

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

January 14, 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 regular meeting to order at 6:05 p.m.

1. Consideration of the Minutes of the October 22, November 12,
December 10, and December 18, 1991 meeting of the
Transportation and Planning Committee

Motion: Councilor Gardner moved to adopt the minutes with
the following amendments to the October 22, 1991
meeting minutes:

Page two, line one, changing the word "most" to "much" and on page
five, last sentence of last paragraph to read: He said if there was
legitimate value in the data, given sources of revenue for Metro's
planning efforts were not secure...

Motion: All those present voted aye. The vote was
unanimous and the minutes were adopted including
the amendment to the October 22, 1991 minutes.

2. Consideration of Resolution No. 92-1551, For the Purpose of
Authorizing an Exemption to Metro Code Chapter 2.03.041(C),
and Competitive Bidding Procedures, and Authorizing a Sole-
Source Contract with Fetrow Engineering for Personal Services
Contract to Operate Water Quality Model

Rosemary Furfey, Associate Management Analyst, said last summer she
previewed the Transportation and Planning Committee on the
department's pursuit of a water quality grant which the Oregon
Department of Environmental Quality (DEQ) subsequently awarded to
Metro. She said the grant of \$20,400 was to assess the nonpoint
source pollutants in the upper Columbia Slough.

Ms. Furfey summarized the Staff Report. She noted the sole source
award to Jack Smith was justified as Mr. Smith developed the DEQ
model which Metro will use and he provides the only qualified
support service for the model named "Nonpoint Pollution Source
Model for Analysis and Planning" (NPSMAP).

Motion: Councilor Gardner moved to recommend full Council
adopt Resolution No. 91-1551.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

3. Consideration of Resolution No. 92-1552, For the Purpose of Authorizing an Exemption to the Metro Code Chapter 2.04.041(C), Competitive Bidding Procedures, and Authorizing a Sole-Source Contract with Oregon Graduate Institute of Science and Technology for Coordination Services for the GreenCity Data Project

Ellen Lanier-Phelps, Senior Regional Planner, said Resolution No. 92-1552 approved a sole-source contract with the Oregon Graduate Institute of Science and Technology. She said under the contract, the institute would coordinate the educational efforts of the GreenCity Data Project. She said this was the first major environmental education effort under Metro's Greenspaces Program. She noted the Institute was the sole qualified provider of the required coordinating services, serving students in all four counties involved (Clark County in Washington; Clackamas, Multnomah and Washington Counties in Oregon).

She said the contract funding of \$15,000 came from the Metropolitan Greenspaces grant from the U.S. Fish and Wildlife Service.

Motion: Councilor Gardner moved to recommend full Council adopt Resolution No. 91-1551.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

5. Consideration of Resolution of No. 92-1547, For the Purpose of Certifying that Tri-Met's Complementary Paratransit Plan Conforms to Metro's Regional Transportation Plan

Ann Zeltmann, Senior Transportation Planner, gave her staff report. She said the Resolution certified Tri-Met's Complementary Paratransit Plan met requirements of the Americans with Disabilities Act (ADA) of 1990. She said per the ADA, Metro, as the federally designated Metropolitan Planning Organization (MPO) for the Portland region, must review the Tri-Met plan and certify its compliance with the ADA.

Ms. Zeltmann said the ADA protection of the Civil Rights Act of 1964 has been extended to persons with physical or mental disabilities, resulting in extensive planning and operations changes for transportation services. She said Tri-Met provides fixed route service, such as accessible busses and para-transit or door-to-door service for citizens unable to use fixed route service. She said jurisdictions must comply with ADA service provisions by January 26, 1997, but Tri-Met's plan targets many

changes to be in place by September 1994. She said Tri-Met's estimated additional annual cost for the service adjustments was \$2.5 million.

Ms. Zeltmann said the Resolution was linked to Ordinance No. 92-433, which amends Metro's Regional Transportation Plan (RTP) to respond to the ADA requirements. She said both documents would fulfill the federal requirements. She said the Federal Transit Administration (FTA) must receive both documents by January 26, 1992 for Tri-Met to be in compliance with the ADA.

Councilor Buchanan noted he was a representative on the Tri-Met Handicapped Transportation Committee and noted that Tri-Met and the Portland area was well ahead of the rest of the county in meeting the ADA requirements. He commended the Tri-Met plan and said it was very comprehensive and reflected a lot of diligent, effective work.

Motion: Councilor Buchanan moved to recommend Council adoption of Resolution No. 92-1547.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

4. Consideration of Resolution No. 92-1550, For the Purpose of Altering the Intergovernmental Agreement on the Western Bypass Study

Michal Wert, Project Manager, Oregon Department of Transportation (ODOT), gave the staff report. She said Resolution No. 92-1550 amends the Western Bypass Study Intergovernmental Agreement (IGA). She said other local jurisdictions requested the amendment and ODOT was acting to process it.

Ms. Wert said the IGA was adopted for two reasons: 1) to provide for Council/Commission briefings as the study proceeded, primarily at "key decision points", so updates would occur on information development, findings, and public comments received through the committee process; and 2) to allow the study team to receive the jurisdictions' comments throughout the process. She said the IGA was not intended to be a public involvement process. She said a public involvement program operates concurrently.

Ms. Wert said local jurisdictions have acted on three "key decisions": to adopt the IGA, adopt ODOT's Public Involvement program as their own, and adopt the study's Purpose and Need Statement. She said the fourth key decision was to have been at the end of the transportation strategies development phase, with Metro "eliminating obviously unreasonable" strategies for further refinement under Alternatives Analysis (AA). She said would have

been the last decision by Metro and local jurisdictions until ODOT returned with a Preferred Alternative, after the Draft Environmental Impact Statement (DEIS).

Ms. Wert said Resolution No. 92-1550 would amend the IGA process to move the fourth key decision from a point between broad Strategies Development and Alternatives Analysis to a point after Alternatives Analysis, before DEIS. She said Metro was still able to act to eliminate unreasonable strategies from further review.

Ms. Wert said the local jurisdictions wanted this amendment because they were uncomfortable endorsing strategies for AA without more information. She said locals were particularly concerned with the Arterials Strategy, which would improve arterial street systems within the Urban Growth Boundary (UGB). She said local jurisdictions were concerned many of the improvements were not in current land use plans. She said the jurisdictions hesitated to discard the strategy because additional information may support its development under AA. She said they were also uncomfortable with the original IGA decision-making process and not having an opportunity to examine alternatives prior to the DEIS study.

Ms. Wert described the change in decision-making as essentially combining the broad strategies development stage with AA. She said ODOT normally did not have two separate steps, but moves from strategies to alternatives through analysis and refinement. She said under the amended IGA, all non-eliminated strategies would move into AA.

Ms. Wert said the study committee identified four strategies to move into AA: 1) No Build, 2) TSM - Transportation System Management, 3) Bypass, and 4) Arterials. She said the third and fourth strategies include transportation demand management and transit strategies. She said a fifth transit intensive strategy was still being considered.

Ms. Wert noted the Sensible Transportation Options for People (STOP) letter in the resolution packet and responded to their issues, stressing the IGA amendments reflected the consensus of the local jurisdictions; the IGA was not intended as a public involvement tool; the IGA amendment would provide for local jurisdictions to examine alternatives prior to the DEIS; and the lack of public notice about the amendment occurred because the local jurisdictions asked ODOT to expedite the process, given the December holidays and fewer local government meetings.

Ms. Wert also responded to Steve Dotterer's (City of Portland) letter, noting his suggestion that Strategies Development and AA be combined was the actual outcome of the IGA amendment; the Transportation Rule was difficult to apply because there were no

policy guidelines, although an informal Attorney General opinion said the rule should be applied at the system level; and Transportation Policy Advisory Committee (TPAC) did review the selection criteria with Mr. Dotterer present and no follow-up was requested.

Councilor McLain expressed concerns about implementation of the Transportation Rule and the lack of guidelines, development and application of selection criteria, and the description of the IGA amendment as simply a combination of Strategies Development and AA steps. She noted concern with the integrity of the study process and opportunities for citizen input and local jurisdiction review.

Councilor McLain emphasized the importance of knowing clearly how criteria were developed and used, as policy decisions ultimately emerge from the criteria application. Ms. Wert explained the criteria were technical and used to discard strategies, but not to select any alternates. She said the criteria would not be a part of the DEIS phase. She said the final decision will be a political choice because the strategies and alternatives that emerge were not markedly different.

Councilor Gardner noted the IGA amendment probably improved public involvement, but expressed concern about the feasibility of maintaining the substantive integrity of all non-eliminated strategies as they were refined into alternatives. Ms. Wert said at question was ODOT's integrity to develop the study. She noted Metro had means to monitor the Study's integrity through Metro representatives' participation on the study committees and through Metro staff who work with ODOT staff on modeling and developing alternatives. She said integrity was a legitimate concern, as ODOT was the former Highway Division; but if Metro believes the study process was not open and objective, major changes need to happen.

The Committee discussed the importance of understanding how the 1000 Friends of Oregon study Land Use, Transportation and Air Quality (LUTRAQ) will be incorporated into the Western Bypass decision-making process. LUTRAQ and the ODOT studies were on the same schedule. Ms. Wert noted the studies' consultant teams work closely together and Metro Transportation staff Keith Lawton was doing the modeling for both studies. She said ODOT was discussing with 1000 Friends how to ensure consistent study information for comparison purposes. She said under the IGA process, the LUTRAQ alternative, along with all reasonable alternatives recommended by the local jurisdictions and Metro would be analyzed at the DEIS stage.

Chair Devlin opened the public hearing.

Molly O'Reilly, President, STOP, testified in opposition to Resolution No. 92-1550. She expressed support for the proposed new decision point after AA and before DEIS, but said local review of the broad strategies, prior to AA, should also occur. She said it was important to discuss the broad strategies now because they are still malleable. She said if review only occurs after AA, people are already dealing with "done deeds". She said the IGA amendment actually demonstrated a lack of consensus because the local jurisdictions could not agree on broad strategies.

Ms. O'Reilly said the Transportation Rule should be applied as early as possible because Vehicle Miles Travelled (VMT) reductions would be critically linked to transportation development in the Western Bypass study area. She said none of the four strategies outlined by Ms. Wert would move the region towards compliance with the Transportation Rule and VMT reduction. She said STOP did not believe a good transit strategy was possible without looking at land use because the study area/Washington County has developed around a single-occupancy vehicle lifestyle and was "transit hostile". She said under the study plan, ODOT would not conduct any land use analyses.

Ms. O'Reilly recommended an alternative action to the IGA amendment. She said to address the local jurisdictions' concerns about endorsing any broad strategies, she recommended the IGA be changed to have the local jurisdictions "acknowledge" the strategies. She said this action would maintain the public review process of the strategies without requiring the local jurisdictions to express support of any strategies. She said STOP's primary concern was the lack of public review of the strategies.

Ms. O'Reilly said STOP had serious concerns with the study's public involvement process and urged the Council to examine the process as she felt it did not meet Metro's standards.

Robert Liberty, Citizen, said the study process was fundamentally flawed because none of the ODOT strategies consider changes to land use patterns. He said land use would ultimately determine the success of any transportation alternative implemented. He expressed concern that the study committees are dominated by representatives of jurisdictions and interest groups which were officially committed to the bypass.

Mr. Liberty noted the ODOT study follows National Environmental Policy Act (NEPA) guidelines which require jurisdictions to "consider" environmental consequences before taking actions, but did not mandate any form of environmental protection. He said the NEPA process was not the same as applying State land use goals. He said under the current process, State land use goals, along with LUTRAQ, will be inserted at the study's end. He said if litigation

arises over the land use goals application, nobody will want to revisit earlier analyses. He said the land use goals should be applied as early as possible to educate all participants about Goal 12. He noted there may be disagreements on how the Transportation Rule applies, but there was no question that Goal 12 does apply.

Mr. Liberty said he did not believe Metro's Regional Urban Growth Goals and Objectives (RUGGOs) would be applied because no opportunity for their incorporation had been identified. He recommended Metro reconsider its participation in the ODOT study and conduct its own study with ODOT and Tri-Met as participants. He said Metro could take a leadership role to address land use changes and ensure all of the region was involved, for example, analyzing the implications for Gresham in its Goal 12 application if the bypass was built.

With no further citizens appearing to testify, Chair Devlin closed the public hearing.

Councilor McLain agreed the study process was flawed if it does not allow citizen input at the strategies development level or as strategies were being refined into alternatives. She said the amendment did not address the citizen involvement process. She asked Chair Devlin to schedule a discussion and review of the IGA process and actual agreement to address these concerns.

Ms. Wert noted the Council can propose a different IGA amendment. She said it was a disservice to the local jurisdictions to suggest they do not know how the study was progressing because the study team regularly briefs the jurisdictions. She said the proposed amendment resulted because local jurisdictions had major reservations about the strategies and were unwilling to support them without more information.

Motion: Councilor McLain moved to recommend full Council adopt Resolution No. 92-1550.

First Motion to Amend: Councilor Gardner moved the following amendment to Resolution NO. 92-1550 to put the Committee and Council on record as expecting all non-eliminated strategies to translate substantively intact into alternatives addition of a second "Be It Resolved" to read:

2. That the Council requests that at the time ODOT presents its recommendation on strategies to be eliminated, ODOT shall also present a detailed description of their process for ensuring that the non-eliminated strategies, in all significant aspects, are represented in the alternatives advanced for further analysis.

Vote on First Motion to Amend: Councilors Gardner, McLain, and Devlin voted aye. Councilors Buchanan and Bauer were absent. The vote was unanimous and the first motion to amend passed.

Vote on Main Motion: Councilors Gardner, McLain, and Devlin voted aye. Councilors Buchanan and Bauer were absent. The vote was unanimous and the main motion passed as amended.

6. Consideration of Resolution No. 92-1549, For the Purpose of Establishing and Maintaining an Organizational Structure for Over-seeing High Capacity Transit Studies

Bill Barber from the Transportation Department High Capacity Division gave the staff report for Resolution No. 92-1549. He said the Resolution replaces Resolution No. 90-1179 and establishes a new oversight structure for Metro's High Capacity Transit (HCT) studies.

Mr. Barber noted a number of study and project plan changes occurred since July 1990, when Resolution 90-1179 was adopted, including the Federal Transportation Administration (FTA) denial of the region's Alternatives Analysis (AA) funding application for the I-205/Milwaukee corridor study. He said the FTA suggested a "transitional" or Pre-AA study. He said Metro adopted Resolution No. 91-1456 last Summer, outlining policies to establish an HCT study strategy, including initiating an FTA funded Pre-AA study for the I-205/Milwaukee corridors and initiating a locally funded Pre-AA study for the I-5/205 Portland/Vancouver corridors.

Mr. Barber said the proposed HCT oversight structure included maintaining separate Financing and Study management components, as was done with the Westside Light Rail Transit (LRT) project; establishing an Expert Review Panel (ERP) to meet Washington State's High Capacity Transit Act requirements for receiving Pre-AA funding; and incorporating the Joint Regional Policy Committee (JRPC) as a policy forum for HCT issues in Clark County, Washington.

In response to a question by Ms. Marlitt, Mr. Barber said the Citizen Advisory Committee membership criteria will be determined in the HCT work plan development.

Motion: Councilor Gardner moved to recommend Council adoption of Resolution No. 92-1549.

Vote: Councilors Gardner, McLain, and Devlin voted aye. Councilors Bauer and Buchanan were absent. The vote was unanimous and the motion passed.

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

Mike Hoglund, Transportation Planning Supervisor, presented Ordinance No. 92-433 which updates Metro's Regional Transportation Plan (RTP) in three areas. He said first the Ordinance would incorporate the adopted local projects and studies to meet federal funding requirements. He said the Ordinance would amend the RTP to include new or revised projects or studies which had been recommended by the Joint Policy Advisory Committee on Transportation (JPACT) and adopted by the Council since the 1989 RTP update. He said this included the Wester Bypass Study, I-5 Vancouver and I-205/Milwaukie pre-Alternatives Analysis studies. Finally, he said the Ordinance would revise language to reflect the changing planning environment under which Metro was and will be operating, such as RUGGOs, the 1991 Americans With Disabilities Act (ADA) and the 1991 Clean Air Act.

Mr. Hoglund emphasized the RTP update did not add any new analysis by Metro staff; its primary purpose was to position projects for federal funding. He said the language changes relate to amending project descriptions based on local plans or to reflect provisions of new legislation and regulations. He noted the full interim update of the RTP, to begin later this year, would incorporate new Metro analyses and would examine all aspects of the new State Transportation Rule, except land use, which would come from the Region 2040 study.

The Committee discussed the Westside Light Rail Transit (LRT) Sylvan Station deletion in Chapter 6 of the RTP and the reasons for not including LRT stations as RTP projects. Mr. Hoglund recalled the TPAC discussion of this issue. He said Chapter 6 addressed the projects with economic development opportunities and the Sylvan Station was viewed as solely for transportation purposes. Councilor Gardner took exception to the TPAC logic, noting the Tanasbourne and Petercourt stations were included, contradicting the idea of the Sylvan Station being only for transportation. Mr. Hoglund said the Sylvan Station planning would occur under Tri-Met's obligation to the Westside LRT final plan.

The Committee also discussed the relationship of the RTP, as a functional plan, to Metro's RUGGOs, the Region 2040 study, and the State Transportation Rule.

Chair Devlin opened the public hearing.

Molly O'Reilly, TPAC citizen member, testified the RTP was very much a highway plan, and although Ordinance No. 92-433 amendments are a definite improvement, it was unclear how the RTP would address old highway projects, which contradict the RTP's new planning direction under RUGGO and the State Transportation Rule. She noted the 1995 deadline for implementing Transportation Rule provisions was not that far away and "a lot of asphalt can be laid between now and then".

Robert Liberty, Citizen, expressed disappointment that functional planning would not begin until completion of the Region 2040 study in two to three years and recommended functional plan development occur concurrent with Region 2040. He identified seven RTP amendments, a copy of which are included in the record of this meeting. His proposed amendments addressed functional plans and how they flow from RUGGO.

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

The Committee requested Metro Transportation staff and Legal Counsel to review Mr. Liberty's amendments. Ms. Zeltmann advised the Committee the revision was necessary to forward Resolution No. 1547 to Council for approval prior to the January 26, 1992 federal deadline for ADA certification.

Motion: Councilor McLain moved to defer Ordinance No. 92-433 to a future meeting.

Vote: Councilors McLain, Gardner and Devlin voted aye. Councilors Bauer and Buchanan were absent. The vote was unanimous and Ordinance No. 92-433 was deferred.

The Committee agreed to hold a special committee meeting on January 21, 1992 to consider Mr. Liberty's amendments in light of Metro staff review and to take final action on Ordinance No. 92-433.

8. Work session on Region 2040 Plan

Mr. Carson introduced Terry Moore, ECO Northwest. Mr. Moore summarized the 2040 Plan as outlined in the meeting packet.

The Committee discussed the plan.

Mr. Liberty testified. He stated the 2040 Plan should not be a precursor to functional plans. He said much of the plan was duplication of work that had already been done in the Regional Urban Growth Goals and Objectives (RUGGOs) process. He said the public involved with Region 2040 should not be given a "blank

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slate" to work with. He said alternatives should be used and developed.

Councilor Devlin informed Mr. Liberty that the budget process would begin again in March and invited him to provide further testimony related to the budget.

With no further business before the Committee, Chair Devlin adjourned the meeting at 10:15 p.m.

Respectfully Submitted,



Susan Lee
Committee Clerk

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