

MINUTES OF THE COUNCIL TRANSPORTATION AND PLANING COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

January 21, 1992
Council Chamber

Committee Members Present: Richard Devlin (Chair), Susan McLain
(Vice Chair), Roger Buchanan, and
Jim Gardner (Acting Member)

Committee Members Absent: Larry Bauer

Chair Devlin called the special meeting to order at 4:35 p.m.

1. Consideration of Ordinance No. 92-433, For the Purpose of
Adopting Revisions to the Regional Transportation Plan

Chair Devlin informed the Committee Ordinance No. 92-433 was before them for further consideration of amendments recommended by Robert Liberty at the January 14, 1992 regular meeting of the Committee.

Andrew Cotugno, Transportation Director, distributed a memorandum from Larry Shaw, Senior Legal Counsel, addressing Mr. Liberty's proposed amendments, a copy of which is included in the record of this meeting.

The Committee reviewed Mr. Shaw's comments as they related to the Ordinance.

Chair Devlin opened the public hearing.

Ray Polani, Citizen, 6110 SE Ankeny St., Portland, appeared to testify. He identified himself as a TPAC citizen member and Chair of the Citizens for Better Transit (CBT). He objected to the minor revision of the RTP in face of major policy and planning changes per RUGGO, the Transportation Rule, Clean Air Act, and other updated legislature. He said CBT recommended two amendments to TPAC, both of which were rejected. He said the first was to impose an immediate freeze on all highway improvements adding system capacity and the second to refer to voters as soon as possible a State constitutional amendment to change the Highway Fund to a State Transportation Fund.

Mr. Polani also recommended the RTP include an analysis of a transit/rail alternative for circumferential movement in the Portland area. He said a December 17, 1991, Oregonian article said Southern Pacific wanted to sell or lease 300 miles of rail lines, providing a perfect opportunity for the region and the State to develop a public rail system and alleviate pressure for road construction.

Robert Liberty, Citizen, 2433 NW Quimby, Portland, appeared to testify. Mr. Liberty reviewed his proposed amendments and Mr. Shaw's comments.

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Mr. Liberty felt Mr. Shaw's rewrite of Exhibit A, page 2, missed his point that Metro needs to conduct an independent study for State Goal compliance because the Oregon Department of Transportation (ODOT) would not. He said regarding Exhibit A, page 3, the "redundancy" cited by Mr. Shaw was intentional because the original sentence was unclear. He said regarding Exhibit A, page 15, in examining "consistency" versus "compliance" the operative word in State Statute, ORS Chapter 197, was compliance. He said the term compliance inferred a certain burden of proof to show plans meet the intent of State goals. He said regarding Exhibit A, page 22, the implementation of RUGGO was very unclear and he expressed concern over the lack of a specific timetable, staffing plan, and funding to implement RUGGO. He recommended the Committee and Council review the RTP in detail and determine how RUGGO would be implemented.

Mr. Liberty said the RTP was the most logical place to address functional planning because of its interrelationship to future land uses. He expressed frustration about the lack of implementation direction for RUGGO which had previously been characterized as the foundation for functional plans. He said more recently emphasis had shifted towards the Region 2040 study even though it was not intended to initiate specific functional plans. He said functional plans were the only regulatory implementing tool available and if they were not linked specifically to Region 2040, then Metro should not fund the study.

Councilor Gardner agreed with Mr. Liberty that the Council must clearly understand how RUGGO would be implemented, but he noted the RTP was only one functional plan and questioned if it was appropriate to discuss other functional plans in the RTP. Mr. Cotugno noted Region 2040 could lead to amendments in the RTP and possible changes in other functional plans; therefore, action now would be premature.

No further citizens appeared to testify and Chair Devlin closed the public hearing.

Mr. Cotugno said from the RTP perspective, there was no certainty about what functional plans would come in the future. He said it was important to follow the Region 2040 timeline because if future functional plans are limited, the Region 2040 RTP update would ensure land use issues were addressed.

Mr. Shaw spoke to "compliance" versus "consistency" and said Mr. Liberty's "hierarchical" approach to land use litigation, based on ORS Chapter 197, was exactly opposite of Metro's approach, based on ORS Chapter 268. He said ORS Chapter 197 legislates how local jurisdictions must comply with State land use goals, but ORS 268, Metro's enabling legislation, describes Metro's obligation to

ensure plans are consistent with State goals. He said RUGGOs like all Metro functional plans, have their base in ORS Chapter 268.

Motion: Councilor Gardner moved to recommend Council adopt Ordinance No. 92-433.

First Motion to Amend: Councilor Gardner moved to amend Ordinance No. 92-433 to include Mr. Liberty's recommendations on pages 3, 5, and 15.

Vote on First Motion to Amend: All those present voted aye. The vote was unanimous and the first motion to amend passed.

Councilor McLain questioned if Metro would have a stronger leadership role using the term "compliance" in the RTP and other functional plans. Mr. Shaw noted changing to "compliance" would contradict Metro's legislative history and would limit Metro's flexibility to implement RUGGO. He said functional plans were not Metro's only tool to implement RUGGOs and noted intergovernmental agreements (IGAs) with local jurisdictions were being pursued to implement certain provisions.


Second Motion to Amend: Councilor Gardner moved to include Legal Counsels proposed amendment to pages 2 and 22 of the RTP, as outlined in Mr. Shaw's January 17, 1992 memorandum.

Vote on Second Motion to Amend: All those present voted aye. The vote was unanimous and the second motion to amend passed.

Vote on Main Motion: All those present voted aye. The vote was unanimous and the main motion passed as amended.

With no further business before the Committee, Chair Devlin adjourned the meeting at 5:35 p.m.

Respectfully Submitted,


Susan Lee
Committee Clerk

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