



METRO POLICY ADVISORY COMMITTEE (MPAC)

Meeting Minutes

March 30, 2022

MEMBERS PRESENT

Carmen Rubio

Vince Jones-Dixon

Terri Preeg Riggsby

Mark Shull

Rachel Lyles Smith

Brett Sherman

Pam Treece

Ed Gronke

Steve Callaway

Nadia Hasan

Gordon Hovies

Luis Nava

Thomas Kim

Kirsten Green

Elizabeth Kennedy-Wong

Diana Perez

Omar Qutub

Mary Nolan

Christine Lewis

Gerritt Rosenthal

AFFILIATION

City of Portland

City of Gresham, Second Largest City in Multnomah County

Special Districts in Multnomah County

Clackamas County

City of Oregon City, Second Largest City in Clackamas County

City of Happy Valley, Other Cities in Clackamas County

Washington County

Citizen of Clackamas County

City of Hillsboro, Largest City in Washington County

City of Beaverton, Second Largest City in Washington County

Tualatin Valley Fire & Rescue, Special Districts in Washington County

Citizen of Washington County

TriMet

Oregon Department of Land Conservation and Development

Port of Portland

City of Vancouver

Citizen of Multnomah County

Metro Council

Metro Council

Metro Council

MEMBERS EXCUSED

Shusheela Jayapal

Ted Wheeler

Brian Cooper

James Fage

Mark Watson

Temple Lentz

Brian Hodson

Peter Truax

AFFILIATION

Multnomah County

City of Portland

City of Fairview, Other Cities in Multnomah County

City of North Plains, City in Washington County outside UGB

Hillsboro School District Board of Directors, Governing Body of a School District

Clark County

City of Canby, City in Clackamas County outside UGB

City of Forest Grove, Other Cities in Washington County

ALTERNATES PRESENT

Anthony Martin
Laura Kelly
Jules Walters

AFFILIATION

City of Hillsboro, Largest City in Washington County
Oregon Department of Land Conservation and Development
West Linn, Other Cities in Clackamas County

OTHERS PRESENT: Adam Barber, Amira Streeter, Brenda Bartlett, Brendan Finn, Cheryl Bell, Chris Smith, Christina Deffebach, Colin Cooper, Della Mosier, Don Odermott, Erin Doyl, Greg Mallon, Gwenn Baldwin, Jamie Lorenzini, Jamie Stasney, Jean Senechal Biggs, Jeff Gudman, Katherine Kelly, Laura Terway, Laurie Petrie, Maddy Do, Mandy Putney, Mary Baumgardner, Megan McKibben, Mona Schwartz, Nathan Clark, Rebecca Steiner, Roger Alfred, Rory Bialostosky, Schuyler Warren, Tara O'Brien, Tom Armstrong, Will Farley.

STAFF: Ash Elverfeld, Carrie MacLaren, Connor Ayers, Eduardo Ramos, Holly Stirnkorb, Kim Ellis, Kristin Dennis, Michelle Bellia, Ramona Perrault, Robyn Stowers, Stellan Roberts, Ted Leybold, Tom Kloster.

1. CALL TO ORDER, INTRODUCTIONS, CHAIR COMMUNICATIONS

MPAC Chair Joe Buck (he/him) called the virtual Zoom meeting to order at 5:00 PM.

Metro Staff Connor Ayers (he/him) called the role. Chair Buck declared a quorum.

2. PUBLIC COMMUNICATION ON AGENDA ITEMS

Mayor Rachel Lyles Smith (she/her) called for written testimony from members of the West Linn City Council that was distributed in advance of the meeting be mentioned.

3. COUNCIL UPDATE

Councilor Mary Nolan (they/them) provided a number of updates on Metro's Parks and Nature department specifically around the 2019 voter approved bond measure. They highlighted recent Metro park openings, community trail grants, and preliminary work being done in land acquisition. Councilor Nolan discussed two new developments moving forward in relation to the affordable housing bond measure and a updated MPAC on a newly filed initiative on supportive housing services initiative.

Mayor Lyles Smith asked if there is a webpage about the initiative where more information can be found.

Councilor Nolan explained that there is no Metro website for factual information on this initiative.

4. COMMITTEE MEMBER COMMUNICATIONS

Chair Buck noted that agenda item 7.2 has been removed from the agenda and pushed to a later date to make time for the discussion of other topics. He explained the requirements behind the 2021 Compliance Report and announced the results of this report.

Councilor Nadia Hasan (she/her) shared that this weekend is the start of Ramadan.

Mayor Lyles Smith announced her resignation as Mayor of Oregon City, effective April 22. She explained that this move is being made for family reasons.

Mayor Steve Callaway (he/him) responded to the 2021 Compliance Report and explained that Hillsboro is in compliance.

Thomas Kim (he/him) updated MPAC that TriMet employees that have been working remotely will begin returning to offices on April 4th. He explained that TriMet ridership has been slowly recovering and highlighted a briefing on TriMet's Climate Action Plan that lays out the path for TriMet to achieve net zero operational emissions by 2050.

Chair Buck announced that Dick Jones, a former MPAC Committee member from 2008-2016, passed away on Wednesday.

5. CONSTENT AGENDA

MOTION: Director Terri Preeg Riggsby (she/her) moved to approve the consent agenda. Commissioner Pam Treece (she/her) seconded.

ACTION: With all in favor, consent agenda passed.

6. ACTION ITEMS

6.1 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 Buck discussed process, MPAC's role with this recommendation and introduced Metro Staff Carrie MacLaren (she/her), Kim Ellis (she/her), and Margi Bradway (she/her), and Oregon Department of Transportation (ODOT) Staff Brendan Finn (he/him), Della Mosier (she/her), and Mandy Putney (she/her) to present.

Key elements of the presentation included:

Carrie overviewed MPAC, JPACT, and Metro Council's roles in regards to this ordinance.

Kim presented 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 17 JPACT action and recommendation to Council, and highlighted the upcoming I-205 Toll Project amendments schedule.

Margi highlighted that changes that have been made by TPAC and JPACT. The high level changes that were made were: language around ODOT's commitment to addressing diversion and creating an equity program in the corridor was strengthened and coordination with the Regional Mobility Pricing Project (RMPP) was addressed.

Brendan described ODOT's coordination with regional stakeholders and commitments being made by ODOT and regional partners.

Della described what a yes vote for the amendment does, what a yes vote for the amendment does not do, what the amendment funds, and JPACT and TPAC votes on the amendment.

Mandy explained important next steps for toll policies, the RMPP, and the I-205 toll project, specifically highlighting the next 6-9 months. She detailed the JPACT and Metro Council votes that are planned to occur before the I-205 tolling would start and reiterated ODOT and regional partner commitments.

Member discussion included

Councilor Brett Sherman (he/him) discussed the timing of the I-205 tolling project and the regional tolling of the RMPP and that he sees congestion management as being better aligned with the RMPP rather than the I-205 tolling project. Councilor Sherman explained that he would like to tie language into to amendment that states that if the RMPP is not approved then the I-205 tolling project would be sunsetted after the project has been paid for. He read the following amendment suggestion and put it in the chat "WHEREAS, in support of a regionwide congestion management strategy, the collection of tolls on I-205 shall terminate upon repayment of costs associated with the initial tolling of I-205 and costs associated with construction of Phase 1A of the I-205 South Corridor Widening and Seismic Improvements Project, unless the Regional Mobility Pricing Project has been implemented; and".

Ed Gronke expressed that he would second this motion.

Mandy voiced appreciation for the support of the RMPP and expressed that this support will be instrumental to move forward with the project. She explained that the transportation commission is the tolling authority for the state so it would be unprecedented for the regional transportation plan to dictate actions for the current or future transportation commission.

Margi re-phrased Mandy's statement by explaining that the RTP must be coordinated with the

state and planning partners but the RTP will address tolling policy. She stressed that what is happening at the state and regional levels must be coordinated.

Commissioner Mark Shull (he/him) voiced that he likes Councilor Sherman's idea. Commissioner Shull expressed concern that I-205 will be tolled before the rest of the region and that the amendment states that all lanes should be tolled as he believes that non-tolled lanes must be available 24/7.

Mandy responded to Commissioner Shull by explaining that ODOT is investigating tolling all lanes for the RMPP and since the I-205 tolling project is designed to coordinate well with the RMPP ODOT is planning on tolling all lanes with the I-205 tolling project.

Director Preeg Riggsby expressed that she does not understand how this project fits into Metro's Congestion Pricing Report because it is not achieving Metro's goals. She suggested that this project would be better suited to be considered as part of the 2023 RTP update that way Metro and partners can consider all options.

Mandy responded by explaining that the Abernathy Bridge construction is on the verge of beginning, but it cannot be completed without tolling revenue. Mandy stressed that at this point ODOT is asking for the ability to move forward with the National Environmental Policy Act (NEPA) process.

Commissioner Carmen Rubio (she/her) explained that the City of Portland is very supportive of tolling if it is designed to be equitable and advance climate and safety outcomes but at this time she has more outstanding questions and concerns. These concerns include: the I-205 tolling project comes in advance of the regional tolling and congestive pricing policy conversation, coordination between the I-205 tolling project, interstate bridge replacement project, and the RMPP, financial transparency within this project, and concerns around how this project will affect low-income community members.

Brendan responded to Commissioner Rubio's comments by explaining that ODOT is here requesting approval to move forward to answer a number of the questions the Commissioner Rubio articulated.

Mayor Callaway explained that he would not be in support of any of the potential motions that have been discussed today because tolling authority rests with the Oregon Transportation Commission (OTC) and to sunset the I-205 project before anything has been put into place feels premature. Mayor Callaway discussed that successful implementation of tolling on I-205 must be shown to federal partners in order to be cleared to move forward with regional tolling. He showed appreciation for the commitments presented by ODOT.

Mayor Lyles Smith expressed concern over having no clause on sunseting tolling if it does not meet certain metrics and goals. She showed appreciation for the language used by Councilor

Sherman and asked Margi about MPAC's authority with this amendment.

Margi responded to Mayor Lyles Smith by explaining that MPAC has the authority to vote on anything that is in front of them. She explained that MPAC cannot change ODOT's tolling authority.

Mayor Lyles Smith confirmed that MPAC can put a project recommendation in the ordinance that explains that MPAC would support the sunseting of tolling on I-205 if the RMPP has not been approved and once the construction that the tolling was meant to pay for is completed, as this would help protect the region. She expressed concern on the lack of diversion mitigation strategies available in the area and the makeup of the regional tolling advisory committee. Mayor Lyles Smith also voiced concern that decision makers will have a much larger decision to make next year once hundreds of thousands of ODOT dollars are spent on the project.

Margi suggested that a list of MPAC member issues be captured in a motion so that staff can address any legal problems with the phrasing of these issues.

Carrie agreed with Margi that a list of issues or concerns that MPAC wants council to address would be a good way to move forward with this action.

Councilor Sherman clarified that this vote is a recommendation for Council to consider and that he would like to move his previous comments forward as a concern of MPAC.

Chair Buck asked ODOT staff how membership will be determined for the regional tolling advisory committee.

Brendan responded to Chair Buck by explaining ODOT has not yet determined how members will be selected for the regional tolling advisory committee but ODOT is looking to have regional representation, especially from Clackamas County.

Gordon Hovies (he/him) requested more professionalism from ODOT while making contact with MPAC members. Gordon agreed with Councilor Sherman in his statements about sunseting and stressed that there needs to be an endgame with this project. He explained that this tolling affects those in special districts as they are on a fixed budget. Gordon went on to express that individuals on a fixed income and senior citizens must be considered in these tolls.

Della responded to Mayor Lyles Smith's previous comments by offering ODOT staff's time to dive into diversion issues. Della responded to Gordon's comments by explaining that policy decisions on how to reach out to transit providers are in front of them. Della stressed that this amendment allows ODOT to investigate many of the concerns being brought up by MPAC. Della addressed the issue of sunseting this project by explaining that tolling funds will be necessary for I-205 improvements for potentially the next 15 years.

Chair Buck asked ODOT staff when residents will have a list of diversion mitigation projects and if this will happen before the next decision point.

Mandy responded to Chair Buck by explaining that preliminary traffic information is currently coming out and next steps will be finding solutions to impacted areas. She explained that the draft environmental assessments will be out this summer.

Chair Buck asked for clarification around the use of the word highways in the amendment and asked if local roadways will also be looked at in the mitigation assessment.

Mandy confirmed that ODOT has a large study area that is being looked at as a part of the environmental review which includes both highways and smaller roadways.

Ed Gronke asked Chair Buck for clarification on if a recommendation to Council is expected by MPAC tonight.

Chair Buck explained that MPAC will take a vote tonight on whether or not MPAC recommends that Metro Council adopts this amendment to the RTP.

Gordon Hovies explained that the American Medical Response is under contract with Multnomah, Clackamas, and Washington County EMS around charging rates. He explained that it is hard for them to assess a loss and voiced that they, as well as the special districts, should be more involved with the project. He then stressed that he would like to see an endgame with this project.

Mandy clarified that ODOT still has more time to communicate with interested stakeholders, community groups, and associations.

Councilor Hasan asked what would happen if MPAC voted no on this amendment today.

Margi responded to Councilor Hasan's question by explaining that if MPAC were to vote no that would be advisory for Metro Council. She explained that JPACT and Metro Council must both vote yes for this to move forward. Margi stated that JPACT's vote count was ten yeses, four noes, and two abstentions.

Chair Buck summarized the conversation thus far by stating the two large concerns that have been brought up by MPAC members today. The first concern, initially brought forward by Councilor Sherman, is that the toll program should sunset once the project is paid for if the RMPP does not move forward. Chair Buck asked for a show of hands from MPAC voting members to see if they support formally voting on recommending that Council address this concern.

Commissioner Treece recommended that MPAC does a roll call.

Carrie explained that the show of hands is just a straw poll, not a formal vote and explained that there appears to be general consensus from voting members that this concern is something that MPAC would like Metro Council to consider.

Chair Buck summarized the second issue, initially brought forward by Commissioner Shull, which was that ODOT should consider not tolling all lanes. Chair Buck asked for a show of hands from MPAC voting members to see if they support formally voting on recommending that Council address this concern.

Chair Buck announced that there does not appear to be general consensus from voting members that this is something that MPAC would like Metro Council to consider. Chair Buck requested that a member of MPAC put forward a formal motion to take a roll call vote on.

Carrie requested the MPAC take a two minute recess so that she can type up a formal motion so members of the public and committee can see what is being voted on.

Chair Buck announced a brief recess to allow Carrie to type up a proposed motion.

MOTION: Councilor Sherman moved to recommend that the Metro Council adopt Ordinance No. 21-1467, as recommended by JPACT and also consider the following issue and concern:

- a. Consider a plan “b” in the event the Regional Mobility Pricing Project is not implemented, which is to terminate the collection of tolls upon repayment of costs associated with the initial tolling of I-205 and costs associated with construction of Phase 1A of the I-205 South Corridor Widening and Seismic Improvements Project.

Councilor Sherman then withdrew this motion.

MOTION: Chair buck then moved to recommend that the Metro Council adopt Ordinance No. 21-1467, as recommended by JPACT and also consider the following issue and concern:

- a. Consider a plan “b” in the event the Regional Mobility Pricing Project is not implemented, which is to terminate the collection of tolls upon repayment of costs associated with the initial tolling of I-205 and costs associated with construction of Phase 1A of the I-205 South Corridor Widening and Seismic Improvements Project.

Councilor Vince Jones-Dixon seconded the motion.

Ed Gronke explained that he does not believe that recommendation of the adoption of Ordinance No. 21-1467 and the recommendation of the consideration highlighted in paragraph “a” should be voted on together.

Chair Buck explained if a member is not in support, they should vote against the motion.

Commissioner Treece asked if MPAC will have the chance to adopt the JPACT recommendation

without the amendment.

Thomas Kim suggested that MPAC vote on the recommendation and consideration separately.

Mayor Lyles Smith explained that either the two folks that made the motion and the second can withdraw their motions and the motion process can be restarted, or MPAC can hold the vote that is on the table and if you would like to proceed with a different process you vote no and MPAC can start over.

Carrie explained that the motion now belongs to the body and needs to be voted on and recommended that if members of MPAC are interested on voting on the issues separately they vote no then the body will be able to take up a new motion.

Councilor Nolan presented another option which is to strike paragraph "a" from the motion presented.

MOTION: Commissioner Treece moved to strike paragraph "a" from the previous motion. Thomas Kim seconded he motion.

Councilor Sherman recommended that MPAC vote on the consideration described in paragraph "a" from the original motion before voting on recommending that Metro Council adopt Ordinance No. 21-1467 without the consideration to avoid confusion.

Ed Gronke requested clarification on what is being voted on.

Carrie explained that the motion that is pending a vote is a motion to strike paragraph "a" from the original motion.

Thomas Kim explained that he is inclined to vote for the amendment as was recommended by JPACT as he was glad to see the additional commitments for ODOT's investment in multimodal and transit equity and eventually hopes for ODOT's low income toll program to align with TriMet's low income fare program.

ACTION: Councilor Brett Sherman voted no, with all else in favor, the motion to strike paragraph "a" from the previous motion passed.

Chair Buck clarified that the motion currently on the table is to recommend that the Metro Council adopt Ordinance No. 21-1467, as recommended by JPACT.

Omar Qutub asked if they vote no on recommending the ordinance can they vote yes on the consideration mentioned in paragraph "a" of the original motion.

Councilor Sherman clarified that you can vote no to the ordinance and still vote yes on an

amendment that would be presented to Council for consideration.

ACTION: Commissioner Rubio, Councilor Jones-Dixon, Director Preeg Riggsby, Omar Qutub, Commissioner Shull, Chair Buck, Mayor Lyles Smith, Councilor Sherman, Ed Gronke, Gordon Hovies, and Luis Nava voted no. Commissioner Treece, Mayor Callaway and Thomas Kim voted yes. The motion failed.

MOTION: Chair Buck moved to recommend that Metro Council consider a plan “b” in the event the Regional Mobility Pricing Project is not implemented, which is to terminate the collection of tolls upon repayment of costs associated with the initial tolling of I-205 and costs associated with construction of Phase 1A of the I-205 South Corridor Widening and Seismic Improvements Project. Commissioner Shull seconded the motion.

ACTION: Commissioner Rubio, Omar Qutub, Commissioner Treece, Mayor Callaway, and Thomas Kim voted no. Councilor Jones-Dixon, Director Preeg Riggsby, Commissioner Shull, Chair Buck, Mayor Lyles Smith, Councilor Sherman, Ed Gronke, Gordon Hovies, and Luis Nava voted yes. The motion passed.

Councilor Nolan explained that currently, the only recommendation to Metro Council is that of a cessation of tolls after construction is paid off.

Carrie explained that implicit to the motion failing, there is some form of communication to the Metro Council that there was not sufficient support among MPAC members for the proposed project. She explained that another vote could be taken to recommend that the Metro Council do not approve or return the Ordinance to JPACT for further revisions.

Mayor Callaway expressed that he hopes that it will be made clear to Council that these are split votes, while most of MPAC’s votes are unanimous.

Chair Buck asked Metro Councilors on MPAC if they feel they received sufficient communication from MPAC or if they need further clarification.

Councilor Nolan expressed that they intend to convey to the rest of the Metro Council that there was a split vote but there was not a majority on MPAC that voted to recommend the ordinance. Councilor Nolan indicated that they do not explicitly know why members of MPAC did not support the ordinance as adopted by JPACT.

Councilor Sherman asked if it would be a better clarification for him make a motion to not accept the ordinance as drafted by JPACT.

Carrie explained that if Metro Council chooses to not adopt the ordinance as accepted by JPACT they must return it to JPACT with recommendations on what to change. She explained that MPAC has sufficiently displayed their dissatisfaction with the underlying ordinance but have not

given Council a reason why.

Mayor Lyles Smith explained that she would have supported the ordinance if language provided by Councilor Sherman around the termination of tolling would have been included.

Chair Buck agreed with Mayor Lyles Smith, stating that he would have supported the ordinance if the language provided in paragraph "a" of the initial motion was included.

Commissioner Treece stated that she is representing the unanimous opinion of the Washington County Commission.

Councilor Rosenthal asked if language was put in the ordinance around the sunset of the program would this ordinance pass the recommendation of MPAC.

Mayor Buck asked MPAC if they agree with Mayor Lyles Smith and himself that MPAC has support for this ordinance with the one caveat highlighted in paragraph "a" in the initial motion.

Ed Gronke suggested that MPAC pass an additional motion to recommend to Council that they send the ordinance back to JPACT for additional work.

Carrie clarified advice that was previously given by explaining if MPAC wants the Metro Council to do something specific MPAC should communicate what that specific action is.

Councilor Sherman clarified that the initial motion was introduced to tie I-205 tolling into approval of the RMPP which would alleviate uncertainty around tolling in the region. He explained that he cannot support the ordinance without language around sunseting the program after the project has been paid for and regional pricing is not in place because it gives him a strong message that there is not a belief that the RMPP can be implemented. Councilor Sherman voiced that he would be a happy yes vote with sunseting language included.

Mayor Lyles Smith asked if Metro Council has the authority to make edits if they choose or if their only option is to send the ordinance back to JPACT to make edits.

Margi explained that this discussion will be captured and presented to Metro Council in a memo and they can vote to add amendments to the ordinance.

Ed Gronke expressed that there are more reasons that he objected to this ordinance than the reasons presented by Councilor Sherman with a majority of these reasons stemming from a lack of consideration of diversion.

Chair Buck announced that agenda item 7.1 WPES Budget Development & Fee Setting Update is being moved to an upcoming meeting.

7. **ADJOURN**

Chair Buck adjourned the meeting at 7:20 PM.

Respectfully Submitted,

Stellan Roberts

Stellan Roberts
Recording Secretary

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 30, 2022

ITEM	DOCUMENT TYPE	DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
2.0	Testimony	3/30/2022	Mary Baumgardner Written Testimony	03302022-01
2.0	Testimony	3/30/2022	Rory Bialostosky Written Testimony	03302022-02
5.1	Presentation	3/30/2022	I-205 Toll Project (PE Phase) RTP Amendment Slides	03302022-05
5.1	Presentation	3/30/2022	I-205 RTP Amendment Slides	03302022-06