



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

JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION (JPACT)

Meeting Minutes

March 17, 2022

Metro Regional Center, Council Chamber

MEMBERS PRESENT

Shirley Craddick (Chair)
Juan Carlos González
Christine Lewis
Jessica Vega Pederson
Nafisa Fai
Paul Savas
Jo Ann Hardesty
Steve Callaway
Kathy Hyzy
Rian Windsheimer
Sam Desue
Nina DeConcini
Temple Lentz
Carley Francis
Travis Stovall
Anne McEnerly-Ogle

AFFILIATION

Metro Council
Metro Council
Metro Council
Multnomah County
Washington County
Clackamas County
City of Portland
Cities of Washington County
Cities of Clackamas County
Oregon Department of Transportation
TriMet
Oregon Department of Environmental Quality
Clark County
Washington State Department of Transportation
Cities of Multnomah County
City of Vancouver

MEMBERS EXCUSED

Curtis Robinhold

AFFILIATION

Port of Portland

ALTERNATES PRESENT

Emerald Bogue

AFFILIATION

Port of Portland

1. CALL TO ORDER AND DECLARATION OF A QUORUM

JPACT Chair Shirley Craddick (she/her) called the virtual Zoom meeting to order at 7:30 am.

Chair Craddick called the role and declared a quorum.

2. PUBLIC COMMUNICATION ON AGENDA ITEMS

Chris Smith (he/him) of No More Freeways provided testimony. Chris summarized his thoughts on I-205 tolling by explaining that he believes this is the wrong pricing tool with the funds being programed by the wrong governance body and funds will be used to fund the wrong projects. He urged JPACT to decline this tolling opportunity and instead develop the pricing system as part of the Regional Transportation Plan update for 2023. Chris presented the following question to JPACT: when ODOT bonds the revenues from tolling will the bond covenants block any ability to price adjacent facilities?

Paul Edgar, an Oregon City resident, provided testimony. Paul expressed concern over the tolling project, noting that the city does not have alternative routes so this project could have devastating effects on the area. Paul voiced that the diversion that will be seen cannot be mitigated. Paul explained that the side roads that would see more cars are not safe enough for more traffic.

3. UPDATES FROM THE CHAIR

Explained the requirements behind the 2021 Compliance Report and announced the results of the Compliance Report.

Chair Craddick asked Metro Staff Margi Bradway (she/her) to read the names of those who have dies in traffic accidents in the Clackamas, Multnomah, and Washington Counties.

Margi shared the names and ages of victims during the months of January and February:

Karen Kain, 57, Anthony Dean War, 55, Clayton Edward Briggs, 48, Lee Alexander, 23, Cedar C. Markey-Towler, 41, Jade Dominic Pruitt, 51, David N Wickham, 43, Liam David Ollila, 26, Duane M Davidson, 56, Norman Ray Sterach Jr., 34, Awbrianna Rollings, 25, Douglas Joseph Kereczman, 40, Marcos Pinto Balam, 30, Kyle M. Beck, 35, Mark Wayne Barnette, 60, Levi S. Gilliland, 33, Salvador Rodriguez-Lopez, and six unidentified persons.

4. CONSENT AGENDA

MOTION: Commissioner Jo Ann Hardesty (she/her) moved to approve the consent agenda. Mayor Anne McEnerny-Ogle (she/her) seconded.

ACTION: With all in favor, consent agenda passed.

5. ACTION ITEMS

5.1 Ordinance No. 21-1467, For the Purpose of Amending the 2018 Regional Transportation Plan to Include the Preliminary Engineering Phase of the I-205 Toll Project, and to Clarify the Financial Connection of the I-205 Toll Project to the I-205 Improvement Project

Chair Craddick introduced Metro Staff Kim Ellis (she/her) to provide a brief overview to JPACT to walk through the RTP amendment process, Metro Staff Michelle Bellia and ODOT Staff Brendan Finn (he/him) and Mandy Putney (she/her) to present.

Key elements of the presentation included:

Kim shared the agenda for her presentation, explained what the Regional Transportation Plan (RTP) is, what the Metropolitan Transportation Improvement Program (MTIP) is, explained the amendment process, key concerns JPACT requested TPAC to address, the March 4 TPAC Recommendation to JPACT, and highlighted the upcoming I-205 Toll Project amendments schedule.

Michelle walked through the TPAC recommendation by highlighting the recommended revisions that were made by TPAC, these revisions were included in the meeting packet.

Brendan Finn thanked JPACT and staff and introduced ODOT's presentation.

Della Mosier (she/her), ODOT discussed the RTP Amendment and TPAC's unanimous recommendation of approval, highlighted ODOT and Regional Partner commitments, and discussed TPAC's 10-3 recommendation of approval of the MTIP Amendment.

Mandy Putney highlighted the timeline for the toll policies, Regional Mobility Pricing Project (RMPP), and the I-205 toll project specifically addressing JPACT and Metro Council's future vote opportunities before tolling would start.

Member discussion included:

MOTION: Rian Windsheimer (he/him) moved to approve Ordinance No. 21-1467. Mayor Travis Stovall (he/him) seconded the motion.

MOTION: Councilor Christine Lewis (she/her) moved to amend the Ordinance to change language in the Ordinance as described in the memo titled Amendments to Ordinance No. 21-1467. Council President Kathy Hyzy (she/her) seconded the motion.

Commissioner Hardesty requested more information on the memo described by Councilor

Lewis.

Councilor Lewis explained that the memo outlined two substantive changes to Ordinance No. 21-1467, the first is to change the words “may” and “should” to “will” in several places to get more certainty out of the language. She described that the second proposed change would move the description of the interaction between the RMPP and the I-205 project from ODOT’s commitments to the body of the ordinance.

Commissioner Hardesty thanked Councilor Lewis and explained that this language provides her the certainty that she’s been looking for with this project.

Commissioner Paul Savas (he/him) stated his agreement with most of the changes presented in the memo but expressed concern with ODOT still being allowed to move forward with tolling I-205 before the rest of the region is tolled. He explained that he needs stronger language to be comfortable with the amendment.

Rian Windsheimer thanked Council President Hyzy and Councilor Lewis for this amendment, explaining that this clarifies things that ODOT intends to do. Rian expressed concerns with one section of the amendment that requires federal approval of the RMPP for the I-205 toll project to move forward.

MOTION: Rian Windsheimer moved to amend the amendment made by Councilor Lewis to change language in the amendment from “The Project will not include tolling on 1-205 until the RMPP has been approved federally or ODOT has developed a comprehensive regional tolling and congestion pricing plan the region supports.” to “The Project will not include tolling on 1-205 until the RMPP has been approved by the OTC and submitted to the federal government for approval or ODOT has developed a comprehensive regional tolling and congestion pricing plan the region supports and is approved by the OTC.” Commissioner Hardesty seconded the motion.

Councilor Juan Carlos Gonzalez (he/him) expressed continued concern over rolling out a traditional toll program then a regional mobility program. He has voiced hope for the I-205 project be included in the RMPP so the program rolls out for the entire region at once.

Commissioner Hardesty expressed concern for bonding the I-205 project because that would lock ODOT into bonding for all other tolling programs. She explained the importance of low income exemptions and how they differ from a low income program and expressed confusion and discomfort around the creation of a new ODOT committee that will be a decision maker. Commissioner Hardesty expressed discomfort around this project being pushed through at such a rapid rate with so many questions remaining unanswered.

Commissioner Savas expressed displeasure with the amendment to the amendment, explaining that it further distances any outside approval for the project. He explained that he cannot

support this language.

Commissioner Jessica Vega Pederson (she/her) asked Rian why the difference in language between the amendment proposed by Councilor Lewis and his amendment is so important and how long it typically takes for a project to be federally approved.

Rian responded by explaining that ODOT will need to bond in order to pay for the construction of the Abernathy Bridge and the folks that are issuing these bonds will have questions about the funding since ODOT cannot guarantee that the federal government will approve the RMPP. ODOT, however, can control getting the RMPP approved by the OTC and submitting the RMPP to the federal government for approval. Rian explained that his amendment allows ODOT a path forward.

Mandy stressed that this change allows ODOT to make sure that all paths are open for both projects.

In the chat Commissioner Savas wrote: "In other words Clackamas County could be the only area tolled for years to come".

Commissioner Vega Pederson explained that she sits on ODOT's Area Commission on Transportation (ACT) and hopes that the discussion on that group's role with this project and the RMPP is still in progress.

Commissioner Hardesty asked what ODOT is bonding for and if this commits the region to the same mechanism for the rest of this generation.

Mandy responded by explaining that ODOT is not bonding now but they would look into toll back bonding in the future when they get to that stage. She explained that ODOT cannot bond while they are doing the National Environmental Policy Act (NEPA) process.

Councilor Gonzalez explained that he will be unable to support Rian Windsheimer's amendment to the Councilor Lewis' amendment because it weakens what regional leaders have been saying is an important plan for this region. Councilor Gonzalez asked why I-205 tolling cannot be included as a part of the RMPP.

Mandy responded to Councilor Gonzalez by explaining that the I-205 toll project and the RMPP are two separate but related projects. The I-205 toll project is connected to the reconstruction of bridges on the corridor and without tolling ODOT is unable to move forward with construction and complete the improvements on I-205. She explained that there is a delay cost of about \$24 million every year that ODOT does not move forward with construction on the I-205 improvements project. Mandy went on to explain the RMPP is a concept that has not been done in the United States before and that the steps for the RMPP are different and take more time and that ODOT has aligned the RMPP and I-205 projects as much as possible.

Mayor McEnery-Ogle asked if Councilor Lewis and Council President Hyzy have concerns to the amendment to their initial amendment.

Council President Hyzy responded to Mandy's comments by voicing frustration that the RMPP and I-205 toll project cannot be aligned because of the importance to the cities of Clackamas. She explained that Clackamas residents are the ones who struggle the most in the region with a lack of funding for all the work that needs to be done. She went on to explain that what is most needed cannot be put into writing, so JPACT voters must rely on ODOT to do what they have promised to do at these meetings.

In the chat Commissioner Savas wrote: "We learned yesterday that the ODOT has focused the NEPA on just a small portion of the 7 mile stretch?"

Councilor Lewis highlighted that changing soft words, like "may" and "should" to "will" still does a lot to strengthen the base document. She voiced concern that the language that she proposed in the amendment is being changed by ODOT because the language that she presented is not original, it was written as one of ODOT's commitments. She explained that she understands why ODOT has to make this change but it points back to the trust deficit between ODOT and local communities.

Rian Windsheimer explained that ODOT understands the trust that is being asked for by ODOT and that they will be held accountable. He added that the word "federally" was not in the ODOT's previous commitment language.

Commissioner Nafisa Fai (she/her) expressed support for ODOT's amendment to the amendment and agreed with Commissioner Vega Pederson's previous comments on the ACT committee's role and membership.

Mayor Callaway voiced faith in ODOT's commitments to fixing other bottlenecks that will require successful regional tolling through the RMPP.

Michelle Bellia explained what a yes and no vote on the motion to amend the motion to amend means.

ACTION: Commissioner Savas, Commissioner Hardesty, Councilor Gonzalez, and Councilor Lewis voted no. Council President Hyzy abstained. With all else in favor the motion passed.

Michelle explained that JPACT is now considering a motion to amend the TPAC recommendation.

Commissioner Savas expressed concerns with tolling all lanes on I-205 because this will put more people at risk, climate goals could be worsened, and there are serious economic impacts that have not been considered.

Commissioner Hardesty asked for clarification on what language is currently being considered.

Commissioner Savas expressed that he will wait until after the vote to offer other amendments.

ACTION: Commissioner Savas, Commissioner Hardesty, Councilor Gonzalez, and Councilor Lewis voted no. With all else in favor the motion passed.

Commissioner Savas highlighted that tolling all lanes will disincentivise individuals who live in Clark County to commute and work in Clackamas County.

MOTION: Commissioner Savas moved to amend the ordinance to remove and strike all language relating to tolling all lanes. The motion failed due to a lack of a second.

Mayor McEnery-Ogle explained that Vancouver adopted and supported this project back in 2018 and that this is proceeding with what had been previously approved. She highlighted that impacts of the tolling will be addressed and mitigated and that her key concern is around mitigations for low-income system users. She stated her support for the ordinance.

Council President Hyzy appreciation for ODOT's commitment to engaging with local communities over the past month, she stated that this type of engagement is expected to continue. She highlighted the importance for the people at ODOT to keep showing up and engaging with local communities. Council President Hyzy voiced support for Commissioner Fai and Commissioner Vega Pederson's previous comments on evaluating ACT committee's role and membership.

Chair Craddick and Margi announced that agenda item 6.1, TV Highway Corridor Project Update, has been removed from the agenda due to time constraints.

Commissioned Hardesty highlighted that ODOT's communication has been wonderful the past month. She explained that ODOT has still not earned her trust and that climate mitigation should be something that should be centered in this conversation. She expressed her belief that once the vote is taken ODOT will not work with elected officials enough. Commissioner Hardesty went on to stress that she does not have clarity on if ODOT has listened to the major concerns of folks most affected by this project. She highlighted the lack of financial transparency with this project, the lack of discussion around low income exemptions, and lack of trust that there will be a fair, equitable, and transparent process moving forward.

Councilor Lewis recognized how much progress has been made on this project since December and expressed hope that the relationships that ODOT has made with local leaders continues moving forward. She explained that she remains concerned with how the RMPP and the I-205 tolling project line up.

Councilor Temple Lentz explained that Clark County remains concerned about mitigation in

surrounding areas and low income exemptions. She appreciated the work that has been done on this project and stated that she will abstain from this vote but wants to continue to work to make sure commitments made by ODOT are maintained.

ACTION: Commissioner Savas, Commissioner Hardesty, Councilor Gonzalez, and Councilor Lewis voted no. Councilor Lentz abstained. With all else in favor the motion passed.

5.2 Resolution No. 22-5234, For the Purpose of Amending the 2021-2026 Metropolitan Improvement Program (MTIP) to Add the Preliminary Engineering Phase for ODOT's I-205 Tolling Project Allowing NEPA and Design Activities to Begin

Chair Craddick re-introduced Metro staff Margi Bradway to present.

Margi made herself available for questions.

MOTION: Rian Windsheimer moved to approve Resolution No. 22-5234. Seconded by Mayor Callaway.

Commissioner Hardesty stressed the importance of setting the toll program up correctly and explained that she does not think that there is enough information to know if this is the correct path.

Commissioner Savas thanked JPACT members and staff for all their work.

ACTION: Commissioner Savas, Commissioner Hardesty, Councilor Gonzalez, and Councilor Lewis voted no. Councilor Lentz and Mayor McEnerny-Ogle abstained. With all else in favor the motion passed.

Rian Windsheimer thanked JPACT members on their work today and requested that Della Mosier be given time to present concerns around low-income individuals and tolling.

Brendan Finn stated ODOT's commitment to a low income exemption program.

Carly Francis (she/her) explained how difficult and complex it is to implement a tolling program.

Commissioner Hardesty asked for clarification around why the Region 1 ACT was created. She voiced concern that this body was created to bypass elected officials that serve on JPACT. Commissioner Hardesty also asked if any preemptions are built into any of the mechanisms that are moving forward.

Councilor Hyzy voiced appreciation for Carly Francis' comments and explained that the Federal Highway Administration (FHWA) needs to step up and support this process.

Rian Windsheimer responded to Commissioner Hardesty by explaining that the ACT is a group that advises the OTC from a statewide perspective and elected officials from the region will be in the group.

Commissioner Hardesty explained that JPACT should be the group trying to influence the OTC.

7. UPDATES FROM JPACT MEMBERS

Mayor Callaway put the following member comment in the chat: "Hillsboro's TSP update was adopted earlier this week so all cities in the jurisdiction are in compliance".

Mayor McEnerny-Ogle announced that Washington State put in their first \$1 billion dollars towards the replacement of the I-5 Bridge.

8. ADJOURN

Chair Craddick adjourned the meeting at 9:25 am.

Respectfully Submitted,

Stellan Roberts

Stellan Roberts
Recording Secretary

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 17, 2022

ITEM	DOCUMENT TYPE	DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
2.0	Testimony	3/17/2022	Chris Smith Written Testimony	03172022-01
2.0	Testimony	3/17/2022	Paul Edgar Written Testimony	03172022-02
2.0	Testimony	3/17/2022	Urban Mobility Strategy Responses	03172022-03
3.0	Presentation	3/17/2022	Fatal Crash Slide	03172022-04
5.1	Presentation	3/17/2022	I-205 Toll Project (PE Phase) RTP Amendment Slides	03172022-05
5.1	Presentation	3/17/2022	I-205 RTP Amendment Slides	03172022-06
5.1	Amendment	3/17/2022	Amendments to Ordinance No. 21-1467 Memo	03172022-07
5.1	Amendment	3/17/2022	Amendments to Ordinance No. 21-1467 Memo – ODOT Edits	03172022-08