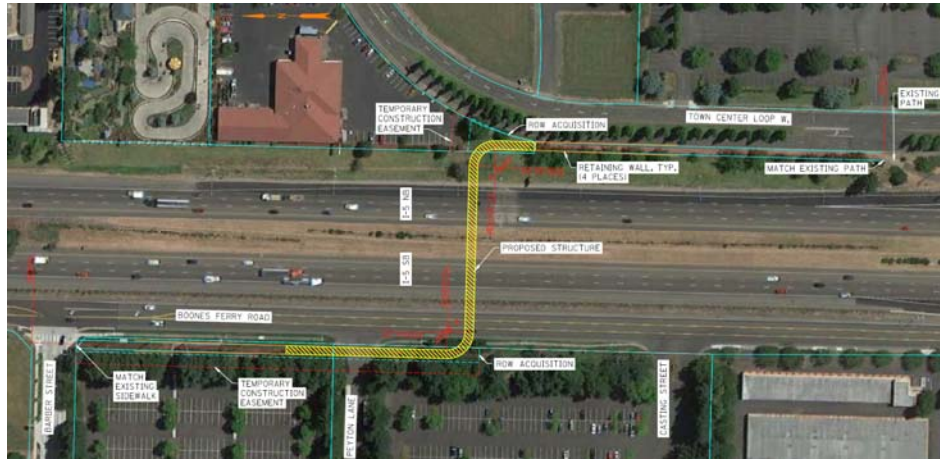


	<ul style="list-style-type: none"> <li>• Current Status Code: 6 (Pre construction activities)</li> <li>• STIP Amendment Number: 18-21-2137</li> <li>• MTIP Amendment Number: MR19-07-MAR</li> </ul>
<p>What is changing?</p>	<p><b>AMENDMENT ACTION: ADD NEW PROJECT:</b></p> <p>This project is primarily a locally funded project with a small State IOF grant. The purpose of the "Immediate Opportunity Fund" (IOF) is to support primary economic development in Oregon through the construction and improvement of streets and roads. The 1987 Oregon Legislature created state funding for immediate economic opportunities with certain motor vehicle gas-tax increases. Access to this fund is discretionary and the fund may only be used when other sources of financial support are unavailable or insufficient. The IOF is not a replacement or substitute for other funding sources. The IOF is designed to meet the following objectives:</p> <ul style="list-style-type: none"> <li>• Provide needed street or road improvements to influence the location, relocation or retention of a firm in Oregon.</li> <li>• Provide procedures and funds for the Oregon Transportation Commission (OTC) to respond quickly to economic development opportunities.</li> <li>• Provide criteria and procedures for Business Oregon, other agencies, local governments and the private sector to work with the Oregon Department of Transportation (ODOT) in providing road improvements needed to ensure specific job development opportunities for Oregon or to revitalize business or industrial centers.</li> </ul> <p>This project falls under the category of Type B: Benefits in terms of a revitalized business district or industrial center through the construction of road improvements.</p> <p>The project is identified in the 2018 RTP in ID 11544, "Construct new 3 lane roadway, sidewalks, buffered bike lanes, WB right turn lane and center turn lanes to serve adjacent Clackamas Community College &amp; underdeveloped industrial properties. (TSP D46)". Because the project is located in a Metro defined "Employment Area" within the Arterials and Throughways Modeling Network, the project is considered Regionally Significant and MTIP Programming is required. It appears that federal approvals are not required allowing only the construction phase with the IOF funds needing to be programmed.</p> <p>The project will construct 2,100 feet of new Meyers Rd between OR213 and just west of High School Ave. Add a southbound left turn lane on OR213. Add 1,400 feet of new northbound through-lane on OR213. Replace traffic signal at the OR213/Meyers Rd intersection to accommodate the new east leg of the intersection.</p> 

	<p>The Construction phase estimate is \$7,854,142. The total project cost including all other phases is \$9,352,514. MTIP programming only requires the construction phase to be programmed.</p> <table border="1" data-bbox="699 222 1401 417"> <tr> <td>Preliminary Engineering</td> <td>\$667,163.00</td> </tr> <tr> <td>Permitting and Miscellaneous Expenses</td> <td>\$173,324.00</td> </tr> <tr> <td>Bonneville Power Administration Tower Modifications</td> <td>\$265,885.00</td> </tr> <tr> <td>Right-of-Way Acquisitions</td> <td>\$392,000.00</td> </tr> <tr> <td>Construction</td> <td>\$7,854,142.00</td> </tr> <tr> <td><b>Total Project Cost</b></td> <td><b>\$9,352,514.00</b></td> </tr> </table>	Preliminary Engineering	\$667,163.00	Permitting and Miscellaneous Expenses	\$173,324.00	Bonneville Power Administration Tower Modifications	\$265,885.00	Right-of-Way Acquisitions	\$392,000.00	Construction	\$7,854,142.00	<b>Total Project Cost</b>	<b>\$9,352,514.00</b>
Preliminary Engineering	\$667,163.00												
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Right-of-Way Acquisitions	\$392,000.00												
Construction	\$7,854,142.00												
<b>Total Project Cost</b>	<b>\$9,352,514.00</b>												
<p>Additional Details:</p>	<p>Benefits of the project include:</p> <ul style="list-style-type: none"> <li>• Relieving congestion on Glen Oak Road.</li> <li>• Providing a new access through the area to foster future development of industrial land parcels adjacent to the road and helping to spur the creation of over 1,600 family-wage jobs.</li> <li>• Providing greater access to a regionally-vital employment area that will enhance the flow of commerce.</li> <li>• Helping address transportation capacity concerns and alternative mobility targets at the intersection of Oregon 213 and Beavercreek Road.</li> <li>• Providing an additional access for the Oregon City School District Transportation and Maintenance Facility, connectivity to the future City park at the corner of Meyers Road and High School Avenue, and an additional access (on the south end of the campus) to Clackamas Community College and the expanded Transit Center under construction on their campus.</li> </ul>												
<p>Why a Formal amendment is required?</p>	<p>Per the FHWA/FTA/ODOT/MPO MTIP &amp; STIP Amendment Matrix, adding a new project to the MTIP requires a formal amendment.</p>												
<p>Total Programmed Amount:</p>	<p>The total project programming amount is \$7,854,142. The total estimate project cost is \$9,352,514.</p>												
<p>Added Notes:</p>	<p>OTC approval was required in awarding the IOF grant and occurred during their January 2019 meeting.</p>												

<p><b>Project 3: I-5 Bike/Ped O-xing: SW Barber - SW Town Center Loop</b></p>			
<p>Lead Agency:</p>	<p><b>Wilsonville</b></p>		
<p>ODOT Key Number:</p>	<p><b>20816</b></p>	<p>MTIP ID Number:</p>	<p>70883</p>
<p>Projects Description:</p>	<p>Project Snapshot:</p> <ul style="list-style-type: none"> <li>• Proposed improvements: Construct a 14-foot wide pedestrian and bicycle bridge spanning 290 feet over SW Boones Ferry Road and Interstate 5 connecting SW Barber Street with SW Town Center Loop West</li> <li>• Source: Existing MTIP project</li> <li>• Funding: Initially a RFFA federal award and then fund exchange for local funds</li> <li>• Type: Active Transportation project</li> <li>• Location: In the city of Wilsonville over Interstate 5</li> <li>• Cross Streets: Between Barbur St and Casting Street</li> <li>• Mile Post Limits: MP 284.2 to MP 284.4</li> <li>• Current Status Code: 3 = (PE) Preliminary Engineering (NEPA) activities initiated</li> <li>• STIP Amendment Number: TBD</li> <li>• MTIP Amendment Number: MR19-07-MAR</li> </ul>		
<p>What is changing?</p>	<p><b>AMENDMENT ACTION: REMOVE PROJECT</b></p> <p>The amendment removes the project from the 2018 MTIP. The city of Wilsonville's I-5 Bike/Pedestrian Overcrossing project is a 2019-2021 Regional Flexible Fund</p>		

Allocation (RFFA) award recipient. The project was awarded \$1,550,000 of federal funds from the RFFA Step 2 Funding Category.



However, early project reviews with ODOT and Metro indicated that Wilsonville’s funding plan for the ROW, Construction, and Utility Relocation could present issues for the project as it progressed through the federal National Environmental Policy Act (NEPA). Questions also arose if the estimated total project cost was reasonable, or if the project was underfunded. Since the RFFA award only funded the Preliminary Engineering phase, discussions continued on whether the project should be recommended to take a step back and complete additional pre-NEPA project development activities, or be de-federalized.

Subsequent discussions with FHWA supported project de-federalization. FHWA provided their opinion that the project could proceed as a locally funded project outside of the federal transportation project delivery process. The city of Wilsonville opted for project de-federalization and completed a local fund exchange with Metro. The fund exchange shifted the federal funds from the I-5 project to Wilsonville’s Kinsman Rd – SW Boeckman to SW Barbur project for local funds from the Kinsman Rd project.

Along with expected faster project delivery, the city of Wilsonville advocates that de-federalizing the I-5 Bike/Pedestrian Overcrossing project will result in a lower total project cost to construct and deliver the overcrossing.

Metro has developed a separate locally funded Intergovernmental Agreement (IGA) with Wilsonville to complete the project and will monitor the project through their Local Funded Project Delivery Program. To avoid monitoring conflicts with ODOT, Metro is removing the project from the MTIP at this time.

Additional Details:	N/A
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO Amendment Matrix, removing/cancelling a project from the MTIP requires a formal amendment.
Total Programmed Amount:	The total project programming amount decreases from \$1,727,405 to \$0 in the MTIP.
Added Notes:	

Note: The Amendment Matrix located on the next page is included as a reference for the rules and justifications governing Formal Amendments and Administrative Modifications to the MTIP that the MPOs and ODOT must follow.

**PUBLIC COMMENTS/NOTIFICATION PERIOD NOTATION:**

On March 26, 2019, the 30-day Public Notification/Opportunity to Comment period will officially close. As of March 21, 2019, Metro has received one significant comment which required a staff response. The comments were also forward to Metro Legal staff for an opinion. The comment is from a Mr. Ed Sullivan which advocates that the Metro Regional Transportation Plan (RTP) and MTIP have failed to properly address the requirements of the federal Fair Housing Act. Although Metro does not receive any federal Fair Housing Act or Housing and Urban Development (HUD) funding, Mr. Sullivan believes Metro is in violation of the Fair Housing Act related to the development of the RTP and MTIP. Mr. Sullivan was requested to expound on his accusation, however, specific details of Metro’s violation were not provided.

Metro’s Legal review indicated that the vague comments are off-based and not relevant to stop the Amendment bundle. The opinion provided to the MTIP manager is that the comments lack proper justification and do not merit any further action on staff’s account. The comments have been formally added to the comments log with a response summary. At this time, staff recommends continued forward progress of the March 2019 Formal Amendment Bundle and recommends approval at the April 4<sup>th</sup> Meeting.

**METRO REQUIRED PROJECT AMENDMENT REVIEWS**

In accordance with 23 CFR 450.316-328, Metro is responsible for reviewing and ensuring MTIP amendments comply with all federal programming requirements. Each project and their requested changes are evaluated against multiple MTIP programming review factors that originate from 23 CFR 450.316-328. The programming factors include:

- Verification as required to programmed in the MTIP:
  - Awarded federal funds and is considered a transportation project
  - Identified as a regionally significant project.
  - Identified on and impacts Metro transportation modeling networks.
  - Requires any sort of federal approvals which the MTIP is involved.
- Passes fiscal constraint verification:
  - Project eligibility for the use of the funds
  - Proof and verification of funding commitment

ODOT-FTA-FHWA Amendment Matrix
<b>Type of Change</b>
<b>FULL AMENDMENTS</b>
1. Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized
2. Major change in project scope. Major scope change includes: <ul style="list-style-type: none"> <li>• Change in project termini - greater than .25 mile in any direction</li> <li>• Changes to the approved environmental footprint</li> <li>• Impacts to AQ conformity</li> <li>• Adding capacity per FHWA Standards</li> <li>• Adding or deleting worktype</li> </ul>
3. Changes in Fiscal Constraint by the following criteria: <ul style="list-style-type: none"> <li>• FHWA project cost increase/decrease:                             <ul style="list-style-type: none"> <li>• Projects under \$500K – increase/decrease over 50%</li> <li>• Projects \$500K to \$1M – increase/decrease over 30%</li> <li>• Projects \$1M and over – increase/decrease over 20%</li> </ul> </li> <li>• All FTA project changes – increase/decrease over 30%</li> </ul>
4. Adding an emergency relief permanent repair project that involves substantial change in function and location.
<b>ADMINISTRATIVE/TECHNICAL ADJUSTMENTS</b>
1. Advancing or Slipping an approved project/phase within the current STIP (If slipping outside current STIP, see Full Amendments #2)
2. Adding or deleting any phase (except CN) of an approved project below Full Amendment #3
3. Combining two or more approved projects into one or splitting an approved project into two or more, or splitting part of an approved project to a new one.
4. Splitting a new project out of an approved program-specific pool of funds (but not reserves for future projects) or adding funds to an existing project from a bucket or reserve if the project was selected through a specific process (i.e. ARTS, Local Bridge...)
5. Minor technical corrections to make the printed STIP consistent with prior approvals, such as typos or missing data.
6. Changing name of project due to change in scope, combining or splitting of projects, or to better conform to naming convention. (For major change in scope, see Full Amendments #2)
7. Adding a temporary emergency repair and relief project that does not involve substantial change in function and location.

- Requires the MPO to establish a documented process proving MTIP programming does not exceed the allocated funding for each year of the four year MTIP and for all funds identified in the MTIP.
- Passes the RTP consistency review:
  - Identified in the current approved constrained RTP either as a stand- alone project or in an approved project grouping bucket
  - RTP project cost consistent with requested programming amount in the MTIP
  - If a capacity enhancing project – is identified in the approved Metro modeling network
- Satisfies RTP goals and strategies consistency: Meets one or more goals or strategies identified in the current RTP
- Determined the project is eligible to be added to the MTIP, or can be legally amended as required without violating provisions of 23 CFR450.300-338 either as a formal Amendment or administrative modification:
  - Does not violate supplemental directive guidance from FHWA/FTA’s approved Amendment Matrix.
  - Adheres to conditions and limitation for completing technical corrections, administrative modifications, or formal amendments in the MTIP.
  - Is eligible for special programming exceptions periodically negotiated with USDOT as well.
  - Programming determined to be reasonable of phase obligation timing and is consistent with project delivery schedule timing.
- MPO responsibilities completion:
  - Completion of the required 30 day Public Notification period:
  - Project monitoring, fund obligations, and expenditure of allocated funds in a timely fashion.
  - Acting on behalf of USDOT to provide the required forum and complete necessary discussions of proposed transportation improvements/strategies throughout the MPO.

**APPROVAL STEPS AND TIMING**

Metro’s approval process for formal amendment includes multiple steps. The required approvals for the March 2019 Formal MTIP amendment will include the following:

<u>Action</u>	<u>Target Date</u>
● Initiate the required 30-day public notification process.....	February 25, 2019
● TPAC notification and approval recommendation.....	March 1, 2019
● JPACT approval and recommendation to Council.....	March 21, 2019*
● Completion of public notification process.....	March 26, 2019
● <b>Metro Council approval.....</b>	<b>April 4, 2019</b>

Notes:

\* If any notable comments are received during the public comment period requiring follow-on discussions, they will be addressed by JPACT.

USDOT Approval Steps:

<u>Action</u>	<u>Target Date</u>
● Metro development of amendment narrative package .....	April 8, 2019
● Amendment bundle submission to ODOT for review.....	April 8, 2019
● Submission of the final amendment package to USDOT.....	April 8, 2019
● ODOT clarification and approval.....	Mid-April, 2019
● USDOT clarification and final amendment approval.....	Late April-early May, 2019

**ANALYSIS/INFORMATION**

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:** Amends the 2018-2021 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 17-4817 on July 27, 2017 (For The Purpose of Adopting the Metropolitan Transportation Improvement Program for the Portland Metropolitan Area).
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds.
4. **Metro Budget Impacts:** None to Metro

**RECOMMENDED ACTION:**

**JPACT recommends Metro Council approval of Resolution 19-4971.**

- TPAC approval date: March 1, 2019
- JPACT approval date: March 21, 2019

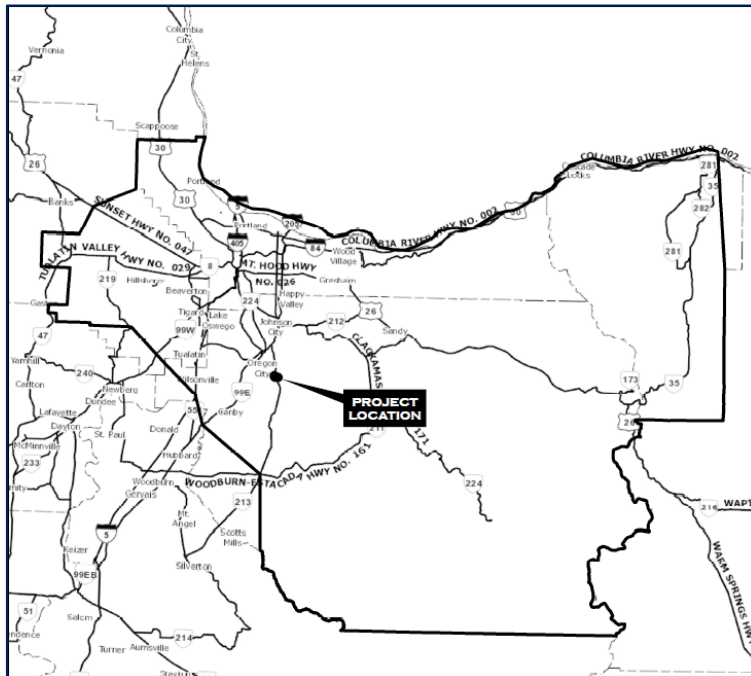
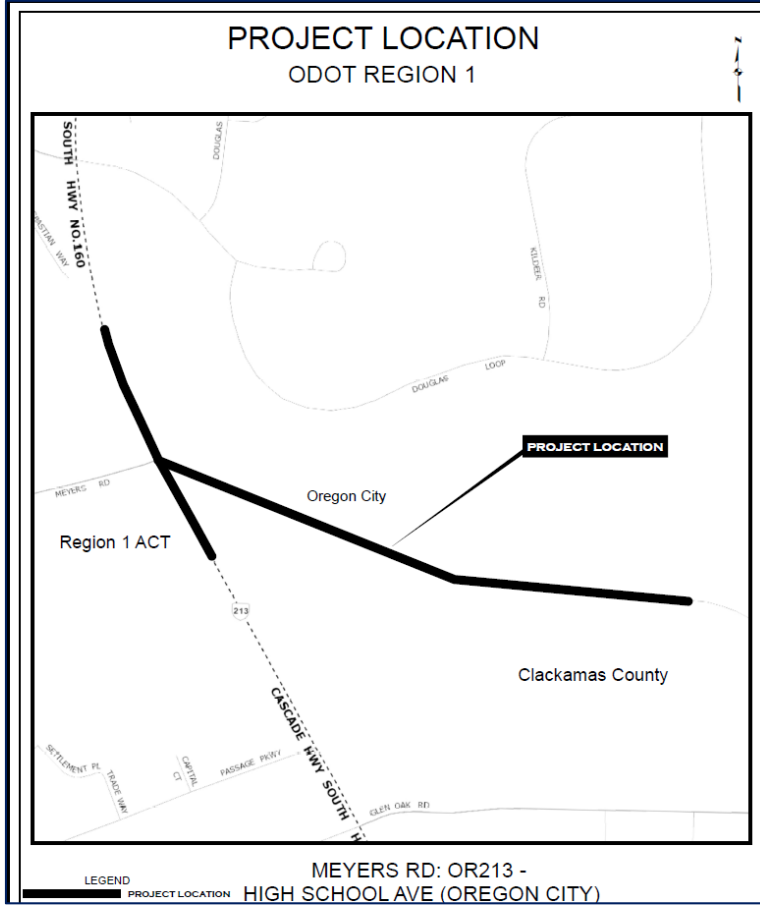
Attachments:

1. Project Location Maps
2. OTC Letter for Key 21423 – OTC Approval of IOF Funds



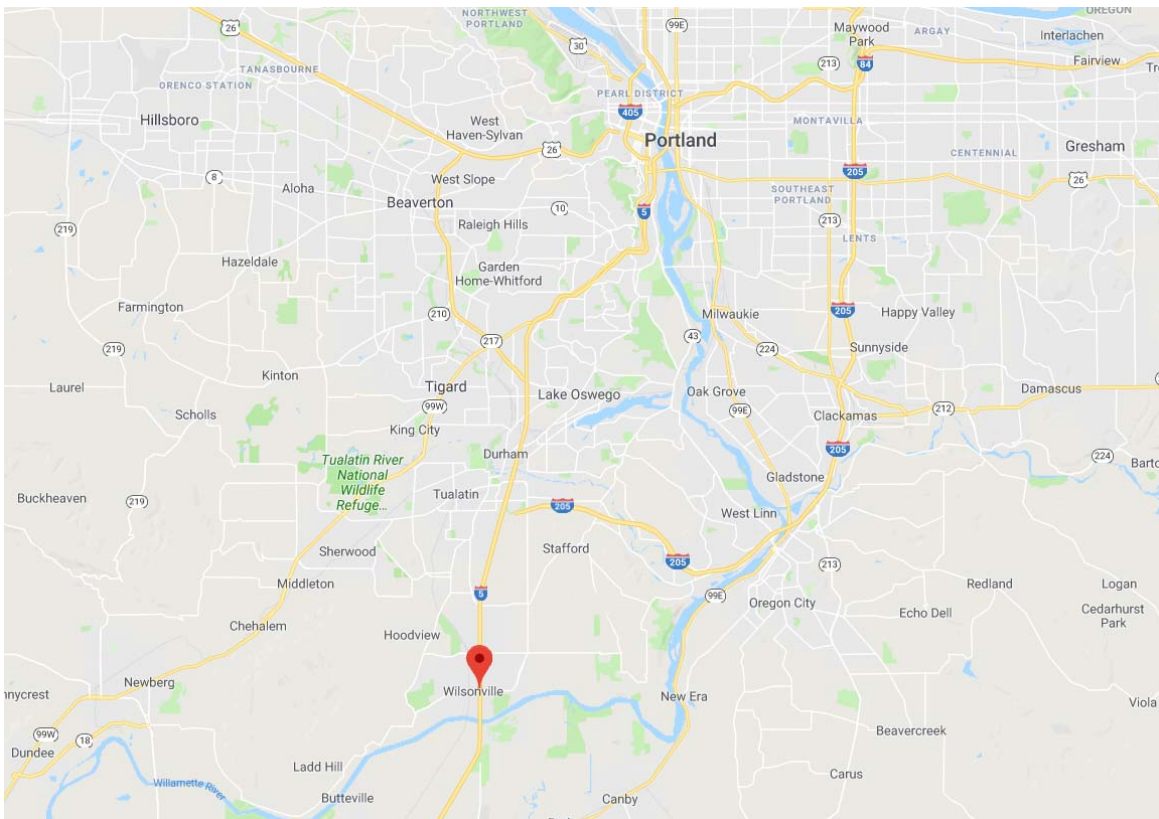
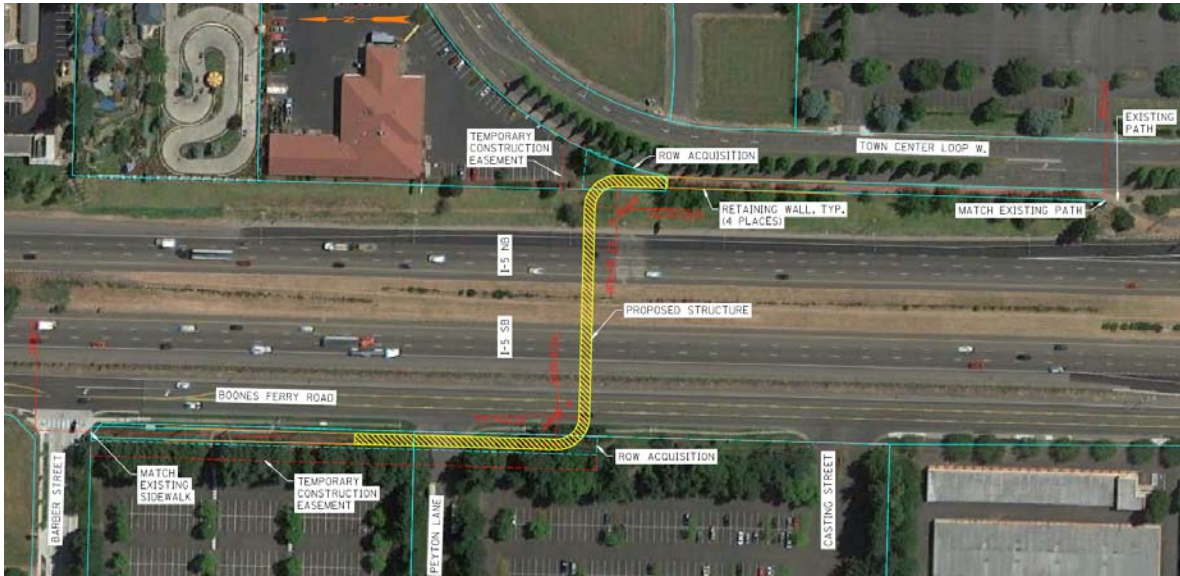


**Key 21423**  
**Meyers Rd: OR213 - High School Ave (Oregon City)**





**Key 20454**  
**I-5 Bike/Ped O-xing: SW Barber - SW Town Center Loop**





# Oregon

Kate Brown, Governor

## Oregon Transportation Commission

Office of the Director, MS 11

355 Capitol St NE

Salem, OR 97301-3871

**DATE:** January 7, 2019

**TO:** Oregon Transportation Commission

*[Original signature on file]*

**FROM:** Matthew L. Garrett  
Director

**SUBJECT:** **Consent 10** – Immediate Opportunity Fund award to the City of Oregon City for Myers Road and the Beavercreek Employment Area.

**Requested Action:**

Approve awarding \$250,000 of Type B [Immediate Opportunity Funds](#) (IOF) to Oregon City and adding a project to the 2018-2021 Statewide Transportation Improvement Program (STIP) for construction of Myers Road.

STIP Amendment Funding Summary:

Project	Current Funding	Proposed Funding
Immediate Opportunity Fund (IOF) Award	\$0	\$250,000
Oregon City System Development Charges and Clackamas Community College funds	\$0	\$9,102,514
<b>TOTAL</b>	<b>\$0</b>	<b>\$9,352,514</b>

New Project:

<b>Meyers Road: Oregon 213 to Meyers road (Oregon City) (KN TBD)</b>			
PHASE	YEAR	COST	
		Current	Proposed
Preliminary Engineering	2019	\$0	\$840,487
Right of Way	TBD	\$0	\$392,000
Utility Relocation	TBD	\$0	\$265,885
Construction	TBD	\$0	\$7,854,142
<b>TOTAL</b>		<b>\$0</b>	<b>\$9,352,514</b>

**Background:**

The Beavercreek Employment Area is comprised of 90 acres of industrial land located next to Clackamas Community College (CCC). Once fully developed, this area could enable the addition of 1,600 jobs with an estimated payroll of more than \$124 million. The Beavercreek Employment Area consists of two development sites made up of several individual parcels. Both sites are zoned as “Campus Industrial” areas and are located within Oregon City’s city limits. Critical infrastructure and utilities serve just a portion of the sites. The sites are located near key transportation corridors and

provide access to the Port of Portland and the Portland International Airport. Additionally, the sites strategic location next to Clackamas Community College will allow employer access to education and training resources while their proximity to retail centers will provide employees access to amenities, such as restaurants and shops.

Business Oregon and the City of Oregon City are currently working with two developers to build site infrastructure and three companies who have expressed interest in relocating to the industrial area. One of the companies is a traded-sector manufacturing outdoor industry leader that is expanding into new global markets and is in the process of expanding their workforce. They currently employ three hundred workers and plan to create ninety-two new jobs over the next twelve months. It is critical for the City of Oregon City to retain this company and the manufacturing jobs they support. The other two companies are either in the process of expansion or consolidation. Together, these projects could result in meeting nearly half of the City's employment targets for the industrial area.

The City of Oregon City has partnered with CCC to bring skilled workforce training opportunities to employers that choose to relocate to the Beavercreek Employment Area through locating its Industrial Technical Center on the college's campus, where on-site customized training by certified instructors is available.

Proposed Project:

The Meyers Road Extension Project will provide a safe and multi-modal connection for motor vehicles, bicycles, and pedestrians traveling along Meyers Road. The proposed work consists of constructing approximately 2,100 feet of new Meyers Road (including extending water, sanitary sewer, and storm drainage facilities) between Oregon 213 and just west of High School Avenue; replacement of the traffic signal at the Oregon 213 and Meyers Road signalized intersection to accommodate a new east leg of the intersection; the addition of a southbound left turn lane on Oregon 213; and adding 1,400 feet of new northbound through-lane on Oregon 213.

Benefits of the project include:

- Relieving congestion on Glen Oak Road;
- Providing a new access through the area to foster future development of industrial land parcels adjacent to the road and helping to spur the creation of over 1,600 family-wage jobs;
- Providing greater access to a regionally-vital employment area that will enhance the flow of commerce;
- Helping address transportation capacity concerns and alternative mobility targets at the intersection of Oregon 213 and Beavercreek Road;
- Providing an additional access for the Oregon City School District Transportation and Maintenance Facility, connectivity to the future City park at the corner of Meyers Road and High School Avenue, and an additional access (on the south end of the campus) to Clackamas Community College and the expanded Transit Center under construction on their campus.

Proposed Project Budget Summary:

The City is funding the project, for the most part, with System Development Charges (SDC's), including Transportation, Water, Sanitary Sewer and Storm Drainage SDC's. The City has also worked

collaboratively with CCC to determine the college's proportional share of the project expenses related to their current development on the campus.

A summary of the budget for the project, is as follows:

Preliminary Engineering	\$667,163.00
Permitting and Miscellaneous Expenses	\$173,324.00
Bonneville Power Administration Tower Modifications	\$265,885.00
Right-of-Way Acquisitions	\$392,000.00
Construction	\$7,854,142.00
<b>Total Project Cost</b>	<b>\$9,352,514.00</b>

IOF Program Type:

This project falls under the category of Type B: Benefits in terms of a revitalized business district or industrial center through the construction of road improvements.

Options:

With approval, \$250,000 in IOF funds will be awarded to Oregon City for the construction of Meyers road between Oregon Highway 213 and the existing Meyers road alignment.

Without approval, the IOF funds will not be awarded but the project will likely proceed with a combination of local funds and other resources.

Attachments:

- Attachment 1 – Location and Vicinity Maps
- Attachment 2 – Business Oregon recommendation to ODOT for IOF award to City of Oregon City
- Attachment 3 – IOF Commitment Table

Copies to:

Jerri Bohard	Travis Brouwer	Tom Fuller	Bob Gebhardt
Kris Strickler	David Kim	McGregor Lynde	Jeff Flowers
Arlene Santana	Rian Windsheimer	Mandy Putney	Kimberly Dinwiddie
Talena Adams	Gabi Garcia	Amanda Sandvig	Ted Miller
Cooper Brown			

Agenda Item No. 6.2

**Resolution No. 19-4974**, For the Purpose of Confirming the Appointment  
of Additional Members to the Transportation Funding Task Force

*Consent Agenda*

Metro Council Meeting  
Thursday, April 4, 2019  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE ) RESOLUTION NO. 19-4974  
APPOINTMENT OF MEMBERS TO THE )  
TRANSPORTATION FUNDING TASK FORCE ) Introduced by Council President Lynn  
Peterson

WHEREAS, Metro Code Chapter 2.19.060 provides for the establishment of task forces;

WHEREAS, on February 14, 2019, by adoption of Resolution 19-4964, the Metro Council established the Regional Transportation Funding Task Force and confirmed its initial members;

WHEREAS, the Metro Council President has appointed members of the Regional Transportation Funding Task Force as set forth in Exhibit "A" attached to this Resolution to replace previously appointed members who were unable to serve on the Task Force; and

WHEREAS, the Metro Council desires to confirm the appointments; now therefore,

BE IT RESOLVED that the Metro Council confirms the appointments to the Regional Transportation Funding Task Force as set forth in Exhibit "A" attached hereto.

ADOPTED by the Metro Council this 4th day of April 2019.

\_\_\_\_\_  
Lynn Peterson, Council President

Approved as to Form:

\_\_\_\_\_  
Nathan A. S. Sykes, Acting Metro Attorney

REGIONAL INVESTMENT STRATEGY: TRANSPORTATION FUNDING MEASURE

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Regional Transportation Funding Task Force membership | April 4, 2019

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**Members of the Metro Council's Transportation Funding Task Force will advise the Metro Council on this work, including these questions:**

- The Metro Council has identified principles that the measure should advance. Are there additional objectives and outcomes that should be considered?
- What metrics should be used to measure our impact?
- The Metro Council has identified candidate corridors that could be considered for investment. Are there other places that the Metro Council should also consider?
- Based on identified objectives and outcomes, what criteria should the Metro Council use to prioritize these corridors and potential investments for inclusion in a regional investment measure?
- What programs to support this vision should the Metro Council consider for an investment measure?
- What revenue mechanisms should the Metro Council consider for these investments?
- What accountability and oversight measures should the Metro Council consider?

**Update to Membership**

Cooper Brown  
Meredith Connolly  
Karylenn Echols

Stephen Gomez  
Eddy Morales  
Dave Nielsen

IN CONSIDERATION OF RESOLUTION NO. 19-4974, FOR THE PURPOSE  
OF CONFIRMING THE APPOINTMENT OF MEMBERS TO THE  
TRANSPORTATION FUNDING TASK FORCE

---

Date: March 20, 2019

Department: GAPD

Meeting date: April 4, 2019

Prepared by: Craig Beebe, 503-797-1584,  
[craig.beebe@oregonmetro.gov](mailto:craig.beebe@oregonmetro.gov)

Presenters: Andy Shaw,  
[andy.shaw@oregonmetro.gov](mailto:andy.shaw@oregonmetro.gov); Tyler  
Frisbee, [tyler.frisbee@oregonmetro.gov](mailto:tyler.frisbee@oregonmetro.gov)  
Length: 15 min

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**ISSUE STATEMENT**

The Metro Council is asked to confirm the Metro Council President's appointment of members to an advisory task force that makes recommendations to the Metro Council to support the development of a potential regional transportation investment measure.

**ACTION REQUESTED**

Confirm the Metro Council President's appointment of members to the Regional Transportation Funding Task Force.

**IDENTIFIED POLICY OUTCOMES**

The Metro Council discussed and agreed on principles and a charge to guide the Task Force's work at work sessions on Jan. 24 and 31, 2019. The Metro Council confirmed the appointment of the initial Task Force membership via Resolution No. 19-4964 on Feb. 14, 2019.

The Metro Council also seeks for the regional transportation investment measure to support and advance the policies in Metro's Strategic Plan to Advance Racial Equity, Diversity and Inclusion (2016); the Climate Smart Strategy (2014); and the 2018 Regional Transportation Plan.

**POLICY QUESTION**

Does the Metro Council confirm the appointment of members to the Regional Transportation Funding Task Force, according to the provisions of Metro Code Chapter 2.19.060 and as described in the resolution?



## **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

The Metro Council may choose to adopt the resolution and confirm the appointment of the Task Force members. The Task Force will continue meeting through 2020 as described in Resolution No. 19-4964.

The Metro Council may also choose to amend the resolution or discuss additional or alternative members for the Task Force.

## **STAFF RECOMMENDATIONS**

Staff recommends the Metro Council adopt Resolution No. 19-4974.

## **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

The appointment of task forces is provided by Metro Code Chapter 2.19.060. The Metro Council President is responsible for appointing task forces, subject to confirmation by the Metro Council. The Metro Council has already confirmed the initial membership of a Transportation Funding Task Force to advance the Metro Council's policy direction and provide recommendations and advice to create a successful regional transportation investment measure that truly improves lives and keeps greater Portland moving. The Task Force membership includes representatives of a diverse array of communities and stakeholders, including people of color and advocates for other historically marginalized communities.

After the Metro Council's confirmation of the Task Force membership in February, the Task Force began meeting on Feb. 27. During this time, several confirmed members recognized that other commitments and circumstances prevented them from serving on the Task Force. These members respectfully asked to be excused from the Task Force.

The Metro Council President has identified several members that will represent similar perspectives to the members who have asked to be excused, to ensure that the Task Force continues to represent a broad diversity of perspectives from around the region. These members are described in Exhibit A to Resolution No. 19-4974.

Funding for the Task Force's work, including meeting facilitation and logistics, is budgeted in the Council Opportunity Fund for fiscal years 2018-19 and 2019-20. Staff knows of no opposition to these new members serving on the Task Force.

## **BACKGROUND**

Stakeholder advisory committees and task forces, whether appointed by the chief operating officer or the Metro Council President, have played a key role in the development of past Metro funding measures, including Parks and Nature bonds and the 2018 regional affordable housing bond. Metro councilors were consulted during the identification of Task Force members and approved its charge on Jan. 31, 2019.

Staff provided an update on the Task Force's work at the Metro Council's April 2 work session. The Task Force is expected to issue a recommendation regarding the prioritization of potential investment corridors by mid-May. This recommendation will be brought to a Metro Council work session for direction shortly thereafter.

**ATTACHMENTS**

- Resolution No. 19-4974
- Exhibit A: List of updates to Task Force members

Agenda Item No. 6.3

**Consideration of Council Special Presentation Minutes for March 14, 2019**

*Consent Agenda*

Metro Council Meeting  
Thursday, April 4, 2019  
Metro Regional Center, Council Chamber

**11:40 a.m. Welcome**

Metro President Peterson called the group to order

*Present:* Councilor Sam Chase, Councilor Shirley Craddick, Councilor Craig Dirksen, Councilor Bob Stacey, Councilor Juan Carlos Gonzalez, Councilor Christine Lewis, and Council President Lynn Peterson

Council President Peterson called on Mr. Dave Metz from the public opinion and research firm Fairbank, Maslin, Maullin, Metz & Associates (FM3) to present recent survey results with the Council.

**11:45 a.m. Presentation of survey findings**

Mr. Metz presented data and findings from 600 interviews with likely November 2019 voters in the Metro service area conducted during February 27-March 4, 2019, via landline and cell phones.

Overarching conclusions include general support for water quality, natural area conservation, and wildlife habitat protection. The most powerful message themes stress the value of natural area protection and water quality as the region grows and changes. Voters broadly value having natural areas close to home, and they want to preserve those opportunities for future generations.

**12:25 p.m. Questions and discussion**

Following the presentation Mr. Metz called for questions and discussion related to the key findings of the research. Factual clarifications were requested, further context for verbatim survey responses, and explanation for changes in parks and nature support over the last three years.

Councilor Craddick asked how these findings fit into previous research. Mr. Metz responded that it is consistent with prior surveys. Councilor Gonzalez referred to a recent workshop on the Race Class Narrative from Demos. He asked about best practices for gathering data and leading strategies for talking about race in public opinion research. Mr. Metz discussed the ways in which FM3 is adapting to current best practices. Councilors Chase and Dirksen asked if national trends have any noticeable impact on local trends and research. Mr. Metz responded that it is unclear from a statistical standpoint.

**12:35 p.m.      Next Steps**

Metro Project Manager Heather Nelson Kent shared upcoming Metro Council engagements leading up to a potential referral to the ballot in May 2019 including a parks and nature presentation at a Metro Council Work Session on Tuesday, March 19, 2019 on current activities.

**12:45 p.m.      Adjourn**

Materials following this page will be distributed at the meeting.

Agenda Item No. 6.4

**Consideration of Council Meeting Minutes for March 21, 2019**

*Consent Agenda*

Metro Council Meeting  
Thursday, April 4, 2019  
Metro Regional Center, Council Chamber

Agenda Item No. 7.1

**Ordinance No. 19-1434**, For the Purpose of Approving an Increased  
Tonnage Allocation and Authorizing the Chief Operating Officer to  
Issue an Amended Solid Waste Facility Franchise for GSS  
Transfer, LLC

*Ordinances (First Reading and Public Hearing)*

Metro Council Meeting  
Thursday, April 4, 2019  
Metro Regional Center, Council Chamber



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING AN	)	ORDINANCE NO. 19-1434
INCREASED TONNAGE ALLOCATION AND	)	
AUTHORIZING THE CHIEF OPERATING	)	Introduced by Chief Operating Officer Martha
OFFICER TO ISSUE AN AMENDED SOLID	)	Bennett in concurrence with Council
WASTE FACILITY FRANCHISE FOR GSS	)	President Lynn Peterson
TRANSFER, LLC	)	

WHEREAS, Metro Code Section 5.01.150 states that a Metro Solid Waste Facility Franchise is required for any person owning or controlling a facility that operates a transfer station; and

WHEREAS, GSS Transfer, LLC (“GSS Transfer”) operates a transfer station and holds Metro Solid Waste Facility Franchise Number F-019-16B, which sets an annual tonnage authorization for the franchisee; and

WHEREAS, Metro Council adopted a transfer system configuration policy via Resolution No. 16-4716 that directed Metro staff to establish a predictable and transparent framework for tonnage allocations; and

WHEREAS, Metro Council adopted Resolution No. 18-1426 to establish a framework for allocating the region’s putrescible waste tonnage to privately-owned transfer stations beginning in 2020; and

WHEREAS, Metro Code Section 5.01.230(a)(3) states that a franchisee is required to submit an application to Metro when seeking to modify conditions of its franchise; and

WHEREAS, on November 28, 2018, GSS Transfer applied for a change of authorization to its franchise seeking to increase its tonnage allocation; and

WHEREAS, GSS Transfer does not propose to alter any other activities that already occur at its transfer station site; and

WHEREAS, the Chief Operating Officer recommends amending the franchise to increase the tonnage authorization up to 49,000 tons of putrescible waste for calendar year 2019; and

WHEREAS, beginning in 2020, Metro will allocate the region’s putrescible waste tonnage to privately-owned transfer stations in accordance with Metro’s tonnage allocation methodology;

WHEREAS, beginning in 2020, Metro will require at least 40 percent of the region’s putrescible waste tonnage to flow to publicly-owned transfer stations; and

WHEREAS, the Metro Council finds that the terms, conditions, and limitations contained in Exhibit A to this Ordinance are appropriate; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The increased tonnage allocation for GSS Transfer is approved subject to the terms, conditions, and limitations contained in Exhibit A.

2. The Chief Operating Officer is authorized to issue to GSS Transfer an amended solid waste facility franchise substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this \_\_\_\_ day of April 2019.

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Lynn Peterson, Council President

Attest:

Approved as to Form:

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Sara Farrokhzadian, Recording Secretary

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Nathan A. S. Sykes, Metro Attorney



**SOLID WASTE FACILITY FRANCHISE**  
 No. F-019-16C

<b>FRANCHISEE:</b>	<b>FACILITY NAME AND LOCATION:</b>
GSS Transfer, LLC 2131 NW Birdsdale Av. Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917	GSS Transfer, LLC 2131 NW Birdsdale Av. Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917
<b>OPERATOR:</b>	<b>PROPERTY OWNER:</b>
GSS Transfer, LLC 2131 NW Birdsdale Av. Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917	Michael & Deborah Miller PO Box 1560 Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917

This franchise replaces and supersedes the provisions of Metro Solid Waste Facility Franchise No. F-019-16B. Metro grants this franchise to the franchisee named above. The franchisee is authorized to operate and maintain a solid waste facility and to accept the solid wastes and perform the activities authorized by and subject to the conditions stated in this franchise.

**ISSUED BY METRO:**

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Martha Bennett, Chief Operating Officer

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Date



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<b>1.0</b>	<b>ISSUANCE</b>	
<b>1.1</b>	<b>Franchisee</b>	GSS Transfer, LLC 2131 NW Birdsdale Av. Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917
<b>1.2</b>	<b>Corporate affiliation</b>	Gresham Sanitary Service, Inc. 2131 NW Birdsdale Av. Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917
<b>1.3</b>	<b>Contact</b>	Matt Miller Tel. (503) 665-2424 Fax. (503) 666-0917 e-mail: <a href="mailto:matt@gss-nw.com">matt@gss-nw.com</a>
<b>1.4</b>	<b>Franchise number</b>	When referring to this franchise, please cite: Metro Solid Waste Facility Franchise No. F-019-16C.
<b>1.5</b>	<b>Term</b>	The franchise originally commenced on December 13, 2016. The franchise will expire on December 31, 2019, unless amended, suspended, or revoked as provided in this franchise.
<b>1.6</b>	<b>Renewal</b>	The franchisee may apply for a franchise renewal as provided in Metro Code Chapter 5.01.
<b>1.7</b>	<b>Facility name and mailing address</b>	GSS Transfer, LLC. PO Box 1560 Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917
<b>1.8</b>	<b>Operator</b>	GSS Transfer, LLC 2131 NW Birdsdale Av. Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917



<b>1.9</b>	<b>Facility premises description</b>	Tax Lot Identification Nos. 1S3E05AD 01500, 01600, 01700, and 1S3E05DA 00100, City of Gresham, Multnomah County, State of Oregon
<b>1.10</b>	<b>Property owner</b>	Michael & Deborah Miller PO Box 1560 Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917
<b>1.11</b>	<b>Permission to operate</b>	Franchisee has obtained the property owner's consent to operate the facility as specified in this franchise.

<b>2.0</b>	<b>CONDITIONS AND DISCLAIMERS</b>	
<b>2.1</b>	<b>Guarantees</b>	This franchise does not vest any right or privilege in the franchisee to receive specific quantities of solid waste at the direction of Metro during the term of the franchise.
<b>2.2</b>	<b>Non-exclusive franchise</b>	This franchise does not in any way limit Metro from granting other solid waste franchises within Metro's boundaries.
<b>2.3</b>	<b>Property rights</b>	This franchise does not convey any property rights in either real or personal property.
<b>2.4</b>	<b>Amendment</b>	Except as provided in Section 11.0, no amendment will be effective unless approved by the Metro Council.
<b>2.5</b>	<b>No recourse</b>	The franchisee will have no recourse whatsoever against Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this franchise or because of the enforcement of the franchise or in the event Metro determines that the franchise or any part thereof is invalid.
<b>2.6</b>	<b>Indemnification</b>	The franchisee must indemnify Metro, the Council, the Chief Operating Officer (COO), and any of their employees or agents and save them harmless from any and all loss, damage, claim, expense including attorney's fees, or liability related to or arising out of the granting of this franchise or the franchisee's performance of or failure to perform any of its obligations under the franchise or Metro Code Chapter 5.01, including without



		limitation patent infringement and any claims or disputes involving subcontractors.
<b>2.7</b>	<b>Binding nature</b>	This franchise is binding on the franchisee. The franchisee is liable for all acts and omissions of the franchisee's contractors and agents.
<b>2.8</b>	<b>Waivers</b>	To be effective, a waiver of any terms or conditions of this franchise must conform with Section 11.0 and be in writing and signed by the COO.
<b>2.9</b>	<b>Effect of waiver</b>	Waiver of a term or condition of this franchise does not waive nor prejudice Metro's right otherwise to require subsequent performance of the same term or condition or any other term or condition.
<b>2.10</b>	<b>Choice of law</b>	The franchise will be construed, applied, and enforced in accordance with the laws of the State of Oregon.
<b>2.11</b>	<b>Enforceability</b>	If a court of competent jurisdiction determines that any provision of this franchise is invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this franchise will not be affected.
<b>2.12</b>	<b>Franchise not a waiver</b>	This franchise does not relieve any owner, operator, or the franchisee from the obligation to obtain all required permits, franchises, or other clearances and to comply with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
<b>2.13</b>	<b>Franchise not limiting</b>	This franchise does not limit the power of a federal, state, or local agency to enforce any provision of law relating to the facility.
<b>2.14</b>	<b>Definitions</b>	<ol style="list-style-type: none"><li>1. "Mixed Non-Putrescible Waste" means a mixture of more than one type of non-putrescible waste, including commingled recyclables other than residential curbside recyclable material. This category includes construction and demolition waste but excludes Cleanup Materials Contaminated by Hazardous Substances, Source-Separated Recyclable Material, special waste, land clearing debris and yard debris.</li><li>2. Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.00.</li></ol>



<b>3.0</b>	<b>AUTHORIZATIONS</b>	
<b>3.1</b>	<b>Purpose</b>	This section of the franchise describes the wastes that the franchisee is authorized to accept at the facility and the waste-related activities the franchisee is authorized to perform at the facility.
<b>3.2</b>	<b>General conditions on solid waste</b>	The franchisee is authorized to accept at the facility only the solid wastes described in Section 3.0 of this franchise. The franchisee is prohibited from knowingly receiving any solid waste not authorized in this section.
<b>3.3</b>	<b>General conditions on activities</b>	The franchisee is authorized to perform at the facility only those waste-related activities that are described in Section 3.0 of this franchise.
<b>3.4</b>	<b>Acceptance and management of putrescible solid waste</b>	<ol style="list-style-type: none"><li>1. The franchisee is authorized to accept putrescible waste for reload and transfer to an appropriate destination as provided in Section 12.2. The franchisee also is authorized to accept putrescible waste for material recovery.</li><li>2. The franchisee must receive, manage, store, reload, and transfer all putrescible waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight covered or tarped containers or within covered or tarped transport trailers.</li><li>3. The franchisee is authorized to accept putrescible waste generated inside the Metro region only from persons who are franchised or permitted by a local government unit to collect and haul putrescible waste.</li></ol>
<b>3.5</b>	<b>Acceptance and management of mixed non-putrescible solid waste</b>	<ol style="list-style-type: none"><li>1. The franchisee is authorized to accept loads of mixed non-putrescible solid waste for reload and transfer to a facility authorized by Metro to perform material recovery.</li><li>2. Except as provided below in Subsections (a) and (b), the franchisee must receive, sort, store, reload, and transfer all mixed non-putrescible solid waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides.<ol style="list-style-type: none"><li>a. Unusually large vehicles, for example 30-foot tippers, may tip wastes outside, provided the tipped wastes are moved under cover prior to processing, within 12 hours</li></ol></li></ol>





		<p>of receipt, or by the end of the business day, whichever is earlier.</p> <p>b. Public self-haul customers may tip waste outside, provided that such waste is tipped directly into watertight containers that are covered or tarped within 12 hours of receipt, or by the end of the business day, whichever is earlier.</p> <p>3. The franchisee must reload and remove all mixed non-putrescible waste from the site within 48 hours of receipt.</p>
<b>3.6</b>	<b>Acceptance of source-separated recyclable materials</b>	<p>1. The franchisee must provide a place for collecting source-separated recyclable materials on the facility premises.</p> <p>2. The franchisee is authorized to accept source-separated recyclable materials for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to preparing these materials for reuse or recycling.</p>
<b>3.7</b>	<b>Acceptance of yard debris</b>	<p>The franchisee is authorized to accept source-separated yard debris that has not reached a state of decomposition sufficient to produce malodors detectable beyond the boundaries of the facility. The franchisee may accept yard debris for grinding and reloading to authorized facilities for composting, use as hogged fuel, or other useful purposes as described in an operating plan and approved in writing by the COO.</p>
<b>3.8</b>	<b>Acceptance of source-separated food waste</b>	<p>The franchisee is authorized to accept source-separated food waste that has not reached a state of decomposition sufficient to produce malodors detectable beyond the boundaries of the facility. The franchisee may accept source-separated food waste only for reloading to authorized facilities for composting or other useful purposes as described in an operating plan and approved in writing by the COO.</p>
<b>3.9</b>	<b>Acceptance of untreated wood</b>	<p>The franchisee is authorized to accept for processing and reloading, source-separated, untreated and unpainted wood waste, for example untreated lumber and wood pallets. The franchisee may accept clean wood waste for grinding and reloading to authorized facilities for composting, use in paper production, use as hogged fuel, or other useful purposes as described in an operating plan and approved in writing by the COO.</p>



3.10	<b>Acceptance of painted and treated wood</b>	The franchisee is authorized to accept painted and treated wood waste for grinding and reloading to authorized facilities for use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by the COO. The franchisee must not use or incorporate painted or treated wood into mulch, animal bedding, compost feedstock, or any other product unless otherwise described in an operating plan and approved in writing by the COO.
3.11	<b>Acceptance of electronics devices</b>	The franchisee is authorized to accept source-separated electronic devices for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer, and other similar functions related to preparing these materials for reuse, recycling, or disposal as required by the Oregon Department of Environmental Quality (DEQ).
3.12	<b>Acceptance of inert material</b>	The franchisee is authorized to accept inert materials for purposes of classifying, consolidating, transfer, and other similar functions related to preparing these materials for useful purposes.
3.13	<b>Production of hogged fuel</b>	<ol style="list-style-type: none"> <li>1. As authorized by Section 3.0, the franchisee is authorized to accept and process only untreated wood, painted wood, and incidental quantities of treated wood for delivery to facilities with industrial boilers for use as hogged fuel.</li> <li>2. The franchisee is prohibited from mixing any other solid waste with the wood wastes described above in Section 3.15.1 for the production of hogged fuel.</li> </ol>

<b>4.0</b>	<b>LIMITATIONS AND PROHIBITIONS</b>	
4.1	<b>Purpose</b>	This section of the franchise describes limitations and prohibitions on the wastes handled at the facility and activities performed at the facility.
4.2	<b>Tonnage allocation</b>	<ol style="list-style-type: none"> <li>1. In calendar year 2019, beginning on January 1 and ending December 31, 2019, the franchisee is authorized to accept up to 49,000 tons of putrescible waste generated inside the Metro region.</li> <li>2. Metro bases its tonnage allocations on its <i>Solid Waste Forecast</i>. Although Metro makes every effort to include accurate and reliable information in its forecast, Metro may</li> </ol>



		adjust tonnage allocations based on tonnage trends and actual solid waste generation.
<b>4.3</b>	<b>Waste hauler access</b>	<p>It is in the public's best interest that transfer stations located inside the Metro region maintain adequate capacity to accommodate solid waste generated within the region and provide adequate access to waste haulers that collect solid waste within the geographic proximity of the facility. Therefore:</p> <ul style="list-style-type: none"><li>a) The franchisee must not accept solid waste generated outside the Metro region if to do so would limit the franchisee from accepting any putrescible or non-putrescible waste generated inside the Metro region;</li><li>b) The franchisee should not accept solid waste collected outside of the geographic proximity of the facility if to do so would deny access to waste haulers that collect solid waste within the geographic proximity of the facility;</li><li>c) The franchisee must not deny access to any unaffiliated waste hauler without due cause or written notice 30-days in advance. Due cause includes, but is not limited to, load contamination, failure to pay, or risk of exceeding the franchise tonnage allocation; and</li><li>d) The COO may require the franchisee to provide a written explanation of its rationale if the facility denies access or refuses service to a waste hauler.</li></ul>
<b>4.4</b>	<b>Prohibited waste</b>	<p>The franchisee must not knowingly receive, process, reload, or dispose of any solid waste not authorized by this franchise. The franchisee must not knowingly accept or retain any material amounts of the following types of waste: materials contaminated with or containing friable asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; or any waste prohibited by the DEQ.</p>
<b>4.5</b>	<b>Prohibition on mixing</b>	<ul style="list-style-type: none"><li>1. The franchisee must not mix or commingle any source-separated recyclable materials, source-separated yard debris or wood wastes brought to the facility with any unprocessed solid wastes or solid wastes destined for disposal.</li><li>2. The franchisee must not mix or commingle putrescible solid waste with non-putrescible solid waste or source-separated</li></ul>



		<p>recyclable materials, including without limitation wood waste and yard debris.</p> <p>3. The franchisee must not mix or commingle non-putrescible solid waste with putrescible solid waste or source-separated recyclable materials, including without limitation wood waste and yard debris.</p>
4.6	<b>Prohibition of size reduction on non-putrescible waste</b>	The franchisee must not crush, grind or otherwise reduce the size of non-putrescible waste except when such size reduction constitutes a specific step in the facility's material recovery operations, reload operations, or processing residual consolidation or loading operations, and such size reduction is described in an operating plan and approved by the COO.
4.7	<b>No disposal of recyclable materials</b>	The franchisee must not transfer source-separated recyclable materials to a disposal site, including without limitation landfills and incineration facilities.
4.8	<b>Composting prohibited</b>	The franchisee must not keep yard debris on site long enough for more than negligible biological decomposition to begin.
4.9	<b>Limits not exclusive</b>	This franchise will not be construed to limit, restrict, curtail, or abrogate any limitation or prohibition contained elsewhere in this franchise document, in Metro Code, or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.

<b>5.0</b>	<b>OPERATING CONDITIONS</b>	
5.1	<b>Purpose and general performance goals</b>	<p>This section of the franchise describes criteria and standards for the operation of the facility. The franchisee must operate in a manner that meets the following general performance goals:</p> <ul style="list-style-type: none"> <li>a) Environment. The franchisee must design and operate the facility to avoid undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste, asbestos and other prohibited wastes.</li> <li>b) Health and safety. The franchisee must design and operate the facility to avoid conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.</li> </ul>



		<p>c) Nuisances. The franchisee must design and operate the facility to avoid nuisance conditions including, but not limited to, litter, dust, odors, and noise.</p>
<b>5.2</b>	<b>Qualified operator</b>	<ol style="list-style-type: none"><li>1. The franchisee must, during all hours of operation, provide an operating staff employed by the facility and qualified and competent to carry out the functions required by this franchise and to otherwise comply with Metro Code Chapter 5.01.</li><li>2. Facility personnel, as relevant to their job duties and responsibilities, must be familiar with the relevant provisions of this franchise and the relevant procedures contained within the facility's operating plan.</li><li>3. A qualified operator must be an employee of the facility with training and authority to reject prohibited waste that is discovered during load checks and to properly manage prohibited waste that is unknowingly received.</li></ol>
<b>5.3</b>	<b>Fire prevention</b>	<p>The franchisee must provide fire prevention, protection, and control measures, including but not limited to, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from processing and storage areas.</p>
<b>5.4</b>	<b>Adequate vehicle accommodation</b>	<p>The franchisee must:</p> <ol style="list-style-type: none"><li>a) Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. The franchisee must maintain access roads to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather.</li><li>b) Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles must not park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances.</li><li>c) Post signs to inform customers not to queue on public roadways.</li><li>d) Provide adequate off-street parking and queuing for vehicles, including adequate space for on-site tarping and untarping of loads.</li></ol>



<b>5.5</b>	<b>Managing prohibited wastes</b>	<ol style="list-style-type: none"><li>1. The franchisee must reject prohibited waste upon discovery and must properly manage and dispose of prohibited waste when unknowingly received.</li><li>2. The franchisee must implement a load-checking program to prevent accepting prohibited waste. This program must include at a minimum:<ol style="list-style-type: none"><li>a) Visual inspection. As each load is tipped, a qualified operator must visibly inspect the load to prevent the acceptance of waste that is prohibited by the franchise.</li><li>b) Containment area. A secured or isolated containment area for the storage of prohibited wastes that are unknowingly received. Containment areas must be covered and enclosed to prevent leaking and contamination.</li><li>c) Record maintenance. The franchisee must maintain records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste and make those records available for review by Metro.</li><li>d) Upon discovery, the franchisee must remove all prohibited or unauthorized wastes or manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such wastes the franchisee unknowingly receives must be removed from the site and transported to an appropriate destination within 90 days of receipt, unless required to be removed earlier by the DEQ or local government.</li></ol></li></ol>
<b>5.6</b>	<b>Storage and exterior stockpiles</b>	<p>The franchisee must:</p> <ol style="list-style-type: none"><li>a) Manage, contain, and remove at sufficient frequency stored materials and solid wastes to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards;</li><li>b) Maintain storage areas in an orderly manner and keep the areas free of litter;</li><li>c) Position exterior stockpiles within footprints identified on the facility site plan or operating plan; and</li><li>d) Not stockpile recovered or source-separated materials for longer than 180 days (6 months).</li></ol>



<b>5.7</b>	<b>Dust, airborne debris and litter</b>	<p>The franchisee must operate the facility in a manner that minimizes and mitigates the generation of dust, airborne debris and litter, and must prevent its migration beyond property boundaries. The franchisee must:</p> <ul style="list-style-type: none"><li>a) Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit;</li><li>b) Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit;</li><li>c) Maintain and operate all access roads and receiving, processing, storage, and reload areas in such a manner as to minimize dust and debris generated on-site and prevent such dust and debris from blowing or settling off-site;</li><li>d) Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation;</li><li>e) Maintain on-site facility access roads to prevent or control dust and to prevent or control the tracking of mud off-site; and</li><li>f) Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, must be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of Section 5.09.040 of the Metro Code.</li></ul>
<b>5.8</b>	<b>Odor</b>	<ol style="list-style-type: none"><li>1. The franchisee must operate the facility in a manner that prevents the generation of odors that are detectable off-site.</li><li>2. The franchisee must establish and follow procedures in the operating plan for minimizing odor at the facility.</li></ol>



<b>5.9</b>	<b>Vectors (e.g. birds, rodents, insects)</b>	<ol style="list-style-type: none"><li>1. The franchisee must operate the facility in a manner that is not conducive to harboring rodents, birds, insects, or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.</li><li>2. If vectors are present or detected at the facility, the franchisee must implement vector control measures.</li></ol>
<b>5.10</b>	<b>Noise</b>	The franchisee must operate the facility in a manner that avoids noise sufficient to cause adverse off-site impacts and to the extent necessary to meet applicable regulatory standards and land-use regulations.
<b>5.11</b>	<b>Water contaminated by solid waste and solid waste leachate</b>	The franchisee must operate the facility consistent with an approved DEQ stormwater management plan or equivalent and must: <ol style="list-style-type: none"><li>a) Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; and</li><li>b) Dispose of or treat water contaminated by solid waste generated on-site in a manner complying with local, state, and federal laws and regulations.</li></ol>
<b>5.12</b>	<b>Access control</b>	<ol style="list-style-type: none"><li>1. The franchisee must control access to the facility as necessary to prevent unauthorized entry and dumping.</li><li>2. The franchisee must maintain a gate or other suitable barrier at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.</li></ol>
<b>5.13</b>	<b>Signage</b>	The franchisee must post signs at all public entrances to the facility. The signs must comply with local government signage regulations. These signs must be easily and readily visible, and legible from off-site during all hours and must contain at least the following information: <ol style="list-style-type: none"><li>a) Name of the facility;</li><li>b) Address of the facility;</li><li>c) Emergency telephone number for the facility;</li><li>d) Operating hours during which the facility is open for the receipt of authorized waste;</li><li>e) Fees and charges;</li></ol>





		<ul style="list-style-type: none"> <li>f) Metro’s name and telephone number (503) 234-3000;</li> <li>g) A list of authorized and prohibited wastes;</li> <li>h) Vehicle / traffic flow information or diagram;</li> <li>i) Covered load requirements; and</li> <li>j) Directions not to queue on public roadways.</li> </ul>
<b>5.14</b>	<b>Nuisance complaints</b>	<ol style="list-style-type: none"> <li>1. The franchisee must respond to all nuisance complaints in timely manner (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors), and must keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint.</li> <li>2. If the facility receives a complaint, the Franchisee must: <ul style="list-style-type: none"> <li>a) Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts (whether successful or unsuccessful); and</li> <li>b) Log all such complaints as provided by the operating plan. The franchisee must retain each log entry for one year and it must be available for inspection by Metro.</li> </ul> </li> </ol>
<b>5.15</b>	<b>Access to franchise document</b>	The franchisee must maintain a copy of this franchise on the facility’s premises, and in a location where facility personnel and Metro representatives have ready access to it.

<b>6.0</b>	<b>OPERATING PLAN</b>	
<b>6.1</b>	<b>Purpose</b>	This section lists the requirements associated with preparing and implementing a facility operating plan, and lists the procedures that must be included in the required facility operating plan.
<b>6.2</b>	<b>Plan compliance</b>	The franchisee must operate the facility in accordance with an operating plan approved in writing by the COO. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this franchise. The franchisee may amend or revise the operating plan from time to time, subject to written approval by the COO.



<b>6.3</b>	<b>Plan maintenance</b>	The franchisee must revise the operating plan as necessary to keep it current with facility conditions, procedures, and requirements. The franchisee must submit amendments and revisions of the operating plan to the COO for written approval prior to implementation.
<b>6.4</b>	<b>Access to operating plan</b>	The franchisee must maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.
<b>6.5</b>	<b>Procedures for inspecting loads</b>	The operating plan must establish: <ul style="list-style-type: none"><li>a) Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes;</li><li>b) Procedures for identifying incoming and outgoing loads for waste classifications;</li><li>c) A set of objective criteria for accepting and rejecting loads; and</li><li>d) An asbestos testing protocol for all materials that appear to contain friable asbestos.</li></ul>
<b>6.6</b>	<b>Procedures for processing and storage of loads</b>	The operating plan must establish procedures for: <ul style="list-style-type: none"><li>a) Processing authorized solid wastes;</li><li>b) Reloading and transfer of authorized solid wastes;</li><li>c) Managing stockpiles to ensure that they remain within the authorized weights, volumes and pile heights;</li><li>d) Storing authorized solid wastes; and</li><li>e) Minimizing storage times and avoiding delay in processing of authorized solid wastes.</li></ul>
<b>6.7</b>	<b>Procedures for managing prohibited wastes</b>	The operating plan must establish procedures for managing, reloading, and transferring to appropriate facilities or disposal sites each of the prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan must establish procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.
<b>6.8</b>	<b>Procedures for odor prevention</b>	The operating plan must establish procedures for preventing objectionable odors generated at the facility from being detected off the premises of the facility. The plan must include:



		<ul style="list-style-type: none"><li>a) A management plan that will be used to monitor and manage odors of any derivation including malodorous loads delivered to the facility; and</li><li>b) Procedures for receiving and recording odor complaints, immediately investigating all odor complaints to determine the cause of odor emissions, and remedying promptly all odor problems at the facility.</li></ul>
<b>6.9</b>	<b>Procedures for dust prevention</b>	<p>The operating plan must establish procedures for preventing dust from blowing off the premises of the facility. The plan must include:</p> <ul style="list-style-type: none"><li>a) A management plan that the franchisee will use to monitor and manage dust of any derivation; and</li><li>b) Procedures for receiving and recording dust complaints, immediately investigating all dust complaints to determine the cause of dust emissions, and remedying promptly all dust problems at the facility.</li></ul>
<b>6.10</b>	<b>Procedures for emergencies</b>	<p>The operating plan must establish procedures that the franchisee will follow in case of fire or other emergency.</p>
<b>6.11</b>	<b>Procedures for nuisance complaints</b>	<ul style="list-style-type: none"><li>1. For every nuisance complaint (for example odor, dust, vibrations, and litter) received, the franchisee must record:<ul style="list-style-type: none"><li>a) The nature of the complaint;</li><li>b) The date the complaint was received;</li><li>c) The name, address and telephone number of the person or persons making the complaint; and</li><li>d) Any actions taken by the operator in response to the complaint (whether successful or unsuccessful).</li></ul></li><li>2. The franchisee must make records of such information available to Metro upon request. The franchisee must retain each complaint record for a period of not less than one year.</li></ul>
<b>6.12</b>	<b>Closure protocol</b>	<p>The franchisee must establish protocol for closure and restoration of the site in the event of a long-term cessation of operations as provided in Metro Code Section 5.01.072(c)(3).</p>
<b>6.13</b>	<b>Financial assurance</b>	<p>The financial assurance requirement is waived as provided in Metro Code Chapter 5.01</p>



<b>7.0</b>	<b>FEES AND RATES</b>	
<b>7.1</b>	<b>Purpose</b>	This section of the franchise specifies fees payable by the franchisee, and describes rate regulation by Metro.
<b>7.2</b>	<b>Annual fee</b>	The franchisee must pay an annual franchise fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the franchise fee at any time by action of the Metro Council.
<b>7.3</b>	<b>Rates</b>	<ol style="list-style-type: none"> <li>1. The rates charged by the franchisee for accepting solid waste are not subject to regulation by Metro unless the Metro Council adopts an ordinance that establishes Metro’s rate regulation authority.</li> <li>2. Notwithstanding the provision above, the rates charged by the franchisee must not exceed the rates posted at the facility as described in Section 5.13.</li> </ol>
<b>7.4</b>	<b>Metro fee and tax imposed on disposal</b>	The franchisee is liable for payment of the Metro Regional System Fee, as provided in Metro Code Title V, and the Metro Excise Tax, as provided in Metro Code Title VII, on all solid wastes delivered to a disposal site.
<b>7.5</b>	<b>Metro community enhancement fee imposed on waste received</b>	The franchisee must collect and remit to Metro a community enhancement fee, as provided in Metro Code Chapter 5.06, in an amount equal to \$1.00 per ton for all putrescible waste including food waste and residential yard debris mixed with food waste. The franchisee must remit the community enhancement fees to Metro on a monthly basis in conjunction with fees remitted in Section 7.4

<b>8.0</b>	<b>RECORD KEEPING AND REPORTING</b>	
<b>8.1</b>	<b>Purpose</b>	This section of the franchise describes record keeping and reporting requirements. The franchisee must effectively monitor facility operation and maintain accurate records of the information described in this section.
<b>8.2</b>	<b>Record keeping requirements</b>	For all solid waste and materials the franchisee is authorized to accept under Section 3.0, the franchisee must keep and maintain accurate records of the amount of authorized materials the franchisee accepts, recovers, recycles, reloads, and disposes. These records include the information specified in the Metro



		document titled, <u><i>Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees, and Parties to Designated Facility Agreements.</i></u>
<b>8.3</b>	<b>Reporting requirements</b>	The franchisee must transmit to Metro records required under Section 8.0 no later than fifteen days following the end of each month in a format prescribed by Metro.
<b>8.4</b>	<b>Account number listing</b>	Within five business days of Metro's request, franchisee must provide Metro with a listing that cross-references the account numbers used in the transaction database with the company's name and address.
<b>8.5</b>	<b>Transactions based on scale weights</b>	Except for minimum fee transactions for small, lightweight loads, the franchisee must record each inbound and outbound transaction electronically based on actual and accurate scale weights using the franchisee's on-site scales.
<b>8.6</b>	<b>DEQ submittals</b>	The franchisee must provide Metro with copies of all correspondence, exhibits, or documents submitted to the DEQ relating to the terms or conditions of the DEQ solid waste permit or this franchise within two business days of providing such information to DEQ.
<b>8.7</b>	<b>Copies of enforcement actions provided to Metro</b>	The franchisee must ensure Metro receives copies of any notice of violation or noncompliance, citation, or any other similar enforcement actions issued to the franchisee by any federal, state, or local government (other than Metro) related to the operation of the facility.
<b>8.8</b>	<b>Unusual occurrences</b>	<ol style="list-style-type: none"><li>1. The franchisee must keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation, and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.</li><li>2. The franchisee must notify Metro within 24 hours of any breakdown of the franchisee's equipment if the breakdown will substantially impact the facility's ability to comply with this franchise or with Metro Code, or which will create off-site impacts.</li><li>3. The franchisee must report any facility fires, accidents, emergencies, and other significant incidents to Metro within 12 hours of the discovery of their occurrence.</li></ol>



<p><b>8.9</b></p>	<p><b>Changes in ownership</b></p>	<ol style="list-style-type: none"> <li>1. Any change in control of franchisee or the transfer of a controlling interest of franchisee requires prior written notice to Metro. "Transfer of a controlling interest of franchisee" includes without limitation the transfer of 10% or more of the ownership of franchisee to or from a single entity. Metro may amend this franchise under Section 11.3 to require the new ownership of franchisee to assume all the rights and obligations of this franchise.</li> <li>2. The franchisee may not lease, assign, mortgage, sell, or otherwise transfer control of the franchise unless the franchisee follows the requirements of Metro Code Section 5.01.076.</li> </ol>
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<p><b>9.0</b></p>	<p><b>INSURANCE REQUIREMENTS</b></p>	
<p><b>9.1</b></p>	<p><b>Purpose</b></p>	<p>This section describes the types of insurance that the franchisee must purchase and maintain at the franchisee's expense, covering the franchisee, its employees, and agents. The franchisee must provide Metro with documentation demonstrating that it holds all of the required insurance coverage described in Section 9.0.</p>
<p><b>9.2</b></p>	<p><b>General liability</b></p>	<p>The franchisee must carry the most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits not less than \$1,000,000 per occurrence and \$1,000,000 aggregate. The policy will include coverage for bodily injury, property damage, personal injury, death, contractual liability, premises and products/completed operations. Contractor's coverage will be primary as respects Metro.</p>
<p><b>9.3</b></p>	<p><b>Automobile</b></p>	<p>The franchisee must carry automobile bodily injury and property damage liability insurance.</p>
<p><b>9.4</b></p>	<p><b>Coverage</b></p>	<p>Insurance coverage must be a minimum of \$1,000,000 per occurrence and \$1,000,000 aggregate.</p>
<p><b>9.5</b></p>	<p><b>Additional insureds</b></p>	<p>Metro, its elected officials, departments, employees, and agents must be named as ADDITIONAL INSUREDS.</p>
<p><b>9.6</b></p>	<p><b>Worker's Compensation Insurance</b></p>	<p>The franchisee, its subcontractors, if any, and all employers working under this franchise, are subject employers under the Oregon Workers' Compensation Law must comply with ORS 656.017, which requires them to provide Workers' Compensation</p>



		coverage for all their subject workers. The franchisee must provide Metro with certification of Workers' Compensation insurance including employer's liability. If the franchisee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
<b>9.7</b>	<b>Notification</b>	The franchisee must give at least 30 days written notice to the COO of any lapse or proposed cancellation of insurance coverage.

<b>10.0</b>	<b>ENFORCEMENT</b>	
<b>10.1</b>	<b>Generally</b>	Metro will enforce this franchise as specified in Metro Code Chapter 5.01.
<b>10.2</b>	<b>Authority vested in Metro</b>	The power and right to regulate, in the public interest, the exercise of the privileges granted by this franchise is at all times vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against franchisee.
<b>10.3</b>	<b>No enforcement limitations</b>	This franchise may not be construed to and does not limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative procedures adopted pursuant to Metro Code Chapter 5.01, nor does this franchise limit or preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the District, notwithstanding any incidental impact that such ordinances may have upon the terms of this franchise or the franchisee's operation of the facility.
<b>10.4</b>	<b>Penalties</b>	Each violation of a franchise condition is punishable by penalties as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation.

<b>11.0</b>	<b>AMENDMENT, SUSPENSION, AND REVOCATION</b>	
<b>11.1</b>	<b>Amendment by agreement</b>	At any time during the term of the franchise, either the COO or the franchisee may propose amendments to this franchise. If either the COO or the franchisee proposes amendments to this franchise,



		both parties will make good faith efforts to arrive at consensus on the intent and implementing language of said amendments.
<b>11.2</b>	<b>Amendment by Metro Council action</b>	<p>Except as provided in Section 11.3, the provisions of this franchise will remain in effect unless the Metro Council:</p> <ul style="list-style-type: none"><li>a) Amends the Metro Code, amends the Regional Solid Waste Management Plan, or implements other legislation of broad applicability that affects the class of facilities of which this franchisee is a member; and</li><li>b) Adopts an ordinance amending this franchise to implement the policy, code or process specified by said ordinance.</li></ul> <p>If, in the course of considering an ordinance amending this franchise as provided in (b) above, the franchisee provides evidence that the amendment will result in significant capital cost to the franchisee, the Metro Council will include capital cost and the ability of the franchisee to achieve a reasonable rate of return on any additional investment required as factors when considering whether to adopt the ordinance.</p>
<b>11.3</b>	<b>Amendment, suspension or revocation by Metro for cause</b>	<p>The COO may, at any time before the expiration date, amend, suspend, or revoke this franchise in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to:</p> <ul style="list-style-type: none"><li>a) Violation of the terms or conditions of this franchise, Metro Code, or any applicable statute, rule, or standard;</li><li>b) Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this franchise;</li><li>c) Failure to disclose fully all relevant facts;</li><li>d) A significant release into the environment from the facility;</li><li>e) Significant change in the character of solid waste received or in the operation of the facility;</li><li>f) Any change in ownership or control;</li><li>g) A request from the local government stemming from impacts resulting from facility operations;</li><li>h) Compliance history of the franchisee; and</li><li>i) Changes in regional tonnage trends or actual solid waste generation.</li></ul>





<b>12.0</b>	<b>GENERAL OBLIGATIONS</b>	
<b>12.1</b>	<b>Compliance with law</b>	The franchisee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this franchise, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility are deemed part of this franchise as if specifically set forth herein. These conditions and permits include those cited within or attached as exhibits to the franchise document, as well as any existing at the time the franchise is issued but not cited or attached, and permits or conditions issued or amended during the term of the franchise.
<b>12.2</b>	<b>Deliver waste to appropriate destinations</b>	The franchisee must ensure that solid waste transferred from the facility goes to the appropriate destinations under Metro Code Chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.
<b>12.3</b>	<b>Right of inspection and audit</b>	Authorized representatives of Metro may take photographs, collect samples of materials, and perform any inspection or audit as the COO deems appropriate. The franchisee must allow authorized representatives access to the premises of the facility at all reasonable times during business hours with or without notice or at such other times upon giving reasonable advance notice (not less than 24 hours). Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the confidentiality provisions in Section 12.4, Metro's right to inspect includes the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts, and other similar written materials of franchisee that are directly related to the operation of the facility.
<b>12.4</b>	<b>Confidential information</b>	The franchisee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. The franchisee must prominently mark any information that it claims confidential with



		<p>the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro will treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. Within five days of Metro's receipt of a request for disclosure of information identified by franchisee as confidential, Metro will provide franchisee written notice of the request. The franchisee will have three days within which time to respond in writing to the request before Metro determines, at its sole discretion, whether to disclose any requested information. The franchisee is responsible for any costs incurred by Metro as a result of Metro's efforts to remove or redact any such confidential information from documents that Metro produces in response to a public records request. This Section 12.0 does not limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. In addition, Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, those representatives agree to continue to treat the information as confidential and make good faith efforts not to disclose the information</p>
<b>12.5</b>	<b>Compliance by agents</b>	The franchisee is responsible for ensuring that its agents and contractors comply with this franchise.

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 19-1434 FOR THE PURPOSE OF APPROVING AN INCREASED TONNAGE ALLOCATION AND AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE AN AMENDED SOLID WASTE FACILITY FRANCHISE FOR GSS TRANSFER, LLC.

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Date: March 21, 2019  
Department: Property and Environmental Services  
Meeting Date: April 4, 2019

Prepared by: Hila Ritter, 503-797-1862, [hila.ritter@oregonmetro.gov](mailto:hila.ritter@oregonmetro.gov)  
Presenters: Roy Brower and Hila Ritter  
Length:

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### ISSUE STATEMENT

GSS Transfer, LLC, (partner company of Gresham Sanitary Service) a Metro-franchised transfer station located in the city of Gresham, seeks to increase the tonnage allocation authorized under its solid waste facility franchise. Metro Code Section 5.01.180 states that the Metro Council may determine whether to approve or deny an application for a solid waste franchise.

### ACTION REQUESTED

Staff recommends approval of Ordinance 19-1434 which will authorize the Chief Operating Officer to amend the solid waste facility franchise for GSS Transfer, LLC to increase the amount of putrescible waste that the transfer station may accept in 2019. Approval of this ordinance will increase GSS Transfer's tonnage authorization from 23,687 tons to 49,000 tons for calendar year 2019.

### IDENTIFIED POLICY OUTCOMES

Approval of this ordinance will support the goals of the 2030 Regional Waste Plan adopted by Metro Council on March 7, 2019, via Ordinance No. 19-1431.<sup>1</sup> It will also help achieve the transfer system configuration policy objectives that Council adopted in 2016 via Resolution No. 16-4716. The staff report to Ordinance 19-1434 provides a fuller description of these expected policy outcomes.

### POLICY QUESTION

Does the Metro Council grant the Chief Operating Officer authority to amend the franchise for GSS Transfer to increase the amount of waste that the facility may accept in calendar year 2019 according to the provisions of Metro Code Chapter 5.01.230 and as described in the ordinance?

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<sup>1</sup> Goals 12, 13, 16 and 18 as described in the strategic context section of this report.

## **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

1. Approve the ordinance as proposed to authorize the Chief Operating Officer to amend the franchise to increase the tonnage authorization up to 49,000 tons for 2019.
2. Amend the ordinance to grant a different tonnage authorization than that requested by the applicant.
3. Do not approve the ordinance.

## **STAFF RECOMMENDATIONS**

Staff recommends adoption of Ordinance No. 19-1434 to approve the increased tonnage allocation requested by the applicant. If Council approves this ordinance, the new tonnage allocation will become effective during the calendar year and will apply to 2019 in its entirety.

## **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

The 2030 Regional Waste Plan, adopted by Metro Council on March 7, 2019, sets the policy direction to shape the future of the solid waste system to better attain public benefits and improved sustainability. A major component of this plan is to take a broad look at the role, configuration, and services offered by publicly and privately-owned transfer stations. Prior to this, on July 21, 2016, the Metro Council adopted a transfer system configuration policy. The primary objectives of the policy are to: 1) ensure that the region's transfer system provides maximum public benefit, 2) maintain the current configuration of publicly and privately-owned transfer stations, 3) ensure that an adequate amount of putrescible waste flows to publicly owned stations (at least 40 percent of the region's putrescible tons), 4) limit the amount of putrescible waste that any one company may accept for transfer within the region (no more than 40 percent), and 5) improve rate transparency. The configuration policy also seeks to promote efficient off-route transport of waste to reduce greenhouse gas and provide opportunities for small, locally based businesses to participate in the region's solid waste system.

In addition to the objectives above, the configuration policy shifts Metro away from its current "tonnage cap" approach, in which the Metro Council establishes annual facility tonnage limits, to a more systematic and predictable "tonnage allocation" system, in which tonnage authority is proportionally allocated to privately owned stations each year beginning in 2020. Staff is developing the detailed methodology for future tonnage allocations for adoption as administrative rules later this year, which will be effective in 2020. This proposed 49,000-ton allocation amount for GSS Transfer is intended only for calendar year 2019. In the future, Metro will determine and adjust tonnage allocations for all privately-owned transfer stations in the region, including GSS Transfer, by applying a percentage-based allocation methodology currently being developed using the allocation framework that Metro Council adopted in November 2018 under Ordinance No. 18-1426.

This proposed ordinance is consistent with Metro's transfer system configuration policy and the 2030 Regional Waste Plan (goals 12, 13, 16, and 18) because it promotes efficient off-route travel which reduces environmental impacts (goal 12), continues to support investment in the host community by way of the Community Enhancement Grant program

(goal 13), implements the configuration policy (goal 16.7), and supports a small, locally-based business that is part of the region's solid waste system (goal 18).

### **Known Opposition/Support/Community Feedback**

Metro posted notice and provided an opportunity for the public to review and submit comments on the change of authorization application. A detailed description of the community response is provided in the *Public Comment Report* included as Attachment 2 to this staff report. Overall, the comments that Metro received indicated general support for the proposed tonnage increase requested by GSS Transfer for calendar year 2019.

In addition to posting the application for public review and comment, staff also attended a meeting of the Northwest Neighborhood Association (NWNNA) on January 28, 2019, to discuss GSS Transfer's application. As explained further in the *Public Comment Report*, NWNNA currently considers GSS Transfer's operations reasonable, but has some concerns about expanded transfer station operations. The city of Gresham staff supports the proposed increase at GSS Transfer because the facility's rates are on par with those at the publicly-owned transfer stations, and it allows their licensed haulers to increase route efficiencies which keep rates stable for its ratepayers.

Staff finds that GSS Transfer has a good compliance history and adequately demonstrated that it will appropriately manage the increased tonnage without creating negative off-site impacts. Staff finds it is in the public's interest to authorize an increased tonnage amount for GSS Transfer for calendar year 2019.

### **Legal Antecedents**

Metro Code Chapter 5.01, entitled "Solid Waste Facility Regulation." Specifically, section 5.01.230(a)(3) states that a franchisee must submit an application to Metro when the franchisee requests to modify other limiting conditions of the applicant's franchise.

GSS Transfer submitted a complete change of authorization application to Metro on November 28, 2018, including the \$100 application fee.

### **Anticipated Effects**

Adoption of Ordinance No. 19-1434 will authorize an increase from 23,687 to 49,000 tons for GSS Transfer for calendar year 2019. If the proposed ordinance is adopted, the amended franchise will become effective 90 days after the date of adoption. Upon adoption, the tonnage allocation of 49,000 tons applies to calendar year 2019 in its entirety.

### **Financial Implications (current year)**

GSS Transfer is seeking a change of authorization to its franchise to increase the amount of waste it is authorized to accept by an additional 25,313 tons of putrescible waste for calendar year 2019. While approval of this ordinance is expected to reduce the amount of putrescible waste received at Metro's transfer stations, it is not expected to decrease Metro's share of the overall putrescible waste tonnage in the region by a commensurate amount. A portion of the tonnage that the applicant plans to divert from other transfer stations (including Metro Central and South) will likely be backfilled, at least in part, by the

subsequent shifting of tons in order to fully utilize the regional system. Notwithstanding, staff expects that Metro Central and South will experience a slight decrease in putrescible waste tonnage through direct diversion to GSS Transfer. Whenever Metro stations receive lower tonnage amounts, it results in higher per unit processing costs in the short term. Therefore, approval of the proposed ordinance is expected to impact Solid Waste Fund operating costs and revenues in the short term until rates are adjusted to account for future tonnage amounts. Furthermore, beginning in 2020, as part of Metro's tonnage allocation methodology, Metro will require that at least 40 percent of the region's putrescible waste tonnage flows to publicly owned transfer stations (Metro Central and South).

The full amount of GSS Transfer's proposed tonnage increase was not included in the forecast for FY2019-20, nor factored into the FY2018-19 rates. This would have resulted in an increase of approximately \$0.50 per ton to the mixed solid waste fee charged at Metro Central and South. Any shortfall this fiscal year can be recouped by Metro by adjusting its tonnage charge for mixed solid waste in FY2020-21.

Community enhancement committee in the city of Gresham could receive up to an additional \$25,313 per year under the proposed tonnage increase – for a total of up to \$49,000 for 2019. As a result of this action, the city of Troutdale enhancement committee might experience a reduction in funds based on potential tonnage shifts from Troutdale to Gresham. In addition, it is likely that the Metro Central and South community enhancement committees would also experience a reduction in fees from any tonnage diverted to other facilities.

Staff is developing an administrative rule that sets forth a detailed process for determining and adjusting future tonnage allocations. Staff notes that this prescribed tonnage allocation process, beginning in 2020, may result in a different, not yet determined, tonnage allocation for GSS Transfer.

## **BACKGROUND**

The applicant, GSS Transfer, is a partner company of Gresham Sanitary Service, Inc. - a local, family-owned waste collection business established in 1948. Gresham Sanitary began operations as an "exempt" solid waste reload facility in 1992 at its base of operations located at 2131 NW Birdsdale Avenue in Gresham. In 2016, the Metro Council authorized Gresham Sanitary to expand its operations from simply reloading waste to other transfer stations, to becoming a franchised transfer station that transports waste directly to a landfill.<sup>2</sup> Gresham Sanitary has collected putrescible waste from residential and commercial customers within the city of Gresham, East Multnomah County, and the Port of Portland for nearly 30 years. Gresham Sanitary also holds a solid waste transfer station permit issued by the Oregon Department of Environmental Quality (DEQ) in 2016.<sup>3</sup>

Metro has conducted seven inspections of GSS Transfer during the term of the current franchise. GSS Transfer is currently in compliance with Metro's requirements and it has

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<sup>2</sup> Ordinance No. 16-1391-A

<sup>3</sup> Solid Waste Disposal Site Permit No. 1392

not had any compliance issues during the term of its current franchise. In addition, DEQ and city of Gresham staff have reported that there are no enforcement or compliance issues associated with this site.

Currently, Gresham Sanitary collects waste from its routes in small trucks and transports it to its facility for consolidation and top-loading into transfer trailers. The consolidated waste is then transported to a landfill for disposal, primarily Wasco County Landfill.

The applicant seeks to continue its current practice of consolidating putrescible waste from its collection routes at its facility, but seeks increased tonnage allocation to ensure a more sustainable operation, expand its operation to allow third-party haulers, and avoid the added costs of travel time and tipping fees using other transfer stations.

On November 28, 2018, the applicant submitted to Metro a complete solid waste facility change of authorization application accompanied by payment of the appropriate application fee. The applicant requested to both increase its annual franchise tonnage authorization from 23,687 tons to 49,000 tons and amend its non-system license (N-019-16E) to similarly increase the annual tonnage it is authorized to transport to Wasco County Landfill. The proposed non-system license amendment will be brought to Metro Council for consideration on April 11, 2019 under Resolution No. 19-4980.

#### **ATTACHMENTS**

- A. Exhibit A to Ordinance No. 19-1434: Draft Franchise No. F-019-16C
- B. Attachment 1 to Staff Report: Images
- C. Attachment 2 to Staff Report: Public comment report



# Attachment 1: Images

Attachment 1 to Staff Report for Ordinance No. 19-1434

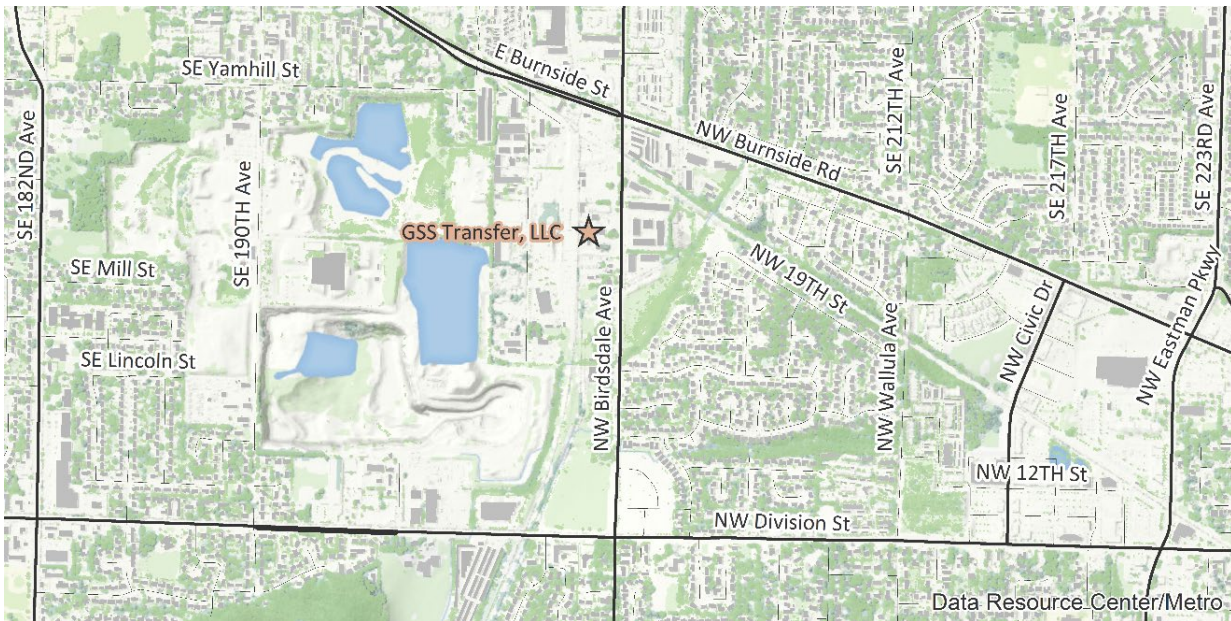


Photo 1: Map of GSS Transfer, LLC.



Photo 2: GSS Transfer located at 2131 NW Birdsdale Ave. in Gresham



# Public comment report



Attachment 2 to Staff Report for Ordinance No. 19-1434

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March 21, 2019

Prepared by: Hila Ritter  
503-797-1862

## Background

Adoption of Ordinance No. 19-1434 will authorize the Chief Operating Officer (COO) to amend the solid waste facility franchise for GSS Transfer, LLC to increase the amount of waste accepted at its transfer station located in the city of Gresham and to transport that waste to the Wasco County Landfill.

GSS Transfer submitted a change of authorization application to Metro requesting to increase its annual tonnage authorization from 23,687 tons to 49,000 tons and amend its non-system license (N-019-16E) to similarly increase the annual tonnage it is authorized to transport to Wasco County landfill from 23,687 to 49,000 tons.

## Public Notice and Opportunity to Comment

Metro posted notice and provided an opportunity for the public to review and submit comments on the change of authorization application. The public notice was posted on Metro's website, mailed to approximately 755 property owners and residents surrounding the proposed facility, and emailed to various other parties that are generally interested in solid waste issues. The 30-day public comment period began on December 28, 2018 and was extended an additional two-weeks at the request of the local neighborhood association (Northwest Neighborhood Association – Nwana), and closed on February 8, 2019.

Nwana invited Metro, DEQ, city of Gresham, and GSS Transfer to attend its monthly meeting on January 28, 2019 to discuss GSS Transfer's application. Metro staff and the aforementioned organizations described the tonnage increase request and answered questions with approximately 55 people in attendance. Subsequent to the meeting, the Nwana Board of Directors submitted a written comment as summarized below, and included in-full below with the other comments received during the public notice period.

GSS Transfer submitted a response to comments, which is also summarized below and attached in-full below.

## Summary of written public comments on application

Metro received four comments during the public notice period. Three of the comments are in support of the proposed tonnage increases citing support for local business, reduced costs, improved environmental benefits, no necessary infrastructure improvements required for the change and the applicant's demonstrated ability to manage waste without causing adverse off-site impacts. Metro also received a comment from the Nwana Board of Directors expressing concern about the close proximity of GSS to projected infill residential and commercial customers. In summary, Nwana's letter outlines four areas of concern:

1. Traffic – the expected increase in trucks is between five to 15 additional trucks per day which will not significantly affect current traffic patterns. However, the area is projected to have

redevelopment from the locally approved urban renewal plan, and there is concern about how garbage and semi-trucks will impact neighborhoods.

2. Monitoring for negative off-site impacts – GSS’ current level of attentiveness to sanitation and safety is appreciated. However, increased access to Metro inspection reports is desired for comparison with neighborhood observations of off-site impacts such as: noise, odor, vectors, dust, litter and hazardous waste spills.
3. Best facility for public benefit – GSS is currently a good neighbor and provides an essential service. However, future evaluations of the location of transfer stations should be conducted and include impact to surrounding community and out-of-direction traffic routes in comparison to other transfer stations.
4. Economic benefits shared with ratepayers – it is unclear how an increased alliance between GSS and Waste Connections, who is based out of Texas, will benefit local ratepayers, haulers, and independent waste companies.

Applicant response to comments: GSS submitted a response to comments that generally describes its commitment to good housekeeping measures and maintaining a record of zero complaints and positive role in the community. It explains that most of the traffic associated with the facility utilizes a federally recognized freight-way, and that additional traffic impact is insignificant (.01% of total traffic). It addresses livability issues by pointing out that hazardous waste is not accepted at GSS and further acknowledges the oversight responsibilities of regulatory agencies along with underscoring its own responsibility to continue to mitigate off-site impacts. It then explains the economic benefits that could be shared by describing the process by which the City of Gresham performs an annual review process for determining rates and how that can result in reduced costs to the ratepayer. The second economic benefit it describes is the opportunity to accept increased waste from independent operators which are expected to benefit from disposal cost savings, reduced operating costs and lower environmental impacts from decreased transportation.

Metro response to comments: Thank you for the comments in support.

In regards to the concerns described by NWNA:

1. Traffic - Metro primarily relies on the local jurisdiction, in this case city of Gresham, to determine traffic allowances. Based upon the information that Metro received from city of Gresham staff, the proposed increase complies with the City’s traffic requirements. In addition, the increase in truck traffic is considered negligible, .01 percent of total traffic in the area.
2. Monitoring for negative off-site impacts – Metro employs two full time solid waste facility inspectors who are trained in environmental compliance and tasked with monitoring the 50+ solid waste facilities authorized by Metro in and around the region. The inspectors generally perform seven or eight inspections of a facility annually. When greater attention at a facility is merited, Metro performs an increased amount of both announced and un-announced facility inspections and complaint investigations in neighboring areas surrounding the facility. Metro has conducted eight inspections of GSS Transfer during the term of the current franchise. GSS Transfer is currently in compliance with Metro’s requirements and has not had any compliance issues during the term of its current franchise. In addition, DEQ and city of Gresham staff has reported that there are no enforcement or compliance issues associated with this site.

3. Best facility for public benefit – It is not Metro’s intent to cause any facility to close — including GSS Transfer — due to regulation. Staff is developing administrative rules to further implement the configuration policy and future tonnage allocations for adoption later in 2019, which will be effective in 2020. This proposed amendment to the franchise for GSS Transfer is for the calendar year 2019 only. Future tonnage allocations for all transfer stations, including GSS Transfer, will be determined and adjusted applying the percentage based allocation methodology currently being developed.
4. Economic benefits shared with ratepayers – The functions of regional solid waste system are implemented by Metro, cities and counties, and many private for-profit businesses and non-profit organizations. This sharing of responsibilities means that Metro has a strong interest in the success of the private sector at creating, expanding, preserving and broadening efforts that advance waste prevention, reuse, recycling and energy recovery. In addition, Metro has a strong interest in the success of the local jurisdictions in the rate setting process for residents and businesses who depend on garbage and recycling collection services. At this time, Metro does not regulate rates that private facilities or haulers charge their customers, and is working to increase rate transparency at all facilities and throughout the region.

**Comments are listed in the order in which they were received:**

1. We are located in the neighborhood of this business. We hardly know this location exists. They are very considerate of our business. I see no reason why this expansion should not be approved. It seems it will benefit all of us and not create any burden on the area. I appreciate the professionalism I have encountered with this business and believe they have the best interests of community in mind. Please feel free to contact us with questions.
2. GreenWay Recycling, LLC supports GSS Transfer application on the basis that it supports local business.
3. On behalf of the Gresham Northwest Neighborhood Association [NWNA] membership, thank you for the opportunity to provide public comment While our neighborhood association has appreciated GSS as important, responsibly-operated partners in our business community, adjacent to our neighborhood association boundary (shared with the Rockwood NA boundary), we do have concerns regarding how expanded operations at the transfer station would impact West Gresham residents and property owners  
Our Understanding of the Area and GSS Proposal  
The most closely impacted neighbors are commercial and industrial properties -- including TriMet’s MAX yard on the west side of the Gresham/Fairview Trail The nearest residential neighbors are approximately 1,000 feet from the GSS facility To date we have not received any specific complaints from neighbors Neither have we witnessed any activities that would be considered hazardous or obtrusive We are nonetheless concerned about the close proximity of infill residential and commercial neighbors

In 2003, City of Gresham residents voted for a 20-year urban renewal plan authorizing over \$90 million in tax increment financing for redevelopment projects in Rockwood/West Gresham. These efforts have resulted in high-value infrastructure upgrades for one of the Metro region's most struggling communities. Urban renewal projects like this one encourage private investment opportunities which, in Rockwood's case, may vanish or become substantially reduced if 'urban' Rockwood's industrial neighbors directly or indirectly bring further hardship to the community.

Upon reviewing the application with GSS management, Metro, DEQ and City of Gresham staff, we understand the intention is

to 'spread out' the intake of putrescible waste during normal hours of operation. The extra truckloads will be arriving during currently under-utilized times of day. In theory, this would increase operating efficiencies without resulting in traffic bottlenecks, increases in on-site storage of waste or waste-related impacts noticeable from offsite. In other words, neighbors should be subjected to substantially the same level of impacts; which are currently considered reasonable.

Our Concerns about the GSS Proposal

In the interest of resident's health, safety and welfare; and the existing character and future development potential of Gresham neighborhoods, we respectfully raise the following points:

1 - Concern about traffic. Significant new residential development has occurred and additional residential development is planned near the transfer station. The neighborhood is concerned that increasing the use of this transfer station will result in both (local) garbage truck and (landfill-bound) semi-truck traffic through the neighborhood. According to GSS and City of Gresham staff, the majority of GSS traffic will be routed along E Burnside St / NW Burnside Rd, a federally recognized freight-way, which our neighborhood prefers. We understand that the permit anticipates approximately five --and up to fifteen -- additional daily truck trips dropping off waste at GSS. The anticipated increase in vehicles will not significantly affect current traffic patterns.

2 - Monitoring for negative impact. Neighbors appreciate GSS's current level of attentiveness to safety and sanitation. Adjustments in garbage transfer operations could potentially increase noise, odor and result in other impacts negatively affecting neighborhood livability — such as vector-borne disease, wind-blown dust and litter, and hazardous waste spillage. We understand Metro staff conducts six to eight surprise site inspections each year. Inspection results are available in staff reports made public as part of the license renewal procedures and are available through public records requests. Neighborhood members would like to review staff reports and will compare available data with neighbors' observations to ensure that emissions continue to meet acceptable standards, accidental discharges are properly contained and reported, and insects/rodents associated with waste are controlled within limits acceptable for the neighborhood.

3 - Best facility for public benefit. We feel confident that GSS has good intentions and will make every effort to continue being a good neighbor while providing an essential service to the broader community. However, if transfer operations do become untenable at the Birdsdale location, NWNA will appreciate efforts to re-evaluate and address the costs/benefits of waste transfer locations. Specifically, which locations offer 1) the least impact to residential and commercial neighbors; and 2) the least out-of-direction routings for local haulers and long-

distance landfill-bound transfer vehicles relative to other transfer facilities in the metro region Metro should consider whether other facilities, for example Waste Management's Commercial Transfer Station in Troutdale, which is nearer to I-84 (and further from established residential areas) would be more-appropriate for the increased waste handling and semi-truck transportation

4-From an economic perspective GSS has stated the requested changes will result in cost reductions and benefits to rate payers. A stronger alliance between GSS and Arrow Sanitary Service — which shares the same Texas-based parent company as Wasco County Landfill — should generate benefits for all players in the waste stream serviced by these companies How will rate payers, and other local haulers, especially independent operators, share the benefits of the proposed changes?

Thank you for considering these comments.

4. We fully support Gresham Sanitary's application to expand their transfer facility. It makes sense for two reasons. 1. It good for the environment in that other Gresham haulers don't have to go miles away to dump. Reduces traffic, wear and tear on the highway, exhaust and fuel saving benefit the environment. 2. Gresham Sanitary already has the capacity to handle the extra tonnage and triggers no new land or zoning permits for the City of Gresham. And, it has virtually no impact on the surrounding neighborhood. Please approve this application.

### **GSS Transfer response to comments:**

Re: Response to public comment regarding GSS Transfer change of authorization.

Dear Ms. Ritter,

We understand that most of the comments received by Metro are positive in nature and do reflect our ongoing commitment to health and safety. As a heavy industrial property owner and a current transfer station licensee, we believe we are a good neighbor as well as an asset to our community.

To date we have not received any specific complaints from neighbors, and during our last DEQ unannounced inspection on January 4<sup>th</sup> 2019, "no violations were observed" and "litter control and waste organization was excellent."

The concern regarding traffic has been addressed. Most local and all landfill-bound traffic is routed along E Burnside St/ NW Burnside Rd which is a federally recognized freight-way. With the increased tonnage, total traffic impact is insignificant when compared to the overall traffic on the street. The added trips are less than .01% of total traffic at these locations.

The concern regarding livability has been addressed. Hazardous waste is prohibited from placement in solid waste and is not accepted at our facility. We believe the regulating authorities of the State of Oregon, Metro, DEQ, and the City of Gresham do a good job monitoring and enforcing rules and regulations in the best interest of the public. Our current operating plan, as well as current practices, address and mitigate any negative impacts to surrounding area, GSS Transfer's current level of attentiveness to safety and sanitation can be expected to continue.

Regarding the question about "How will rate payers, and other local haulers, especially independent operators, share the benefits of the proposed changes?"

## Public comment report



Metro  
600 NE Grand Ave.  
Portland, OR 97232-2736

### Attachment 2 to Staff Report for Ordinance No. 19-1434

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The City of Gresham reviews the solid waste system's financial performance and collection rates annually. City Staff, and an outside auditor, analyze the financial reports submitted by the City's licensed haulers. The adjusted composite results for the whole system are used as the basis for determining whether rate increases are necessary to cover future collection costs. The reduced disposal fees at GSS Transfer, as well as the decreased operating costs for the Haulers using the facility, will be passed on to the customers through this annual review process.

Regarding the sharing of these decreased costs for "independent operators," a significant portion of the increased tons will come from independent operators. Rockwood Solid Waste is using the GSS Transfer facility, and their trucks are based less than 1/4 mile from GSS Transfer. As a result, in addition to the significant disposal savings, Rockwood Solid Waste will also achieve reduced operating costs and lower its environmental impact.

We appreciate the feedback and comments regarding our proposal. It has given more people a better understanding about who we are, and hopefully clarified our level of commitment to excellence, especially toward our community and neighbors. We welcome continued dialog with stakeholders when desired and will always make ourselves available to do so.

-Matt Miller

Vice President - GSS Transfer

Agenda Item No. 8.1

**Resolution No. 19-4963**, For the Purpose of Adopting the 2021-2024  
Metropolitan Transportation Improvement Program Policy  
Statement for the Portland Metro Area

*Resolutions*

Metro Council Meeting  
Thursday, April 4, 2019  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE 2021-	)	RESOLUTION NO. 19-4963
2024 METROPOLITAN TRANSPORTATION	)	
IMPROVEMENT PROGRAM POLICY	)	Introduced by Chief Operating Officer Martha
STATEMENT FOR THE PORTLAND	)	Bennett in concurrence with Council
METROPOLITAN AREA	)	President Lynn Peterson
	)	

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP), which reports on the performance and programming of all federal surface transportation funds to be spent in the Portland metropolitan region, must be periodically updated in compliance with federal regulations; and

WHEREAS, the Metro Council and Joint Policy Advisory Committee on Transportation (JPACT) are authorized per Code of Federal Regulations Title 23 Section 450.306 and 450.326 to develop and implement a long-range metropolitan transportation plan and four-year investment program in a cooperative manner with the regions stakeholders; and

WHEREAS, the Metro Council and JPACT have developed a policy statement defining how the region coordinates and cooperatively develops the 2021-2024 MTIP per federal regulations, which is represented by Exhibit A; and

WHEREAS, the Metro Council and JPACT adopted an updated Regional Transportation Plan in December 2018; and

WHEREAS, the three year process to 2018 RTP engaged stakeholders in the region to develop the goals, objectives, and policies for the long-range transportation plan and the associated transportation investment priorities; and

WHEREAS, the adopted 2018 RTP specified four priorities to focus on in the near-term with the region's transportation investments; and

WHEREAS, the updated MTIP policy addresses expectations of the performance and programming of the Portland metropolitan region's transportation investments for federal fiscal years 2021 through 2024; and

WHEREAS, the expectations outlined in 2021-2024 MTIP policy are a continuation of existing policies and practices, but with minor updates and adjustments to reflect current adopted policies and funding programs; and

WHEREAS, the 2021-2024 MTIP policy provides clarity as to the role of 2018 RTP and the 2018 RTP policy priorities will set policy foundation for transportation investment in the 2021-2024 MTIP; and

WHEREAS, the 2018 RTP policy priorities will inform the 2021-2024 MTIP performance-based programming and measuring MTIP progress; and

WHEREAS, input utilized from the extensive engagement as part of the 2018 RTP informed and shaped the 2021-2024 MTIP policy; and



WHEREAS, input has been sought and received from the Transportation Policy Alternatives Committee as well as JPACT on the policy update; now therefore,

BE IT RESOLVED that the Metro Council adopt the 2021-2024 Metropolitan Transportation Improvement Program policy statement.

ADOPTED by the Metro Council this 4th day of April 2019.

---

Lynn Peterson, Council President

Approved as to Form:

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Nathan Sykes, Metro Attorney



# 2021 – 2024 Metropolitan Transportation Improvement Program (MTIP) policy direction

April 2019

[oregonmetro.gov/mtip](http://oregonmetro.gov/mtip)

**Public service**

*We are here to serve the public  
with the highest level of  
integrity.*

**Excellence**

*We aspire to achieve exceptional  
results*

**Teamwork**

*We engage others in ways that foster  
respect and trust.*

**Respect**

*We encourage and appreciate  
diversity in people and ideas.*

**Innovation**

*We take pride in coming up with  
innovative solutions.*

**Sustainability**

*We are leaders in demonstrating  
resource use and protection.*

**Metro's values and purpose**

We inspire, engage, teach and invite people to  
preserve and enhance the quality of life and the  
environment for current and future generation

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## INTRODUCTION

The Metropolitan Transportation Improvement Program (MTIP) serves as the federally required schedule of transportation investments administered by Metro, ODOT, TriMet and SMART. The MTIP also monitors implementation of federal and regional policies for the Portland metropolitan region during a four-year cycle.

### Purpose

The purpose of the 2021-2024 MTIP policy report is to provide clarity on the guiding direction for the investments to be included as part of the 2021-2024 MTIP. The 2021-2024 MTIP policy establishes the expectations among regional partners and guides federal and relevant state and local transportation investments proposed for fiscal years 2021 through 2024 in the metropolitan planning area by defining policy priorities and outcomes investments are expected to contribute towards advancing. For those partners with responsibilities to administer federal transportation funds, the 2021-2024 MTIP policy report is a reaffirmation of the common goals and objectives investments are expected to make progress towards while in their stewardship.

### MTIP Basics

*What is the Metropolitan Transportation Improvement Program (MTIP)?*

The federal definition of the Metropolitan Transportation Improvement Program (MTIP) is,

*“a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. chapter 53.”<sup>1</sup>*

In practice the MTIP is also a process in addition to a document illustrating a list of transportation investment priorities for the upcoming fiscal years. As part of the process, partners demonstrate how the region works together to achieve the common goal of implementing the most recently adopted Regional Transportation Plan (RTP) and complying with applicable federal regulations to remain eligible for funding. Further responsibilities land on the partners involved in administering federal transportation funding (Metro, ODOT, TriMet, and SMART) in demonstrating how the individual allocation processes worked cooperatively to advance RTP implementation and complying with applicable federal regulations.

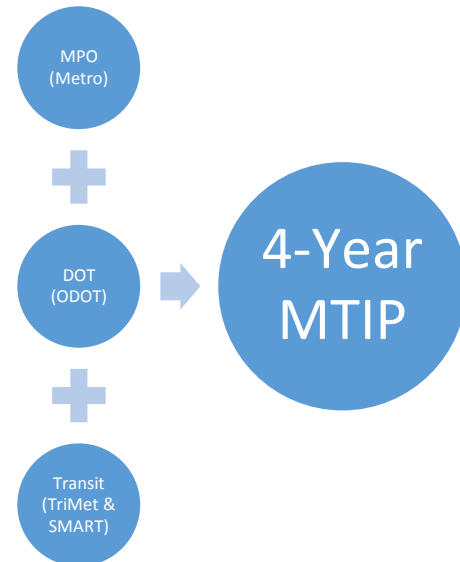
The MTIP also serves as a monitoring tool for implementation of regionally significant and federally funded transportation projects.

<sup>1</sup> 23 CFR 450.104 - Definitions

*What is part of the Metropolitan Transportation Improvement Program?*

The MTIP is comprised of several components, but can be categorized into the following major elements:

1. A list of projects within the metropolitan region for the upcoming four fiscal years and numerous project details;
2. various discussion sections addressing funding allocation processes, MTIP system performance, financial constraint, RTP implementation; and
3. a description of protocols, administrative policies and other related expectations for managing the MTIP.



**Figure 1. Projects which comprise the four year MTIP**

The following bulleted list describes in more detail the typical content and components of the MTIP.<sup>2</sup> Additionally, Figure 1 illustrates the components which go into the project list and the components which go into the MTIP.

**Project List**

- A project list with the year-by-year anticipated expenditure schedule, phasing, and implementation of the projects

**Discussion Sections**

- Discussion by each partner on the policy direction and process as part of identifying and prioritizing investments (also known as projects) for entry in the MTIP
- A programmatic discussion of the MTIP complying with applicable federal regulations
- A discussion of fiscal constraint and monitoring the financial balances to ensure funds are not overspent for the MTIP
- A discussion of the performance of the four-year investment program relative to federal and regional performance goals, objectives, and targets.

**Administration and Monitoring**

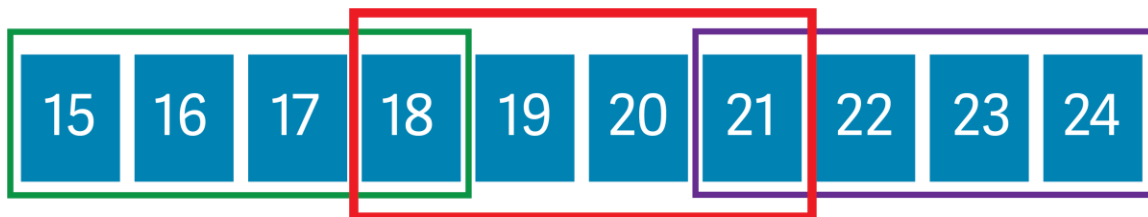
- A section discussing the policies, protocols, and expectations in the administration of the MTIP, including change management procedures (e.g. administrative modifications and amendments).

<sup>2</sup> Bulleted list represents standard content, but additional components may be part of the MTIP in response to federal requirements or guidance.

*How does the MTIP get used?*

The primary functions of the MTIP, once adopted and approved, are implementation, monitoring, and federal compliance. As a monitoring tool, the project list component of the MTIP can be considered the “living” portion of the document whereas the discussion sections (e.g. individual funding allocation processes, federal compliance, and system performance and the administrative protocols) and the administrative protocols remain static. The “living” component assists in tracking spending and delivery of transportation projects and to continually ensure compliance with federal regulations, such as fiscal constraint. Since transportation projects can run into numerous unexpected hurdles, amendments are regular to refine transportation projects. This ultimately creates the need for having a living portion of the document to monitor implementation, adjust as necessary, and continue to ensure compliance with federal regulations.

As a result of the MTIP serving in a monitoring function, the standard practice is to always have an effective MTIP, which is the most recently adopted and being implemented while there is a MTIP under development. The MTIP under development plans for the future four-years beyond the effective MTIP. Information from the effective MTIP usually feeds into the development of the next MTIP. Figure 2 illustrates an example of the effective MTIP and the development the next MTIP.

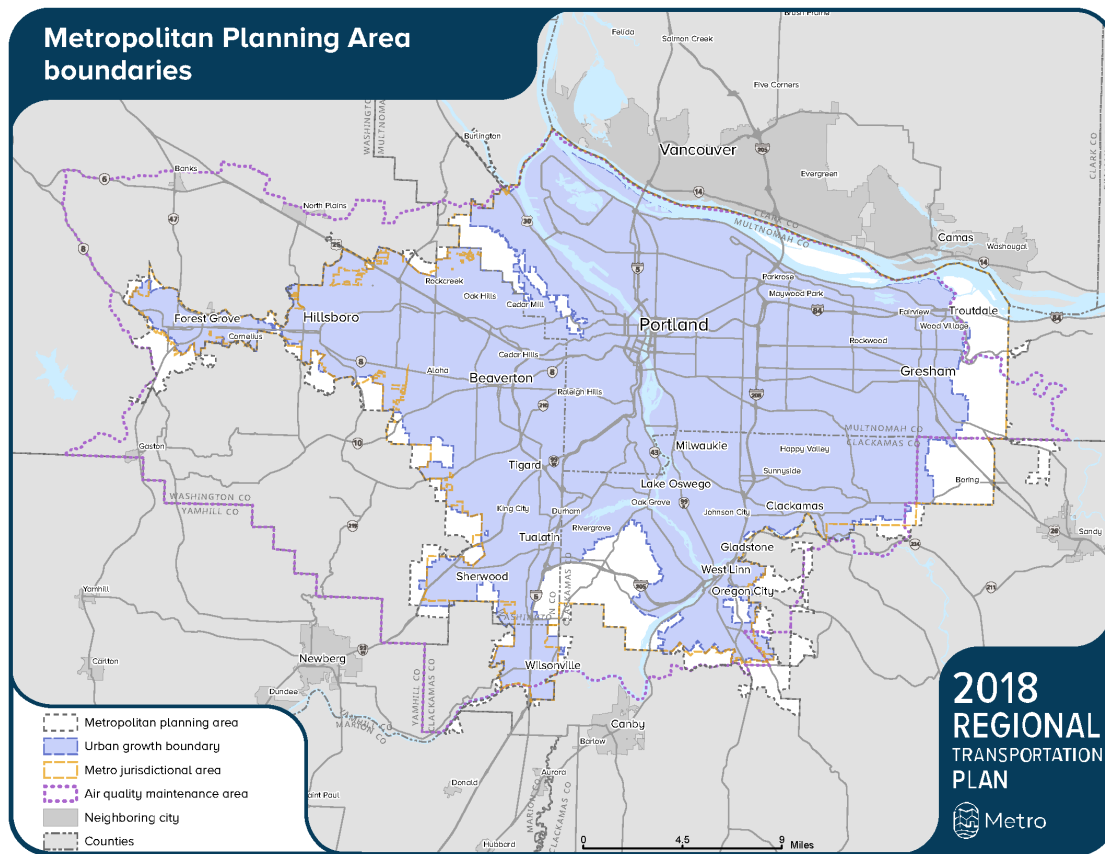


**Figure 2. The overlap of fiscal years between an effective MTIP and a MTIP under development. The red box represents the fiscal years encompassing the effective MTIP and the purple box represents the fiscal years for the MTIP in development**



*What is the relationship between the MTIP and the State Transportation Improvement Program (STIP)?*

The MTIP comprises of the regionally significant, federally funded transportation projects and programs located within a defined metropolitan region for four-fiscal years. For the Portland metropolitan region, the defined area encompasses the urbanized portions of Multnomah, Washington, and Clackamas counties. Figure 3 is a map of the defined Portland metropolitan region. Metro, as the MPO for the region is responsible for development, implementation, and stewardship of the MTIP.



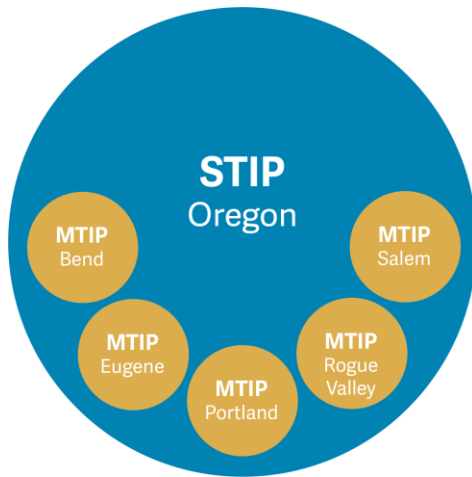
**Figure 3. Federal metropolitan planning area for the Portland (OR) metropolitan region**

The State Transportation Improvement Program (STIP) comprises of the regionally significant, federally funded transportation projects and program which are located outside of a metropolitan region. This includes rural areas and exurbs. The state department of transportation is responsible for the development, implementation, and stewardship of the STIP.

By federal law, the MTIP is required to be included as part of the STIP (in essence, bringing together all the regionally significant and/or federally funded transportation projects in the state) without change. The STIP is then approved by the Governor and submitted to U.S. Department of Transportation for approval. Figure 4 shows the MTIP and STIP relationship.



*Who are the partners and who makes the decisions around the Metropolitan Transportation Improvement Program?*



**Figure 4. MTIP and STIP relationship – MTIPs are not to scale**

The MTIP is a joint effort between regional and state partners. Metro acts as the main author and administrator of the MTIP, but works closely with ODOT, TriMet, and SMART to reflect the expenditure of all federal as well as regionally significant state and local transportation dollars in the urbanized area of Portland. Each agency plays a different role in advancing the region’s transportation system based on enabling legislation and therefore all have authority over expending federal transportation dollars in the Portland metropolitan region. For example, TriMet and SMART’s roles in the regional transportation system is to provide public transit service and utilize funding from the Federal Transit Administration (FTA) to support capital programs to

operate services. Since Metro, ODOT, TriMet, and SMART each have a role, each agency is responsible for providing details of expenditures from year-to-year as well as demonstrating how the transportation expenditures help advance federal, state, and regional priorities. A brief synopsis of each agency’s role is provided below.



**Metro** is a directly elected regional government, serving more than 1.5 million people in Clackamas, Multnomah and Washington counties. The agency’s boundary encompasses Portland, Oregon and 23 other cities.

Metro’s main function is to provide regionwide planning, coordination and services to manage growth, infrastructure, solid waste, and development issues that cross jurisdictional boundaries.

For federal purposes, Metro is the Portland area’s designated Metropolitan Planning Organization (MPO) and the lead agency for developing the regional transportation plan and the schedule of federal transportation spending in the Portland region. Metro also coordinates and develops the region’s transportation goals and policies and identifies the range of road, public transit and bike/pedestrian transportation projects that are needed to implement them.

Metro is led by the Metro Council, which consists of a president and six councilors who are elected by district every four years in nonpartisan races. The Council works with community leaders and constituents across city and county boundaries to shape the future of greater Portland. For purposes of meeting federal regulations pertaining to Metro’s MPO designation, the Council is advised by the Joint Policy Advisory Committee on Transportation (JPACT) specifically related to MPO activities.

The **Joint Policy Advisory Committee on Transportation (JPACT)** makes recommendations to the Metro Council on transportation needs in the region. Comprised of 17 members that are elected officials or transportation representatives from across the region, JPACT recommends priorities, develops plans, and oversees the coordinated implementation of those plans for the region. The Metro Council must adopt the recommendations before they become regional transportation policies.

The **Transportation Policy Alternatives Committee (TPAC)** provides technical input and helps develop policy options for consideration by the Joint Policy Advisory Committee on Transportation on transportation planning and funding priorities for the region. TPAC's membership consists of 21 technical staff from the same governments and agencies as JPACT, plus a representative from the Southwest Washington Regional Transportation Council, and six community members appointed by the Metro Council. In addition, the Federal Highway Administration and C-TRAN have each appointed an associate non-voting member to the committee.

TPAC reviews regional plans and federally funded transportation projects, and advises area leaders on transportation investment priorities and policies related to transportation. Such efforts include curbing greenhouse gas emissions and creating communities with easy access to public transit. The committee also helps identify needs and opportunities for involving the public in transportation matters.



The **Oregon Department of Transportation** is a statewide transportation agency. ODOT is responsible for the state transportation facilities across the state. This includes state highways and the interstate freeway system. The ODOT Region 1 office oversees the state facilities for the Portland metropolitan area. Responsible for administering federal transportation funds, ODOT is a key partner in providing important roadway and highway investment information for the development of the MTIP.

**TRIMET** **Tri-County Metropolitan Transportation District (TriMet)** is the public transportation service provider for the Portland metropolitan region. The agency provides both local and regional public transportation services from neighborhood bus routes to multi-county light rail service. As an entity responsible for administering federal transportation funds, TriMet is a key partner in providing important transit investment information for the development of the MTIP.



The **South Metro Area Regional Transit (SMART)** is a public transportation service provider for the City of Wilsonville. SMART provides local public transportation services and select regional service. As an entity responsible for administering federal transportation funds, SMART is a key partner in providing important transit investment information for the development of the MTIP.

## DESIRED OUTCOMES AND GOALS FOR THE MTIP POLICY

The desired outcomes and goals for the 2021-2024 MTIP policy is for all regional partners to come to a shared understanding of the policy direction guiding the development and implementation of the 2021-2024 MTIP. The major policies guiding the direction of the MTIP are:

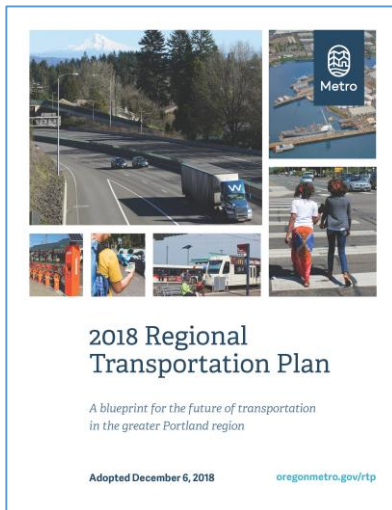
1. Implementing the policy priorities: safety, equity, addressing climate change, and managing congestion through the investments identified in the adopted 2018 Regional Transportation Plan; and
2. Complying with federal regulations pertaining to the development of the transportation improvement program (TIP) as outlined in the Code of Federal Regulations (CFR) 23 CFR 450.300 – 450.340 as well as addressing corrective actions, compliance actions, and recommendations to emerge from Transportation Management Association (TMA) certifications and/or State Transportation Improvement Program (STIP) approvals; and
3. Pursue and implement the regional finance approach; and
4. In looking at opportunities to take advantage of leveraging funding opportunities, do so in an open and coordinated manner.

Several of the policies guiding the development and implementation of the 2021-2024 MTIP are a continuation of previously adopted MTIP policies from earlier cycles. Small refinements and updates have been made to these policies to reflect changes in federal laws, funding programs, as well as the policy direction from the recently adopted 2018 RTP. Additionally, the RTP as the policy foundation for the MTIP has been implied in previous MTIP policies, but not made explicit. Because of the recent adoption of the 2018 RTP and the four priority areas identified for the near-term, the 2021-2024 MTIP policies wants to highlight the role of the RTP. Furthermore, the region has for a number of years practiced coordination on nominating funding priorities for competitive national discretionary grants. By including the practice in the 2021-2024 MTIP policy statement is an effort to formalize this norm.

In developing the 2021-2024 MTIP, partners acknowledge these policies and agree to work in a cooperative fashion as described in “Three C’s: continuous, cooperative, and comprehensive” of federal regulation pertaining to metropolitan planning. The cooperative “Three C’s” process is to achieve the policies outlined and align investments accordingly.

To provide further clarity, a description of each policy guiding the 2021-2024 MTIP is provided.

## MTIP Policy 1 – Regional Policy Direction for Investments



The 2018 Regional Transportation Plan (RTP) is the foundation and guide for investments proposed for the 2021-2024 MTIP. As the policy direction for investments, regional partners agree to implement the policy priorities to emerge from the 2018 RTP.

These policy priorities – , *equity, safety, addressing climate change, and managing congestion* – are described in chapter 6 and identified in the legislation adopting the 2018 RTP as the outcomes to make near-term progress by aligning investments to achieve the outcomes desired from these policy priorities.

In efforts to articulate and provide direction in how to achieve and make progress towards these outcomes, the policies identified in chapter 3 as well as the actions identified in the compendium 2018 RTP strategies (e.g. Regional Transportation Safety Strategy, Regional Transit Strategy) and other regional plans and actions (e.g. Climate Smart Strategy, Strategic Plan to Advance Racial Equity, Diversity, and Inclusion). –

As the 2021-2024 MTIP investments get compiled into a four-year investment program, the package of investments will be evaluated to assess how well the investments make progress towards the 2018 RTP policy priorities. Recognizing the role and function of 2021-2024 MTIP, the policy direction places greater emphasis to demonstrate that individual funding allocations administered by Metro, ODOT, TriMet and SMART considered, balanced, and used the 2018 RTP policy priorities for the prioritization and selection of projects and programs to award funds.

Additionally, investments proposed for the 2021-2024 MTIP are expected to be drawn from the financially constrained 2018 RTP investment strategy. Metro is responsible for demonstrating the programmatic four-year investment package advances implementation of the 2018 RTP policy priorities.

## MTIP Policy 2 – Compliance with Requisite Federal Regulations

As a federal requirement to remain eligible to expend federal transportation funding, the 2021-2024 MTIP and the process by which it is developed is expected to comply with all applicable federal regulations. Applicable regulations at a minimum include:

- 23 CFR 450.300 – 23 CFR 450.340 – Metropolitan Planning
  - with particular emphasis on section 23 CFR 450.326 - Development and content of the transportation improvement program (TIP);
- Civil Rights legislation (e.g. Title VI, Americans with Disabilities Act) and public involvement;
- Performance-based planning and programming;
- Congestion management process;
- Financial constraint (23 CFR 450.326(j))

Additionally, the findings to emerge from the 2017 Transportation Management Area (TMA) Certification and 2018-2021 MTIP and STIP Approval and Statewide Planning Findings are expected to be addressed and guide the development and implementation of the 2021-2024 MTIP.

As part of Metro’s responsibilities, the agency’s evaluation of the programmatic four-year investment package will assess the region’s implementation progress towards federal, state, and regional performance targets and if necessary identify areas for course correction for future MTIPs.

## Regional Transportation Plan

The Regional Transportation Plan is a blueprint to guide investments for all forms of travel throughout the Portland metropolitan region. The plan identifies \$42 billion to be invested in the region’s transportation system over the next 25 years to serve a future population of over 2 million people to address the region’s most urgent transportation needs. Nearly \$27 billion in funding is for maintenance, preservation, and operations and more than \$15 billion is for capital projects that optimize and expand the region’s highway and transit systems, complete gaps in biking and walking connections and provide important access to transit, downtowns, schools, services and other community destinations.

Near-term RTP priorities include – equity, safety, addressing climate change, and congestion – and reflects new policies and strategies for safety, freight, transit, equity, climate leadership and emerging technology that guide planning and investment decisions.

The 2021-2024 MTIP policy direction is intended to provide clarity to regional partners on the federal requirements the 2021-2024 MTIP is obligated to comply with in efforts to inform regional partners to conduct funding allocations and submit projects which complies with federal mandates. This is to ensure the region does not jeopardize its eligibility to expend federal funding and demonstrate to federal partners' stewardship in the planning, programming, and expenditure of federal transportation funds.

### **MTIP Policy 3 – Regional Finance Approach**

In May 2009, JPACT developed a regional finance approach to direct how the transportation needs of the region are to be addressed by existing or potential transportation funding sources. Since 2009, this regional finance approach provides a starting point for the various funding programs or sources that are addressed in the MTIP and State Transportation Improvement Program (STIP).

The approach identifies funding mechanisms agencies use and a regional strategy for sources to be pursued to address unmet needs of the different elements of transportation system in the region. The approach has been utilized in the development of RFFA policies since the 2010-2013 and 2012-2015 MTIP cycle, with the most recent regional finance approach adopted as part of the 2018-2021 MTIP and 2019-2021 Regional Flexible Fund Allocation policy statement.<sup>3</sup>

The most recently adopted regional finance approach is included as Attachment 1. However, since the adoption of the 2018-2021 MTIP and 2019-2021 RFFA policy statement in 2016, new revenue sources (e.g. House Bill 2017) as well as administrative and process changes to certain sources of funds (e.g. consolidation of certain federal fund sources under federal transportation funding reauthorizations MAP-21 and FAST, restructuring of ODOT allocation programs) necessitates administrative updates to the adopted regional finance approach.

Attachment 2 is an updated version of the regional finance approach reflecting these administrative changes for the purposes of outlining a regional financial approach to pursue as part of the development and implementation of the 2021-2024 MTIP policy. As further discussion takes place regarding any of the source funds identified, periodic administrative updates will be made.

### **MTIP Policy 4 – Regional Funding Coordination**

#### **National Discretionary Funding Opportunities - Regional Coordination**

As part of the implementation of the Regional Finance Approach, the region's partners agree to regional coordination and information sharing when competing on the national stage for federal competitive discretionary funding programs. Examples of these programs include, but not limited to: FTA's Capital Investment Grants – New Starts and Small Starts, U.S. DOT's

<sup>3</sup> See Metro Council Resolution 16-4702



Better Utilizing Investment to Leverage Development (BUILD) and Infrastructure for Rebuilding America (INFRA). Regional coordination is to make regional partners aware of what competitive applications are being put forward and ensure any necessary MPO programming or planning requirements have been met to allow access to funds if awarded. Information of these coordinated efforts may also be shared with the region's congressional delegation to inform them of regional funding priorities.

#### **Coordination and Leveraging of Federal Funds Across Funding Allocation Programs**

Recognizing the scarcity of funding resources for the transportation system, the Portland metropolitan region supports leveraging funding opportunities being administered by different agencies within the region. However, the region desires to see leverage opportunities be discussed in a transparent and open manner that allows for partners to provide feedback and also bring awareness to potential funding leveraging opportunities. To facilitate leveraging opportunities, regional partners agree to and are encouraged:

- to identify opportunities to leverage funding early, particularly in the policy direction and program design phase (e.g. policy direction update for the 2022-2024 Regional Flexible Fund or the 2021-2024 STIP) and prior to the solicitation of projects for individual funding programs;
- to identify whether federal funds or a regionally significant project would be involved in the leveraging other funding (whether federal or local) to ensure eligibility requirements and other factors are appropriately met; and
- to begin coordination early between potential administering agencies and determine a pathway for proposals or approvals by appropriate entities, as necessary.

It is expected if regional partners wish to coordinate and leverage opportunities to fund (or partially fund) projects or programs through a funding program administered by a different administering agency, the partner bring the funding proposal to the MPO for information

#### **Currently Agreed Upon Fund Leveraging**

Through previous allocation processes, the region has come to agreement on leveraging funding administered by different partner agencies. In particular a portion of Metro's Regional Flexible Funds have been set aside towards advancing the region's high capacity transit network, planning for certain corridor bottlenecks and active transportation projects. As a result of these funding agreements, the specific projects funded will need to be brought forward to the MPO for engagement and progress updates.

and discussion. Funding proposals, especially with federal funds or for a regionally significant project, will not be considered without discussion and if necessary approval undertaken by the MPO (for federal funds or regionally significant projects). A process for bringing forward funding proposal entails:

1. Initial MPO staff and administering agency staff consultation of proposal;
2. Discussion, recommendation, and approval by the MPO (if necessary);<sup>4</sup>
3. Discussion and approval by the leadership entities of other administering agencies (if necessary).

Administrative funding proposals (e.g. funding swaps, changing the federal fund type) are exempt from this process, but must undergo the procedural MTIP change management process (administrative modification or amendment) depending on the significance of the changes requested.

### **2021-2024 MTIP Policy Implementation Process**

As part of the process for implementing the 2021-2024 MTIP policy direction, Metro, as the MPO, will serve in the lead role for coordinating information sharing and other MTIP-related development activities. The Transportation Policy Alternatives Committee (TPAC) will serve as the main venue for coordination pertaining to the implementation of the 2021-2024 MTIP policy direction. The TPAC work program will be updated to include discussion items pertaining to the development of the 2021-2024 MTIP, including the individual funding allocation processes undertaken by the entities which administer federal transportation funds. TPAC will also be requested to recommend approval of the adoption draft of the 2021-2024 MTIP to JPACT in spring 2020.

In addition to the coordination activities to take place at TPAC in implementing the 2021-2024 MTIP policy direction, the 2021-2024 MTIP charter provides further detail on the protocols and coordination expectations for the four main key partners responsible for the content development of the MTIP. The 2021-2024 MTIP charter is signed among the four partners and outlines the various coordination protocols for project data exchange, MTIP content, schedule, and timelines.

<sup>4</sup> MPO approval may come in the form of adopting policy direction for a specific funding program or through the MTIP change management process. Will be dependent on the context and nature of the leveraging opportunity being proposed.



**Attachment 1: Adopted Regional Finance Approach (June 2016)**

The following table is the 2018-2021 MTIP regional finance approach as adopted in June 2016.

**Table A.1: Regional Transportation Finance Approach – Adopted June 2016**

Transportation Project/ Activity Type	Existing Funding Sources	Strategy for Sources of Additional Funding
Local/Arterial street reconstruction/maintenance	<ul style="list-style-type: none"> <li>• State pass through</li> <li>• Street utility fees</li> </ul>	<ul style="list-style-type: none"> <li>• Increases in state gas tax or VRF</li> <li>• New street utility fees or equivalent</li> </ul>
Active Transportation (includes bicycle, pedestrian, and small on-street transit capital improvements like bus shelters)	<ul style="list-style-type: none"> <li>• <b>Regional Flexible Funds</b></li> <li>• Connect Oregon</li> <li>• ODOT Region 1 competitive allocation – dedicated</li> <li>• Local contributions</li> <li>• Development (Frontage, Impact Fees, SDC’s)</li> </ul>	<ul style="list-style-type: none"> <li>• New federal program</li> <li>• State Urban Trail fund</li> <li>• New local funds</li> </ul>
Highway preservation	<ul style="list-style-type: none"> <li>• Interstate Maintenance</li> <li>• State gas &amp; weight/mile tax</li> <li>• ODOT Region 1 preservation, maintenance, and operations allocation program</li> <li>• NHPP</li> </ul>	<ul style="list-style-type: none"> <li>• Increases in state gas tax or VRF</li> <li>• New street utility fees or equivalent</li> </ul>
Transit Operations	<ul style="list-style-type: none"> <li>• Employer tax</li> <li>• Passenger fares</li> <li>• Section 5307</li> <li>• Section 5310</li> </ul>	<ul style="list-style-type: none"> <li>• Employer tax rate</li> <li>• New funding mechanism</li> <li>• Passenger fare increases</li> </ul>
Arterial Expansion	<ul style="list-style-type: none"> <li>• Development (Frontage, Impact Fees, SDC’s)</li> <li>• Urban Renewal</li> <li>• ODOT Region 1 competitive allocation program</li> <li>• <b>Regional Flexible Funds<sup>5</sup></b></li> <li>• TIGER</li> <li>• Local contributions</li> </ul>	<ul style="list-style-type: none"> <li>• SDC rate increases</li> <li>• Regionally raised revenue</li> <li>• Increase in state gas tax or VRF</li> </ul>

<sup>5</sup> Limited to arterial freight facilities for ITS, small capital projects, and project development.

Transportation Project/ Activity Type	Existing Funding Sources	Strategy for Sources of Additional Funding
Highway expansion	<ul style="list-style-type: none"> <li>• ODOT Region 1 competitive allocation program</li> <li>• NHPP</li> <li>• National Freight Program</li> <li>• Modernization Program</li> <li>• Fed/state earmarks</li> </ul>	<ul style="list-style-type: none"> <li>• More from existing sources</li> <li>• Pricing/tolling</li> <li>• Increase in state gas tax or equivalent</li> <li>• Regionally raised revenue</li> </ul>
HCT expansion	<ul style="list-style-type: none"> <li>• Federal New Starts</li> <li>• Federal Small Starts</li> <li>• State lottery</li> <li>• <b>Regional Flexible Funds</b></li> <li>• TriMet General Fund</li> <li>• Local contributions</li> </ul>	<ul style="list-style-type: none"> <li>• More from existing sources</li> </ul>
TSMO/Travel Options	<ul style="list-style-type: none"> <li>• State operations</li> <li>• <b>Regional Flexible Funds</b></li> <li>• TIGER</li> </ul>	<ul style="list-style-type: none"> <li>• Regional VRF or equivalent</li> </ul>
Land Use – TOD	<ul style="list-style-type: none"> <li>• <b>Regional Flexible Funds</b></li> </ul>	<ul style="list-style-type: none"> <li>• Strategy under development</li> </ul>

**Attachment 2: Updated Regional Finance Approach (December 2018)**

The following table is an updated version of the 2016 adopted regional finance approach. The updates reflect new revenue sources and administrative changes to funding sources and the eligible activities. As policy direction for funds may change, federal transportation reauthorization may change eligibility requirements of existing funds, or through JPACT and the Metro Council direction, the regional finance approach will be updated to reflect the administrative or policy direction changes. The 2021-2024 MTIP policy describes the purpose and function of the regional finance approach.

**Table A.2: Updated Regional Transportation Finance Approach – (As of December 2018)**

Transportation Project/ Activity Type	Existing Funding Sources	Strategy for Sources of Additional Funding
Local/Neighborhood Street Reconstruction and Maintenance	<ul style="list-style-type: none"> <li>• State pass through funds</li> <li>• Street utility fees</li> <li>• Local gas tax</li> </ul>	<ul style="list-style-type: none"> <li>• Increases in state gas tax (e.g. House Bill 2017)</li> <li>• Increases in vehicle registration fees</li> <li>• New street utility fees or equivalent</li> <li>• Additional or new local gas tax</li> </ul>
Active Transportation (includes bicycle, pedestrian, and small on-street transit capital improvements like bus shelters)	<ul style="list-style-type: none"> <li>• Regional Flexible Funds</li> <li>• STBG - Transportation Alternatives Set Aside</li> <li>• Connect Oregon</li> <li>• ODOT Region 1 Fix-It Leverage – Active Transportation &amp; Safety</li> <li>• ODOT Safe Routes to Schools Infrastructure</li> <li>• ODOT 1% gas tax dedication</li> <li>• Privilege tax on bicycle sales</li> <li>• Local gas or property tax, vehicle registration, or street utility</li> </ul>	<ul style="list-style-type: none"> <li>• New federal program</li> <li>• State Urban Trail fund</li> <li>• Increases in state gas tax (e.g. House Bill 2017)</li> <li>• New local or regional funds</li> </ul>
Highway Preservation	<ul style="list-style-type: none"> <li>• Interstate Maintenance</li> <li>• National Highway Preservation Program</li> <li>• State gas tax &amp; weight/mile fees</li> <li>• ODOT Region 1 preservation, maintenance, and operations allocation program (Fix-it)</li> </ul>	<ul style="list-style-type: none"> <li>• Increases in state gas tax</li> <li>• Increases in vehicle registration fees</li> <li>• New street utility fees or equivalent</li> </ul>

Transportation Project/ Activity Type	Existing Funding Sources	Strategy for Sources of Additional Funding
	<ul style="list-style-type: none"> <li>• Other state (e.g. House Bill 2017) earmarks</li> </ul>	
Transit Operations	<ul style="list-style-type: none"> <li>• Employer tax</li> <li>• Employee tax</li> <li>• Passenger fares</li> <li>• Section 5307 urbanized area formula</li> <li>• Section 5310 special transportation</li> <li>• ODOT special transportation fund</li> <li>• Advertising revenue</li> </ul>	<ul style="list-style-type: none"> <li>• Increases in employer and employer tax rate</li> <li>• New funding mechanism</li> <li>• Passenger fare increases</li> </ul>
Arterial Expansion, Improvements, and Reconstruction	<ul style="list-style-type: none"> <li>• Development Fees (e.g. Frontage, Impact Fees, System Development Charges)</li> <li>• Urban Renewal</li> <li>• ODOT Region 1 allocation program – Fix It Leverage – Enhance or Safety</li> <li>• ODOT Region 1 operations allocation program (Fix-it)</li> <li>• Other federal or state (e.g. House Bill 2017) earmarks</li> <li>• Regional Flexible Funds<sup>6</sup></li> <li>• BUILD</li> <li>• National Freight Program</li> </ul>	<ul style="list-style-type: none"> <li>• Development fees rate increases</li> <li>• New local or regional funds</li> <li>• Increase in state gas tax</li> <li>• Increase in vehicle registration fee</li> </ul>
Highway Expansion	<ul style="list-style-type: none"> <li>• ODOT Region 1 competitive allocation – Fix It Leverage – Enhance</li> <li>• ODOT 2021-2024 STIP Strategic Investment Fund</li> <li>• Regional Flexible Funds<sup>7</sup></li> <li>• National Highway Preservation Program</li> </ul>	<ul style="list-style-type: none"> <li>• More from existing sources</li> <li>• Pricing/tolling</li> <li>• Increase in state gas tax or equivalent (e.g. HB 2017)</li> <li>• New local or regional funds</li> </ul>

<sup>6</sup> Limited to arterial freight facilities for ITS, small capital projects, and project development.

<sup>7</sup> Limited to project development with large discretionary funding leverage opportunities to address multiple transportation issues around the mainline facilities, focusing on the multi-modal portions of these projects that are on the regional arterial network adjacent to the freeway interchange.

Transportation Project/ Activity Type	Existing Funding Sources	Strategy for Sources of Additional Funding
	<ul style="list-style-type: none"> <li>• National Freight Program</li> <li>• Other federal or state (e.g. House Bill 2017) earmarks</li> <li>• BUILD</li> <li>• Privilege tax on vehicles</li> </ul>	
High Capacity Transit Expansion	<ul style="list-style-type: none"> <li>• Federal Capital Investment Grants (e.g. New Starts/Small Starts)</li> <li>• State lottery</li> <li>• Regional Flexible Funds</li> <li>• TriMet General Fund</li> <li>• Local contributions</li> </ul>	<ul style="list-style-type: none"> <li>• More from existing sources</li> <li>• New local or regional funds</li> </ul>
TSMO/Travel Options	<ul style="list-style-type: none"> <li>• ODOT Region 1 operations allocation program (Fix-it)</li> <li>• ODOT transportation demand management program allocation to regions</li> <li>• Regional Flexible Funds</li> <li>• Regional Safe Routes to School</li> </ul>	<ul style="list-style-type: none"> <li>• Regional vehicle registration fee or equivalent</li> <li>• Cap and Invest Program</li> <li>• New local or regional funds</li> </ul>
Land Use – TOD	<ul style="list-style-type: none"> <li>• Regional Flexible Funds</li> </ul>	<ul style="list-style-type: none"> <li>• New local or regional funds</li> </ul>

If you picnic at Blue Lake or take your kids to the Oregon Zoo, enjoy symphonies at the Schnitz or auto shows at the convention center, put out your trash or drive your car – we’ve already crossed paths.

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## **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 19-4963, FOR THE PURPOSE OF ADOPTING THE 2021-2024 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) POLICY STATEMENT FOR THE PORTLAND METROPOLITAN AREA

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Date: March 21, 2019  
Department: Planning and Development  
Meeting Date: April 4, 2019

Presenter(s) (if applicable): Grace Cho,  
Ted Leybold  
Length: 10 minutes

Prepared by: Grace Cho, x1776,  
grace.cho@oregonmetro.gov

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### **ISSUE STATEMENT**

Update and adopt the 2021-2024 MTIP policy in time to provide direction to the 2021-2024 MTIP development process.

### **ACTION REQUESTED**

Metro staff requests adoption of Resolution No. 19-4963.

### **IDENTIFIED POLICY OUTCOMES**

1. Update the existing 2018-2021 MTIP policy direction to affirm and incorporate the policy direction from 2018 Regional Transportation Plan (RTP). This includes emphasis on the RTP near-term policy priorities: safety, equity, addressing climate change, and managing congestion.
2. Update the existing 2018-2021 MTIP policy to reflect new and applicable federal regulations to maintain the region's eligibility to expend federal surface transportation funding. This includes performance-based programming requirements which set forth a new MPO activities to assess and monitor performance of the MTIP.
3. Update the existing 2018-2021 MTIP policy to reflect other adopted regional policies and policy direction to funding programs.
4. Apply these updates to the development of the 2021-2024 MTIP currently in progress.

### **POLICY QUESTION(S)**

Update the 2021-2024 MTIP policy direction in a manner that allows the region to progress on the following four activities:

- Implement the 2018 RTP and the near-term priorities (safety, equity, climate change, congestion) identified in the 2018 RTP
- Ensure federal requirements are met to remain eligible to expend federal funds
- Pursue the regional finance approach

- Leverage funding opportunities

The policy outcome sought in adopting the 2021-2024 MTIP policy direction is to provide regional partners, namely ODOT, TriMet, and SMART, further direction and expectations as to what investments in the next four fiscal years – 2021 through 2024 – are expected to achieve.

### **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

Are the four proposed policies and their outcomes acceptable for the 2021-2024 MTIP policy direction?

If so, the anticipated results of an adopted 2021-2024 MTIP policy direction are:

- the MPO affirms the 2018 RTP and provides clear direction as to what near-term investments (i.e. fiscal years 2021-2024) should be aiming to achieve and informs partners as investments deliberations are occurring;
- the MPO and the Metro Council have additional policy backing for the proposed 2022-2024 Regional Flexible Fund allocation policy direction; and
- the MPO has clear direction in how to move forward with developing a performance assessment methodology and monitoring measures.

If not, the anticipated risks of forgoing the 2021-2024 MTIP policy direction:

- the MPO is unable to provide clear direction to partners as to what near-term investments (i.e. fiscal years 2021-2024) should be aiming to achieve;
  - As a result, any investment generally consistent with the 2018 RTP would be acceptable and leave room for advancing investment in projects which do not make progress on the region’s near-term priorities;
- there is an opportunity for the policy direction for the 2022-2024 Regional Flexible Fund to directed towards other priorities not identified for the near-term; and
- the MPO staff will have challenges in measuring performance and monitoring progress on investment implementation because clear goals and priorities have not been established.

### **STAFF RECOMMENDATIONS**

Metro staff recommends adoption of Resolution No. 19-4963.

### **BACKGROUND**

The Metropolitan Transportation Improvement Program (MTIP) is a federally-required document which identifies a prioritized list of transportation program and projects covering a four year period. The MTIP is developed in a cooperative and coordinated manner among the region’s stakeholders, with further coordination among Metro, ODOT, TriMet, and SMART as the four agencies which administer federal funds. The MPO formally adopts the MTIP to make it the effective four-year investment strategy for the region. The three main components of the MTIP are:



- A list of regionally significant projects within the metropolitan region for the upcoming four fiscal years with numerous project details related to the schedule of project delivery and spending.<sup>1</sup>
- A discussion of the transportation funding allocations processes administered by the state department of transportation (ODOT), transit agencies (SMART and TriMet), and the metropolitan planning organization (Metro). The discussion entails how the investment decisions made through these allocation processes advance regional goals and comply with federal regulations.
- A description of administrative procedures, protocols, policies and other related expectations for implementing, administering, and managing the MTIP.

In practice, the MTIP describes how the four agencies in the region prioritize transportation funding through projects and programs in a manner consistent with the regional transportation plan and federal requirements. Additionally, the MTIP demonstrates how the four agencies work together to ensure a coordinated approach to achieve the region’s vision and goals for the transportation system for the upcoming federal fiscal years. The MTIP in development addresses fiscal years 2021 through 2024.

The 2021-2024 MTIP policy report communicates the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council’s policy direction for developing of the 2021-2024 MTIP. In adopting the 2021-2024 MTIP policy, the overarching direction commits the region towards aligning investments to advance regional priorities and allows Metro, as the steward of the MTIP, to continually monitor and measure progress.

The adoption of the MTIP policy is a practice completed with each MTIP cycle. In previous cycles of the MTIP (2018-2021 and 2015-2018), the MTIP policy statement was combined with the policy statement for the allocation of the Regional Flexible Funds. In efforts to provide further clarity and transparency as to the role of the MTIP, the policy statement for the development, coordination, and implementation of the 2021-2024 MTIP is being brought forward separately from the policy statement for the upcoming cycle of the Regional Flexible Fund.

## **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

As part of federal requirements, Metro and ODOT update the MTIP every three years to schedule funding for the following four-year period. The process of updating the 2021-2024 MTIP policies was initiated by the adoption of the 2018 Regional Transportation Plan (RTP) in December 2018. The 2018 RTP updated a number of the region’s policies related to transit, freight, and performance management as well as new regional policies related to transportation safety, equity, and emerging technologies. In addition, the ordinance to adopt the 2018 RTP directed the region to make more near-term progress on four policy priorities to emerge from the plan: transportation safety, equity, addressing climate change, and managing congestion. As part of the adoption of the 2018 RTP, a long-range

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<sup>1</sup> Additionally, the MTIP also includes state and local transportation programming which affects the regional transportation system.

investment strategy was also adopted. The RTP plays a significant role in the defining the outcomes transportation investments in the regional system aim to achieve.

In updating the 2021-2024 MTIP policy after the adoption of the 2018 RTP, the 2021-2024 MTIP policy statement adjusts and updates, as necessary, the policy and coordination direction for developing and implementing the 2021-2024 MTIP to support the implementation of the plan. Since the 2018 RTP emphasized equity and implementation of the region's Climate Smart Strategy, the policy statements provides clarity on the outcomes the four year investment program are to advance and make progress towards achieving in light of a newly adopted RTP. In addition to making more explicit the RTP as policy foundation for the MTIP, the updated policies for the 2021-2024 MTIP development continues existing policies and practices adopted as part of previous MTIPs with minor administrative updates, such as complying with all necessary a federal requirements (including new federal requirements) and pursuing the regional finance approach.

The 2021-2024 MTIP will include funds already allocated to projects in fiscal years 2021 (currently in the approved 2018-2021 MTIP). The policy direction is intended to guide the allocation of funds to new projects for fiscal years 2022 through 2024 through the funding allocation processes being administered by Metro, ODOT, TriMet, and SMART. In particular, these policies will greatly shape the policy direction for the regional flexible funds available for the 2022-2024 allocation.

#### Known Opposition/Support/Community Feedback & Explicit list of stakeholder groups and individuals who have been involved in policy development

Recognizing the significant public engagement undertaken as part of the recent 2018 RTP and 2021-2024 MTIP policy continued a number of existing MTIP policies, with minor updates or adjustments, the process for developing the 2021-2024 MTIP policy statement primarily relied on the Transportation Policy Alternatives Committee (TPAC) as the forum to gather feedback. TPAC was provided opportunities in January and February 2019 to comment and help refine the policy document. TPAC deliberated the proposed 2021-2024 MTIP policies thoroughly at the February meeting. The refined 2021-2024 MTIP policy statement taken forward to JPACT was reviewed at its February meeting with minimal discussion. JPACT took action at its March 2019 meeting to approve the 2021-2024 MTIP policy direction and submit to Metro Council for adoption.

#### Legal Antecedents

Updates the 2018-2021 Metropolitan Transportation Improvement Program Policy Statement for the Portland Metropolitan Region, adopted by Metro Council Resolution 16-4702 on June 16, 2016 (for the purpose Adopting the 2018-2021 Metropolitan Transportation Improvement Program and 2019-2021 Regional Flexible Funds Allocation Policy Statement for the Portland Metropolitan Area). As well as the 2018 Regional Transportation Plan, adopted by Metro Council Ordinance 18-1412 on December 6, 2018. (Ordinance No. 18-1421, For the Purpose of Amending the 2014 Regional Transportation Plan to Comply With Federal and State Law and Amending the Regional Framework Plan.)

#### Anticipated Effects

Adoption of this resolution will provide the policy direction, program objectives and procedures that will be used for developing and administering the 2021-2024 MTIP and the 2022-2024 Regional Flexible Fund Allocation.

Financial Implications (current year and ongoing)

There are no impacts for Metro's current budget. This resolution proposes policy for coordination and direction for funding allocation processes and implementation of the 2021-2024 MTIP. This policy direction does set up the framework for the 2022-2024 Regional Flexible Fund allocation policy, which funds a mix of Metro Planning and Development department activities. These activities include the Regional Travel Options Program, the Safe Routes to Schools Program, and supplements MPO-related activities such as travel demand model development.

**ATTACHMENTS**

The full Resolution 19-4963 is attached.

The full 2021-2024 MTIP policy document is attached as Exhibit A.

Agenda Item No. 8.2

**Resolution No. 19-4959**, For the Purpose of Adopting the 2022-2024  
Regional Flexible Funds Allocation Policy Statement for the  
Portland Metropolitan Area

*Resolutions*

Metro Council Meeting  
Thursday, April 4, 2019  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE 2022-	)	RESOLUTION NO. 19-4959
2024 REGIONAL FLEXIBLE FUNDS POLICY	)	
REPORT FOR THE PORTLAND	)	Introduced by Chief Operating Officer Martha
METROPOLITAN AREA	)	Bennett in concurrence with Council
	)	President Lynn Peterson
	)	

WHEREAS, the Metro Council and Joint Policy Advisory Committee on Transportation (JPACT) are authorized per Code of Federal Regulations Title 23 Section 450.306 and 450.326 to develop and implement a long-range metropolitan transportation plan and four-year investment program in a cooperative manner with the regions stakeholders; and

WHEREAS, the Portland metropolitan region periodically conducts a process to select projects and programs of regional significance in which to invest the region’s allotment of federal surface transportation funds, known as the Regional Flexible Funds Allocation (RFFA); and

WHEREAS, the RFFA is one element of the Metropolitan Transportation Improvement Program (MTIP), which reports on the performance and programming of all federal surface transportation funds to be spent in the Portland metropolitan region; and

WHEREAS, the Metro Council and Joint Policy Advisory Committee on Transportation (JPACT) are authorized per Code of Federal Regulations Title 23, Section 450.324 to allocate these funds to projects and programs in the metropolitan region and preceding the allocation, have developed a policy statement defining how the region should consider investments for federal fiscal years 2022-2024 for the regional flexible funds; and

WHEREAS, the Metro Council and JPACT adopted an updated Regional Transportation Plan in December 2018; and

WHEREAS, the three year process to 2018 RTP engaged stakeholders throughout to the region to develop the goals, objectives, and policies for the long-range transportation plan and the associated transportation investment priorities; and

WHEREAS, the adopted 2018 RTP specified four priorities to focus on in the near-term with the region’s transportation investments; and

WHEREAS, the 2021-2024 MTIP policy provides clarity as to the role of 2018 RTP and the 2018 RTP policy priorities will set policy foundation for transportation investment in the 2022-2024 RFFA process; and

WHEREAS, input utilized from the extensive engagement as part of the 2018 RTP informed and shaped the 2022-2024 RFFA policy; and

WHEREAS, input has been sought and received from the Transportation Policy Alternatives Committee as well as JPACT on the policy update; now therefore,

BE IT RESOLVED that the Metro Council adopt the 2022-2024 Regional Flexible Funds Allocation policy report.

ADOPTED by the Metro Council this 4th day of April 2019.

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Lynn Peterson, Council President

Approved as to Form:

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Nathan Sykes, Metro Attorney



# 2022 – 2024 Regional Flexible Funds Allocation (RFFA) policy report

(Attachment 1 to Resolution 19-4959)

**April 2019**

[oregonmetro.gov/rffa](https://oregonmetro.gov/rffa)

## **Metro respects civil rights**

Metro fully complies with Title VI of the Civil Rights Act of 1964 that requires that no person be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination on the basis of race, color or national origin under any program or activity for which Metro receives federal financial assistance.

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If any person believes they have been discriminated against regarding the receipt of benefits or services because of race, color, national origin, sex, age or disability, they have the right to file a complaint with Metro. For information on Metro's civil rights program, or to obtain a discrimination complaint form, visit [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights) or call 503-797-1536.

Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1700 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 5 business days before the meeting. All Metro meetings are wheelchair accessible. For up-to-date public transportation information, visit TriMet's website at [www.trimet.org](http://www.trimet.org).

**Metro is the federally mandated metropolitan planning organization** designated by the governor to develop an overall transportation plan and to allocate federal funds for the region.

The Joint Policy Advisory Committee on Transportation (JPACT) is a 17-member committee that provides a forum for elected officials and representatives of agencies involved in transportation to evaluate transportation needs in the region and to make recommendations to the Metro Council. The established decision-making process assures a well-balanced regional transportation system and involves local elected officials directly in decisions that help the Metro Council develop regional transportation policies, including allocating transportation funds.

The preparation of this policy was financed in part by the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration. The opinions, findings and conclusions expressed in this policy are not necessarily those of the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration.



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## INTRODUCTION

As the federally designated Metropolitan Planning Organization (MPO) for the greater Portland, Oregon area, Metro is responsible for administering federal transportation dollars over which the region has allocation authority. Every three years, Metro conducts a process to select specific investments in the region's transportation system to be funded with these dollars. This process is known as the Regional Flexible Funds Allocation (RFFA). The RFFA is one of several activities required of MPOs, others being the development of the Regional Transportation Plan (RTP), the Metropolitan Transportation Improvement Program (MTIP), and the Unified Planning Work Plan (UPWP).

Through the RFFA process, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council consider how the available funding can be used strategically to address needs identified through the RTP. The RTP establishes the vision, goals and objectives for the Portland region's transportation system, as well as defining performance measures and an investment strategy to ensure progress is made towards creating the envisioned system. In particular, it provides the policy framework to guide how specific sources of transportation funds should be coordinated in order to invest in all parts of the planned system. (This coordination approach is defined through the MTIP Policy Report.)

At the outset of each RFFA cycle, Metro leads a discussion with the region's stakeholders to consider the system's needs, and to develop a policy direction that reflects a consensus on how these funds can best be used strategically to advance important regional priorities. The 2022-2024 RFFA policy framework has now been used for four funding cycles. As such, it is recognized that a more comprehensive review of the RFFA policy should occur in the 2025-2027 cycle.

The policy development phase of the 2022-2024 RFFA cycle occurs directly after a three-year process to develop the 2018 RTP, adopted by JPACT and Metro Council at the end of 2018. In developing the updated RTP, an extensive outreach process resulted in nearly 19,000 individual points of contact with residents, community organizations, businesses, and elected officials.

Through this work with the community, several investment priorities emerged, as defined in Chapter 6.2 of the 2018 RTP. These priorities implement the 2040 Growth Concept by focusing on "moving people and goods, providing access, and helping to create and connect places."<sup>1</sup> Of these priorities, Metro Council determined that the following four were to be the main near-term capital and program investment priorities of the RTP:<sup>2</sup>

- advancing **Equity**
- improving **Safety**
- implementing the region's **Climate Smart Strategy**
- managing **Congestion**

Along with the adoption of the 2018 RTP, JPACT and Metro Council also adopted updated and new modal and topical strategies for Transportation Safety, Freight, Transit and Emerging Technology in 2018. These strategies more fully articulate the integrated multi-modal regional transportation system and investments needed to improve the existing system, complementing the Regional Travel Options Strategy (2018), Regional Active Transportation Plan (2014), Climate Smart

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<sup>1</sup> 2018 Regional Transportation Plan – Chapter 6.2

<sup>2</sup> Metro Ordinance 18-1421

Strategy (2014) and Regional Transportation System Management and Operations Action Plan (2010). They provide guidance for how the region can thoughtfully direct funding through the RFFA process to advance these four near-term investment priorities.

The 2022-2024 RFFA policy direction builds upon previous RFFA policy established by JPACT and Metro Council. It has been updated to align with new regional policy from the 2018 RTP and the supportive modal and topical strategies, specifically focusing on the four investment priorities noted above. It continues the two-step funding approach adopted for the 2014-2015 allocation cycle, which directs funding towards region-wide investments and supports construction of capital projects in specific focus areas. Unlike previous cycles, the RFFA policy document is now a stand-alone document, separate from the 2021-2024 MTIP Policy Report.<sup>3</sup>

## REGIONAL SIX DESIRED OUTCOMES

In 2008, Metro Council and MPAC adopted the Six Desired Outcomes to form the framework of a performance-based approach for policy and investment decisions. Those outcomes are:

- **Equity:** The benefits and burdens of growth and change are distributed equitably.
- **Vibrant communities:** People live and work in vibrant communities where their everyday needs are easily accessible.
- **Economic prosperity:** Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
- **Safe and reliable transportation:** People have safe and reliable transportation choices that enhance their quality of life.
- **Clean air and water:** Current and future generations enjoy clean air, clean water and healthy ecosystems.
- **Climate Leadership:** The region is a leader in minimizing contributions to global warming.

The Six Desired Outcomes shape the way in which all regional plans and policies reflect and orient towards achieving the desired outcomes. The 2018 RTP identifies needed next steps to achieve each of the Six Desired Outcomes for the region's transportation system.

## 2018 REGIONAL TRANSPORTATION PLAN INVESTMENT PRIORITIES

The 2018 RTP serves as the blueprint for the regional transportation system for the next 25 years. It includes specific goals, objectives and priorities for how the region is to invest to develop the system and performance targets to measure progress towards the goals. Projects funded through the 2022-2024 RFFA are to align with the four primary RTP investment priorities, as detailed in RTP Chapter 6.2. The four priorities are:

- **Equity** – reduce disparities and barriers faced by communities of color, people in poverty, and people with low English proficiency
- **Safety** – reduce fatal and severe injury crashes, particularly focusing on the High Crash Corridor network and equity focus areas identified in the RTP
- **Climate** – expand transit, complete regional active transportation networks, and leverage emerging technology to meet Climate Smart Strategy policies
- **Congestion** – manage congestion and travel demand through low-cost, high value solutions

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<sup>3</sup> Scheduled for JPACT and Metro Council action in 2019

These near-term investment priorities emerged from a three-year discussion and identification of the region’s most urgent transportation needs. They guided the development and refinement of the 2018 RTP projects and programs list, and reflect direction from JPACT and Metro Council to prioritize near-term investments to address these priorities.

The 2018 RTP also resulted in updates to the plan’s aspirational performance targets. The performance targets are quantitative benchmarks used to assess the region’s progress in carrying out the RTP vision through its investment priorities. These performance targets are the highest order evaluation measures in the RTP performance-based policy framework – providing key criteria by which progress towards the plan goals can be assessed. The targets are listed below in Table 1. A complete description of the performance targets is found in Chapter 2 of the 2018 RTP.

**Table 1: Regional Transportation Plan Performance Targets<sup>4</sup>**

1		<b>AFFORDABILITY</b> Reduce the combined housing and transportation expenditure for lower-income households by 25%, compared to 2015
2		<b>SAFETY</b> Eliminate transportation fatalities and serious injuries for all users by 2035, with a 50% reduction by 2025 and a 16% reduction by 2020, compared to 2015
3		<b>MULTIMODAL TRAVEL</b> Reduce vehicle miles traveled per person by 10%, compared to 2015
4		<b>MODE SHARE</b> Triple walking, biking and transit mode shares, compared to 2015
5		<b>SYSTEM COMPLETION</b> Complete 100% of the regional network of sidewalks, bikeways and trails
6		<b>CONGESTION</b> Meet the Interim Regional Mobility Policy for throughways, arterials and the regional freight network
7		<b>FREIGHT DELAY</b> Reduce vehicle hours of delay per truck trip by 10%, compared to 2040 No Build
8		<b>CLIMATE CHANGE</b> Reduce per capita greenhouse gas emissions from cars and small trucks by 20% by 2035 and 25% by 2040, compared to 2005
9		<b>CLEAN AIR</b> Maintain or reduce air pollution from mobile sources, compared to 2015

<sup>4</sup> 2018 Regional Transportation Plan, Chapter 2

## REGIONAL TRANSPORTATION FINANCE APPROACH (MTIP POLICY 3)

In May 2009, JPACT developed a regional finance approach to direct how the transportation needs of the region are to be addressed by existing or potential transportation funding sources. This regional finance approach provides a starting point for the various funding programs or sources that are addressed in the MTIP and State Transportation Improvement Program (STIP).

The approach identifies funding mechanisms agencies use and a regional strategy for sources to be pursued to address unmet needs of the different elements of transportation system in the region. The approach has been utilized in the development of RFFA policies since the 2010-2013 MTIP cycle and updated as needed to reflect current planning policy and available funding opportunities. The 2022-2024 RFFA policy follows the most recent regional finance approach adopted as part of the 2021-2024 MTIP.<sup>5</sup>

Uses for regional flexible funds, as defined in the 2021-2024 MTIP policy include:<sup>6</sup>

- Active Transportation
- Arterial Expansion, Improvements, and Reconstruction<sup>7</sup>
- Throughway Expansion<sup>8</sup>
- High-capacity Transit Expansion
- Transportation System Management and Operations
- Regional Travel Options
- Transit Oriented Development

## REGIONAL FLEXIBLE FUND ALLOCATION OBJECTIVES

The following objectives define how the RFFA process should be conducted and what outcomes should be achieved with the overall allocation process.

1. Select projects from throughout the region; however, consistent with federal rules, there is no sub-allocation formula or commitment to a particular distribution of funds to any sub-area of the region.
2. Honor previous funding commitments made by JPACT and the Metro Council.
3. Address air quality requirements by ensuring State Implementation Plan for air quality requirements are met and that an adequate pool of CMAQ-eligible projects is available for funding.
4. Achieve multiple transportation policy objectives.
5. Allow use of funding for project development and local match of large-scale projects (greater than \$10 million) that compete well in addressing policy objectives when there is a strong potential to leverage other sources of discretionary funding.

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<sup>5</sup> See Metro Council Resolution 16-4702

<sup>6</sup> MTIP policy pending adoption by JPACT in April 2019. RFFA policy will be adjusted to mirror final adopted MTIP policy.

<sup>7</sup> Limited to arterial freight facilities for ITS, small capital projects, and project development.

<sup>8</sup> Limited to project development with large discretionary funding leverage opportunities to address multiple transportation issues around the mainline facilities, focusing on the multi-modal portions of these projects that are on the regional arterial network adjacent to the freeway interchange.

6. Encourage the application of projects that efficiently and cost-effectively make use of federal funds.
7. Recognize the difference in transportation infrastructure investment needs relative to an areas stage of development (developed, developing, undeveloped) consistent with RTP Table 2.2.
8. Identify project delivery performance issues that may impact ability to complete a project on time and on budget.
9. Ensure agencies have qualifications for leading federal aid transportation projects.
10. Identify opportunities for leveraging, coordinating, and collaboration.

## 2022-2024 REGIONAL FLEXIBLE FUNDS STRUCTURE

The 2022-2024 RFFA follows the two-step framework the region has followed starting with the 2014-2015 allocation. This framework was adopted to ensure the region is investing in the system in accordance with RTP direction and the RFFA objectives.

### Step 1 – Regional Commitments

#### **a. Bond commitments for regional high capacity transit and project development**

Regional flexible funds have been used to help construct the region’s high-capacity transit system. Since 1998, TriMet has issued bonds to pay for project development and capital construction costs of high-capacity transit line construction, based on a regional commitment of flexible funds to repay the bonded debt. The region’s current obligation to repay bond debt extends to 2034. This bond obligation covers investments in Green, Orange, and Southwest Corridor MAX lines, Division Transit Project, and the Eastside Streetcar Loop.

In the 2019-2021 RFFA process, JPACT and Metro Council directed regional funding to be used to develop a selected package of improvements to address regional active transportation needs, and freeway interchanges or arterials that were identified as significant system deficiencies, particularly in the areas of safety and freight delay.

Regional flexible funds were used in a manner consistent with the Regional Transportation Finance Approach that targets these funds to the connecting arterial portions of freeway interchange projects and Active Transportation projects. For projects coordinated with freeway mainline and associated interchange elements, flexible funds were invested as a part of a multi-agency approach to addressing multiple transportation issues around the mainline facilities, and focused on the multi-modal portions of these projects that are on the regional arterial network adjacent to the freeway interchange.

The regional bond commitments through 2034 for transit and project development are shown below in Table 3.

**Table 3: Regional bond commitment repayment schedule (millions)**

	<b>Transit bond commitment</b>	<b>Project development bond commitment</b>	<b>Total bond commitment</b>
<b>2022</b>	\$21.62	\$1.26	\$22.88
<b>2023</b>	\$21.62	\$1.26	\$22.88
<b>2024</b>	\$21.62	\$1.26	\$22.88
<b>2025</b>	\$21.62	\$1.26	\$22.88
<b>2026</b>	\$21.62	\$1.26	\$22.88
<b>2027</b>	\$21.62	\$1.26	\$22.88
<b>2028</b>	\$17.56	\$1.26	\$18.82
<b>2029</b>	\$17.56	\$1.26	\$18.82
<b>2030</b>	\$17.56	\$1.26	\$18.82
<b>2031</b>	\$17.56	\$1.26	\$18.82
<b>2032</b>	\$17.56	\$1.26	\$18.82
<b>2033</b>	\$17.56	\$1.26	\$18.82
<b>2034</b>	\$17.56	\$1.26	\$18.82

Bond repayment commitments for the 2022-2024 RFFA cycle are:

**Transit and Project Development Bond Commitment** **\$68.64 million**

**b. Region-wide program investments**

Three region-wide programs have been defined over time by their regional scope, program administration, and policy coordination, and a consistent allocation of regional flexible funds to support them. The three programs are:

- **Regional Travel Options** – Grants to local partners that support public outreach and encouragement, to help people reduce automobile use and travel by transit, ridesharing, bicycling or walking, and to build a coordinated regional Safe Routes to School program
- **Transit Oriented Development** – Investments to help develop higher-density, affordable and mixed-use projects near transit, to increase the use of the region’s transit system and advance the Region 2040 Growth Concept
- **Transportation System Management and Operations** – Capital funding focused on improving the region’s transportation data, traffic signals, traveler information and other technological solutions to help move people and goods more safely, reliably, and efficiently

Funding targets are set for the existing region-wide programs in this cycle based on their historical allocation levels which includes an annual increase to address increasing program costs and maintain purchasing power. The region-wide programs will be reviewed prior to the final funding decision scheduled for the fall of 2019. The review will provide the following information about each program:

- Program description – description of the program purpose and its major activities
- Regional Funding Strategy Context – description of why the program is appropriate for regional flexible funding, per the Regional Finance Approach



- Directly related RTP performance targets – description of how the program helps the region meet performance targets in the RTP
- Connection to other plans or strategies – description of how program investments are linked to addressing other planning requirements (for example, the State Implementation Plan for air quality)
- Program strategic plan or recent planning work completed to date – description of how the strategic plan helps set priorities for implementation
- Program performance to date – description of specific accomplishments of the program
- Additional opportunities – description of priorities or activities the program would pursue given additional resources

Region-wide program investments for the 2022-2024 RFFA cycle are:

<b>Regional Travel Options (RTO)</b>	<b>\$10.16 Million</b>
<b>Transit Oriented Development (TOD)</b>	<b>\$10.80 Million</b>
<b>Transportation System Management and Operations (TSMO)</b>	<b>\$ 5.74 Million</b>

### **c. MPO, and Corridor and System Planning**

Regional funds have been used to support planning, analysis and management work required of a MPO. JPACT and Metro Council have directed these funds to be spent instead of collecting dues from each partner jurisdiction in the region as was done prior to 1992. Regional funds have also been directed towards continued planning work to further develop regional corridors, transit and freight networks, and to better understand the economic impacts of our transportation investments.

Planning commitments for the 2022-2024 RFFA cycle are:

<b>MPO Planning (in lieu of dues)</b>	<b>\$ 4.33 Million</b>
<b>Corridor and System Planning</b>	<b>\$ 2.05 Million</b>

### **d. One-Time Strategic Investments**

Periodically the region uses regional funds to pay for transportation needs that are not ongoing, but reflect a strategic investment that helps support the goals and objectives of the RTP. In this cycle, funding is directed towards the region’s contribution to the Oregon 2020 Travel and Activity Survey. This statewide survey provides MPOs with updated information on travel behaviors occurring within their metropolitan areas. This, in turn, updates the data used in the region’s travel demand model and provides decision-makers with analytically valid information to be used in policy and investment decisions.

<b>One-Time Strategic Investments</b>	<b>\$ 0.35 Million</b>
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### **Step 2 – Capital Investments**

The 2014-2015 RFFA policy direction established two Step 2 funding categories which best reflected the region’s needs and were guided by the Regional Finance Approach as defined in the MTIP policy. The Step 2 categories are:

- **Active Transportation and Complete Streets**
- **Regional Freight and Economic Development Initiatives**

75 percent of the funding available in Step 2 is directed to the Active Transportation and Complete Streets category, the other 25 percent is directed to the Regional Freight and Economic Development Initiatives category.

JPACT and Metro Council are continuing support for these project focus areas to create a more strategic approach to allocating funds, including:

- A topically or geographically focused impact rather than an array of disconnected projects
- Achieves appreciable impacts on implementing a regional scale strategy given funding amount available
- Addresses specific outcomes utilizing the 2018 Regional Transportation Plan Performance Targets
- Prioritizes catalytic investments (leveraging large benefits or new funding)
- Positions the region to take advantage of federal and state funding opportunities as they arise

In the development of the 2014-15 RFFA, a task force was created to advise JPACT and TPAC on project focus area needs, priorities and project prioritization factors and developed direction for the specific project focus areas. This policy construct will continue in the 2022-2024 RFFA but with adjustments which respond to the 2018 RTP investment policy direction and input received as a part of this policy update process.

While projects funded through the Step 2 categories are to be designed and scoped in a manner reflective of the relevant category's focus area and intended purpose, it is recognized that well-designed projects may result in multiple outcomes. Consideration will be given in the technical evaluation for projects that demonstrate significant outcomes and benefits beyond the primary project purpose.

*Example: A project funded through the Freight category that improves freight access to a certain area will likely also include active transportation elements. Preferred project design will incorporate a higher level of active transportation improvements than the minimum required project elements (protected bikeways, wider than standard sidewalks, traffic calming, crosswalks with flashing beacons, etc.*

*Similarly, an Active Transportation project on a facility that has significant freight traffic will likely include elements to improve the reliability of freight movement and elements to address the safe interface between active transportation and freight movements.*

Per RTP Equity Policy 7, projects and programs funded through the RFFA should demonstrate support of family-wage job opportunities and a diverse construction workforce through inclusive hiring practices and contracting opportunities for investments in the transportation system.

## **ACTIVE TRANSPORTATION AND COMPLETE STREETS**

### **Recommended approach for developing projects**

For this project focus area, the task force recommended an approach of selecting travel corridor/areas and identifying project elements that would address the most critical barriers to completing non-auto trips in the corridor/area or a concentrated portion of the corridor/area. Examples of barriers could be the lack of direct pedestrian or bicycle facilities to key destinations in the corridor, inability to safely cross streets to access destinations, or lack of access to transit stop improvements.

To implement this approach with available funding, the following parameters will be utilized:

- improvements will be concentrated geographically in a travel corridor/area or portion thereof,
- project design will consider guidance found in Chapter 9 of the Regional Active Transportation Plan,
- potentially merge portions of several planned projects and several project types (bicycle, trail, pedestrian, transit stops) into a unified corridor/area wide project,
- project development will be allowed as an eligible activity for funding to address project readiness issues or as part of a strategy to phase implementation of projects.

**Table 4: Active Transportation and Complete Streets Criteria**

RTP investment priorities for RFFA	Criteria
<b>Equity</b>	<p>Purpose: Helps eliminate transportation-related disparities and barriers within RTP Equity Focus Areas<sup>9</sup></p> <p>Improves access by completing active transportation network gaps in RTP Equity Focus Areas<sup>10</sup></p> <p><b>And/Or</b></p> <p>Improves access (whether by service/travel time reliability or through physical infrastructure) to and from the following community assets:</p> <ul style="list-style-type: none"> <li>• Affordable housing</li> <li>• Community places</li> <li>• Employment areas</li> <li>• Title 1 schools (or equivalent)<sup>11</sup></li> </ul>
<b>Safety</b>	<p>Purpose: Eliminate fatal and severe injury crashes among pedestrians, cyclists and transit users on a Regional High Injury corridor, or at a designated “hotspot”<sup>12</sup></p> <p>Improves safety with one or more effective safety countermeasure(s) or other technical solutions that:</p> <ul style="list-style-type: none"> <li>• Reduce vehicle speeds</li> <li>• Separate modes</li> <li>• Reduce conflicts between freight and vulnerable users</li> <li>• Implement ADA accessibility</li> <li>• Implement recommendations from documented safety problem/plan</li> </ul>

<sup>9</sup> Equity Focus Areas are defined as communities where the rate of people of color, people in poverty and people with low English proficiency is greater than the regional average and double the density of one or more of these populations. 2018 RTP, Chapter 3.2.2

<sup>10</sup> This can include first/last mile network gaps to transit, infill gaps in an equity focus area co-located on the regional active transportation network, increased connectivity, etc.

<sup>11</sup> A school may meet all of the qualification criteria for Title 1 status, but not have that designation due to funding constraints or other considerations.

<sup>12</sup> Identified by Safety Priority Index System (SPIS) or similar method of identifying crash frequency, rate and severity.

<b>RTP investment priorities for RFFA</b>	<b>Criteria</b>
<b>Climate</b>	<p>Purpose: Complete a regional active transportation network gap(s)</p> <p>Project demonstrates how it will reduce transportation-related greenhouse gas emissions through:</p> <ul style="list-style-type: none"> <li>• Reducing or eliminating VMT</li> <li>• Improving transit reliability and travel times/reduces transit delay on Regional Transit Network frequent bus and ETC corridors</li> <li>• Including green infrastructure element in project design</li> </ul>
<b>Congestion</b>	<p>Purpose: Incorporate congestion management strategies to provide or improve alternatives to drive-alone trips</p> <p>Project removes barriers or creating access to transit and/or active transportation through:</p> <ul style="list-style-type: none"> <li>• Improving network connectivity</li> <li>• Actively managing and optimizing arterial network to support biking and walking and reducing transit delay</li> <li>• Serving Region 2040 Centers, or high density/projected high growth areas</li> </ul>

## **REGIONAL FREIGHT AND ECONOMIC DEVELOPMENT INITIATIVES**

### **Recommended approach for developing projects**

For this project focus area, the task force recommended an approach of allocating funds for two components: construction type projects and planning/strategy development type projects. Eligible project types and criteria that will be utilized to scope and prioritize potential projects are described below.

#### **Construction focus**

Capital improvement proposals will focus on:

- System management, such as Intelligent Transportation Systems (ITS), on arterial freight routes. This could include upgrading traffic signal equipment and timing or provide travel information to inform freight trip decisions.
- Small capital projects (e.g. spot widening, installation of mountable curbs to accommodate large truck turning movements, etc.).

Technical measures should be developed that assess the regional impacts of nominated projects such as improving access to regionally significant industrial land or safe movements to/on the regional freight network to ensure a regional interest is served by the project.

Project proposals should demonstrate how the project supports job and economic growth in one or more traded sector industry clusters, as defined in the 2018 RTP.<sup>13</sup>

#### **Planning/strategy development focus**

Planning and strategy development proposals will focus on:

- Project development for specific arterial freight routes would evaluate key transportation barriers to the development of traded sector industry clusters, and recommend operations and design improvements to address those barriers.
- Consideration and development of regional strategies to invest in transportation improvements, focused on freight movement and increased job growth in traded sector industries

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<sup>13</sup> 2018 RTP, Chapter 4.5.1

**Table 5: Regional Freight and Economic Development Initiatives Criteria**

RTP investment priorities for RFFA	Criteria
<b>Equity</b>	<p>Purpose: Supports economic development in traded sector industries by creating jobs, and improving access to job centers<sup>14</sup> and Title 4 industrial employment areas, particularly for RTP Equity Focus Areas<sup>15</sup></p> <p>Reduces impacts to RTP Equity Focus Areas (e.g., reduced noise, land use conflict, air toxics and/or particulate matter emissions)</p>
<b>Safety</b>	<p>Purpose: Eliminate fatal and severe injury crashes by:</p> <ul style="list-style-type: none"> <li>• Removing and mitigating conflicts with               <ul style="list-style-type: none"> <li>○ active transportation</li> <li>○ railroad crossings</li> <li>○ turn movements</li> <li>○ other identified safety issues</li> </ul> </li> <li>• Improving safety with one or more effective safety countermeasure(s) or other technical solutions that               <ul style="list-style-type: none"> <li>○ reduce vehicle speeds</li> <li>○ separate modes</li> <li>○ reduce conflicts between freight and vulnerable users</li> <li>○ implement ADA accessibility</li> <li>○ implement recommendations from documented safety problem/plan</li> </ul> </li> </ul>
<b>Climate</b>	<p>Purpose: Reduces greenhouse gas emissions</p> <ul style="list-style-type: none"> <li>• Includes ITS or other technological elements to improve efficiency and hot-spot emissions from idling</li> <li>• Uses Complete Streets design; green infrastructure, closing active transportation network gap, etc.</li> <li>• Geometric designs and other operational elements to improve truck flow and bottlenecks on regional freight network<sup>16</sup></li> </ul>

<sup>14</sup> Mixed-use areas, and designated 2040 Growth Concept industrial areas.

<sup>15</sup> As defined in 2018 RTP Chapter 3.2.2

<sup>16</sup> Without degrading pedestrian and bicycle safety and comfort.

RTP investment priorities for RFFA	Criteria
Congestion	Purpose: Reduces freight vehicle delay at industrial centers and freight sites (intermodal hubs, terminals, distribution centers, et al) <ul style="list-style-type: none"> <li>• Improves network connectivity for all modes</li> <li>• Improves reliability and access to regional freight network</li> <li>• Reduces need for roadway expansion</li> </ul>

Step 2 project funding targets for the 2022-2024 RFFA cycle are:

<b>Active Transportation and Complete Streets:</b>	<b>\$29.74 Million</b>
<b>Regional Freight Initiatives:</b>	<b>\$9.91 Million</b>
<b>TOTAL Step 2:</b>	<b>\$39.65 Million</b>

**Table 6: Total Available 2022-2024 Regional Flexible Funds**

<b>Step 1</b>	
Transit & Project Development Bond Commitment	\$68.64 million
Region-wide Program Investments, Planning	\$33.08 million
One-Time Strategic Investments	\$0.35 million
<b>Step 2</b>	
Active Transportation & Complete Streets	\$29.74 million
Regional Freight & Economic Development Initiatives	\$9.91 million
<b>Total 2022-2024 RFFA</b>	<b>\$141.72 million</b>

## STEP 2 PROJECT SELECTION PROCESS

All project funding proposals submitted through the Step 2 Call for Projects will be considered for selection using the following process:

**Call for Projects** – Metro will issue a call for project proposals within the two Step 2 funding categories in early April, 2019. Proposals will be due in early June. A workshop will be held early in the project call timeframe to provide direction to applicants and respond to questions.

**Technical Evaluation** – Proposals will receive a technical score reflecting how well the project addresses the relevant category criteria. In addition to this quantitative analysis, the technical report will also include qualitative information to reflect attributes about each project that may not be reflected in a strict numerical score.

By presenting both quantitative and qualitative information, decision-makers and the public can better understand the technical merits of projects, which will help to better inform the regional decision making process.



**Risk Assessment** – To ensure that RFFA-funded projects can be delivered as proposed, on time, and within budget, Metro will conduct a risk assessment process on each proposal, and issue a report documenting the findings of the process. Proposals will be evaluated on how completely the project has been planned, developed and scoped, and measure the risk of project completion within the 2022-2024 timeframe.

This report will be made publically available and used as a part of the regional decision-making process.

The Technical Evaluation and Risk Assessment processes will occur concurrently in June-August.

**Public Comment** – Following issuance of the Technical Evaluation and Risk Assessment reports, Metro will conduct a 30-day public comment period in September, focusing on outreach to community and neighborhood organizations, county coordinating committees and other stakeholders. A joint public meeting of JPACT and Metro Council is planned to give decision-makers the opportunity to hear public testimony on project proposals. A summary of input received through the public comment period will be made available along with the Technical Evaluation and Risk Assessment reports to inform the final RFFA decision making process.

**County Coordinating Committee/City of Portland Recommendations** – Each county coordinating committee and the City of Portland will have the opportunity to provide recommendations to decision-makers on which projects submitted from their jurisdictions best reflect their local priorities. Recommendations are to be provided to TPAC and JPACT in advance of the JPACT meeting on November 21, 2019.

**TPAC/JPACT Discussion and Action** – Following the above information gathering steps, TPAC will be asked to consider and discuss all of the input received, and to provide a recommendation to JPACT on a package of projects to be funded, including both Step 1 and Step 2 investments.

JPACT will consider and discuss the TPAC recommendation, and will be requested to take action to refer a package of projects to Metro Council. JPACT action is scheduled for December 19, 2019.

**Council Action** – Metro Council will consider and take action on the JPACT-referred package in January 2020.

If you picnic at Blue Lake or take your kids to the Oregon Zoo, enjoy symphonies at the Schnitz or auto shows at the convention center, put out your trash or drive your car – we’ve already crossed paths.

**So, hello. We’re Metro – nice to meet you.**

In a metropolitan area as big as Portland, we can do a lot of things better together. Join us to help the region prepare for a happy, healthy future.

**Metro Council President**

Lynn Peterson

**Metro Councilors**

Shirley Craddick, District 1

Christine Lewis, District 2

Craig Dirksen, District 3

Juan Carlos Gonzalez, District 4

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Printed on recycled-content paper

April 4, 2019

## **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 19-4959, FOR THE PURPOSE OF ADOPTING THE 2022-2024 REGIONAL FLEXIBLE FUNDS ALLOCATION POLICY REPORT FOR THE PORTLAND METROPOLITAN AREA

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Date: March 5, 2019  
Department: Planning and Development  
Meeting Date: April 4, 2019

Prepared by: Dan Kaempff, 503-813-7559,  
daniel.kaempff@oregonmetro.gov

Presenter(s): Margi Bradway, Ted Leybold,  
Dan Kaempff  
Length: 25 minutes

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### **ISSUE STATEMENT**

Every three years, the JPACT and Metro Council, in their role as the federally designated Metropolitan Planning Organization (MPO) board, conduct a process to select transportation investments to be made with the MPO's allocation of federal surface transportation funds, known as the Regional Flexible Funds Allocation (RFFA). These funds are required to be used for projects and programs which advance the policy set forth in the Regional Transportation Plan (RTP).

This resolution codifies the specific policy direction for how the region is to invest these flexible funds in the federal fiscal years 2022 through 2024 in accordance with the regional investment priorities established in the recently adopted 2018 RTP.

### **ACTION REQUESTED**

Approve Resolution No. 19-4959.

### **IDENTIFIED POLICY OUTCOMES**

Resolution No. 19-4959 supports investments in the region's transportation system that advance four priorities; Equity, Safety, Climate Change, and Congestion. Through the RTP development and adoption process, these priorities were identified by stakeholders and elected officials as the most critical system needs, and they form the foundation for the RTP investment strategy. The RFFA policy report focuses this funding on investments that address and show improvement in these four priority areas.

### **POLICY QUESTION(S)**

The Regional Flexible Funds provide the opportunity for the region to both leverage other sources of funding, and to focus investment on areas of the system which are critical but do not have other dedicated sources of funding. Through this resolution, the RFFA policy identifies which of these important needs are to receive funding, in order to fulfill RTP policy direction.

### **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

At the January 8, 2019 Metro Council work session, Council agreed upon four principles to be followed in development of the RFFA policy direction.

**1. The 2018 Regional Transportation Plan priorities are to serve as the RFFA policy framework.** An extensive public engagement process went into the creation of the RTP, as well as numerous meetings and interactive forums with the region’s elected officials, business and community leaders. Metro’s public outreach efforts resulted in over 19,000 individual communications during the RTP process. From these discussions, an agreement on the region’s priorities relative to the transportation has emerged.

**2. The four primary RTP priorities are to be carried out through RFFA project selection.** The RTP contains a broad vision statement, and subsequent supporting goals and objectives that define a transportation system that aligns with the Council-adopted Six Desired Outcomes. Included in this policy direction are four priorities for transportation that JPACT and Metro Council said were the most critical and should be emphasized through our subsequent funding and policy-making activities.

- a. **Equity** – reduce disparities and barriers faced by communities of color and other historically marginalized communities
- b. **Safety** – reduce fatal and severe injury crashes, particularly focusing on the High Crash Corridor network
- c. **Climate Change** – expand transit and active transportation networks, and leverage emerging technology to meet Climate Smart Strategy goals
- d. **Congestion Relief** – manage congestion and travel demand through low-cost, high value solutions

**3. Maintain the existing two-step framework.** Using the regional dollars strategically has been an underlying goal of previous RFFA processes. Over the past three allocation cycles, the region has allocated funding in two steps. The first step continues our investments in building out the regional high-capacity transit network, and creating a pipeline of sufficiently developed capital projects that are ready for future funding opportunities. Step 1 also supports region-wide investments that make the entire system work more effectively and efficiently, and funds the region’s planning efforts.

Step 2 targets project development and construction funding towards capital projects in local jurisdictions that advance RTP policy priorities and that have regional significance.

Council indicated they wished to continue this two-step process, and that the four RTP priorities should be applied to both steps.

**4. Better align Step 2 project outcomes with four RTP priorities.** Council wished to consider and discuss potential ways that Step 2 could be adjusted in order to ensure alignment with the RTP priorities described above. Step 2 projects must result in outcomes consistent with these priorities. As the RFFA financial forecast is finalized, consideration should be given to how any potential funding increase can be used to better enable the region to accomplish these four policy priorities.

The 2022-2024 RFFA policy report to be adopted by Resolution No. 19-4959 follows this direction previously provided by Council.

#### **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

Resolution No. 19-4959 supports Metro’s goals to address racial equity and climate change, as well as making safety and congestion improvements to the region’s transportation system. It continues the development of active transportation and high-capacity transit networks that support the

region's 2040 growth strategy and provide people with travel options. And it invests in projects that help provide jobs and support important economic sectors.

These outcomes were widely discussed in the three-year process leading to the development of the 2018 RTP. Over 19,000 individual points of contact with stakeholders led to the identification of the RTP investment priorities, and the RFFA policy was built around advancing these priorities.

Specifically, the RFFA policy follows RTP prioritization for investments to:

- advance **Equity** through transportation investments that reduce disparities and barriers faced by communities of color and other historically marginalized communities, with a focus on race and income
  - improve **Safety** where the most serious crashes occur, particularly focusing on the High Crash Corridor network and equity focus areas identified in the RTP
  - implement the region's **Climate Smart Strategy** with a focus on expanding transit, completing gaps in the regional active transportation network and leveraging emerging technology to meet Climate Smart Strategy policies
  - manage **Congestion** and travel demand through cost-effective measures
1. **Known Opposition:** None known at this time
  2. **Policy Development Stakeholders:** TPAC and JPACT developed the 2022-2024 Regional Flexible Funds Allocation Policy Report. The RFFA policy framework directly supports and implements the 2018 investment priorities, which were determined through an extensive public process as noted above
  3. **Legal Antecedents:** Updates the 2019-2021 Regional Flexible Funds Allocation Policy Report, adopted by Metro Council Resolution 16-4702 on June 16, 2016
  4. **Anticipated Effects:** Adoption of this resolution will provide the policy direction, program objectives and procedures that will be used during the 2022-2024 Regional Flexible Fund Allocation process to nominate, evaluate and select projects to receive federal transportation funds as detailed in Table 6 of the policy direction document
  5. **Financial Implications:** There are no impacts for Metro's current budget. This resolution proposes policy for determining future allocations. The amounts are illustrative and rely on a continuation of funding at historic levels with modest inflationary increases. The proposal maintains Step 1 funding for MPO functions on the same proportion and requires the same 10.27 percent match from local participants. Final allocations will depend on available federal funding.

## **BACKGROUND**

The 2022-2024 RFFA Policy Report builds upon previous RFFA policy established by JPACT and Metro Council. It has been updated to align with new regional policy from the 2018 RTP and the supportive modal and topical strategies, specifically focusing on the four investment priorities noted above. It continues the two-step funding approach adopted for the 2014-2015 allocation cycle, which directs funding towards region-wide investments and supports construction of capital projects in specific focus areas. Unlike previous cycles, the RFFA policy document is now a stand-alone document, separate from the 2021-2024 MTIP Policy Report.

Through previous RFFA investments made under this two-step approach, the region has helped expand the MAX light rail and Portland Streetcar systems with planning and construction funding. It has provided funding to develop a pipeline of active transportation projects to be ready for future funding opportunities. It has supported highway bottleneck projects by targeting funding to

associated arterial improvements. It has supported funding for system and demand management strategies, and improving transit usage through housing and commercial investments. It has helped freight move reliably with improved safety for all users. And it has helped construct dozens of projects that help people walk, bicycle or access transit more safely and easier.

The 2022-2024 RFFA policy continues investments in these key regional system needs with a greater focus on the four RTP investment priorities. Adoption of Resolution No. 19-4959 enables staff to proceed with the next steps in the RFFA process and maintain a timeline which is keyed on having a final list of investments recommended by JPACT at the end of calendar year 2019. Council is scheduled to consider and take action on a JPACT-approved project list in January 2020. Maintaining this schedule is critical in order for the region to stay coordinated with the state's preparation of the Statewide Transportation Improvement Program (STIP), which is scheduled to be submitted to the federal Department of Transportation in the summer of 2020.

If the RFFA projects are not selected and approved for inclusion in the STIP in a timely manner, the region's ability to spend federal transportation funds could be negatively impacted.

#### **ATTACHMENTS**

Resolution No. 19-4959

2022-2024 Regional Flexible Funds Allocation Policy Report

Materials following this page were distributed at the meeting.

## Brief description of the 14-page pamphlet

Pages 1 thru 4. The Gemstone Bridge. The first 4 years of the Columbia River Crossing (CRC) I-5 Bridge Replacement Project (2004-2008) studied mostly 'single-deck' design. In 2008, 'double-deck' became the CRC Commission choice for eventual approval. In 2011, the first double-deck design (bottom of page 1) was released and in peer review determined to be "structurally unsound" - (like balancing a bowling ball on a golf tee). The next 2 years, 3 designs followed, all widely considered structurally unsound nor could they meet Coast Guard mandate for minimum river clearance. Page 2 shows ODOT's 2010 excellent Marine Drive Interchange and Concept #1 Off-Island Access to Hayden Island. Commission leader Wsdot tried to defer the interchange (though constructed first and most needing replacement). Wsdot also rejected ODOT's Concept #1. Wsdot's preference (top of page 4) is a horrible design. Pages 3 & 4 show a design for Hayden Island finished in 2015, much safer and less impact with the Gemstone Bridge single-deck design. The above-deck arch "gem" signals the shipping channel and adds about 5' of river clearance.

Pages 5 thru 7. The I-5 Marquam Bridge in Portland's south waterfront has another estimated 30 years before replacement is necessary. Because a tunnel is popularly proposed as a replacement (nonsense), this is a comparison study of double-deck vs single-deck bridges. The 4 paired piers proposed are varied length spans: a longest central span, a medium length westside span, and a least length eastside span to serve unpowered watercraft, kayaks and canoes. An aerial view on page 12 shows this replacement bridge 'downriver' from the old Marquam Bridge. Pages 6 & 7 show westside ramp relocation proposals and ODOT's proposed ramp design between Ross Island Bridge and I-405 which would make the Ross more resistant to earthquake damage and divert excessive surface street traffic onto I-405. Page 8 also shows this ODOT ramp proposal along with my own select 'capping' of I-405 in Portland's "Bridge the Divide" project.

Page 9. My realignment of I-5 on the eastbank of the Willamette River to minimize impact to the popular Esplanade river walk. Some traffic on Grand Ave headed to Hwy 84 (north of Morrison) is also diverted off Grand to this new entrance.

Page 10. Early design for a MAX subway, least length, least cost, least disruptive to construct, following the Halliday Street route.

Page 11. The LOTi Project. This is my "missing link" in transit design. City Hall gave it a fair review in 1997 and was awarded "merit." This current 2015 version, post Green Line, includes an intuitive alphabetical designation of transit stops on the transit mall.

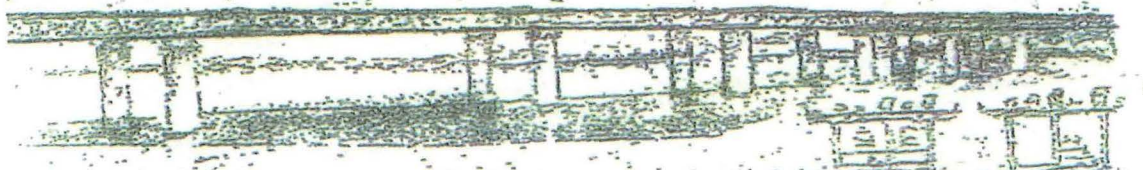
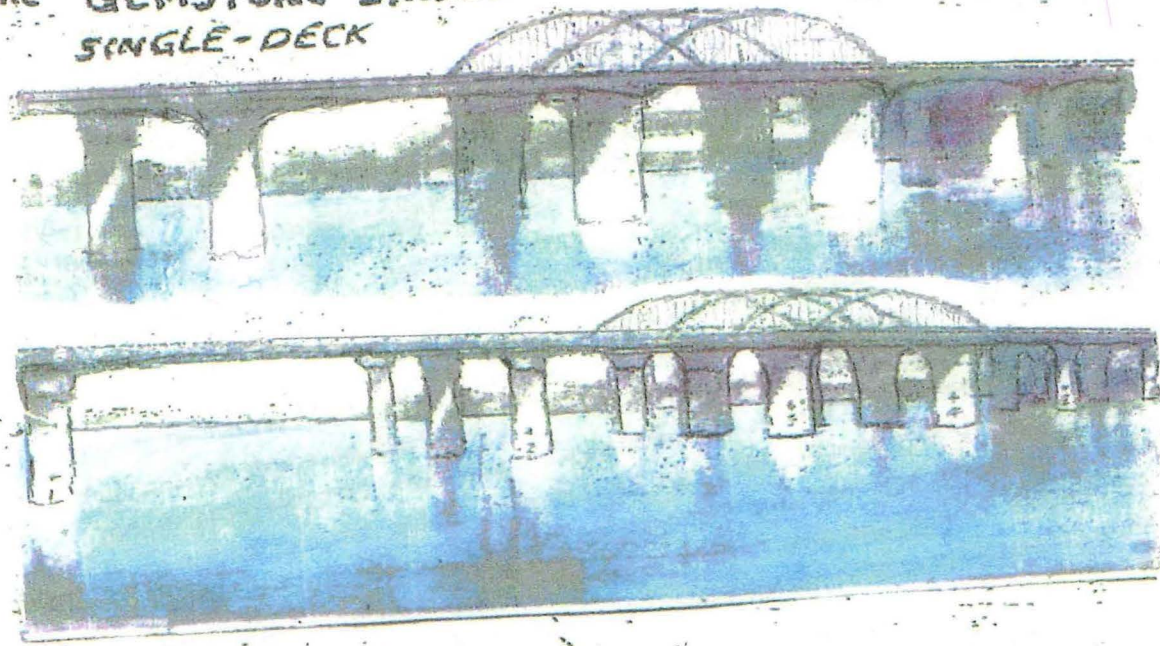
Pages 12 & 13. This shows a LOTi extension through the Rose Quarter and Lloyd District on the eastside, streetcar lines on Burnside and from Lloyd District to Hollywood. Also shown is the complete MAX subway extension proposal, an eastside subway route via Multnomah Blvd, and regional MAX extensions. Page 13 shows AORTA (Associated Oregon Rail Transit Advocates) design for a MAX subway which I must object on the basis of its diagonal deep bore tunnel route through downtown beneath towers becoming vulnerable to settling and earthquake damage. My Naito Pkwy route, a 'stacked' cut/cover tunnel, separates the most prone to earthquake liquefaction waterfront soils from downtown buildings.

Page 14. A curb extension study for Old Town within Saturday Market environs with an "Ankeny Plaza."

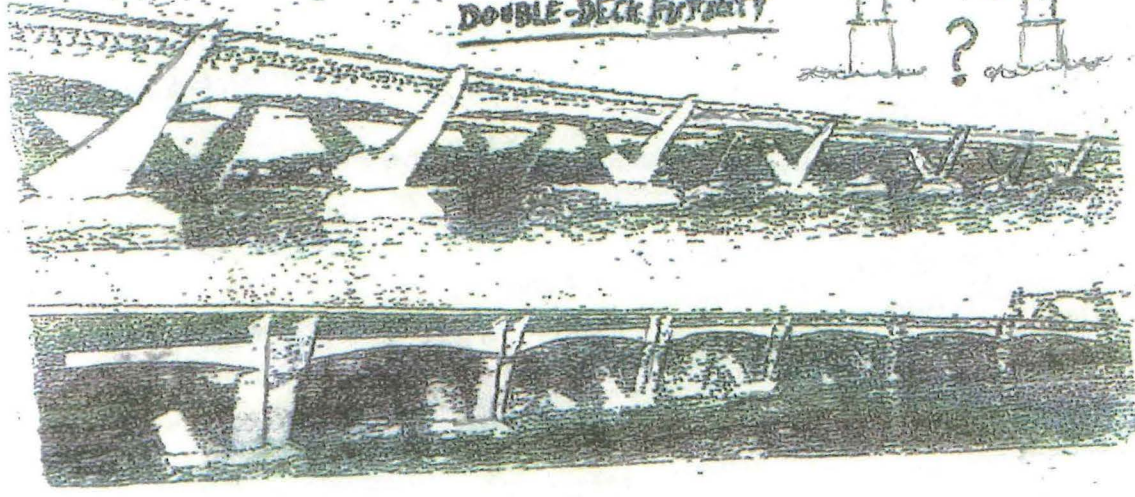
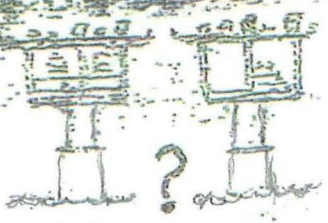




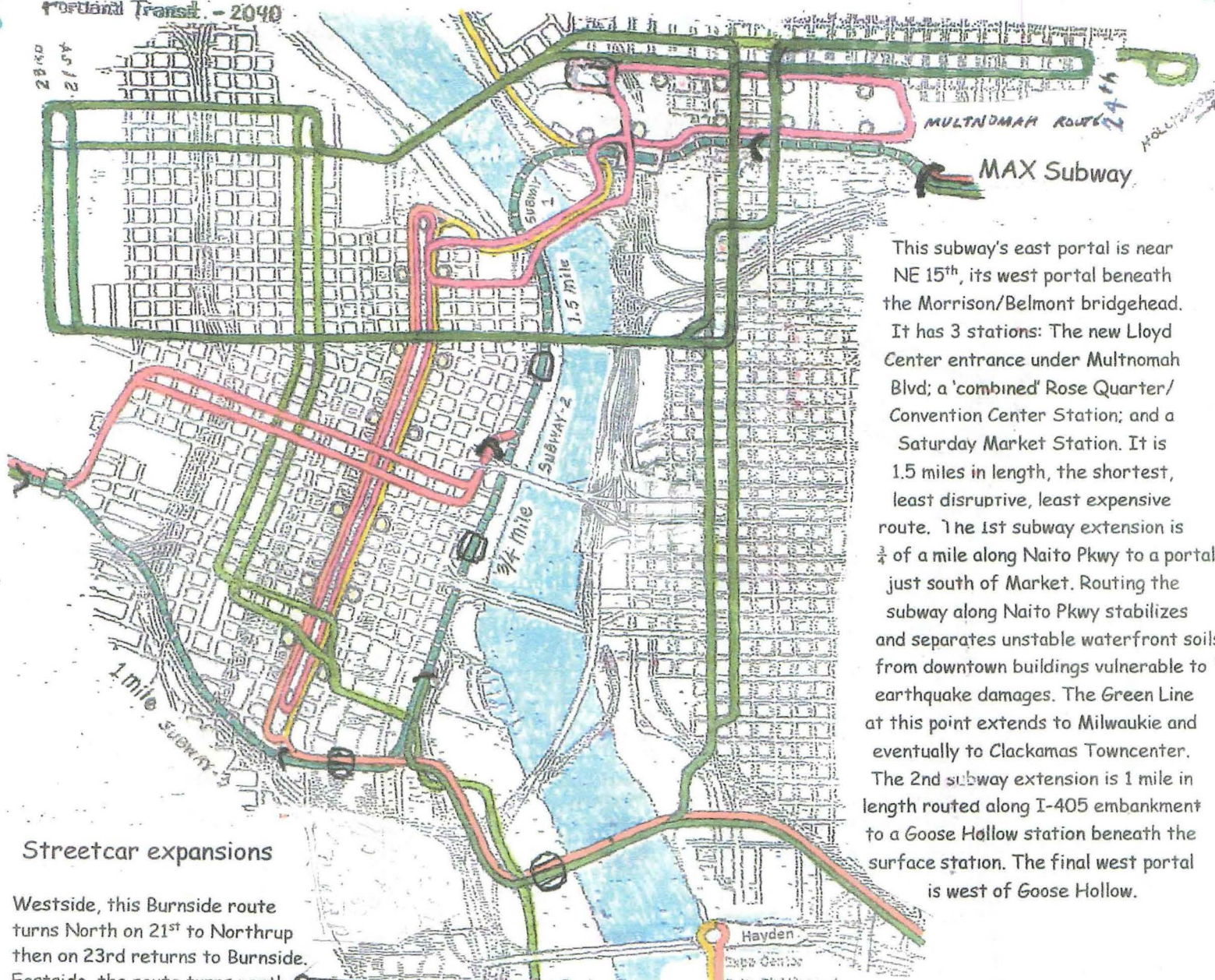
the "GEMSTONE BRIDGE"  
SINGLE-DECK



DOUBLE-DECK FUTURE



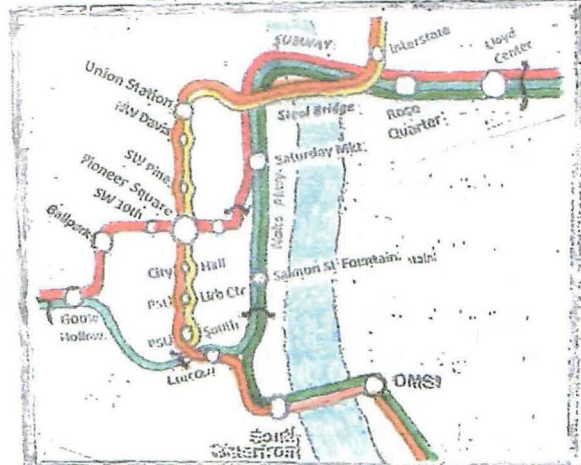




This subway's east portal is near NE 15<sup>th</sup>, its west portal beneath the Morrison/Belmont bridgehead. It has 3 stations: The new Lloyd Center entrance under Multnomah Blvd; a 'combined' Rose Quarter/Convention Center Station; and a Saturday Market Station. It is 1.5 miles in length, the shortest, least disruptive, least expensive route. The 1st subway extension is  $\frac{3}{4}$  of a mile along Naito Pkwy to a portal just south of Market. Routing the subway along Naito Pkwy stabilizes and separates unstable waterfront soils from downtown buildings vulnerable to earthquake damages. The Green Line at this point extends to Milwaukie and eventually to Clackamas Towncenter. The 2nd subway extension is 1 mile in length routed along I-405 embankment to a Goose Hollow station beneath the surface station. The final west portal is west of Goose Hollow.

**Streetcar expansions**

Westside, this Burnside route turns North on 21<sup>st</sup> to Northrup then on 23rd returns to Burnside. Eastside, the route turns north on Grand then east on Weidler to a turnback at 24<sup>th</sup> on Broadway, south on 7<sup>th</sup> and MLK to Burnside.





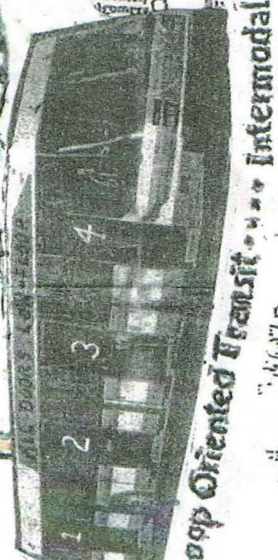
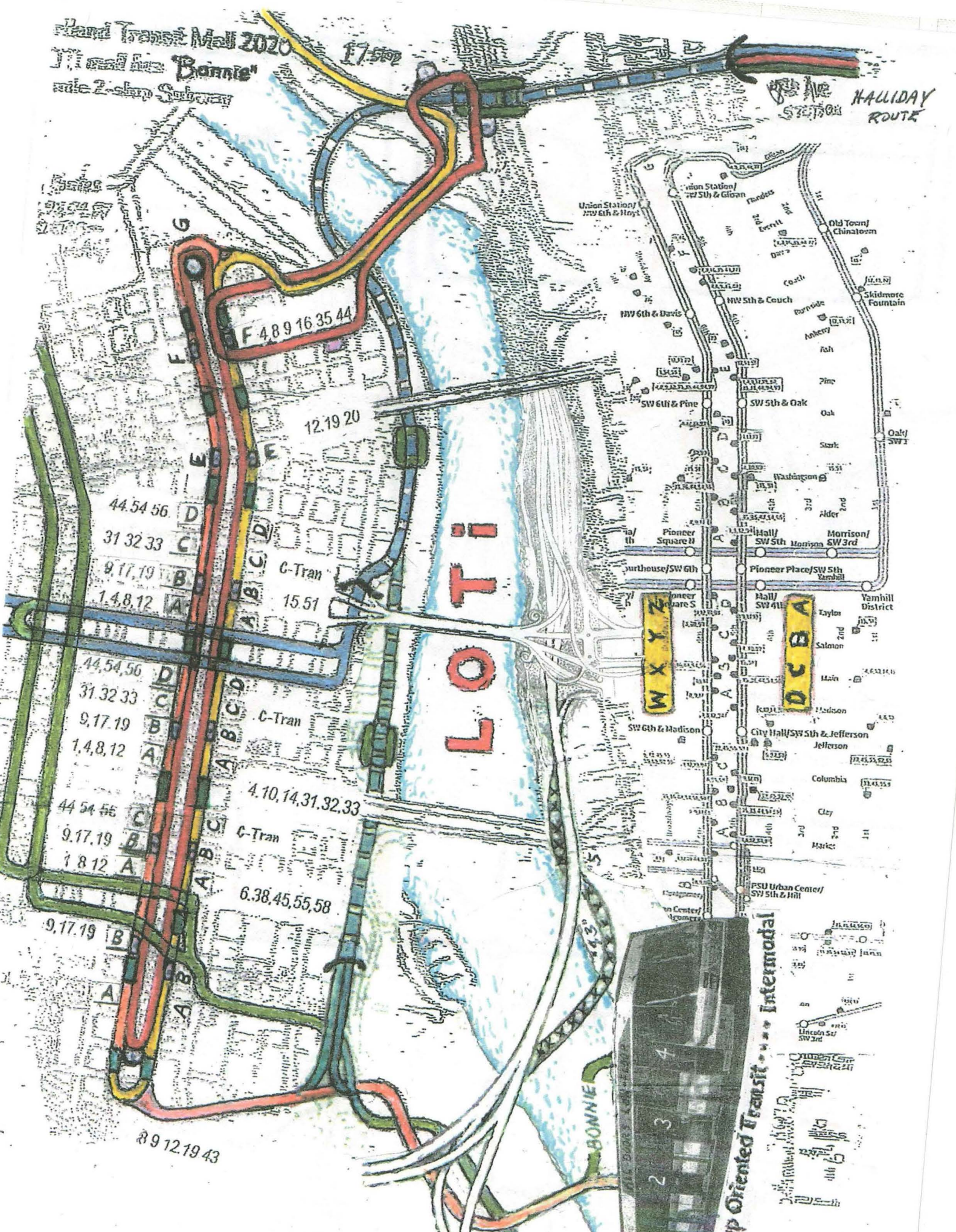
Hand Transf. Mall 2020

Transit "Bonnie"

and 2-Stop Subway

F 7 502

STATION HALLIDAY ROUTE



Loop Oriented Transit  
Intermodal

89 12 19 43



## Barbur Blvd MAX light rail concerns

1. **Environmental Impact.** Per official artist depictions, Barbur will be clear cut and a monstrous concrete abutment wall, about 30' tall, constructed. Between Burlingame and Corbett/Lair Hill, Barbur is widened from 4-lanes to 8-lanes, (2-lanes for MAX, 2-lanes for buses, 2-lanes in each direction for traffic. This segment of forest canopy will be clear cut. The segment further north will also be clear cut of forest canopy.
2. **Impact on health.** Trees and foliage collect diesel particulates and other pollutants. The abutment wall will allow these pollutants to reform into clouds of pollution spread by wind and air flow of traffic.
3. **Development potential.** Barbur Blvd between Burlingame and Capitol Hwy at Taylors Ferry will likewise be widened, but traffic speeds will remain 35-45mph. Projected development will impose upon new residents this air pollution and noise right outside their windows. Walking to transit stops and to commercial enterprises alongside Barbur will not be a pleasant experience nor attract high quality development. Crossing Barbur will be as much or more hazardous than it is today. The new traffic entering/leaving Barbur to/from new development is an increase in accident potential.
4. **Rail + Bus duplicative service flaws.** For many transit trips, this choice of either bus or rail will encourage unsafe pedestrian crossings of Barbur and side streets to reach bus stop or rail station, whichever vehicle comes first. Only BRT can 'spur' off Barbur to other existing bus routes, in the process increasing the number of BRT routes. Transferring from MAX to bus lines is both time-consuming and creates hazardous crossings of Barbur. Because the plan includes bus lines, and because Barbur is already a relatively fast, scenic bus route, and because BRT will NOT require near as much widening of Barbur, BRT is seemingly more suitable than MAX. It seems Metro has not performed 'due diligence' in its considerations of BRT.
5. **LRT to Tigard/Tualatin via the WES corridor.** Oregon's premier rail advocacy AORTA (Associated Oregon Rail & Transit Advocates) does not support MAX on Barbur Blvd. Instead, they propose converting the WES corridor into an extension of the MAX Red Line from Beaverton to Wilsonville. The Portland & Western RR would continue to operate a single-track with a double-track MAX line alongside. This would cut cost by more than half and impacts are minimal. Portland-bound traffic would still be served, but so would cities in Washington County. Motorists who drive Hwy 217 would have a fine transit alternative, much like Hwy 84 Banfield Freeway motorists have an LRT alternative.
6. **Development potential on the WES corridor.** It may be possible to include a Washington Square station with a MAX 'flyover' to/from the WES corridor. There could be a Beaverton City Hall MAX station and stations 'flanking' this flyover along the WES corridor.
7. **Bridgeport Village Terminus.** This destination is possible on the MAX line, but not as a terminus. That is, from there it should extend to Tualatin 'proper' on the converted WES corridor. It may also extend to Wilsonville, especially desirable with a connection to an improved Amtrak Cascades line. A stipulation that these extensions are an eventual necessity should be a part of any legal public agreement.

## "The Walking Communities of 2040"

The original essay with this title was penned in 1997 to grace the back cover of a transit proposal submitted to Portland City Council where it received a formal review and was awarded merit. Twenty years later with significant progress achieved in light rail projects nationally, mass transit still fails to address ever growing traffic woes nor soothe environmental nightmares predicted with global warming. As today's divestment in fossil fuel movement builds momentum, I remain certain that mass transit must receive redirected investment dollars. I am just as certain that self-driving car technology is a fraudulent ruse meant to distract public attention from actual solutions that include truly modern mass transit as a fundamental travel mode with the most potential to direct development beyond car dependency and traffic havoc.

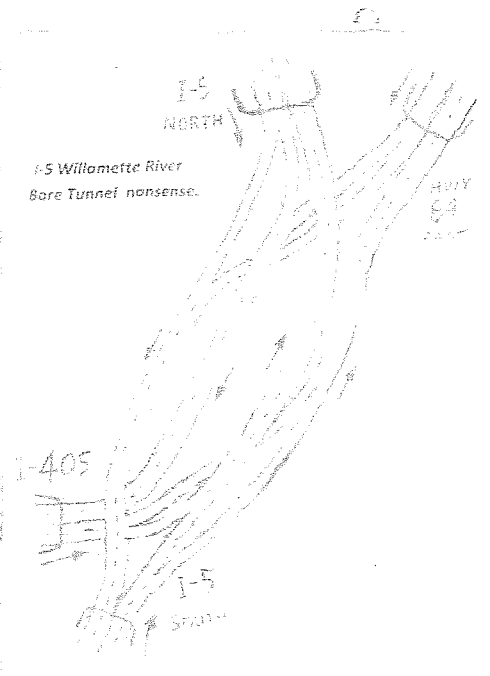
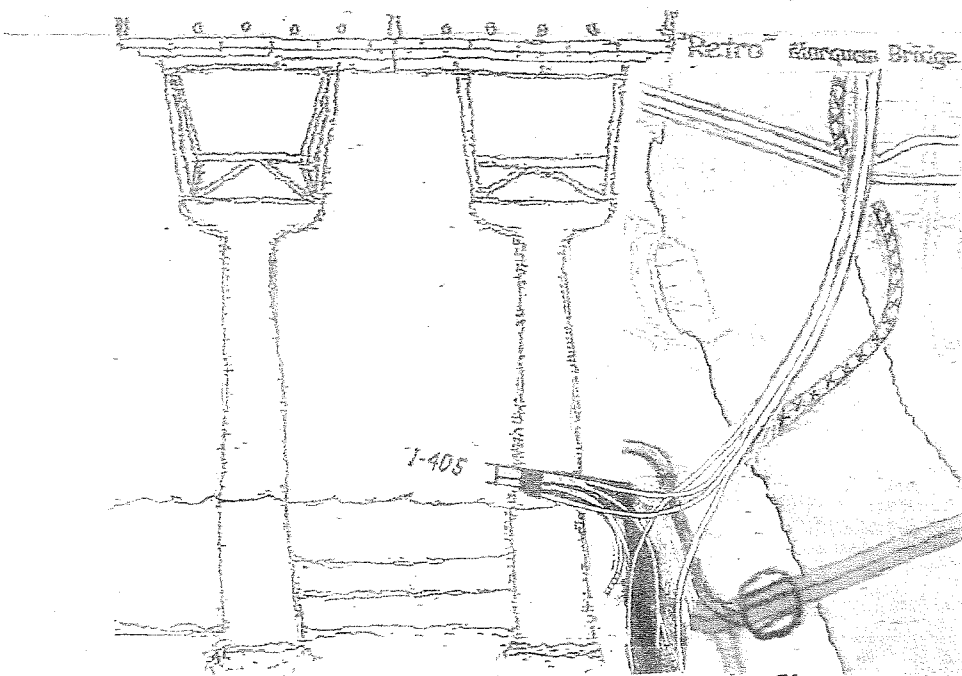
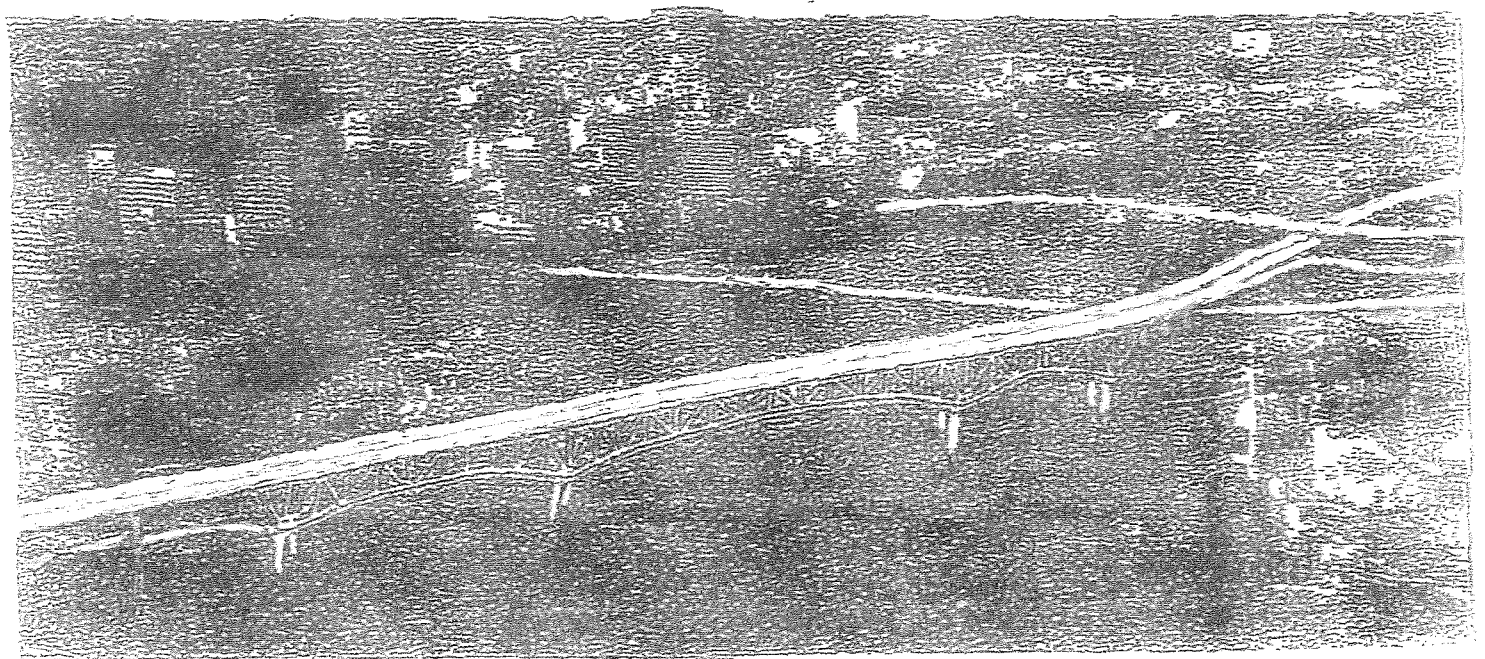
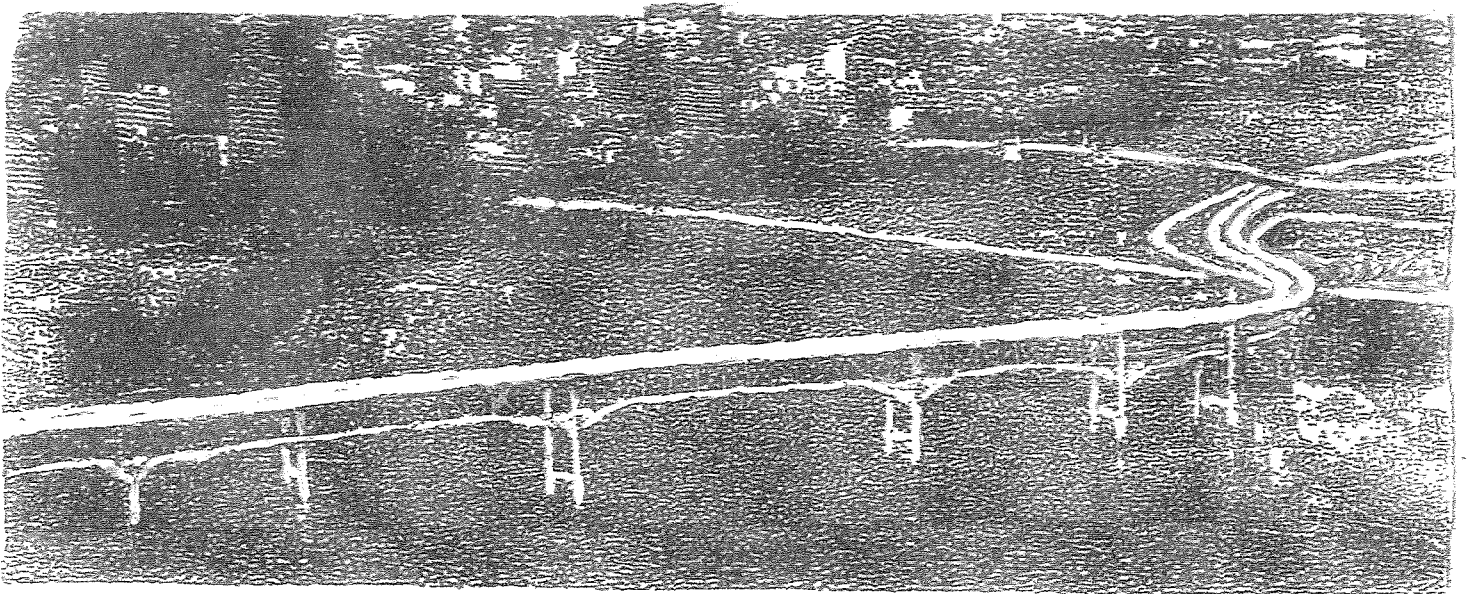
The transit proposal is based on a design concept dubbed LOTi (Loop Oriented Transit Intermodal). Sometimes I refer to it as sort of missing link. Its closest model is Denver's 16<sup>th</sup> Street Shuttle. The design application writ broadly is meant to reduce the cost and impact of light rail and transit centers; streamline both light rail and peripheral bus lines by avoiding circuitous routing; provide convenient transfers rail to bus and between bus lines with the least number of any suitable transit vehicle; and, to offer much more potential for transit-oriented infill mixed-use development.

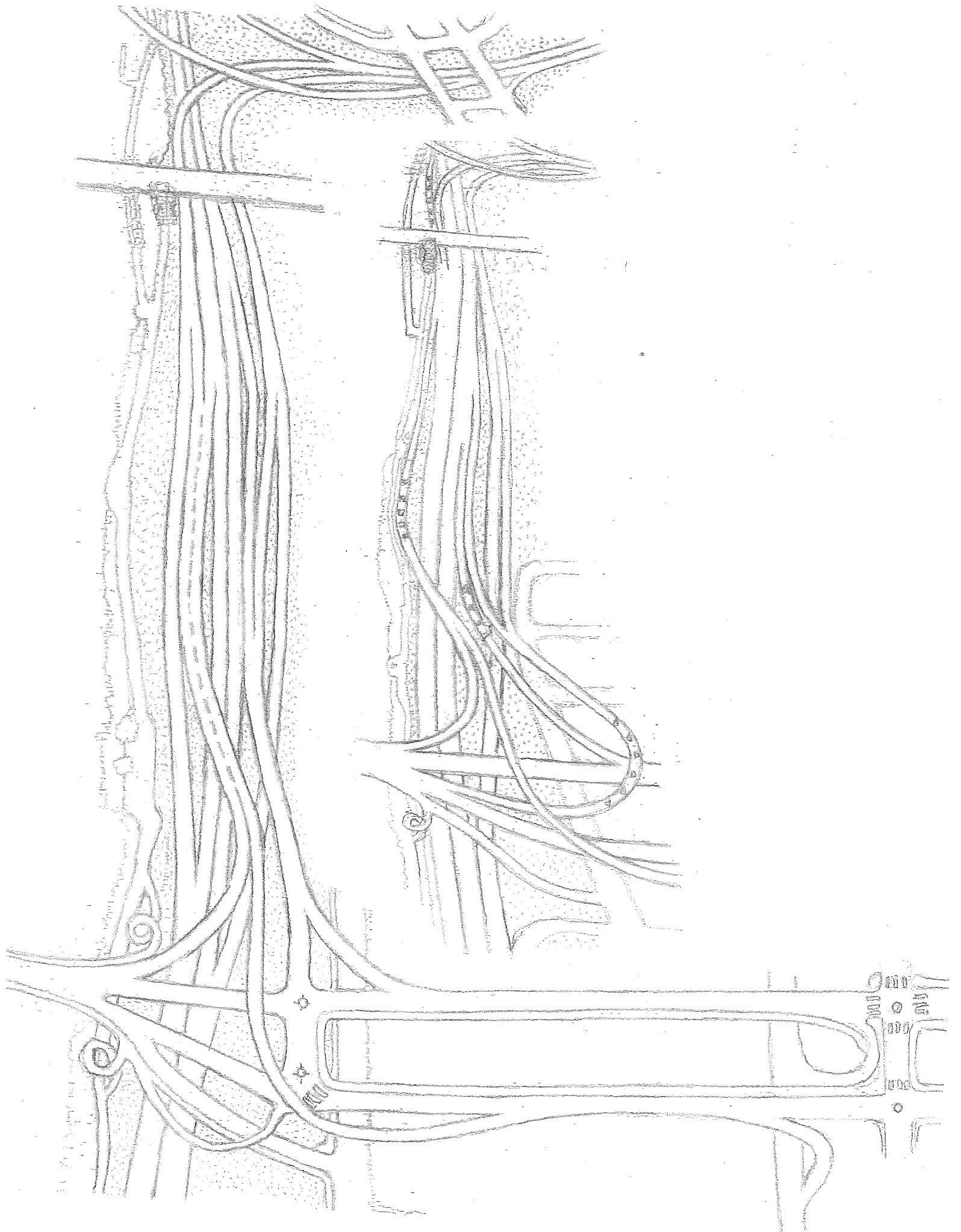
The basic flaws of self-driving cars are simple enough: Their technological hurdles are plainly unsurmountable, they will never be completely safe. They won't decrease traffic congestion, fuel/energy consumption nor emissions sufficient to prevent worst harm from climate change. They are most unlikely to reduce travel-related cost of living. They won't take full advantage of the benefits EVs offer. The technology is supported for all the wrong reasons; to bust transit operator and teamster unions; to give freeway planners an excuse to predict worsening traffic can be managed with reckless tailgating; to maintain most profitable but least resilient regional utility grids despite separate EV+PV household backup power systems proven most complementary.

The most telling aspect of self-driving car folly is eliminating ownership whereupon all cars are kept in central garage locations and dispatched on demand. Never mind that in a grid failure, every household with an EV in the garage gains a backup power supply. Never mind any emergency where a car is needed immediately, not one that may arrive too late. Self-driving car tech completely denies those safety features and pretends "mass tailgating" won't produce horrific multi-car pileups. Self-driving tech in many ways puts safety dead last.

A household EV offers the means to more closely monitor and reduce energy consumption overall, both for driving and household use. Rooftop PV solar arrays are the perfect match to EV battery packs. Perhaps most important, household EV is an incentive to drive less, whereby more trips become possible without having to drive, whereby local economies grow and alternate modes of travel - mass transit, walking and bicycling - all more energy efficient than EVs alone - may serve more travel needs in this vision of walking communities in 2040. It's last line, "Look, there's a gas station. You don't see too many them no more."

Art Lewellan. Should GM & Ford be dragged to court to produce the best paratransit van? Do seniors and disabled deserve low-emission, low-floor entrance ramps and more comfortably stable rides as do all transit patrons?





# **Metro**

*600 NE Grand Ave.  
Portland, OR 97232-2736  
oregonmetro.gov*



**Metro**

## **Minutes**

**Thursday, March 21, 2019**

**2:00 PM**

**Metro Regional Center, Council chamber**

**Council meeting**



**1. Call to Order and Roll Call**

Council President Peterson called the Metro Council meeting to order at 2:02 p.m.

**Present:** 5 - Councilor Sam Chase, Councilor Craig Dirksen, Councilor Bob Stacey, Council President Lynn Peterson, and Councilor Juan Carlos Gonzalez

**Excused:** 2 - Councilor Shirley Craddick, and Councilor Christine Lewis

**2. Safety Briefing**

Council President Peterson called on Ms. Sara Farrokhzadian, Metro staff, to provide a safety briefing. Ms. Farrokhzadian provided a safety briefing for the meeting including information on the location of emergency exits, fire extinguishers and automated external defibrillators.

**3. Public Communication**

There was none.

**4. Presentations**

## 4.1 Information Security and Technology Audit Presentation

Council President Peterson called on Mr. Brian Evans, Metro Auditor, to provide a brief presentation on the Information Security and Technology Audit. Mr. Evans explained that the purpose of the audit was to determine if Metro's governance structure was effective for managing information services resources and security risks. He noted that the audit examined surveillance camera usage, payment card data protections and cloud executing applications. Mr. Evans discussed the context and background of the audit, including previous internal audits and an external assessment conducted in 2017.

Mr. Evans introduced Ms. Simone Rede, Metro Senior Management Auditor, to provide detailed results of the audit. Ms. Rede outlined the criteria used including standard practices in the three areas examined. She stated that while Metro had governance best practices partially in place for both management of information technology (IT) resources and risks, the audit found more was needed to improve the governance of IT. Ms. Rede reviewed the audit results for surveillance camera usage, payment card data protections and cloud computing technology.

Mr. Evans shared the audit's seven recommendations to improve the governance of IT including the creation of a governance body, developing policies and procedures for surveillance camera usage and strengthening contracts for cloud computing applications.

Council President Peterson called on Ms. Rachel Coe, Director of Information Services, to provide the management response to the audit. Ms. Coe noted that Metro had a number of security measures embedded in its systems to protect information and recognized the value

of creating a strong governance structure. She reviewed the department's efforts to address the audit recommendations including reconvening the governance committee and a fit gap assessment of the payment card data standards currently underway.

*Council Discussion:*

Councilor Stacey asked how the Information Services Department was managing the proper use and access of surveillance footage when the department did not have direct authority over personnel and procedures at the venues. Councilor Gonzalez asked what the biggest challenges were for payment card processing across a system with many different service points. Council President Peterson asked about the timeline for completion of next steps.

**5. Consent Agenda**

**A motion was made by Councilor Dirksen, seconded by Councilor Gonzalez, that these items be adopted. The motion passed by the following vote:**

**Aye:** 5 - Councilor Chase, Councilor Dirksen, Councilor Stacey, Council President Peterson, and Councilor Gonzalez

**Excused:** 2 - Councilor Craddick, and Councilor Lewis

5.1 Resolution No. 19-4970, For the Purpose of Authorizing Metro to Apply for a Local Government Grant from the Oregon Parks and Recreation Department and Delegating Authority to the Parks and Nature Director to Sign the Application

5.2 Considerations of the Council Meeting Minutes for March 14, 2019

**6. Ordinances (Second Reading)**

- 6.1 Ordinance No. 19-1433, For the Purpose of Adopting Solid Waste Charges and User Fees for FY 2019-20

Council President Peterson stated that the first reading and public hearing for Ordinance No. 19-1433 took place on Thursday, March 14. She informed the Metro Council that Metro staff were available for questions.

*Council Discussion:*

There was none.

**A motion was made by Councilor Stacey, seconded by Councilor Gonzalez, that this item be adopted. The motion passed by the following vote:**

**Aye:** 5 - Councilor Chase, Councilor Dirksen, Councilor Stacey, Council President Peterson, and Councilor Gonzalez

**7. Resolutions**

- 7.1 Resolution No. 19-4967, For the Purpose of Amending the FY 2018-19 Budget and Appropriations Schedule and FY 2018-19 Through FY 2022-23 Capital Improvement Plan to Provide for a Change in Operations

Council President Peterson called on Ms. Lisa Houghton, Metro Financial Planning Manager, to provide a brief presentation on the resolution. Ms. Houghton explained that the resolution was the second of three consolidated budget amendments to the current fiscal year budget. She highlighted the budgetary implications of the action including increases in program staff for the Oregon Zoo, Information Services and Property and Environmental Services departments. She noted a request from the Human Resources department for increased costs for contracted services and reviewed changes to the capital improvements plan. Ms. Houghton shared four additional actions to the capital improvement plan, noting that these changes did not require increases in appropriations or transfers from contingencies.

*Council Discussion:*

Councilor Gonzalez asked for clarification on the original cost estimates for the contracted services. Ms. Houghton introduced Ms. Robin Briggs, Metro staff, to explain the original budgeted cost for the pay equity study.

**A motion was made by Councilor Stacey, seconded by Councilor Chase, that this item be adopted. The motion passed by the following vote:**

- 7.2 Resolution No. 19-4975, For the Purpose of Approving the City of Beaverton's Request for a Phase I Project Concept Endorsement for the Mary Ann Apartments

Council President Peterson called on Ms. Emily Lieb, Metro Housing Bond Program Manager, to provide a brief presentation on the resolution. Ms. Lieb discussed the role of phase one projects in the overall housing bond implementation plan, explaining that the phase one projects provided early opportunities to respond to the need for urgent need for housing while local implementation strategies were being developed. She stated that the resolution, if approved, would provide a preliminary commitment of \$3 million in Metro housing bond funds to support construction of the Mary Ann Apartments in downtown Beaverton.

Ms. Lieb explained that this was a preliminary development concept that would undergo further planning and due diligence prior to full funding authorization. She shared that REACH CDC was the project sponsor and highlighted that this project would achieve 25% of the City of Beaverton's share of the total unit production target. Ms. Lieb noted that City of Beaverton was working on a full local implementation strategy and was committed to aligning the project with strategies for advancing racial equity. She discussed the funding sources for the project including potential federal low-income housing tax credit.

*Councilor Discussion:*

Councilor Chase expressed his appreciation for the flexibility of the program in responding to opportunities in the community to meet urgent housing need. Councilor Dirksen stated the importance of phase one projects in fulfilling the commitment to voters to move forward with projects as

quickly as possible. Councilor Gonzalez highlighted the partnership and responsiveness of local governments to the housing crisis. Councilor Stacey asked how many more phase one projects could be considered. Ms. Lieb explained that each eligible jurisdiction could bring one phase one project forward and noted that not every jurisdiction was expected to do so.

Councilor Stacey and Council President Peterson expressed their appreciation for the City of Beaverton in bringing this project forward.

**A motion was made by Councilor Dirksen, seconded by Councilor Chase, that this item be adopted. The motion passed by the following vote:**

**Aye:** 5 - Councilor Chase, Councilor Dirksen, Councilor Stacey, Council President Peterson, and Councilor Gonzalez

#### **8. Chief Operating Officer Communication**

Mr. Andrew Scott, Deputy Chief Operating Officer, provided an update on the following events or items: the Regional Illegal Dumping Patrol clean up numbers for 2018 and Metro's acquisition of 80 acres of flood plain.

#### **9. Councilor Communication**

Councilors provided updates on the following meetings and events: the Joint Policy Advisory Committee on Transportation and the Solid Waste Liaison meeting.

**10. Adjourn**

There being no further business, Council President Peterson adjourned the Metro Council meeting at 2:50 p.m. The Metro Council will convene the next regular council meeting on April 4, 2019 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,



Sara Farrokhzadian, Legislative and Engagement  
Coordinator



**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 21, 2019**

<b>ITEM</b>	<b>DOCUMENT TYPE</b>	<b>DOC DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT No.</b>
5.2	Minutes	3/21/19	Council Meeting Minutes for March 14, 2019	32119c-01



Metro

# 2021-2024 Metropolitan Transportation Improvement Program Policy

Metro Council  
April 4, 2019



# Metropolitan Transportation Improvement Program (MTIP)

MTIP = Metropolitan Transportation Improvement Program

- List of regionally significant projects for next 4 years
- Process of aligning investments to advance regional goals
  - Pre-adoption – investment & goal alignment
  - Post-adoption – monitoring investment delivery
- Document of administrative procedures

# MTIP's purpose

During the development process

- Align investments to achieve regional outcomes
- Ensure federal regulations are met

Implementation

- Track progress and fund availability
- Confirm funding eligibility
- Outline change management rules

# MTIP key partners



**MPO**

*Funding allocation examples:*

- **Regional flexible funds allocation**



**DOT**

*Funding allocation examples:*

- **Enhance**
- **O&M**
- **HSIP/Leverage**



**Transit**

*Funding allocation examples:*

- **Urbanized area**
- **Special needs**
- **Bus purchases**

# 2021-2024 MTIP policy

MTIP Policy = Guiding direction for developing and implementing the MTIP

- Fiscal years 2021-2024

Update of existing 2018-2021 MTIP policy direction

- Reflect newly adopted plans and funding program changes



2021 – 2024 Metropolitan  
Transportation  
Improvement Program  
(MTIP) policy direction

April 2019

[oregonmetro.gov/mtip](http://oregonmetro.gov/mtip)

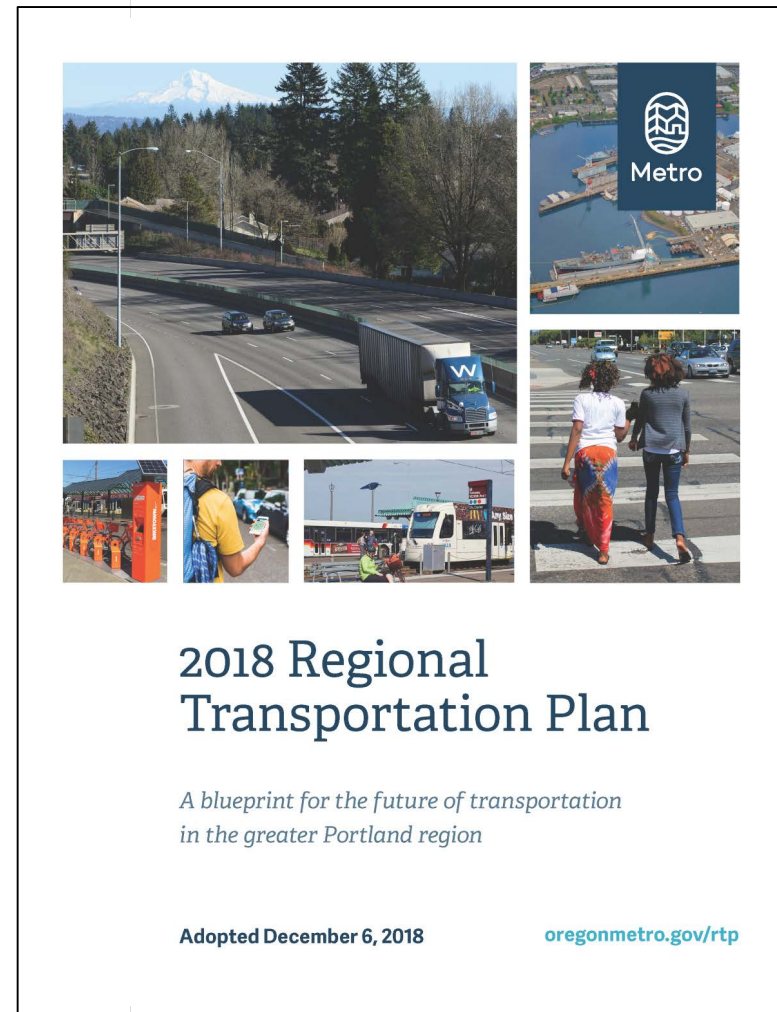
# MTIP Policy 1 & 2: Outcomes and Administration

MTIP Policy 1: Affirms the 2018 Regional Transportation Plan (RTP) is overarching direction for investments

- Updates existing MTIP policy to align to recently adopted RTP

MTIP Policy 2: Comply with Federal Regulations

- Updates MTIP policy to include new federal regulations and clarify existing regulations



# MTIP Policy 3 & 4: Invest Wisely

## MTIP Policy 3: Pursue the adopted regional finance approach

- Updates existing approach to reflect new funds and funding allocation policy direction

## MTIP Policy 4: Coordinate leverage opportunities

Table A.1: Regional Transportation Finance Approach – Adopted June 2016

Transportation Project/ Activity Type	Existing Funding Sources	Strategy for Sources of Additional Funding
Local/Arterial street reconstruction/maintenance	<ul style="list-style-type: none"> <li>• State pass through</li> <li>• Street utility fees</li> </ul>	<ul style="list-style-type: none"> <li>• Increases in state gas tax or VRF</li> <li>• New street utility fees or equivalent</li> </ul>
Active Transportation (includes bicycle, pedestrian, and small on-street transit capital improvements like bus shelters)	<ul style="list-style-type: none"> <li>• <b>Regional Flexible Funds</b></li> <li>• Connect Oregon</li> <li>• ODOT Region 1 competitive allocation – dedicated</li> <li>• Local contributions</li> <li>• Development (Frontage, Impact Fees, SDC's)</li> </ul>	<ul style="list-style-type: none"> <li>• New federal program</li> <li>• State Urban Trail fund</li> <li>• New local funds</li> </ul>
Highway preservation	<ul style="list-style-type: none"> <li>• Interstate Maintenance</li> <li>• State gas &amp; weight/mile tax</li> <li>• ODOT Region 1 preservation, maintenance, and operations allocation program</li> <li>• NHPP</li> </ul>	<ul style="list-style-type: none"> <li>• Increases in state gas tax or VRF</li> <li>• New street utility fees or equivalent</li> </ul>
Transit Operations	<ul style="list-style-type: none"> <li>• Employer tax</li> <li>• Passenger fares</li> <li>• Section 5307</li> </ul>	<ul style="list-style-type: none"> <li>• Employer tax rate</li> <li>• New funding mechanism</li> <li>• Passenger fare increases</li> </ul>





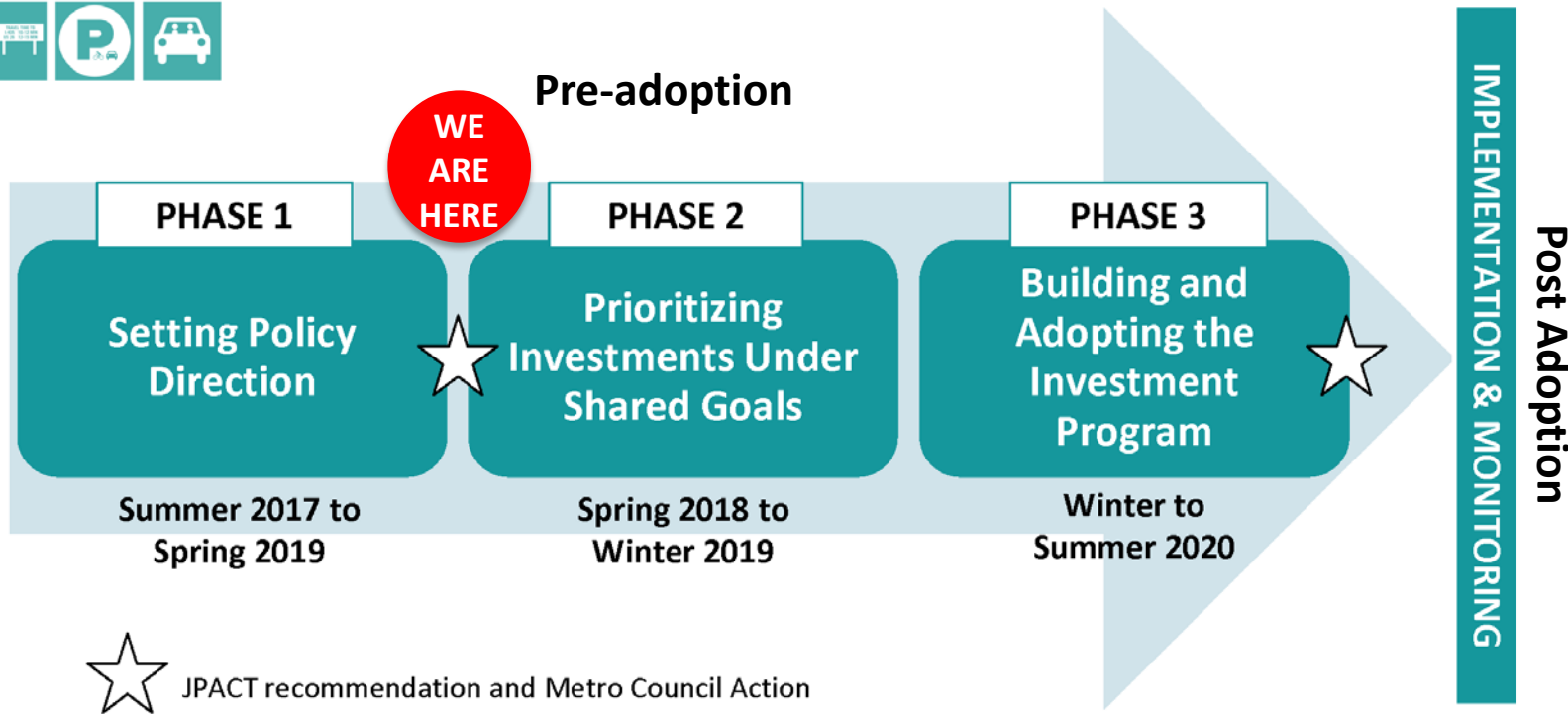
# 2021-2024 MTIP Timeline

Getting there with a connected region



2021-2024 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM

## Timeline



Public input opportunities to be provided prior to milestones (JPACT recommendation, Metro Council action).

Phase 2 includes multiple funding decisions (e.g. Regional Flexible Fund, Transit budget process, Fix-It Leverage) with formal actions.

# Request for Action

Metro Council adopt Resolution 19-4963, the 2021-2024 Metropolitan Transportation Improvement Program (MTIP) Policy Statement for the Portland Metropolitan Area



**oregonmetro.gov**





Metro

# **Resolution 19-4959**

# **2022-24 Regional Flexible**

# **Funds Allocation Policy**

Presentation to Metro Council

April 4, 2019

# Today's purpose

- Present JPACT-recommended RFFA policy report
- ACTION REQUESTED: Adoption of 2022-2024 RFFA policy

# Council direction – January 2019

- 2018 RTP priorities are RFFA policy framework
  - ✓ Equity
  - ✓ Safety
  - ✓ Climate
  - ✓ Congestion Relief
- Maintain the two-step funding framework
- Better alignment of Step 2 project outcomes with RTP priorities

# 2022-2024 RFFA policy overview

- 2018 RTP Investment Priorities
  - Equity, Safety, Climate, Congestion Relief
- Continues two-step funding framework
  - Step 1: Regional bond commitments
    - Region-wide investments
  - Step 2: Active Transportation      75%
    - Freight & Econ. Dev.      25%
- Criteria adjusted to align with priorities

# 2022-2024 RFFA investments

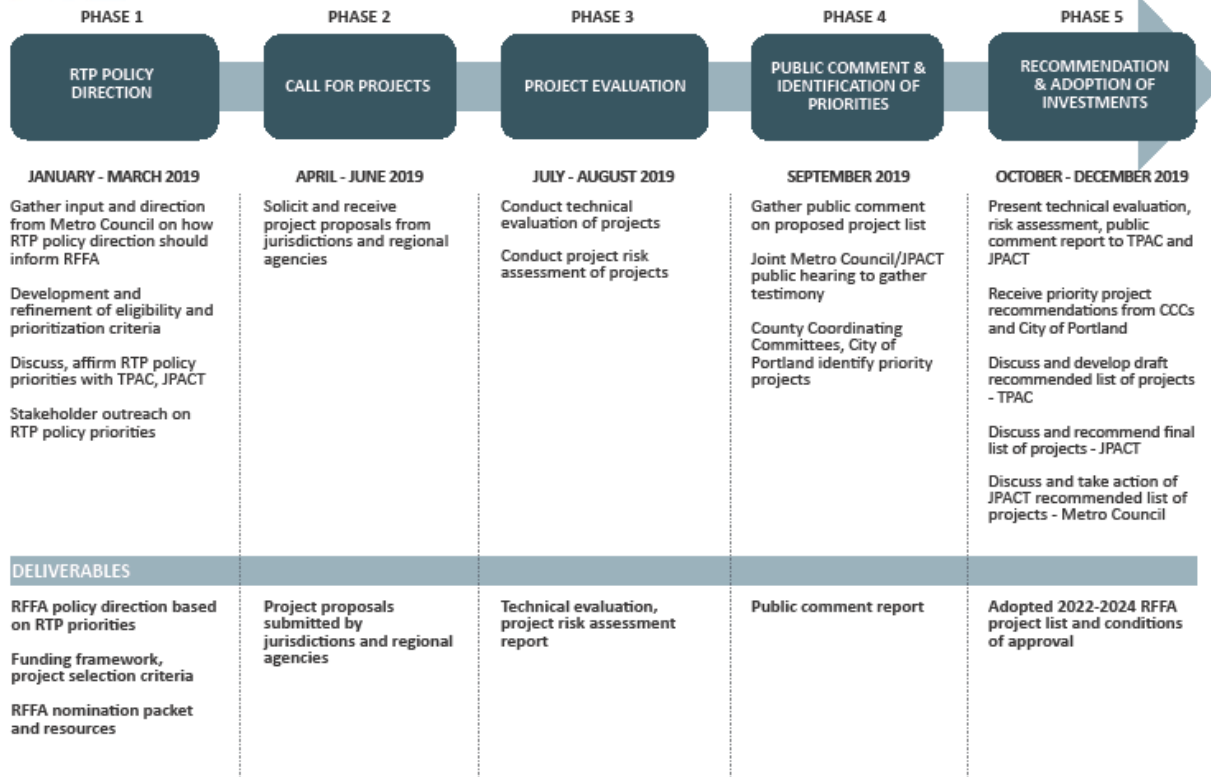
Step 1: Transit + project development bond commitment	\$68,640,000
Step 1: Region-wide program investments	\$33,080,000
Step 1: One-time strategic investments (Oregon Household Travel Survey)	\$350,000
Step 2: Community investments:	\$39,650,000
<b>Total 2022-2024 RFFA:</b>	<b>\$141,720,000</b>



# RFFA completed by December



## 2022-2024 REGIONAL FLEXIBLE FUND ALLOCATION Policy Update and Implementation Timeline



# Next steps

- Call for Step 2 projects opens – April 8
- Proposals due – June 21
- Technical eval./Risk assessment – Summer
- Public comment, joint JPACT/Council public hearing – September
- JPACT approval of investments – December
- Council adoption – January 2020

# Action requested

Council adoption of Resolution 19-4959