



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503-221-1646

Memorandum

Date: December 16, 1992
To: Finance Committee
From: Donald E. Carlson, ^{DE} Council Administrator
Re: Finance Committee Introduction of Councilor Salary Ordinances

Please find attached Draft Ordinance No. 93-480 and Draft Ordinance No. 93-481. The purpose of Ordinance No. 93-480 is to amend the FY 92-93 Budget and Appropriations Schedule to pay for Councilor salaries and benefits and the citizen involvement program required under the Charter. The ordinance is the same as reviewed and discussed by the Council at its December 14 Work Session.

The purpose of Ordinance No. 93-481 is to amend the Metro Code to provide establish procedures for the payment of Councilor salaries including a waiver procedure. The ordinance also repeals the provisions in the Code for the payment of per diem. This ordinance is different from that discussed at the December 14 Work Session in that:

1. In response to the concern expressed by Councilor Buchanan about the waiver period, the six month period has been deleted and language has been added to state that the waiver will remain in effect until canceled in writing by the councilor. The cancellation would be effective at the beginning of the next pay period.
2. In response to the question about the base for the provision of benefits language has been added to clarify that benefits would be based on the full salary provided by law regardless of the waiver of any salary payments.

Both these changes have been developed with the assistance of General Counsel Dan Cooper.

Also attached is a copy of the December 9, 1992 memo to the Council which explains the purpose of the two ordinances.

Council Staff recommends that the Finance Committee adopt a motion to introduce both ordinances for filing with the Council Clerk and First Reading on the December 22, 1992 Council Meeting.

Council Salary Ordinances.memo

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING ORDINANCE NO.)	ORDINANCE NO. 93-480
92-449B REVISING THE FY 1992-93)	
BUDGET AND APPROPRIATIONS SCHEDULE)	Introduced by the
FOR THE PURPOSE OF FUNDING COUNCILOR)	Finance Committee
SALARIES AND BENEFITS AND A CITIZEN)	
INVOLVEMENT PROGRAM; AND DECLARING)	
AN EMERGENCY)	

WHEREAS, voters of the Metropolitan Service District approved a Metro Charter on November 3, 1992; and

WHEREAS, the Metro Charter removes the authority to pay Metro Councilors a per diem payment and authorizes the payment of a salary to Councilors for services rendered; and

WHEREAS, the Metro Charter creates an Office of Citizen Involvement and requires the Metro Council to establish a citizen's committee, a citizen involvement process and appropriate sufficient funds to operate the office and committee; and

WHEREAS, the Metro Council has reviewed and considered the need to transfer appropriations within the FY 1992-93 Budget; and

WHEREAS, the need for a transfer of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That Ordinance No. 92-449B, Exhibit B, FY 1992-93 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance. The amendment transfers \$184,416 from the General Fund Contingency to the Council Department Personal Services category

and \$60,000 from the Council Department Materials and Services category to the Personal Services category for the purpose of paying Councilors salaries and benefits and providing for the Office of Citizen Involvement and citizen's committee.

2. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the Metro Charter takes effect January 1, 1993, requiring that compensation to Councilors be in the form of a salary, and that an Office of Citizen Involvement and a citizen's committee be established and funded, an emergency is declared to exist and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____, 1993.

, Presiding Officer

ATTEST:

Clerk of the Council

L:\OR93-480.MGS

Exhibit A
Ordinance No. 93-480

FISCAL YEAR 1992-93		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND: Council							
<u>Personal Services</u>							
511110	ELECTED OFFICIALS						
	Councilors		0	2.34	162,400	2.34	162,400
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Council Administrator	1.00	67,766		0	1.00	67,766
	Sr. Management Analyst	3.00	136,188		0	3.00	136,188
	Assoc. Management Analyst	0.50	19,000	0.50	20,000	1.00	39,000
	Clerk of the Council	1.00	30,600		0	1.00	30,600
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	3.00	79,366		0	3.00	79,366
	Secretary	1.00	19,199		0	1.00	19,199
511400	OVERTIME		2,500		0		2,500
512000	FRINGE		120,570		62,016		182,586
Total Personal Services		9.50	475,189	2.84	244,416	12.34	719,605
<u>Materials & Services</u>							
521100	Office Supplies		7,100		0		7,100
521320	Dues		500		0		500
524110	Accounting & Auditing Services		60,000		0		60,000
524190	Misc. Professional Services		20,000		0		20,000
525640	Maintenance & Repairs Services-Equipment		1,000		0		1,000
525733	Operating Lease Payments-Other		15,000		0		15,000
526200	Ads & Legal Notices		1,300		0		1,300
526310	Printing Services		3,200		0		3,200
526410	Telephone		900		0		900
526440	Delivery Services		700		0		700
526500	Travel		10,000		0		10,000
526800	Training, Tuition, Conferences		5,500		0		5,500
528100	License, Permits, Payments to Other Agencies		9,500		0		9,500
528200	Election Expense		188,000		0		188,000
529110	Council Per Diem		104,400		(60,000)		44,400
529120	Councilor Expenses		33,250		0		33,250
529500	Meetings		11,000		0		11,000
Total Materials & Services			471,350		(60,000)		411,350
<u>Capital Outlay</u>							
571500	Purchases-Office Furniture & Equipment		4,000		0		4,000
Total Capital Outlay			4,000		0		4,000
TOTAL EXPENDITURES			950,539		184,416		1,134,955

Exhibit A
Ordinance No. 93-480

FISCAL YEAR 1992-93		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ACCT #	DESCRIPTION						
GENERAL FUND:General Expenses							
	Total Interfund Transfers		2,912,757		0		2,912,757
	Contingency and Unappropriated Balance						
599999	Contingency		452,085		(184,416)		267,669
599990	Unappropriated Fund Balance		261,912		0		261,912
	Total Contingency and Unappropriated Balance		713,997		(184,416)		529,581
	TOTAL EXPENDITURES	16.25	5,233,578	2.84	0	19.09	5,233,578

Exhibit B
Schedule of Appropriations
Ordinance No. 93-480

	Current Appropriation	Revision	Proposed Appropriation
GENERAL FUND			
Council			
Personal Services	\$475,189	\$244,416	\$719,605
Materials & Services	\$471,350	(\$60,000)	\$411,350
Capital Outlay	\$4,000	\$0	\$4,000
Subtotal	\$950,539	\$184,416	\$1,134,955
Executive Management			
Personal Services	\$330,171	\$0	\$330,171
Materials & Services	\$142,742	\$0	\$142,742
Capital Outlay	\$0	\$0	\$0
Subtotal	\$472,913	\$0	\$472,913
Office of Government Relations			
Personal Services	\$100,901	\$0	\$100,901
Materials & Services	\$82,471	\$0	\$82,471
Capital Outlay	\$0	\$0	\$0
Subtotal	\$183,372	\$0	\$183,372
General Expenses			
Interfund Transfers	\$2,912,757	\$0	\$2,912,757
Contingency	\$452,085	(\$184,416)	\$267,669
Subtotal	\$3,364,842	(\$184,416)	\$3,180,426
Unappropriated Balance	\$261,912	\$0	\$261,912
Total General Fund Requirements	\$5,233,578	\$0	\$5,233,578

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: December 9, 1992

To: Metro Council

From: Donald E. Carlson, Council Administrator *DE*

Re: Draft Ordinances to Implement Charter Provisions for Councilor Salaries

The purpose of this memo is to provide draft ordinances to implement the salary provisions of the Metro Charter. The memo also contains two legal opinions from General Counsel on the subject.

The first opinion is in the form of a letter to the Presiding Officer dated December 7, 1992 (see Attachment 1) which states that a councilor, including the Presiding Officer, may waive all or a portion of the salary provided for in the Metro Charter. The opinion also recommends that the Council adopt an ordinance establishing procedures to implement the waiver provisions. That draft ordinance is included in this memo as Attachment 4.

The second opinion is a memo to me dated December 7, 1992 (see Attachment 2) which states that the general powers clause of the Charter (Section 9) contains sufficient authority for councilors to receive fringe benefits such as provided to Metro employees.

Attachment 3 is a draft ordinance which amends the current year budget and appropriations schedule to provide funds for councilor salaries and fringe benefits as well as additional funds for the citizen involvement program. As shown in Exhibit A the councilor salary and fringe portion of the amendment is an additional \$217,616 and the salary and fringe costs for the citizen involvement program is an additional \$26,800. The latter amount would provide sufficient funds to increase the Associate Council Analyst position to full-time (see Carlson/Shiochi memo dated December 7, 1992). The proposed amendment assumes all councilors will receive the full amount of the salary and a fringe rate of 34%. These additional costs are proposed to be funded with unspent Councilor Per Diem funds (\$60,000) and a transfer from the General Fund Contingency (\$184,416). Council Staff recommends the use of any unspent election expense funds left over after paying for the November election to reduce the draw on the Contingency. The costs of the election should be known prior to action on this ordinance in January 1993.

Attachment 4 is a draft ordinance suggested by General Counsel. It provides for councilors to be paid on a twice-a-month basis at the same time as Metro employees and a requirement for councilor's who wish to waive all or a portion of their salaries to do so for a period of not less than six months and to sign a release form upon receipt of each pay check.

Please review this material and bring it with you to the Council workshop on December 14, 1992. If you have any questions or need additional information, please let me know.

cc: Rena Cusma, Executive Officer
Dan Cooper, General Counsel

Ord. 93-xxx couSal.memo



METRO

ATTACHMENT 1

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

December 7, 1992

The Honorable Jim Gardner
Presiding Officer
2930 S.W. Second Avenue
Portland, OR 97201

Dear Councilor Gardner:

Re: Waiver of Councilors' Salaries Under the 1992 Metro Charter

You and other Councilors have asked this Office to advise you regarding the ability of a Councilor or the Presiding Officer to waive all or part of the salary provided for in the new Metro Charter.

The case law in Oregon as well as most of the case law elsewhere approaches the validity of a salary waiver from the standpoint of an officer who is seeking a judgment for full pay after having purportedly "waived" all or part of a salary. These are cases where the officer has at first seemingly agreed to take less than the authorized salary and then at a later time sought to be paid in full. Our opinion is that the Charter clearly would preclude any challenge to the validity of an agreement by a Metro Councilor including the Presiding Officer to waive all or part of a salary. However, we believe an implementing ordinance is advisable in order to ensure that there is certainty as to the commitment to waive the salary both as to the amount waived and the duration of the waiver.

In understanding the scope and nature of this opinion, it is important to recognize that the discussion of the law starts from the premise that no legal prohibition exists against accepting a paycheck for less than what someone is willing to pay. The issue is whether an elected official or other officer ever gives up the ability to change their mind and at a later date ask the courts to force payment of the amount that they voluntarily relinquished. Since the Charter addresses the issue of waiver of a salary, it is appropriate for the District as an entity to know what its right is to expect that any waiver of a salary, whether partial or in full, be final and not subject to being rescinded at a later time. This opinion addresses that question and that question only. We specifically do not address questions regarding the effect of a waiver on individual Councilor's income tax liability or other employment or other legal issues personal to individual Councilors. We also do not address any questions related to the perceived political implications of any salary waiver decisions.

Executive Officer
Rena Cusma

Metro Council

Jim Gardner
Presiding Officer
District 3

Judy Wyers
Deputy Presiding
Officer
District 8

Susan McLain
District 1

Lawrence Bauer
District 2

Richard Devlin
District 4

Edward P. Gronke
District 5

George Van Bergen
District 6

Ruth McFarland
District 7

Tanya Collier
District 9

Roger Buchanan
District 10

Ed Washington
District 11

Sandi Hansen
District 12

I. Background

Chapter V, Section 21(1), of the 1992 Metro Charter provides that "[a] councilor may waive a salary." The Charter does not specifically state whether a Councilor may waive part of a salary. It also does not specifically state whether the Presiding Officer may waive all or part of a salary.

II. Questions Presented

Can a Councilor validly waive part of a salary?

Can the Presiding Officer validly waive all or part of a salary?

III. Answer to Questions Presented

Yes, for both questions. However, in order to avoid any possible ambiguities, it would be desirable for the Council to enact an ordinance implementing the Charter's waiver provision by providing for binding salary waiver agreements and written releases by each Councilor who waives part of a salary, and for any salary waivers by the Presiding Officer, upon periodic receipt of any salary remaining after the waiver.

IV. Analysis

A. Common Law

"At common law, acceptance by a public officer of an amount less than his or her salary does not represent a waiver, estoppel or accord and satisfaction." McQuillin Mun Corp § 12.191. (3rd Ed). See, e.g., De Boest v. Gambell, 35 Or 368, 58 P2d 72 (1899); Brown v. Department of Military Affairs, 386 Mich. 194, 191 N.W.2d 347 (1971). Accordingly, courts have often held that even a voluntary agreement by a public officer to accept less than the statutorily mandated salary of his/her office is void, and the public officer may, in an appropriate legal action, recover the full amount of the salary notwithstanding any agreements to the contrary. Fisher v. Lane, 174 Or 438, 149 P2d 562 (1944); McQuillin § 12.191., supra.

Courts base this common law doctrine on two separate principles. The first consideration is that a public official's salary is not contractual in nature, but rather a matter determined by statute or by organic

enactment. Since the salary under this view is simply not a matter governed by contract law in the first place, no purported amendment or waiver of the salary provisions mandated by law can be deemed effective. Dunn v. Meyer, 193 Ga. 91, 17 S.E.2d 275 (1941).

The second principle behind the common law rule is a court-formulated notion of public policy. The vast majority of American courts have reasoned that allowing a public official to waive all or part of a salary would offend public policy by transforming the election process into an "auction method," whereby the candidate willing to serve for the least amount of salary would gain an electoral advantage. Allen v. City of Lawrence, 61 N.E.2d 133 (1945); Sparks v. Boggs, 339 S.W.2d 480, (1960).

B. Oregon Supreme Court Precedents

Oregon courts have generally followed this widespread national rule, but with a significant exception. The primary case in this area is De Boest v. Gambell, 35 Or 368, 58 P2d 72 (1899). In De Boest, the plaintiff, an officer of the City of Portland, accepted a salary less than the amount fixed by law, and then, upon leaving office, brought an action for the remainder. The Oregon Supreme Court stated the general rule governing these cases:

"It may be stated at the outset that, where the compensation of a public officer is fixed by law, it cannot be reduced by his superior officer or the person by whom he is employed, and the mere fact that he takes the reduced salary does not prevent him from claiming the residue; nor is an agreement or promise to accept such reduced salary binding upon him. The statutory salary of a public office belongs to the incumbent, as an incident of the office and as a matter of right; and he is entitled to receive it, not by force of any contract, but because the law attaches it to the office. It cannot be reduced except by some valid statute, and hence any at-

tempted reduction thereof by any officer or board is void, and the mere acceptance of such reduced salary does not constitute a waiver or create an estoppel." De Boest, supra, 35 Or at 372-373. (emphasis added) (citations omitted)

However, the court in De Boest recognized an apparent exception to this rule for agreements between the public official and the public body which have been "fully executed and performed":

"Notwithstanding the fact that the resolution of the board [improperly reducing the plaintiff's salary] and the plaintiff's agreement to accept the reduced salary were void, he clearly had a right to release the city from any claim for his salary over and above the stipulated amount; and when at the end of each month he accepted the reduced salary as full compensation for this services for the preceding month, in pursuance of his agreement, it was, in our opinion, substantially the same as if he had made a donation to the city of the difference between his agreed and the statutory salary. It was a voluntary act on his part, in pursuance of an agreement or contract entered into by him, and there is no reason why he ought not now to be bound by it." De Boest, supra, 35 Or at 374-5.

The Court stated the general rule governing these situations as follows:

"Where a public officer enters into an agreement with the board or person by whom he is employed or appointed to accept an office and discharge the duties

thereof for a less compensation than that provided by law, and such an agreement has been fully executed and performed, although invalid, as against public policy, at its inception, it is, after having been so executed, in our opinion, binding in law, as it always was in morals.

...[W]here the officer actually agrees to the acceptance of the reduced salary, and, after it has been earned, does so accept it, he will be held to be bound by his agreement and contract, the same as in any other case." De Boest, supra, 35 Or at 375-378.

The Supreme Court followed this doctrine, in Chandler v. City of Elgin, 129 Or 558, 278 P2d 581 (1929). In Chandler a city marshall accepted a lower salary than prescribed by law. After leaving office, the official brought an action for the entire amount, even though, during each month of his service, he had requested only the lower amount and signed a receipt acknowledging full payment. The Court, citing, De Boest, supra, held that, while such an agreement was invalid prior to performance:

"after the performance of the services the party may receive less compensation therefor than the legal salary, if he choose [sic] to do so. And where he renders a bill purporting to cover such services, and the whole thereof, and such bill is allowed and paid as rendered, and payment accepted without objection or protest, it amounts to an adjudication, and, in the absence of surprise, accident, or mistake of fact, cannot be reopened. Parties cannot so divide their claims and present them by installments.

...This we believe to be the law, in accord with the great weight of authority

and controlling here." Chandler, supra,
129 Or at 562, citing De Boest, supra,
and O'Hara v. Town of Park River, 1.
N.D. 279, 47 N.W. 380.

A contrary result occurred in Fisher v. Lane, 174 Or 438, 149 P2d 562 (1944). There, the Court refused to apply the De Boest and Chandler exception to a waiver executed by a justice of the peace, because allowing a waiver in that situation would have violated the separate public policy interest in an impartial judiciary.

C. Effect of 1992 Metro Charter

Significantly, none of the courts in the cases cited above were presented with specific legislative or constitutional authority allowing public officials to waive their salaries, in whole or in part. Therefore, these cases, and the reasoning behind them, are of limited usefulness in light of the explicit salary waiver provision contained within the 1992 Metro Charter:

"Section 21. Compensation of Elected Officers

(1) Council. The salary of the council presiding officer is two-thirds the salary of a district court judge of this state. The salary of every other councilor is one-third the salary of a district court judge of this state. A councilor may waive a salary." Chapter V, Section 21(1), of the 1992 Metro Charter.

By specifically permitting a Councilor to "waive a salary," the Charter effectively does away with much of the rationale that supported the common law anti-waiver rule in the first place. The non-contractual nature of a Councilor's salary can no longer support the notion that the salary cannot be waived where, as here, the organic legislation of the public body in question specifically allows waiver. More importantly, the court-formulated concept of what constitutes good public policy has clearly been supplanted by the judgment of the

Metro electorate that salary waivers ought to be permitted. Finally, even the Oregon cases prohibiting waiver do not apply when "some valid statute" would permit the waiver. De Boest, supra, 35 Or at 372-373.

While it is clear that the Charter's provisions make it possible for a Councilor to "waive a salary," the Charter is silent on the question of whether a Councilor may waive part of a salary. Because the electorate of the region has, through the Charter, effectively overruled the common law rationale for prohibiting waivers in the first place, there is no longer a need for a court to determine what public policy in this area should be. The electorate has determined that, as a matter of public policy, salary waivers ought to be permitted for Metro Councilors. Thus, the Charter has dispensed with the major public policy consideration upon which the cases cited above were based. For this reason, the cases disallowing salary waivers are of doubtful validity where Metro Councilors are concerned.

Moreover, the Oregon cases do allow for salary waivers under certain specified conditions. Although stating consistently that salary reduction agreements are void while executory, the Oregon Supreme Court has held that such agreements are nevertheless binding if a public official voluntarily releases the public body from any claims he/she may have, upon performance of the duties in question, and pursuant to an agreement between the public body and the official. Based on these precedents, even if the Charter were silent on the issue of a salary waiver, there would seem to be nothing prohibiting the Council from enacting an ordinance or resolution implementing the salary waiver provision of the Charter by requiring Councilors who wish to waive all or a part of a salary to do so by formal agreement with Metro, including the signing of a release upon each periodic receipt of compensation which acknowledges that the Councilor has been fully compensated for all services rendered during the period in question, and releasing Metro from any future salary claims. Given the explicit language of the Charter which clearly provides for a waiver of all of a salary, we conclude there is no basis for a court to invalidate a partial waiver of a salary.

As quoted above, the relevant Charter section provides "a councilor may waive a salary." We believe that in the context of Section 21(1), the term "councilor" includes the Presiding Officer. The first

Councilor Jim Gardner
Page 8
December 7, 1992

sentence of Section 21 describes the salary of the Presiding Officer. The second sentence describes the salary of "every other councilor." In this context the use of the term "a councilor" in the next sentence means all Councilors, not "every other councilor."

Charter Section 16(5) provides that the Presiding Officer is elected from the Council membership. With the exception of the salary provided for in Section 21, there is no other language in the Charter that would indicate that the Presiding Officer is not a Councilor for the purpose of being authorized to waive a salary. Further, as is indicated above, even if the Charter is construed as being silent on this issue, under Oregon law a salary waiver by the Presiding Officer would be upheld as long as the procedural requirements established by the Oregon Supreme Court are complied with.

V. Conclusion

Pursuant to the 1992 Metro Charter, any Metro Councilor, including the Presiding Officer, may waive all or part of a salary.

However, in order to assure that such waivers are valid and binding, it would be desirable that they take place within the framework of a duly enacted ordinance. Such an enactment should implement the salary and waiver sections of the 1992 Metro Charter by providing that any Councilor may waive part of a salary by signing a written agreement to that effect. Also, the ordinance should specify that Councilors' salary shall be paid periodically, and that each periodic payment shall represent full payment for all services rendered during the period in question. Finally, each Councilor who waives part of a salary should be required to sign a release upon receipt of each periodic salary payment stating that the Councilor has been paid in full for all public services for that period, and releases any and all further salary claims against Metro for the period in question.

Yours very truly,



Daniel B. Cooper,
General Counsel


DBC/MBW/dr 1645/6.122.C cc: Metro Councilors

**METRO**2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: December 7, 1992

To: Don Carlson, Council Administrator

From: Daniel B. Cooper, General Counsel 

Regarding: **BENEFITS FOR METRO COUNCILORS**
Our file: 6.§22.C

You have requested that this Office review the 1992 Metro Charter and advise you whether it is permissible for the Council to provide that, in addition to the salary provided for Councilors pursuant to Charter Section 21, Councilors receive an employee benefits package (medical, dental, insurance, etc.) similar to that provided for other Metro employees.

For the reasons stated below, we believe since there is no provision in the Charter that prohibits the Council from providing for the payment of such a benefit package, the general powers clause (Section 9) contains sufficient authority for doing so.

Section 21 of the Charter establishes the salary for Councilors, the Presiding Officer, the Auditor, and the Executive Officer. No other provision of the Charter specifically authorizes or restricts the ability of the Council to establish a compensation package for all Metro employees. This Office previously has advised the Council that pursuant to the provisions of ORS 268.160, the Council was precluded from paying for medical insurance and other benefit costs for Councilors because Councilors were not considered to be employees of the District pursuant to the statute, rather as officers, they were restricted to receiving only the compensation provided for by the statute (per diem and other necessary expenses). The provision of the Charter, Section 21, authorizing and directing the payment of a salary to the Councilors, indicates that the voters have approved a significant policy shift and that the Councilors no longer are restricted in this fashion.

District court judges receive salary and a benefit package pursuant to Oregon law. The Charter ties the salary of Councilors, the Presiding Officer, the Auditor, and the Executive Officer to the salary of a district court judge. The Charter specifically restricts the Metro Executive Officer (Section 17) and the Metro Auditor (Section 18) to serve full-time and prohibits their employment by any other person or entity while serving in that office. The Charter does not provide a similar restriction for the offices of Councilors, including the office of Presiding Officer. The Charter, however, does not provide for the specific payment of benefits in the form of additional compensation for any persons including the Auditor or the Executive Officer.

Don Carlson
Page 2
December 7, 1992

The only way to conclude that Councilors would not be eligible for receipt of employment benefits, such as health and medical and dental insurance, etc., would be to reach the conclusion that the Executive Officer and the Auditor were also ineligible for such benefits. Since the Charter does not specifically prohibit the payment of compensation benefits, Section 9 of the Charter (General Grant of Powers) is sufficient to grant authority to the Council to legislate a benefits package for itself, the Executive Officer, the Auditor, and all other Metro employees.

I am attaching for your reference the previous opinion of this Office to Councilor Bauer dated April 9, 1990, in this regard.

dr
1646

Attachment

Date: April 9, 1990
To: Councilor Larry Bauer
From: Daniel B. Cooper, General Counsel
Regarding: REIMBURSEMENT TO METRO COUNCILORS FOR THE COST OF
METRO HEALTH INSURANCE COVERAGE

I understand that you have requested that funds be included in the FY 1990-91 budget to allow any Councilor who chooses to join the District's health insurance program to receive reimbursement for this expense.

I have been asked by the Council Administrator to review the proposal to determine whether it would be possible for the Council to so budget and for such reimbursement payments to be made.

For the reasons stated below, my conclusion is that reimbursement of Metro Councilors by the District for the expense of obtaining medical insurance in all probability violates the provisions of ORS 268.160.

ORS 268.160 provides in pertinent part:

"Councilors shall receive no other compensation for their office other than a per diem for meetings, plus necessary meals, travel and other expenses as determined by the council."

The provisions of ORS 268.160 pertaining to the Metropolitan Service District Council are similar to the provisions of ORS 198.190 relating to special districts in general:

"The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by member in performing official duty."

Similarly, the provisions of ORS 267.112(5) pertaining to Tri-Met Directors provide:

Councilor Larry Bauer

~~December 2, 1992~~ 4/9/90

Page 2

"Directors shall not be entitled to compensation for their services but shall be entitled to reimbursement for actual and necessary expenses incurred or paid in the performance of their duties as members of the board."

The provisions of some city charters are also similar:

"No compensation shall be paid for members of the council except for 'allowance for expenses incidental to that service in an amount and in a manner set by the council by ordinance.'" Section 13, Lake Oswego City Charter.

Research has revealed no Oregon Appellate Court decisions construing any of these statutory provisions regarding the question of whether or not reimbursement for medical or other insurance costs could be considered to be a reimbursable expense.

In general the question of whether or not an expense is reimbursable for a municipal officer is considered to depend upon necessity of the official incurring the expense as a function of their official duties and the benefits received by the public or the municipality from the incurrence of the expense. McQuillan Municipal Corporations states:

"The true test in all such cases is, was the act done by the officer relative to a manner in which the local corporation had an interest or have an affect on municipal rights or property, or the rights or property of the citizens which the officer was charged with an official obligation to protect and defend."

McQuillan Municipal Corporations, Section 12.190.

In Brown v. Wingard, 285 S.C. 478, 330 S.E.2d, 301 (1985), the South Carolina Supreme Court held that a statutory provision that stated:

"The mayor and council may also receive payment for actual expenses incurred in the performance of their official duties with limitations prescribed by ordinance."

Councilor Larry Bauer

~~December 2, 1992~~ 4/9/90

Page 3

Precluded the reimbursement of the mayor and council members of the City of Greenwood, South Carolina, for the expenses of their spouses travelling with them to attend a National League of Cities convention in Los Angeles in 1982. The Court found that such expenses were not directly related or required in the performance of the official duties of the mayor and council members.

In reaching the conclusion that reimbursement of medical insurance costs for Councilors is not a permissible expense for which Council members may be reimbursed, I have considered the following factors as discussed below.

Medical insurance is normally provided as a benefit furnished to employees as part of their overall compensation package. See ORS 243.205 in general. ORS 268.160 has the effect of precluding the District from treating Council members as employees in that payment of any salary is clearly prohibited. Payment of medical benefits which is commonly included as part of the overall compensation package for employees would probably be considered as compensation not reimbursement of an expense. This is particularly true if the reimbursement was for only expenses incurred in purchasing the coverage as part of the package furnished to Metro employees.

Secondly, and most importantly, the expense of obtaining medical insurance is not directly related to the functions of being a Metro Councilor. Applying the test set forth in McQuillan, I can find no rational connection between the need to incur the expense of obtaining medical coverage and holding the office of being a Metro Councilor. All individuals in our society face the question of whether they should obtain medical insurance coverage and face the risk associated of not having such coverage and finding themselves in a position of needing to pay for needed medical care directly. While it is possible to envision certain fact scenarios where holding a certain public office might greatly increase the risk of incurring medical expenses or place an individual in such a category that medical insurance otherwise available to citizens at large would not be available because of factors associated with holding a certain public office, I am aware of no information that makes me believe that is true of holding the office of Metro Councilor. There are no factual circumstances of which I am aware of which would support a finding by the Council that there is a direct connection between the need for obtaining medical insurance and holding the office of Metro Councilor. Absent such a finding by the Council I believe the courts would not support a Council determination that medical insurance was in fact a reimbursable expense. The fact

Councilor Larry Bauer

~~December 27, 1992~~ 4/9/90

Page 4

that the insurance expense being reimbursed is that provided to the District's employees would also make it more difficult to sustain the position that medical insurance is a reimbursable expense.

If the members of the Council desire to pursue this matter further I would recommend that clarifying legislation be sought to specifically allow the payment of such insurance benefits as a reimbursement.

Some local jurisdictions are allowed to make payments of salary to elected officials. They are not subject to the restrictive legislation that the Metro Council is subject to and have the flexibility to provide insurance benefits along with the salary package. The circumstances at Metro are different because of the provisions of ORS 268.160.

DBC/gl

1094

cc: Donald Carlson

Meeting Date: December 22, 1992
Agenda Item No. 5.4

ORDINANCE NO. 93-481



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: December 16, 1992
To: Finance Committee
From: Donald E. Carlson, *DE* Council Administrator
Re: Finance Committee Introduction of Councilor Salary Ordinances

Please find attached Draft Ordinance No. 93-480 and Draft Ordinance No. 93-481. The purpose of Ordinance No. 93-480 is to amend the FY 92-93 Budget and Appropriations Schedule to pay for Councilor salaries and benefits and the citizen involvement program required under the Charter. The ordinance is the same as reviewed and discussed by the Council at it's December 14 Work Session.

The purpose of Ordinance No. 93-481 is to amend the Metro Code to provide establish procedures for the payment of Councilor salaries including a waiver procedure. The ordinance also repeals the provisions in the Code for the payment of per diem. This ordinance is different from that discussed at the December 14 Work Session in that:

1. In response to the concern expressed by Councilor Buchanan about the waiver period, the six month period has been deleted and language has been added to state that the waiver will remain in effect until canceled in writing by the councilor. The cancellation would be effective at the beginning of the next pay period.
2. In response to the question about the base for the provision of benefits language has been added to clarify that benefits would be based on the full salary provided by law regardless of the waiver of any salary payments.

Both these changes have been developed with the assistance of General Counsel Dan Cooper.

Also attached is a copy of the December 9, 1992 memo to the Council which explains the purpose of the two ordinances.

Council Staff recommends that the Finance Committee adopt a motion to introduce both ordinances for filing with the Council Clerk and First Reading on the December 22, 1992 Council Meeting.

Council Salary Ordinances.memo

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING METRO CODE)	ORDINANCE NO. 93-481
SECTION 2.01.170 TO REPEAL COUNCILOR)	
PER DIEM PROCEDURES; ESTABLISH)	Introduced by the
COUNCILOR SALARY PROCEDURES; AND)	Finance Committee
DECLARING AN EMERGENCY)	

WHEREAS, voters of the Metropolitan Service District approved a Metro Charter on November 3, 1992; and

WHEREAS, the Metro Charter removes the authority to pay Metro Councilors a per diem payment and authorizes the payment of a salary to Councilors for services rendered; now therefore, THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Section 2.01.170 is amended to read:
2.01.170 [Per Diem] Salary and Expenditure Reimbursement Guidelines:

(a) Councilors shall be paid an authorized salary at the same time as regular Metro employees. The amount of the salary shall be as prescribed by law. The annual salary shall be divided into twenty four equal payments. If a councilor vacates the office he or she shall be paid on a pro-rata basis for the number of working days from the last pay period. A councilor may waive all or any portion of an authorized salary by signing a waiver form which indicates the amount of the salary waived and the period of time for the waiver. The waiver shall remain in effect until written notice of cancellation is given prior to the commencement of the pay period for which the waiver will no longer be in effect. A councilor who waives a salary must sign a release form at the time

of receipt of a salary which releases Metro from any further obligation for the period of time for which the salary is paid. The Council Administrator shall provide the necessary forms for implementation of this section. Not with standing any waiver of salary all councilor's shall receive the full benefit (health and welfare) package received by other Metro employees. Such benefits shall be based on the full salary of the councilor provided by law regardless of any waiver of salary payments.

(b) The Council by resolution shall adopt guidelines for the [payment of per diem to Councilors and the] reimbursement of Councilors and Council employees for expenses incurred in the conduct of business of [the District] Metro. The guidelines shall specify the amount [of the per diem payment,] each councilor shall receive for authorized expenditures, the type of authorized expenditure, and procedures for the request and approval of [per diem and] expenditure requests.

Section 2. Effective Date. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the Metro Charter takes effect January 1, 1993, requiring that compensation to Councilors be in the form of a salary, an emergency is declared to exist and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____, 1993.

ATTEST: _____, Presiding Officer

Clerk of the Council

L:\OR93-481.MGS

Meeting Date: December 22, 1992
Agenda Item No. 6.1

ORDINANCE NO. 92-478



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503-221-1646

Memorandum

DATE: December 17, 1992

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 6.1; ORDINANCE NO. 92-478

The Finance Committee report on Ordinance No. 92-478 will be distributed in advance to Councilors and available at the Council meeting December 22, 1992.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO.)
92-449B REVISING THE FY 1992-93 BUDGET)
AND APPROPRIATIONS SCHEDULE FOR)
THE PURPOSE OF FULLY FUNDING THE)
PORTLAND/OREGON VISITOR ASSOCIATION)
MARKETING PLAN FOR THE OREGON)
CONVENTION CENTER)

ORDINANCE NO. 92-478

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to transfer appropriations within the FY 1992-93 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That Ordinance No. 92-449B, Exhibit B, FY 1992-93 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance transferring \$193,085 from the Oregon Convention Center Fund's Contingency to Materials & Services to fully fund the Portland/Oregon Visitor Association marketing plan for the Oregon Convention Center.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

Jim Gardner, Presiding Officer

ATTEST:

Clerk of the Council

Exhibit A
Ordinance No. 92-478

FISCAL YEAR 1992-93		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OREGON CONVENTION CENTER OPERATING FUND							
Total Personal Services		89.33	2,804,847	0.00	0	89.33	2,804,847
<u>Materials & Services</u>							
521100	Office Supplies		29,800		0		29,800
521290	Other Supplies		101,300		0		101,300
521292	Small Tools		7,940		0		7,940
521310	Subscriptions		450		0		450
521320	Dues		6,910		0		6,910
521400	Fuels & Lubricants		3,500		0		3,500
521540	Maintenance and Repair Supplies -Equipment		20,000		0		20,000
524120	Legal Fees		3,000		0		3,000
524130	Promotion/Public Relations		97,902		0		97,902
524190	Misc. Professional Services		1,165,915		193,085		1,359,000
525110	Utilities-Electricity		375,000		0		375,000
525120	Utilities-Water and Sewer		47,500		0		47,500
525130	Utilities-Natural Gas		50,000		0		50,000
525150	Utilities-Sanitation Services		25,000		0		25,000
525610	Maintenance & Repair Services-Building		78,000		0		78,000
525640	Maintenance & Repair Services-Equipment		50,555		0		50,555
525710	Equipment Rental		11,600		0		11,600
526200	Ads & Legal Notices		22,400		0		22,400
526310	Printing Services		74,400		0		74,400
526320	Typesetting and Reprographics		10,200		0		10,200
526410	Telephone		120,000		0		120,000
526420	Postage		14,006		0		14,006
526500	Travel		41,590		0		41,590
526690	Concession/Catering Contract		1,961,350		0		1,961,350
526691	Parking Contract		49,160		0		49,160
526700	Temporary Help Services		5,750		0		5,750
526800	Training, Tuition, Conferences		10,000		0		10,000
526910	Uniforms and Cleaning		11,700		0		11,700
529500	Meetings		2,000		0		2,000
529800	Miscellaneous		7,050		0		7,050
525740	Capital Lease Payments-Office Equipment		6,500		0		6,500
Total Materials & Services			4,410,478		193,085		4,603,563
Total Capital Outlay			303,487		0		303,487
Total Interfund Transfers			793,971		0		793,971
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		670,000		(193,085)		476,915
599990	Unappropriated Balance						
	• Restricted		400,000		0		400,000
	• Unrestricted		2,905,758		0		2,905,758
Total Contingency and Unappropriated Balance			3,975,758		(193,085)		3,782,673
TOTAL EXPENDITURES		89.33	12,288,541	0.00	0	89.33	12,288,541

Exhibit B
Schedule of Appropriations
Ordinance No. 92-478

	Current Appropriation	Revision	Proposed Appropriation
OREGON CONVENTION CENTER OPERATING FUND			
Personal Services	\$2,804,847	\$0	\$2,804,847
Materials & Services	\$4,410,478	\$193,085	\$4,603,563
Capital Outlay	\$303,487	\$0	\$303,487
Intertund Transfers	\$793,971	\$0	\$793,971
Contingency	\$670,000	(\$193,085)	\$476,915
Unappropriated Balance	\$3,305,758	\$0	\$3,305,758
Total Oregon Convention Center Operating Fund Requirements	\$12,288,541	\$0	\$12,288,541

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 92-478 AMENDING ORDINANCE NO. 92-449B REVISING THE FY 1992-93 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FULLY FUNDING THE PORTLAND/OREGON VISITOR ASSOCIATION MARKETING PLAN FOR THE OREGON CONVENTION CENTER

Date: November 27, 1992

Presented by: Dominic Buffetta

FACTUAL BACKGROUND AND ANALYSIS

As part of the FY 1992-93 budget process, POVA identified its needs to market the Oregon Convention Center and submitted their budget to the Metropolitan Exposition-Recreation Commission. There was disagreement between the Commission and POVA as to the amount that was necessary for the purpose intended. During budget deliberations, the Metro Council urged the Commission and POVA to continue negotiations to reach an agreement, and placed \$320,000 in the Oregon Convention Center Fund's contingency for eventual settlement of the issue. The Metropolitan Exposition-Recreation Commission and POVA have agreed to raise POVA's budget to \$1,276,500, an increase of \$193,085. In addition, both parties have agreed to a new billing system which details expenditure items into a reimbursement for actual costs and hours spent on marketing the Oregon Convention Center. MERC Resolution No. 209, passed by the Commission on November 18, 1992, approves the new billing system and requests the Metro Council to release the contingency funds necessary to fully fund the increased POVA budget.

This action requests the transfer of \$193,085 from the Oregon Convention Center Fund's contingency to Materials & Services, Miscellaneous Professional Services to fund this purpose.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive officer recommends adoption of Ordinance No. 92-478 transferring \$193,085 from the Oregon Convention Center Fund's Contingency to Materials & Services to fund the increase in the POVA contract.

kr:ord92-93:pova:sr.doc
November 27, 1992

Meeting Date: December 22, 1992
Agenda Item No. 7.1

RESOLUTION NO. 92-1730A

REGIONAL FACILITIES COMMITTEE REPORT

RESOLUTION NO. 92-1730A, AUTHORIZING AN AGREEMENT WITH STEELCASE AND SMITH BROTHERS OFFICE ENVIRONMENTS, INC., AND AN INTERGOVERNMENTAL AGREEMENT WITH WASHINGTON COUNTY.

Date: December 17, 1992

Presented by: Councilor McLain

COMMITTEE RECOMMENDATION: At its December 8, 1992 meeting the Regional Facilities Committee voted 4-0 to recommend Council adoption of Resolution No. 92-1730A. Voting were Councilors McLain, Gronke, McFarland, and Washington. Councilor Collier was absent.

COMMITTEE DISCUSSION/ISSUES: Metro Regional Center Project Manager Berit Stevenson presented the staff report. The resolution would authorize Metro to enter into an Intergovernmental Agreement with Washington County to allow Metro to purchase office equipment from the County's requirements contract with Smith Brothers for Steelcase brand equipment. The equipment to be purchased is primarily office panels and overhead storage units; staff had earlier identified Steelcase as the preferred manufacturer of this equipment, based on cost and quality. Steelcase is widely used as a provider of such equipment, and the cost for the Steelcase equipment was the lowest among eight brands that submitted preliminary bids.

An Intergovernmental Agreement is necessary because Metro Code only allows utilization of the State of Oregon bid list, and the State does not include this type of equipment on its list. Ms. Stevenson pointed out, however, that Washington County underwent a formal bid process which identified Steelcase and Smith Brothers as its preferred provider, and added that the State buys such equipment using the Washington County requirements contract.

Councilor Gronke said he agreed with Ms. Stevenson's assertions regarding the process and supported the resolution. He added that he has some experience with Steelcase equipment, which he has found to be satisfactory.

Council Analyst Casey Short asked for the committee's approval to work with counsel to determine whether the resolution required technical modification to bring it into compliance with Metro Code and procedures. He said his concern was based on having little time to review the resolution before the committee considered it, and the review he had been able to give it raised some questions about its format. The committee authorized him to make technical amendments to the resolution if deemed necessary, and have the resolution come to Council as No. 92-1730A.

The changes shown in the version of the resolution before Council are a result of recommendations from counsel.

BEFORE THE CONTRACT REVIEW BOARD OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN)
AGREEMENT WITH STEELCASE AND)
SMITH BROTHERS OFFICE)
ENVIRONMENTS INC. AND AN)
INTERGOVERNMENTAL AGREEMENT)
WITH WASHINGTON COUNTY)

RESOLUTION NO. 92-1730 -A

Introduced by Rena Cusma
Executive Officer

WHEREAS, the Metro Regional Center Project includes the procurement of some systems office furnishings for the open office area of the new building; and

WHEREAS, Washington County has established a Requirements Contract with Steelcase and Smith Brothers Office Environments, Inc. to provide Steelcase product; and

WHEREAS, the Requirements Contract provides for other government agencies to take advantage of the discounted pricing reflected in the Contract by way of an Intergovernmental Agreement which is Attachment A; and

WHEREAS, Metro has conducted a fiscal analysis which identifies the Steelcase product as the least costly alternative and has determined that the Steelcase product is a widely used, quality product; now therefore,

BE IT RESOLVED,

- (1) that the Contract Review Board of the Metropolitan Service District hereby authorizes the execution of an Intergovernmental Agreement with Washington County in a form substantially similar to the attached Attachment A for the purposes of purchasing systems furniture from the Requirements Contract with Steelcase and Smith Brothers;
- (2) that the Contract Review Board recognizes that purchases from the Washington County Requirements Contract will not reduce competition, will save time and will result in minimal product pricing;
- (3) [~~and that purchases made through the Washington County procurement system pursuant to the Intergovernmental Agreement are exempt from competitive bidding requirements.~~]
the Agreement for purchase of systems office furnishings for the Metro Regional Center with Steelcase and Smith Brothers Office Environments Inc. in an amount not to exceed \$455,724 is hereby exempted from the requirement of formal bidding pursuant to Metro Code Section 2.04.041
(c).

ADOPTED by the Contract Review Board of the Metropolitan Service District this _____ day of December, 1992.

Jim Gardner
Presiding Officer

Metro Headquarters
 Project No. 92003
 November 4, 1992

SYSTEMS RECAP

Qty.	Work Station Type	Knoll Equity	Knoll Morrison	Invirovements	Haworth (Thayer)	Haworth (Office Int.)	H. Miller As New	H. Miller AO 1	Steelcase (CFI)
	Bid Package Total (Inclusions Vary):	880,308	765,427	488,849	-0-		399,071.22	361,841.37	346,786.02
	Total Stations Bid:	(209)	(209)	(196)			(186)	(186)	(192)
ADJUSTED BIDS									
10	A	1,310	1,545	1,636	1,890.35	1,707.52	1,424.39	1,292.50	1,152.06
31	B	2,557	3,202	2,793	3,031.24	2,543.21	3,157.96	2,838.86	3,069.96
84	C	2,683	2,889	2,692	3,203.56	2,630.78	2,689.49	2,420.41	2,409.18
84	D	1,775	2,174	1,839	2,015.40	2,326.32	1,986.94	1,809.43	1,746.00
209		514,353 *1	647,902*2	517,259*2	551,264.58	548,894.14	504,960.78	456,076.72	455,724.48*3
		514,353*1	647,902*2	517,259*2		(576,338.84)*4	(530,208.81)*4	(478,880.55)*4	455,724.48*3

16" Tackboard
 "A" Back Panel Included
 Two Panel Runs in "C"
 No Panels in "D"
 No Installation Amount (5% of Net Allowance)

- *1 Total including seating, filing, installation.
- *2 Total including filing, installation.
- *3 Total install.
- *4 Total installed - 5% Added.

ATTACHMENT B

STAFF REPORT

Meeting Date: December 8, 1992

CONSIDERATION OF RESOLUTION 92-1730 - A FOR THE PURPOSE OF AUTHORIZING AN AGREEMENT WITH STEELCASE AND SMITH BROTHERS OFFICE ENVIRONMENTS INC. AND AN INTERGOVERNMENTAL AGREEMENT WITH WASHINGTON COUNTY

Date: December 7, 1992

Presented by: Berit Stevenson

FACTUAL BACKGROUND AND ANALYSIS

The Metro Regional Center project staff have worked with the project design team and with Metro's FF&E review committee to determine the need and the specifications for systems furniture for the open office system in the new Regional Center. At the last Regional Facilities Committee meeting, staff briefed the Committee on the proposed FF&E purchasing which included the systems furniture and received authorization to proceed with the procurement process.

During the course of staff development of needs and specifications, a fiscal analysis was completed which resulted in pricing from eight different manufacturers and/or products. Some of these pricing options included re-manufactured product which resulted in higher costs than new product. These prices were based on purchase of the entire system which would include panels, overhead storage, work surface, pedestals and tackboard. The current plan for purchase of office furniture is to scale down the initial purchase by purchasing only the panels and overhead storage units at this time. It is expected that this scaled down purchase of office system furniture would cost \$225,000 to \$250,000. The lowest cost option was Steelcase product which is widely used manufacturer of office furniture. See Attachment B.

The Metro code, at Section 2.04.040, states that Metro may enter into an intergovernmental agreement with the State of Oregon to make purchases from the State Price Agreement established by the State of Oregon by competitive bid. Once an intergovernmental agreement is executed, Metro can purchase directly from the Pricing Agreement, thereby "piggy-backing" the State's competitive bid process. This procedure allows expedited purchases, reduces the cost to Metro of going through a bidding process and allows better pricing due to the volume discount which is available in requirements contracting. Unfortunately, the State of Oregon does not maintain a requirements contract for systems office furniture.

Steelcase product is however available on a requirements contract for furnishings entered into between Washington County, Steelcase and Smith Brothers Office Environments who is a local Steelcase representative. This requirements contract was competitively bid by Washington County when it was established.

In order to take advantage of the requirements contract which has been established by Washington County, it is necessary that the Metro Contract Review Board

authorize an Intergovernmental Agreement. This would allow Metro to purchase the Steelcase product directly from Smith Brothers. This purchase will maintain the project's schedule of move-in in early April 1993, will result in the lowest cost to Metro and will ensure a product which is widely recognized as high quality, economical office furnishings. The Washington County Requirements contract does not expire until August 31, 1995, thereby allowing Metro to achieve the dicounted pricing both for the inital purchase and for any additional purchases throught August 31, 1995. A copy of the proposed Intergovernmental Agreement is attached as Attachment A.

BUDGET IMPACT

The previously conducted budget excercise establishes that the Steelcase product is the least cost alternative. The funds for the purchase of this systems furniture is included in the Metro Headquarters Project budget.

RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 92-1730 - A by the Metro Contract Review Board.

Meeting Date: December 22, 1992
Agenda Item No. 7.2

RESOLUTION NO. 92-1728



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503-221-1646

Memorandum

DATE: December 17, 1992

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 7.2; RESOLUTION NO. 92-1728

The Finance Committee report on Resolution No. 92-1728 will be distributed in advance to Councilors and available at the Council meeting December 22.

BEFORE THE CONTRACT REVIEW BOARD
OF THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN)
EXEMPTION TO METRO CODE CHAPTER)
2.04.043 COMPETITIVE BIDDING)
PROCEDURES AND AUTHORIZING A SOLE)
SOURCE AGREEMENT WITH DUN &)
BRADSTREET CORP. FOR THE PURCHASE)
OF CREDIT REPORTING SERVICES)

RESOLUTION NO. 92-1728

Introduced by Rena Cusma,
Executive Officer

WHEREAS, Metropolitan Service District Code 5.02.060(c) permits individuals to apply for a credit account with Metro for the purpose of disposal of solid waste on a credit basis; and

WHEREAS, To assist the Credit Manager in determining which credit applicants are able to pay Metro for their monthly accrued solid waste disposal charges a complete credit investigation is initiated; and

WHEREAS, Information from a credit reporting agency is a component of this credit investigation; and

WHEREAS, Dun & Bradstreet Corp. is the sole source for this type commercial credit information; now, therefore,

BE IT RESOLVED,

That based on the findings as stated in the Staff Report, the Contract Review Board hereby exempts the attached contract (Exhibit A hereto) with Dun & Bradstreet Corp. from the competitive bidding requirements under Metro Code Chapter 2.04.043 for the purchase of credit reporting services.

ADOPTED by the Contract Review Board of the Metropolitan Service District this

_____ day of _____, 1992:

Jim Gardner, Presiding Officer



GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. _____ BUDGET CODE NO. 610 - 04 - 14 - 30 - 524190
 FUND: Support Service DEPARTMENT: _____ (IF MORE THAN ONE) _____
 SOURCE CODE (IF REVENUE) _____

INSTRUCTIONS

1. OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
2. COMPLETE SUMMARY FORM.
3. IF CONTRACT IS —
 - A. SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION:
 - B. UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, ETC.
 - C. OVER \$2,500, ATTACH QUOTES, EVAL. FORM, NOTIFICATION OF REJECTION, ETC.
 - D. OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, RFP, ETC.
4. PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

1. PURPOSE OF GRANT/CONTRACT Credit Reporting Services

2. TYPE OF EXPENSE PERSONAL SERVICES LABOR AND MATERIALS PROCUREMENT
 PASS THROUGH AGREEMENT INTER-GOVERNMENTAL AGREEMENT CONSTRUCTION
 OTHER

OR

TYPE OF REVENUE GRANT CONTRACT OTHER

3. TYPE OF ACTION CHANGE IN COST CHANGE IN WORK SCOPE
 CHANGE IN TIMING NEW CONTRACT

4. PARTIES Metro and Dun & Bradstreet

5. EFFECTIVE DATE 1-1-92 TERMINATION DATE 12-31-93
 (THIS IS A CHANGE FROM _____)

6. EXTENT OF TOTAL COMMITMENT: ORIGINAL/NEW \$ _____
 PREV. AMEND _____
 THIS AMEND _____
 TOTAL \$ _____

7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 19892-93 8 \$ _____
 B. BUDGET LINE ITEM NAME Misc Prof. Services AMOUNT APPROPRIATED FOR CONTRACT \$ 6,000
 C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF _____, 19____ \$ _____

8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

N/A see Staff Report and Resolution \$ _____ MBE
 SUBMITTED BY _____ AMOUNT
 \$ _____ MBE
 SUBMITTED BY _____ AMOUNT
 \$ _____ MBE
 SUBMITTED BY _____ AMOUNT

9. NUMBER AND LOCATION OF ORIGINALS (3) Dun + Bradstreet / FMI / Procurement Division

10. A. APPROVED BY STATE/FEDERAL AGENCIES? YES NO NOT APPLICABLE
 B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT YES NO
11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? YES NO
 IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION _____
12. WILL INSURANCE CERTIFICATE BE REQUIRED? YES NO
13. WERE BID AND PERFORMANCE BONDS SUBMITTED? YES NOT APPLICABLE
 TYPE OF BOND _____ AMOUNT \$ _____
 TYPE OF BOND _____ AMOUNT \$ _____
14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)
- | | | |
|------------|---------------|------------------------------|
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
15. IF THE CONTRACT IS OVER \$10,000
 A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?
 YES NO
 B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?
 YES DATE _____ INITIAL _____
16. COMMENTS:

GRANT/CONTRACT APPROVAL

INTERNAL REVIEW

CONTRACT REVIEW BOARD
(IF REQUIRED) DATE _____

COUNCIL REVIEW
(IF REQUIRED)

DEPARTMENT HEAD _____

1.

COUNCILOR _____

DATE _____

FISCAL REVIEW _____

2.

COUNCILOR _____

BUDGET REVIEW _____

3.

COUNCILOR _____

LEGAL COUNSEL REVIEW AS NEEDED:

A. DEVIATION TO CONTRACT FORM _____

B. CONTRACTS OVER \$10,000 _____

C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____

Basic Service Agreement

Dun & Bradstreet Information Services

- New
 Renewal

Dun & Bradstreet, Inc. ("D&B") and the undersigned subscriber agree that for the one-year period beginning 1-1, 1993 D&B shall provide the subscriber with the availability and use of up to the number of Units specified and a license to use the D&B information and software

selected, including the right to use the selected reference materials for the Geographic Area designated. The subscriber agrees to pay D&B according to the payment terms selected.

- Supplement

Supplement our current Agreement dated _____, 19____ to cover the services indicated at right.

Response Units @ \$40.00 each \$ _____
 Less Discount, \$ _____ = Net Price \$ _____

Inquiry Service Subscription Packages

Geographic Area
 National
 Regional 05

Payment Options
 Annual
 Quarterly
 Monthly

Basic Program Includes:
100 Units of Service
 D&B Reports Magazine
 Customer Service 800#

Local Training
 Electronic Access Codes
 Reference Service
 (see below)

Reference Service Options

National
 Regional

Electronic Reference Look-ups
 200
 100

Additional Response Units
 20
 10

Printed Reference Books
 Reference Books
 Reference Book of Manf
 Apparel Trades Books
 Other _____

CD/ROM
 Duns Reference Plus
 Duns Reference Plus-LAN

Issues: Reference Books
 Ref. Book of Manufacturers
 Apparel Trades Books

Jan. 1993
 Spring
 Feb. 19____

Mar. 19____
 Fall
 May 19____
 Aug. 19____
 Nov. 19____

Frequency: 7/93
 May 19____
 July 19____
 Sep. 19____
 Nov. 19____

Subtotal Basic Service: \$ _____

Additional Service

50 Additional Response Units @ \$40.00 each \$ _____
 Less Discount \$ _____
 = Net Price \$ 1002.50

150 Total Response Units

Total Basic Service: \$ 3232.50

Key Alert Profile

Public Record Filings
 Financial
 Operational

UCC
 Rating

PAYDEX*
 6-digit ID # _____

Changes sent via
 Mail Delivery
 Electronic delivery

Preference Services

Credit Advisor (CAS) Preference
 BIPAR* Service
 Bankers Advisor (BAS) Preference

Credit Clearing House:
 Schedule A
 Schedule B

Duns Underwriting Guide (DUG) Preference
 DUG Preference Plus Option C

DUG Option C on designated "Careful Analysis" Accounts

International Services

(Designate) _____
 (Designate) _____

\$ _____

Software

Title of software: _____

Initial license fee: \$ _____
 Renewal license fee: \$ _____

Access Systems

The subscriber elects to use the access systems checked and requests D&B to issue access codes therefor. The subscriber agrees to be responsible for all use of its access codes.

DunsDial*
 DunsPrint*
 International

DunsVoice*-Type I
 DunsVoice*-Type II

Other

Monitoring Service
 Duns Analytical & Market Development
 Duns Reference Plus
 Duns Reference Plus-LAN
 (See attached worksheet)

Other Services: \$ _____
 Total Dun & Bradstreet Service: \$ 3232.50
*State and local sales/use taxes will be invoiced where applicable.

Important

Dun & Bradstreet, Inc. and the undersigned subscriber, by signing this Agreement, agree and intend to be bound by the terms hereof, including the Terms of Agreement on the reverse side, which are made part of this Agreement. Subscriber acknowledges receipt of a Product & Service Pricing Guide that sets forth the exchange values of Units purchased under this Agreement.

If the subscriber uses Units in excess of the nun contracted for at a discounted rate, then the sub agrees to pay for them, on demand, at the list ra \$40.00 each (see Terms of Agreement, paragraph _____)

Of the amount shown, \$30 is for an annual subscription to the magazine *D&B Reports*, which not desired may be deducted. Additional annual subscriptions, \$30 each.

Dun & Bradstreet, Inc.

Print D&B Sales Representative Name _____

Accepted by

Subscriber's Business Name Metropolitan Service District

Attention: Mr. Ms. Ms. 2000 3rd FIRST AVE

City, State: Portland, Oregon Zip 97201

Mailing Address: 5th Ave

City, State: _____ Zip _____

Telephone No. (503) 221-1646 Fax No. _____

Print Signer's Name Karen Tenner Title/Function _____

Authorized Signature _____ Date _____

Accepted by

Print Manager's Name _____

Title _____

Manager's Signature _____

Date _____

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 92-1728 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO METRO CODE CHAPTER 2.04.043 COMPETITIVE BIDDING PROCEDURES AND AUTHORIZING A SOLE SOURCE AGREEMENT WITH DUN & BRADSTREET CORP. FOR THE PURCHASE OF CREDIT REPORTING SERVICES

DATE: December 5, 1992

Presented by: Karen Feher

PROPOSED ACTION

To approve the sole source contract with Dun & Bradstreet to provide credit reporting services to the Metropolitan Service District.

FACTUAL BACKGROUND AND ANALYSIS

Metro Code 5.02.060(c) states that "Persons wishing to dispose of solid waste at Metro disposal facilities on a credit basis shall be required to first submit and have approved an application for credit on a form provided by Metro." In order for the Credit Manager to determine which credit applicants are able to pay Metro for their solid waste disposal charges, a complete credit investigation is initiated. This credit investigation includes confirmation of listed trade and banking references as well as receipt of information from a credit reporting agency.

Dun & Bradstreet Corp. is the only recognized provider of detailed financial information and reports on companies. The information from their reports is utilized industry wide to judge the credit worthiness of potential customers. The only other company that provides similar information is NACM in their TRW report. We also subscribe to that service. Dun and Bradstreet provides information on larger more established businesses and NACM provides information on smaller local businesses. Both are essential to prudent credit management of the solid waste accounts receivable. Metro's current contract with Dun & Bradstreet expires December 31, 1992.

The expenses for this service have been included in the current budget by the Finance and Management Information Department, Financial Planning Division. The new contract expenses for the calendar year ending December 31, 1993 will be \$3,232.50. The annual budgeted funds for these services is \$6,000.00.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 92-1728.

Meeting Date: December 22, 1992
Agenda Item No. 7.3

RESOLUTION NO. 92-1673D

TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 92-1673A, APPLYING THE GREENSPACE PROGRAM WILLING SELLER POLICY AT SUNSET LIGHT RAIL STATION

Date: December 18, 1992

Presented by: Councilor Moore

Committee Recommendation: At the December 14 meeting, the Transportation and Planning Committee voted unanimously to recommend Council adoption of Resolution No. 92-1673D. Voting in favor: Councilors McLain, Bauer, Buchanan, and Washington. Excused: Councilor Devlin.

Committee Issues/Discussion: Larry Shaw, Senior Assistant Counsel, appeared before the committee to explain the various amendments that have been suggested to Resolution 92-1673A since the November 24 Council meeting. For previous background see December 7, 1992 memorandum to Transportation and Planning Committee from Gail Ryder and October 29, 1992 committee report. The new amendments include:

1) Staff amendments, drafted by Larry Shaw (see "B" version of resolution): Add two "Whereas" sections to reference the Regional Urban Growth Goals and Objectives (RUGGO) Objective 16 and compliance with Oregon's Transportation Rule. The sections are suggested to restate Metro's existing policies as they apply to this particular property. Another amendment adds an additional resolve that more specifically deals with Metro's role within the new community planning being developed within the half-mile radius of the LRT Station. In their entirety, the amendments are intended to emphasize Metro's responsibilities under RUGGO Objective 16 to participate and seek opportunities for intensification of uses.

2) Tim Ramis amendment (see "C" version of resolution): New Within 6. Resolve. "...to seek opportunities for intensification of [~~mixed~~] market driven transit supportive uses in the area immediately surrounding the station south of Johnson Creek."

3) Councilor Moore amendment (see "C" version of resolution): Within 4. Resolve. "...Metro will monitor and become a party in all planning activities and proposed development actions, including administrative actions, on the Peterkort property...". She explained her concern to be a reaction to the Washington County practice to allow development actions to take place without public review. The amendment is to assure Metro's role as a player within decisions by including "administrative actions" and all planning "activities".

Mr. Shaw explained that the "Friends" groups he dealt with were now supportive of #1) and that staff had no problem with either amendments #2) or #3). In response to questions, he clarified the

meaning of "mixed-use" and "market driven" and discussed the current status of the Washington County ordinance and Metro's involvement in that process. The ordinance is still under discussion by the Washington County Planning Commission and Board of Commissioners. It will be scheduled again in March.

Public Testimony: Tim Ramis, representing the Peterkort family testified in general opposition to any amendments to the "A" version of the resolution, which was before Council on November 24, 1992. He was willing to re-negotiate if 1) the party with which he was negotiating was Metro; and 2) further negotiations are based on existing law and did not attempt to micro-manage future land use decisions. In response to the amendments suggested above, he strongly objected to inclusion of both "Whereas" sections and the new "Resolve". He believes references to RUGGO are inappropriate regarding this particular site and that the Transportation rule has been mischaracterized. The new "Resolve", he believes, already picks one outcome. He also questioned Metro "being a party". He said receiving notice is one level, actually becoming a party may not be appropriate. He suggested additional language to Councilor Moore's amendment by adding "to the extent permitted by local code".

Ramis also had comments regarding the slides presented at the last meeting and before the Council. He said the testimony explaining the slide would lead to the erroneous conclusion that the trees being cut down were on Peterkort property, that the pond in questions was also on their property, and that the family had not been good stewards of the land in the past. He said the slide do not justify any changes in the basic agreement and that a "moratorium", as was suggested as the Council meeting, was a violation of the agreement.

Mike Houck, Audubon Society, testified in support of continued cooperative efforts between all parties. He expressed concerns that any Master Plan should look at the entire water shed which he related to current problems in West Eugene.

Troy Horton and Charlotte Corkran, Friends of Cedar Springs, testified in support of the "B" and "C" version of the resolution. Ms. Corkran clarified her comments during the slide show before the committee and the Council saying that the Peterkorts had been excellent stewards of the land. In response to references to the agreement, she said the agreement was twelve years old and that she hoped that there was room for flexibility to deal with changes happening since the agreement was signed.

Mr. Horton reported on Ordinances 419, 420, and 421, which are being appealed to the Land Use Board of Appeals (LUBA). He voiced additional concerns about a Washington County Resolution, introduced by Bonnie Hayes, calling for citizen involvement, which is largely being ignored.

Following committee discussion, the committee approved the "C"

version of the resolution with the following amendments:

1) In Resolve #6. "...to seek opportunities for intensification of [mixed] market driven transit supportive uses, such as mixed use development, in the area...".

2) In Resolve #4. Councilor Moore withdrew her second suggestion and the committee approved, after "planning" adding "activities".

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

GREENSPACES WILLING SELLER) RESOLUTION NO. 92-1673D
POLICY AT SUNSET LIGHT RAIL)
TRANSIT STATION) Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District unanimously adopted the Greenspaces Master Plan by Resolution No. 92-1637 on July 23, 1992; and

WHEREAS, The Greenspaces Master Plan describes a desired regionwide system of ecologically significant natural areas recommended for protection, management, and interconnection by greenways and trails to be accomplished through a variety of strategies; and

WHEREAS, The Metro Council unanimously adopted Resolution No. 92-1639A referring to the voters a \$200 million general obligation bond measure to enable protection through purchase of more than 7,000 acres of identified significant natural areas; and

WHEREAS, Master Plan Policy 1.20 states that Metro will negotiate any acquisition of natural areas primarily with willing sellers, using eminent domain only in extraordinary circumstances; and

WHEREAS, The Peterkorts requested both removal from the Master Plan of the 150-acre potential protected area entitled "Cedar Mill" and elimination of any use of eminent domain by the program; and

WHEREAS, Neighbors in the Cedar Mill area have indicated a strong interest in a Natural Area Park that would include a wooded portion of the Peterkort property and they have supported the retention of the Cedar Mill natural area in the Master Plan; and

WHEREAS, The Metro Council adopted the Greenspaces Master Plan with the Cedar Mill area retained as a significant natural area for potential purchase from a willing seller; and

WHEREAS, The voters overwhelmingly approved \$125 million in bonds for the local match on the \$900 million Westside Light Rail Transit (LRT) Project; and

WHEREAS, Much of that portion of the Peterkort property containing upland forest resources is within the half-mile Station Area Planning area around the Sunset LRT Station; and

WHEREAS, An interim overlay zone developed with Metro and Tri-

Met assistance which would include new land use regulations to assure transit-supportive development near the Sunset LRT Station is under consideration; and

WHEREAS, The Sunset LRT Station for construction on land adjacent to the Peterkort property is being designed for construction within the next several years; and

WHEREAS, The acknowledged Washington County comprehensive plan currently designates the Peterkort property an "Area of Special Concern" and requires the following protection for forested areas on the Peterkort property:

1. Requirement that the riparian areas along Johnson Creek be retained in their natural condition.
2. Requirement of a Master Plan and planned development procedures with public notice, hearing, and appeal procedures.
3. Requirement of landscape plans in Master Plan process that retain all trees and wooded areas possible.
4. Requirement for a development permit for any tree removal.
5. Requirement of additional open space allocations to obtain density bonuses in a clustered development; and

WHEREAS, Peterkort Co. has appealed the Metro Council resolutions relating to Greenspaces to the Land Use Board of Appeals (LUBA) contesting the extent of their impact on development of the Peterkort property; and

WHEREAS, The Peterkorts have agreed to dismiss these appeals upon assurance that Metro recognizes the need to avoid eminent domain until transit station development and initial development of transit-supportive uses adjacent to the transit station allows coordinated application of Greenspaces and LRT Station Area Planning policies at this location; and

WHEREAS, RUGGO Objective 16 states Metro's policy to seek opportunities for continued development of land within the UGB to ensure the prospect of living, working, and doing business on existing urban land, especially in nodes of relatively high density that are supportive of non-auto based transportation modes; and

WHEREAS, Compliance with Oregon's Transportation Rule requires local governments to reevaluate comprehensive plans to reduce auto-dependent development; now therefore

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District recognizes the need to maximize the public's investment in light

rail transit by assuring transit-supportive development of the areas around the Sunset LRT Station and all westside stations; and

2. That coordination of the Greenspaces Master Plan willing seller policy with the extraordinary circumstances of Sunset LRT Station construction and regulation is achieved by no exercise of Metro powers of eminent domain to acquire Peterkort property in the vicinity of the Sunset LRT Station for a period of two years following the opening of Westside LRT; and

3. That Metro will pursue further analysis towards willing seller acquisition of land or conservation easements and other protection of Goal 5 resource lands in the Cedar Mill area as provided for in Washington County comprehensive plan and in the Metro Greenspaces Master Plan in the Cedar Mill area; and

4. That, consistent with the Greenspaces Master Plan objectives of Greenspace protection and the objectives of the Regional Transportation Plan, Metro will monitor and become a party in all planning activities and proposed development actions on the Peterkort property in the vicinity of the Sunset LRT Station; and

5. That Metro will continue to implement the Greenspaces Master Plan including the Cedar Mill area, by a integrated, cooperative, public process addressing the interests of the property owners, including the Peterkorts, LRT Station Area Planning, and coordination with surrounding neighbors and other interested parties; and

6. That Metro will participate in review of zoning for the area north of U.S. Highway 26 surrounding the Sunset LRT Station as part of LRT Station Area Planning to seek opportunities for intensification of [~~mixed~~] market driven transit supportive, such as mixed use development, uses in the area immediately surrounding the station south of Johnson Creek.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

Jim Gardner, Presiding Officer



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: December 7, 1992

TO: Transportation and Planning Committee Members
Interested Parties

FROM: Gail Ryder, Council Analyst

RE: Resolution 92-1673B

BACKGROUND: Resolution 92-1673A was, on November 24th, returned by Council to the Transportation and Planning Committee for further review. The attached committee report, dated October 29, 1992, details the history of this measure to that date. As of the October 27 meeting of the Transportation and Planning Committee, both the Peterkort family and the "Friends" groups were in agreement about the resolution; albeit reluctant agreement on the part of the Friends of Cedar Springs due to the recent road construction in the area.

At the November 24 Council meeting, representatives of the Friends of Cedar Springs testified before the Council and requested an amendment to the resolution that effectively placed an additional moratorium on development for the area during the time in question. This was met with surprise by the representative from the Peterkort family and members of the committee. The Council, after lengthy discussion, chose to return the resolution to the committee for further review.

Communications with Tim Ramis, representing the Peterkort family, following the November 24 Council meeting, indicated his inclination toward allowing no further changes to be included in Resolution 92-1673A.

Since that time, Councilor Devlin and Larry Shaw, Office of General Counsel, met with the "Friends" groups to discuss the resolution. Representatives for the Peterkort family were not present. Mr. Shaw submitted the language in Alternative A (enclosed) which satisfied one of the concerns of the group. Their remaining concerns continued to be centered on placing a moratorium on development. Mr. Shaw's legal opinion to the group was that it was not within Metro's power, within this resolution, to grant this authority, and it is generally inconsistent with Metro's policies regarding development for this area.

At the conclusion of the meeting, the "Friends" group representatives agreed to present Alternative A to their respective groups prior to the December 14 meeting. Mr. Shaw agreed to send

a copy to Mr. Ramis. Councilor Devlin asked that the Alternative A be prepared as an amendment for committee consideration (see Resolution 92-1673B). Efforts to resolve the conflict between the two groups will continue between today's date and the committee meeting.

enclosures:

Resolution 92-1673A

Transportation and Planning Committee Report, October 29, 1992

Alternative A, prepared by Larry Shaw, Senior Asst. Counsel

Resolution 92-1673B

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

GREENSPACES WILLING SELLER) RESOLUTION NO. 92-1673B
POLICY AT SUNSET LIGHT RAIL)
TRANSIT STATION) Introduced by Rena Cusma,
) Executive Officer

WHEREAS, The Council of the Metropolitan Service District unanimously adopted the Greenspaces Master Plan by Resolution No. 92-1637 on July 23, 1992; and

WHEREAS, The Greenspaces Master Plan describes a desired regionwide system of ecologically significant natural areas recommended for protection, management, and interconnection by greenways and trails to be accomplished through a variety of strategies; and

WHEREAS, The Metro Council unanimously adopted Resolution No. 92-1639A referring to the voters a \$200 million general obligation bond measure to enable protection through purchase of more than 7,000 acres of identified significant natural areas; and

WHEREAS, Master Plan Policy 1.20 states that Metro will negotiate any acquisition of natural areas primarily with willing sellers, using eminent domain only in extraordinary circumstances; and

WHEREAS, The Peterkorts requested both removal from the Master Plan of the 150-acre potential protected area entitled "Cedar Mill" and elimination of any use of eminent domain by the program; and

WHEREAS, Neighbors in the Cedar Mill area have indicated a strong interest in a Natural Area Park that would include a wooded portion of the Peterkort property and they have supported the retention of the Cedar Mill natural area in the Master Plan; and

WHEREAS, The Metro Council adopted the Greenspaces Master Plan with the Cedar Mill area retained as a significant natural area for potential purchase from a willing seller; and

WHEREAS, The voters overwhelmingly approved \$125 million in bonds for the local match on the \$900 million Westside Light Rail Transit (LRT) Project; and

WHEREAS, Much of that portion of the Peterkort property containing upland forest resources is within the half-mile Station Area Planning area around the Sunset LRT Station; and

WHEREAS, An interim overlay zone developed with Metro and Tri-Met assistance which would include new land use regulations to assure transit-supportive development near the Sunset LRT Station is under consideration; and

WHEREAS, The Sunset LRT Station for construction on land adjacent to the Peterkort property is being designed for construction within the next several years; and

WHEREAS, The acknowledged Washington County comprehensive plan currently designates the Peterkort property an "Area of Special Concern" and requires the following protection for forested areas on the Peterkort property:

1. Requirement that the riparian areas along Johnson Creek be retained in their natural condition.
2. Requirement of a Master Plan and planned development procedures with public notice, hearing, and appeal procedures.
3. Requirement of landscape plans in Master Plan process that retain all trees and wooded areas possible.
4. Requirement for a development permit for any tree removal.
5. Requirement of additional open space allocations to obtain density bonuses in a clustered development; and

WHEREAS, Peterkort Co. has appealed the Metro Council resolutions relating to Greenspaces to the Land Use Board of Appeals (LUBA) contesting the extent of their impact on development of the Peterkort property; and

WHEREAS, The Peterkorts have agreed to dismiss these appeals upon assurance that Metro recognizes the need to avoid eminent domain until transit station development and initial development of transit-supportive uses adjacent to the transit station allows coordinated application of Greenspaces and LRT Station Area Planning policies at this location; and [~~new, therefore~~]

WHEREAS, RUGGO Objective 16 states Metro's policy to seek opportunities for continued development of land within the UGB to ensure the prospect of living, working, and doing business on existing urban land, especially in nodes of relatively high density that are supportive of non-auto based transportation modes; and

WHEREAS, Compliance with Oregon's Transportation Rule requires local governments to reevaluate comprehensive plans to reduce auto-dependent development; now therefore

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District recognizes the need to maximize the public's investment in light rail transit by assuring transit-supportive development of the areas around the Sunset LRT Station and all westside stations; and

~~[IT IS FURTHER RESOLVED]~~

2. That coordination of the Greenspaces Master Plan willing seller policy with the extraordinary circumstances of Sunset LRT Station construction and regulation is achieved by no exercise of Metro powers of eminent domain to acquire Peterkort property in the vicinity of the Sunset LRT Station for a period of two years following the opening of Westside LRT; and

~~[IT IS FURTHER RESOLVED]~~

3. That Metro will pursue further analysis towards willing seller acquisition of land or conservation easements and other protection of Goal 5 resource lands in the Cedar Mill area as provided for in Washington County comprehensive plan and in the Metro Greenspaces Master Plan in the Cedar Mill area; and

~~[IT IS FURTHER RESOLVED]~~

4. That, consistent with the Greenspaces Master Plan objectives of Greenspace protection and the objectives of the Regional Transportation Plan, Metro will monitor and become a party in all planning and proposed development actions on the Peterkort property in the vicinity of the Sunset LRT Station; and

~~[IT IS FURTHER RESOLVED]~~

5. That Metro will continue to implement the Greenspaces Master Plan including the Cedar Mill area, by a integrated, cooperative, public process addressing the interests of the property owners, including the Peterkorts, LRT Station Area Planning, and coordination with surrounding neighbors and other interested parties[-] ; and

6. That Metro will participate in review of zoning for the area north of U.S. Highway 26 surrounding the Sunset LRT Station as part of LRT Station Area Planning to seek opportunities for intensification of mixed uses in the area immediately surrounding the station south of Johnson Creek.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1992.

Jim Gardner, Presiding Officer



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: December 4, 1992

To: Councilor Richard Devlin

From: Larry Shaw, Senior Assistant Counsel *LSL/kr*

Regarding: GREENSPACES RESOLUTION NO. 92-1673A
Our file: 7.§1.2

Attached is the possible addition to the December 14, 1992, Transportation and Planning Committee meeting packet we discussed from the meeting with the Friends group.

dr
1508

Attachment

Alternative A: Add the following:

"WHEREAS, RUGGO Objective 16 states Metro's policy to seek opportunities for continued development of land within the UGB to ensure the prospect of living, working, and doing business on existing urban land, especially in nodes of relatively high density that are supportive of non-auto based transportation modes; and

"WHEREAS, Compliance with Oregon's Transportation Rule requires local governments to reevaluate comprehensive plans to reduce auto-dependent development;

"IT IS FURTHER RESOLVED,

That Metro will participate in review of zoning for the area north of U.S. Highway 26 surrounding the Sunset LRT Station as part of LRT Station Area Planning to seek opportunities for intensification of mixed uses in the area immediately surrounding the station south of Johnson Creek."

TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 92-1673, APPLYING THE GREENSPACE PROGRAM WILLING SELLER POLICY AT SUNSET LIGHT RAIL STATION

Date: October 29, 1992

Presented by: Councilor Devlin

Committee Recommendation: At the October 27 meeting, the Transportation and Planning Committee voted unanimously to recommend Council adoption of Resolution No. 92-1673. Voting in favor: Councilors Devlin, McLain, Moore, and Washington. Excused: Councilor Buchanan.

Committee Issues/Discussion: Andy Cotugno, Planning Director, presented the staff report. The resolution under consideration provides the basis for settlement of three currently pending cases before the Land Use Board of Appeals (LUBA). The suits are between Metro and the Peterkort family who owns property at the interchange between Highway 217 and the Sunset Highway. There are several competing Metro interests represented at this particular site. These include: 1) the Metro Greenspaces Program designation of this property as a high quality natural area; 2) a transportation interest because of the intent for light rail and highway construction on or around the site; and 3) land use interests relative to the Regional Urban Growth Goals and Objectives (RUGGO). Further complicating the issue is the policy, within the Greenspaces Master Plan, to acquire property for Greenspaces from "willing sellers" while maintaining the rights of "eminent domain" where necessary. The Peterkort family has brought suit with LUBA because of the "eminent domain" clause.

This resolution is an attempt to clarify Metro's intent regarding eminent domain and this particular property. The resolution provides that Metro will only seek to purchase portions of the property or acquire conservation easements from "willing sellers" only and will not use the power of eminent domain until two years after the Westside Light Rail has been completed. During the intervening period of time, further work will be necessary to reconcile competing Metro interests (i.e. what is the balance between development interests and Greenspaces interests). The intent is also for active participation by Metro in the development process, which is currently controlled by Washington County's plan, to protect out interests. Active participation means seeking notification of all proceedings, providing testimony, intervening or becoming a party in those cases if necessary.

Larry Shaw, Legal Counsel, explained several of the other issues further complicating this issue. In addition to planning efforts now underway for design of the transit station, and the construction of a Barnes Road extension, there is also a new road being constructed connecting 112th to Barnes Road. This connecting road has been very controversial during the past year. During the

last week, the Peterkort's began construction of the road under authority of a Facilities Permit. The area in question is on their property, within 800 feet of the north property line. Washington County plans to complete the connection with 112th following selection of the appropriate alignment. The reason for construction at this time is economics. The contractor for the Barnes Road project was available at the same unit price to complete the 112th project, thereby justifying the earlier start date because of the savings of mobilization costs. Tri-Met also wants the road completed now as part of the development needed for construction of the Westside Light Rail. Mr. Shaw has reviewed the documentation, but has not received confirmation from the Department of State Lands or the Corp of Engineers that authority over the wetlands portion of the site.

Public Testimony: Charlotte Corkran, Patricia Miller and Troy Horton, representing the Friends of Cedar Springs, testified expressing their concern about the current 112th Avenue road project. They support the resolution but with serious reservations. Ms. Corkran expressed concern about the impact of the road project on the adjacent wetland and stated her desire for Metro to have a much larger role in the complete planning effort. Ms. Miller said this is "not a micro road issue, but a macro Greenspaces issue". She is concerned about the ultimate alignment of 112th and the 800 foot variance now under consideration by Washington County that could seriously damage or completely destroy the pond and a large stand of 100 year old cedar trees. She said there is no public process. She was also concerned about the meaning of "good faith". Mr. Horton explained that his group was willing to "jeopardize our own dream" by supporting this resolution. He supports the resolution, though, because it will remove the Peterkort's fear about condemnation and make it possible for them to sit down and discuss the situation with the Friends groups.

Councilor Consideration: Councilor questions centered on the following:

- 1) What is financially at stake for the Peterkort family? How far are they willing to go to protect their interests?
- 2) Is the Peterkort family operating in "good faith"?
- 3) Was the 112th alignment the choice of the Peterkort's or was it the result of a planning process? How much say did the family have over design of the road?
- 4) Why is the road project happening now, rather than later? Who is paying for it?
- 5) What land use approvals have been gained?
- 6) Is the road public?
- 7) What was the nature of the agreement made by the Peterkort family with local jurisdictions?

Jim Coleman, Ramis, O'Donnell, appeared to answer questions on behalf of Tim Ramis. He explained that the 112th project was part of the land use planning process in which the Peterkort's have

expended over \$2 million over a several year period. The design was approved by Washington County, with the blessing of Tri-Met to coincide with the light rail transit (LRT) station planning. The road is part of the Regional Transportation Plan and the Washington County Comprehensive Plan. This portion of the road is being paid for by the Peterkort family as part of a package of agreements in exchange for which they get desired zoning for the area to be developed around the LRT Station. It is a public road which, following the decision for alignment may be connected with 112th by Washington County. It is being developed now because it is more economically feasible than later. The Barnes Road extension is a public project that is adjacent.

Larry Shaw explained that the history of the site involves a complicated and all-inclusive plan amendment connecting all issues, of which 112th is only one. To be allowed re-zoning, the Peterkort's were required to: 1) dedicate Barnes Road; 2) build 112th on their property; and 3) sell 6.4 acres to Tri-Met, which resulted in their additional donation of 3 more acres. What they received was re-zoning of all property south of the creek to "office/commercial" with a master plan overlay.

Andy Cotugno explained that in addition to the Comprehensive Plan permanent designation, there was also a Master Plan approval for a portion of the property, that is a five year action that has since lapsed. Both actions were taken in 1982. There will need to be a new Master Plan at some point in time. Overlapping that, there is intent to do station-area planning around all Westside LRT Stations which may or may not lead to changes in Comprehensive Plan designations. This review will take several years and will examine actual land use designations for possible change. Additionally, Washington County has undertaken an interim action to deal with disallowed and allowed land uses, certain set-back requirements, and parking orientation requirements to be in place in the interim period of time. That action was tabled until next March. Finally there is the Greenspaces Plan, which also designates some of the same area. This designation is non-specific at this time, until a complete evaluation of all properties is undertaken following passage of the ballot measure.

Councilor McLain expressed concern regarding the potential of the Peterkort's to start new lawsuits, even if they have agreed to settle the three now pending. Councilor Van Bergen asked about whether other parties could bring suit even if the Peterkort's cannot. The question was answered that the Peterkort's are the only "party" in the suits and the 21 day period of filing has passed so there are no other "parties".

Councilor Moore felt that Metro is being held hostage by an outdated Washington County Comprehensive Plan. Her support of the resolution hinged on reinforcing Metro's role in the process. She suggested strengthening the final "resolve" in the resolution. She also had questions regarding several of the "whereas" sections, specifically the last.

Work Session: Following discussion of exact wording, the committee approved amending the resolution by deleting the final "whereas" section and further amending as follows:

"IT IS FURTHER RESOLVED, that, consistent with the Greenspaces Master Plan objectives of Greenspace protection and the objectives of the Regional Transportation Plan, Metro will monitor and become a party in [~~public hearings on development proposals~~] all planning and proposed development actions on the Peterkort property in the vicinity of the Sunset LRT Station; and"

Councilor Devlin providing additional testimony as a result of several phone calls and clarified that passage of this resolution is contingent on "good faith". If there is an abuse of the process, by any participant, then the issue or eminent domain can and will be reopened.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

GREENSPACES WILLING SELLER) RESOLUTION NO. 92-1673A
POLICY AT SUNSET LIGHT RAIL)
TRANSIT STATION) Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District unanimously adopted the Greenspaces Master Plan by Resolution No. 92-1637 on July 23, 1992; and

WHEREAS, The Greenspaces Master Plan describes a desired regionwide system of ecologically significant natural areas recommended for protection, management, and interconnection by greenways and trails to be accomplished through a variety of strategies; and

WHEREAS, The Metro Council unanimously adopted Resolution No. 92-1639A referring to the voters a \$200 million general obligation bond measure to enable protection through purchase of more than 7,000 acres of identified significant natural areas; and

WHEREAS, Master Plan Policy 1.20 states that Metro will negotiate any acquisition of natural areas primarily with willing sellers, using eminent domain only in extraordinary circumstances; and

WHEREAS, The Peterkorts requested both removal from the Master Plan of the 150-acre potential protected area entitled "Cedar Mill" and elimination of any use of eminent domain by the program; and

WHEREAS, Neighbors in the Cedar Mill area have indicated a strong interest in a Natural Area Park that would include a wooded portion of the Peterkort property and they have supported the retention of the Cedar Mill natural area in the Master Plan; and

WHEREAS, The Metro Council adopted the Greenspaces Master Plan with the Cedar Mill area retained as a significant natural area for potential purchase from a willing seller; and

WHEREAS, The voters overwhelmingly approved \$125 million in bonds for the local match on the \$900 million Westside Light Rail Transit (LRT) Project; and

WHEREAS, Much of that portion of the Peterkort property containing upland forest resources is within the half-mile Station Area Planning area around the Sunset LRT Station; and

WHEREAS, An interim overlay zone developed with Metro and Tri-Met assistance which would include new land use regulations to assure transit-supportive development near the Sunset LRT Station is under consideration; and

WHEREAS, The Sunset LRT Station for construction on land adjacent to the Peterkort property is being designed for construction within the next several years; and

WHEREAS, The acknowledged Washington County comprehensive plan currently designates the Peterkort property an "Area of Special Concern" and requires the following protection for forested areas on the Peterkort property:

1. Requirement that the riparian areas along Johnson Creek be retained in their natural condition.
2. Requirement of a Master Plan and planned development procedures with public notice, hearing, and appeal procedures.
3. Requirement of landscape plans in Master Plan process that retain all trees and wooded areas possible.
4. Requirement for a development permit for any tree removal.
5. Requirement of additional open space allocations to obtain density bonuses in a clustered development; and

WHEREAS, Peterkort Co. has appealed the Metro Council resolutions relating to Greenspaces to the Land Use Board of Appeals (LUBA) contesting the extent of their impact on development of the Peterkort property; and

WHEREAS, The Peterkorts have agreed to dismiss these appeals upon assurance that Metro recognizes the need to avoid eminent domain until transit station development and initial development of transit-supportive uses adjacent to the transit station allows coordinated application of Greenspaces and LRT Station Area Planning policies at this location; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District recognizes the need to maximize the public's investment in light rail transit by assuring transit-supportive development of the areas around the Sunset LRT Station and all westside stations; and

IT IS FURTHER RESOLVED,

That coordination of the Greenspaces Master Plan willing seller policy with the extraordinary circumstances of Sunset LRT Station construction and regulation is achieved by no exercise of Metro powers of eminent domain to acquire Peterkort property in the vicinity of the Sunset LRT station for a period of two years following the opening of Westside LRT; and

IT IS FURTHER RESOLVED,

That Metro will pursue further analysis towards willing seller acquisition of land or conservation easements and other protection of Goal 5 resource lands in the Cedar Mill area as provided for in Washington County comprehensive plan and in the Metro Greenspaces Master Plan in the Cedar Mill area; and

IT IS FURTHER RESOLVED,

That, consistent with the Greenspaces Master Plan objectives of Greenspace protection and the objections of the Region Transportation Plan, Metro will monitor and become a party in all planning and proposed development actions on the Peterkort property in the vicinity of the Sunset LRT station; and

IT IS FURTHER RESOLVED,

That Metro will continue to implement the Greenspaces Master Plan including the Cedar Mill area, by a integrated Cooperative public process addressing the interests of the property owners including the Peterkorts, LRT Station Area Planning, and coordination with surrounding neighbors and other interested parties.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1992.

Jim Gardner, Presiding Officer

dr
1104A

Meeting Date: December 22, 1992
Agenda Item No. 7.4

RESOLUTION NO. 92-1706

TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 92-1706, ENDORSING ALTERNATIVES FOR EVALUATION IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) PHASE OF THE WESTERN BYPASS STUDY

Date: December 17, 1992

Presented by: Councilor Washington

Committee Recommendation: At the December 14 meeting, the Transportation and Planning Committee voted unanimously to recommend Council adoption of Resolution No. 92-1706. Voting in favor: Councilors McLain, Bauer, Buchanan, and Washington. Excused: Councilor Devlin.

Committee Issues/Discussion: Andy Cotugno, Planning Director, presented the staff report and explained the most recent JPACT action regarding congestion pricing. The resolution, through Exhibit A in the first resolve, approves the five alternatives to be forwarded for DEIS analysis process. Four of the five, excluding the LUTRAQ alternative, are based on a common comprehensive plan, land use plan, and population and employment projections. The LUTRAQ alternative changes the land use projections and designs a new transportation plan system because of different demands for service.

All the alternatives have a transportation demand program built in. Therefore, the demand is reduced by transit expansion, dial-a-ride expansion, parking charges and free transit which reduces the need for highway. This recommendation considered taking out the parking charge and putting in congestion pricing as another sub-option. The memorandum regarding this suggests it is premature to define and evaluate. If congestion pricing is going to be considered, it should be considered for the region as a whole and not as part of this or any individual project.

JPACT considered to alternatives in lieu of the action taken the previous month. One option was to do a congestion pricing assessment associated with the Bypass, but not within the DEIS. The other was to not consider it as part of the Bypass as all, and that was what was recommended. Discussion before JPACT indicated considerable interest in congestion pricing. They have asked for a separate resolution to come before them at a later date. The question of a congestion pricing pilot project is now in front of us for final recommendation. The two ideas are linked and should be pursued more comprehensively in the future.

Councilor Van Bergen asked about the length of time needed to study the issue and the impact of the study on other projects. Could it get in the way of a highway project? Mr. Cotugno said that this action is not a stop order of any kind. The issues of congestion pricing is out there whether part of this resolution or not. It is

considered within other works. But it is a major change in how we do business. There isn't much information available about what the response will be. The question is how exhaustive a study is needed to assure that it is a good idea. It has been easier in other parts of the country where tolls are already instituted. However, we seem a long way away from tolls.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING) RESOLUTION NO. 92-1706
ALTERNATIVES FOR EVALUATION IN)
THE DRAFT ENVIRONMENTAL IMPACT) Introduced by
STATEMENT (DEIS) PHASE OF THE) Councilor Richard Devlin
WESTERN BYPASS STUDY)

WHEREAS, The Metropolitan Service District (Metro) is a signatory to the Western Bypass Study Planning Coordination Agreement to seek solutions to north-south and circumferential travel congestion in southeast Washington County; and

WHEREAS, The Coordination Agreement, as amended by Resolution No. 92-1550 commits the Joint Policy Advisory Committee on Transportation (JPACT) and Metro to consider the Oregon Department of Transportation (ODOT) recommendation on the alternatives to be evaluated in the Draft Environmental Impact Statement; and

WHEREAS, ODOT has evaluated six strategies plus the LUTRAQ alternative; and

WHEREAS, ODOT has recommended the inclusion of the LUTRAQ alternative along with four other alternatives developed from the strategy analysis; now, therefore,

BE IT RESOLVED,

1. That the five alternatives recommended by ODOT and its Technical, Citizens and Steering Committees, and described in the "Evaluation of Alternatives Evaluation Summary" dated October 5, 1992 and included as Exhibit A, namely: the No-Build, the Planned Projects/TSM, the LUTRAQ, the Arterials Expansion/HOV Express and the Bypass Alternatives, be carried forward for analysis in the Draft Environmental Impact Statement.

2. That no element of any of the alternatives be included in such a way as to preclude the eventual inclusion of LRT as the Highway 217 High-Capacity Transit element at a later date.

3. That further consideration be given to financing the major elements of the alternatives.

4. That further evaluation of components related to parking charges, dial-a-ride transit, and transit fare subsidy be reflected in the DEIS.

5. That ODOT undertake and fund a modest evaluation of the relative magnitude of demand reduction possible from congestion pricing as compared to parking pricing. This should be done separate from the DEIS and be completed when the DEIS is completed and should be coordinated with regional consideration of congestion pricing.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1992.

Jim Gardner, Presiding Officer

TKL:lmk
92-1706.RES
12-2-92

WESTERN BYPASS STUDY

Oregon Department of Transportation

RECOMMENDED WESTERN BYPASS STUDY ALTERNATIVES FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT OCTOBER 5, 1992

INTRODUCTION

We are at a decision point in the Western Bypass Study process, at the end of the evaluation of alternatives phase. The purpose of this phase has been to identify a range of viable alternatives for further analysis in the DEIS. Viability has been tested based on the performance of the alternatives with transportation-related evaluation criteria. In the DEIS additional study will be completed to show how well these alternatives perform with environmental criteria.

It is important that a range of alternatives be carried into the DEIS, so that the viability of different alternative solutions, both inside (urban) and outside (rural) the Urban Growth Boundary, can be identified and evaluated relative to one another. Documenting these impacts will provide decision-makers the information to make an informed decision.

Further refinements to the three WBS build alternatives resulting from this summer's Open Houses and the last series of committee meetings have been identified by the study team. A brief description of these modifications as well as refinements to the LUTRAQ alternative are identified in the description of alternatives under the following recommendation.

RECOMMENDATION

We recommend that the following five alternatives be carried forward into the DEIS phase of this study for the purpose of analyzing a broad range of alternatives and documenting their associated impacts. They represent a viable range of alternatives with reasonable transportation performances because each one performs better than the No-Build Alternative for all transportation-related evaluation criteria in this study. Each of these alternatives is different in its approach to meeting the study objectives, and would result in distinct impacts if implemented. Endorsement of this recommendation by committee members represents consensus for further study, and is not a decision for approval of any alternative or element of it for implementation.

Description of Alternatives

No-Build Alternative

This is the baseline alternative to which the build alternatives will be compared in the DEIS. It consists of transportation projects and services that are funded and committed for implementation in the region. These include a variety of roadway projects, Westside Light Rail Transit (LRT) to 185th Avenue, and an expanded feeder bus network in support of the light rail service. These projects, along with the 1988 existing system, will form the base transportation system for year 2010. The elements of the No-Build Alternative are included in all proposed build alternatives, described below.

Planned Projects/Transportation System Management (TSM) Alternative

The TSM Alternative includes all of the projects in the No-Build Alternative plus those planned projects without secured funding which expand the capacity of the existing transportation system. Such projects are included in existing jurisdictional, Tri-Met, and ODOT plans. Among the improvements are the extension of Westside LRT from 185th Avenue to Hillsboro, expansion of Highway 217 to three lanes in each direction, extension of Beef Bend Road to Elsner Road, extension of Murray Boulevard as a three-lane collector to Highway 99W, and various other roadway and intersection improvements.

The TSM Alternative includes a Transportation Demand Management (TDM) program aimed at reducing single-occupancy vehicle trips and maximizing transit ridership through parking charges and transit subsidies. This Alternative also includes Demand Responsive Transit (DRT) which provides transit service to riders when and where it is needed through a call-in "dial-a-ride" service (see attached TDM and DRT descriptions).

All of the elements of the TSM Alternative will be included in the Arterial Expansion/HOV Express Alternative and the Bypass Alternative. Some of the elements of the TSM Alternative will be included in the LUTRAQ Alternative.

Proposed Modeling Modifications - TSM Alternative:

- Schools Ferry Road - 121st Avenue to Hwy 217: Modify roadway capacity to reflect 7-lane section.
- Baseline Road - 158th Avenue to 185th Avenue: Modify roadway capacity to reflect 5-lane section.
- Express Bus/Feeder Network (HCT): Add transit service as currently included in the Arterial Expansion Alternative.

Arterial Expansion/High Occupancy Vehicle Express Alternative

This alternative is proposed as a means to complete or expand certain elements of the existing north-south and circumferential roadway system. It includes expanding Highway 217 to four lanes in each direction with one lane in each direction utilized for express travel, including buses. There would also be expanded local and feeder bus service. Roadway improvements would include additional lanes on 216th and 219th Avenues, extension of Murray Boulevard to I-5, and an expressway from I-5 to Highway 99W in the Tualatin area.

This alternative also includes all the improvements in the No-Build and TSM Alternatives.

Proposed Modeling Modifications - Arterial Expansion/HOV Express Alternative:

- Roadway modifications: Add capacity improvements as noted for the TSM Alternative.
- Highway 99W - Durham Road to Commercial Street: Modify roadway capacity to more accurately reflect the proposed 6-lane section.
- Demand Responsive Transit: Add service as included in the TSM Alternative.

Bypass Alternative

This alternative includes a new four-lane, limited access highway between I-5 and Highway 26, from the Tualatin area to the Hillsboro area. Other improvements include expansion of Highway 217 with preferential treatment for high-occupancy vehicles (HOVs) and transit. Expanded local, feeder, and express bus service would be focused in the Highway 217 corridor.

This alternative also includes all the improvements in the No-Build and TSM Alternatives.

Proposed Modeling Modifications - Bypass Alternative:

- Highway 99W - Durham Road to Commercial Street: modify roadway capacity to more accurately reflect the proposed 6-lane section.
- Demand Responsive Transit (DRT): Add service as included in the TSM Alternative.

LUTRAQ Alternative

The LUTRAQ Alternative includes three primary components. First, the alternative focuses the higher density land uses projected for the study area into transit corridors. These land uses are moderate in density, mixed use in nature, and designed for transit, pedestrian, and bicycle transportation, as well as for automobile use.

Second, the alternative includes a number of transportation improvements. On the transit side the LUTRAQ Alternative includes light rail in the Westside corridor to downtown Hillsboro, in the Barbur corridor to Tigard, in the Willamette Shores corridor to Lake Oswego and Tualatin, and in the 217 corridor from Beaverton to Tualatin. It includes express bus service from Forest Grove to the Beaverton Transit Center (TC), from Sherwood to the Tualatin light rail station, from Scholls Ferry Rd. at Murray Blvd. to the Beaverton TC, and from the Bethany area to the Sunset TC (Peterkort). There would also be expanded local and feeder bus service. LUTRAQ also includes, in the corridors that would be served by fixed route transit, the construction of bicycle and pedestrian improvements such as sidewalks, bicycle lanes, and roadway crossings.

Third, the LUTRAQ alternative includes the transportation demand management (TDM) program developed by the Western Bypass Study process (see attached TDM description).

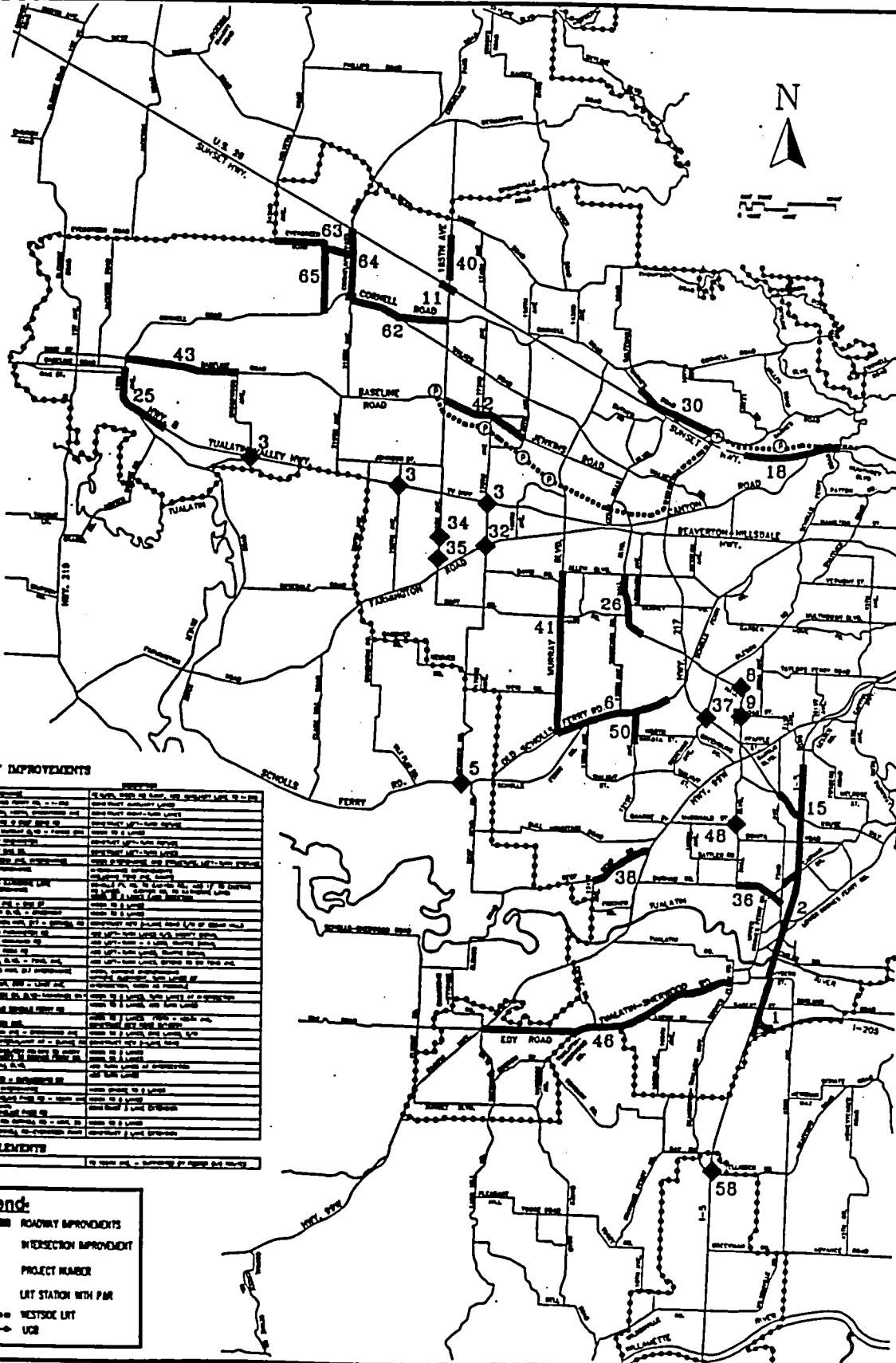
This alternative also includes all of the improvements in the No-Build Alternative.

Proposed Modeling Modifications - LUTRAQ Alternative:

- Demand Responsive Transit (DRT): Add service as included in the TSM Alternative (see attached DRT description).

A series of roadway improvements selected from the TSM Alternative:

- Highway 26 Widen to 6 lanes between Hwy 217 and Cornelius Pass;
Add a lane in each direction between Katherine Lane and Hwy217;
Improve interchange with Jackson Road;
- Highway 99W Widen to 6 lanes between Pfaffle and Commercial;
- Highway 217 Add one additional through lane and one additional collector/distributor road southbound and one additional through lane northbound between Hwy 26 and TV Highway;
Widen to 6 lanes between TV Highway and 72nd;
Add ramp metering between Hwy 26 and Scholls Ferry;
- TV Highway Various intersection improvements;
- Farmington Road Widen to four lanes between 149th and 209th;
- Tualatin Road Widen to three lanes between 99W and Upper Boones Ferry;
- Durham Road Widen to three lanes between 99W and Hall;
- McDonald St. Widen to three lanes between 99W and 97th;
- Gaarde Street Widen to three lanes between 121st and 99W.



ROADWAY IMPROVEMENTS

PROJECT	DESCRIPTION
1	WIDEN AND IMPROVE
2	WIDEN AND IMPROVE
3	WIDEN AND IMPROVE
4	WIDEN AND IMPROVE
5	WIDEN AND IMPROVE
6	WIDEN AND IMPROVE
7	WIDEN AND IMPROVE
8	WIDEN AND IMPROVE
9	WIDEN AND IMPROVE
10	WIDEN AND IMPROVE
11	WIDEN AND IMPROVE
12	WIDEN AND IMPROVE
13	WIDEN AND IMPROVE
14	WIDEN AND IMPROVE
15	WIDEN AND IMPROVE
16	WIDEN AND IMPROVE
17	WIDEN AND IMPROVE
18	WIDEN AND IMPROVE
19	WIDEN AND IMPROVE
20	WIDEN AND IMPROVE
21	WIDEN AND IMPROVE
22	WIDEN AND IMPROVE
23	WIDEN AND IMPROVE
24	WIDEN AND IMPROVE
25	WIDEN AND IMPROVE
26	WIDEN AND IMPROVE
27	WIDEN AND IMPROVE
28	WIDEN AND IMPROVE
29	WIDEN AND IMPROVE
30	WIDEN AND IMPROVE
31	WIDEN AND IMPROVE
32	WIDEN AND IMPROVE
33	WIDEN AND IMPROVE
34	WIDEN AND IMPROVE
35	WIDEN AND IMPROVE
36	WIDEN AND IMPROVE
37	WIDEN AND IMPROVE
38	WIDEN AND IMPROVE
39	WIDEN AND IMPROVE
40	WIDEN AND IMPROVE
41	WIDEN AND IMPROVE
42	WIDEN AND IMPROVE
43	WIDEN AND IMPROVE
44	WIDEN AND IMPROVE
45	WIDEN AND IMPROVE
46	WIDEN AND IMPROVE
47	WIDEN AND IMPROVE
48	WIDEN AND IMPROVE
49	WIDEN AND IMPROVE
50	WIDEN AND IMPROVE
51	WIDEN AND IMPROVE
52	WIDEN AND IMPROVE
53	WIDEN AND IMPROVE
54	WIDEN AND IMPROVE
55	WIDEN AND IMPROVE
56	WIDEN AND IMPROVE
57	WIDEN AND IMPROVE
58	WIDEN AND IMPROVE
59	WIDEN AND IMPROVE
60	WIDEN AND IMPROVE
61	WIDEN AND IMPROVE
62	WIDEN AND IMPROVE
63	WIDEN AND IMPROVE
64	WIDEN AND IMPROVE
65	WIDEN AND IMPROVE

OTHER ELEMENTS

Legend

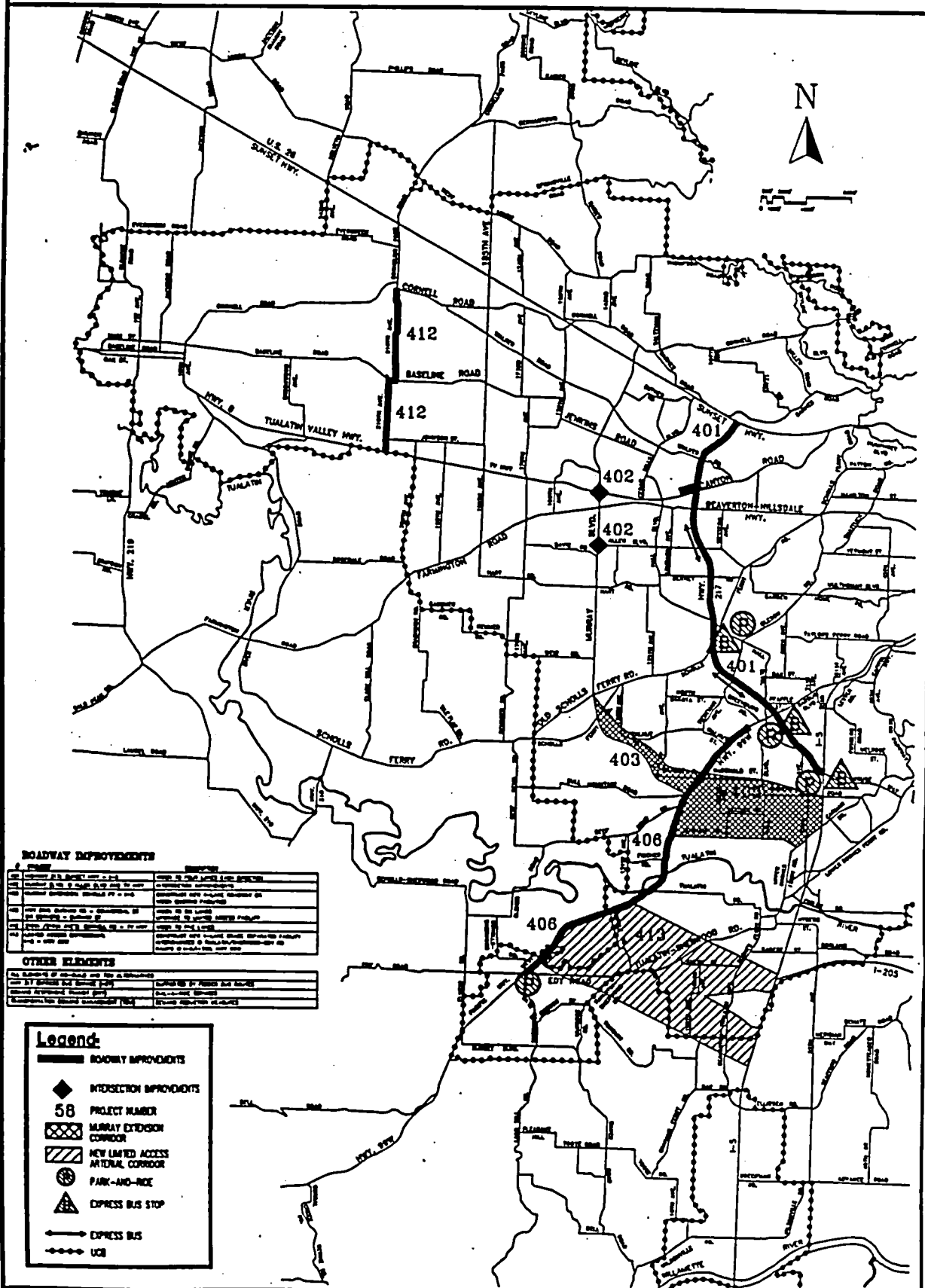
- ROADWAY IMPROVEMENTS
- ◆ INTERSECTION IMPROVEMENT
- 58 PROJECT NUMBER
- ⊙ LAT STATION WITH PAR
- WESTSIDE LIT
- UCB

**ARTERIAL EXPANSION/
HIGH-OCCUPANCY VEHICLE (HOV)
EXPRESS ALTERNATIVE**

WESTERN BYPASS STUDY

**PARSONS
BRINCKERHOFF**

October, 1992



ROADWAY IMPROVEMENTS

Code	Description	Notes
1	Local Street	Local Street
2	Collector Street	Collector Street
3	Arterial Road	Arterial Road
4	Express Lane	Express Lane
5	HOV Lane	HOV Lane
6	HOV Lane	HOV Lane
7	HOV Lane	HOV Lane
8	HOV Lane	HOV Lane
9	HOV Lane	HOV Lane
10	HOV Lane	HOV Lane
11	HOV Lane	HOV Lane
12	HOV Lane	HOV Lane
13	HOV Lane	HOV Lane
14	HOV Lane	HOV Lane
15	HOV Lane	HOV Lane
16	HOV Lane	HOV Lane
17	HOV Lane	HOV Lane
18	HOV Lane	HOV Lane
19	HOV Lane	HOV Lane
20	HOV Lane	HOV Lane
21	HOV Lane	HOV Lane
22	HOV Lane	HOV Lane
23	HOV Lane	HOV Lane
24	HOV Lane	HOV Lane
25	HOV Lane	HOV Lane
26	HOV Lane	HOV Lane
27	HOV Lane	HOV Lane
28	HOV Lane	HOV Lane
29	HOV Lane	HOV Lane
30	HOV Lane	HOV Lane
31	HOV Lane	HOV Lane
32	HOV Lane	HOV Lane
33	HOV Lane	HOV Lane
34	HOV Lane	HOV Lane
35	HOV Lane	HOV Lane
36	HOV Lane	HOV Lane
37	HOV Lane	HOV Lane
38	HOV Lane	HOV Lane
39	HOV Lane	HOV Lane
40	HOV Lane	HOV Lane
41	HOV Lane	HOV Lane
42	HOV Lane	HOV Lane
43	HOV Lane	HOV Lane
44	HOV Lane	HOV Lane
45	HOV Lane	HOV Lane
46	HOV Lane	HOV Lane
47	HOV Lane	HOV Lane
48	HOV Lane	HOV Lane
49	HOV Lane	HOV Lane
50	HOV Lane	HOV Lane
51	HOV Lane	HOV Lane
52	HOV Lane	HOV Lane
53	HOV Lane	HOV Lane
54	HOV Lane	HOV Lane
55	HOV Lane	HOV Lane
56	HOV Lane	HOV Lane
57	HOV Lane	HOV Lane
58	HOV Lane	HOV Lane
59	HOV Lane	HOV Lane
60	HOV Lane	HOV Lane
61	HOV Lane	HOV Lane
62	HOV Lane	HOV Lane
63	HOV Lane	HOV Lane
64	HOV Lane	HOV Lane
65	HOV Lane	HOV Lane
66	HOV Lane	HOV Lane
67	HOV Lane	HOV Lane
68	HOV Lane	HOV Lane
69	HOV Lane	HOV Lane
70	HOV Lane	HOV Lane
71	HOV Lane	HOV Lane
72	HOV Lane	HOV Lane
73	HOV Lane	HOV Lane
74	HOV Lane	HOV Lane
75	HOV Lane	HOV Lane
76	HOV Lane	HOV Lane
77	HOV Lane	HOV Lane
78	HOV Lane	HOV Lane
79	HOV Lane	HOV Lane
80	HOV Lane	HOV Lane
81	HOV Lane	HOV Lane
82	HOV Lane	HOV Lane
83	HOV Lane	HOV Lane
84	HOV Lane	HOV Lane
85	HOV Lane	HOV Lane
86	HOV Lane	HOV Lane
87	HOV Lane	HOV Lane
88	HOV Lane	HOV Lane
89	HOV Lane	HOV Lane
90	HOV Lane	HOV Lane
91	HOV Lane	HOV Lane
92	HOV Lane	HOV Lane
93	HOV Lane	HOV Lane
94	HOV Lane	HOV Lane
95	HOV Lane	HOV Lane
96	HOV Lane	HOV Lane
97	HOV Lane	HOV Lane
98	HOV Lane	HOV Lane
99	HOV Lane	HOV Lane
100	HOV Lane	HOV Lane

OTHER ELEMENTS

Code	Description	Notes
1	HOV Lane	HOV Lane
2	HOV Lane	HOV Lane
3	HOV Lane	HOV Lane
4	HOV Lane	HOV Lane
5	HOV Lane	HOV Lane
6	HOV Lane	HOV Lane
7	HOV Lane	HOV Lane
8	HOV Lane	HOV Lane
9	HOV Lane	HOV Lane
10	HOV Lane	HOV Lane
11	HOV Lane	HOV Lane
12	HOV Lane	HOV Lane
13	HOV Lane	HOV Lane
14	HOV Lane	HOV Lane
15	HOV Lane	HOV Lane
16	HOV Lane	HOV Lane
17	HOV Lane	HOV Lane
18	HOV Lane	HOV Lane
19	HOV Lane	HOV Lane
20	HOV Lane	HOV Lane
21	HOV Lane	HOV Lane
22	HOV Lane	HOV Lane
23	HOV Lane	HOV Lane
24	HOV Lane	HOV Lane
25	HOV Lane	HOV Lane
26	HOV Lane	HOV Lane
27	HOV Lane	HOV Lane
28	HOV Lane	HOV Lane
29	HOV Lane	HOV Lane
30	HOV Lane	HOV Lane
31	HOV Lane	HOV Lane
32	HOV Lane	HOV Lane
33	HOV Lane	HOV Lane
34	HOV Lane	HOV Lane
35	HOV Lane	HOV Lane
36	HOV Lane	HOV Lane
37	HOV Lane	HOV Lane
38	HOV Lane	HOV Lane
39	HOV Lane	HOV Lane
40	HOV Lane	HOV Lane
41	HOV Lane	HOV Lane
42	HOV Lane	HOV Lane
43	HOV Lane	HOV Lane
44	HOV Lane	HOV Lane
45	HOV Lane	HOV Lane
46	HOV Lane	HOV Lane
47	HOV Lane	HOV Lane
48	HOV Lane	HOV Lane
49	HOV Lane	HOV Lane
50	HOV Lane	HOV Lane
51	HOV Lane	HOV Lane
52	HOV Lane	HOV Lane
53	HOV Lane	HOV Lane
54	HOV Lane	HOV Lane
55	HOV Lane	HOV Lane
56	HOV Lane	HOV Lane
57	HOV Lane	HOV Lane
58	HOV Lane	HOV Lane
59	HOV Lane	HOV Lane
60	HOV Lane	HOV Lane
61	HOV Lane	HOV Lane
62	HOV Lane	HOV Lane
63	HOV Lane	HOV Lane
64	HOV Lane	HOV Lane
65	HOV Lane	HOV Lane
66	HOV Lane	HOV Lane
67	HOV Lane	HOV Lane
68	HOV Lane	HOV Lane
69	HOV Lane	HOV Lane
70	HOV Lane	HOV Lane
71	HOV Lane	HOV Lane
72	HOV Lane	HOV Lane
73	HOV Lane	HOV Lane
74	HOV Lane	HOV Lane
75	HOV Lane	HOV Lane
76	HOV Lane	HOV Lane
77	HOV Lane	HOV Lane
78	HOV Lane	HOV Lane
79	HOV Lane	HOV Lane
80	HOV Lane	HOV Lane
81	HOV Lane	HOV Lane
82	HOV Lane	HOV Lane
83	HOV Lane	HOV Lane
84	HOV Lane	HOV Lane
85	HOV Lane	HOV Lane
86	HOV Lane	HOV Lane
87	HOV Lane	HOV Lane
88	HOV Lane	HOV Lane
89	HOV Lane	HOV Lane
90	HOV Lane	HOV Lane
91	HOV Lane	HOV Lane
92	HOV Lane	HOV Lane
93	HOV Lane	HOV Lane
94	HOV Lane	HOV Lane
95	HOV Lane	HOV Lane
96	HOV Lane	HOV Lane
97	HOV Lane	HOV Lane
98	HOV Lane	HOV Lane
99	HOV Lane	HOV Lane
100	HOV Lane	HOV Lane

Legend:

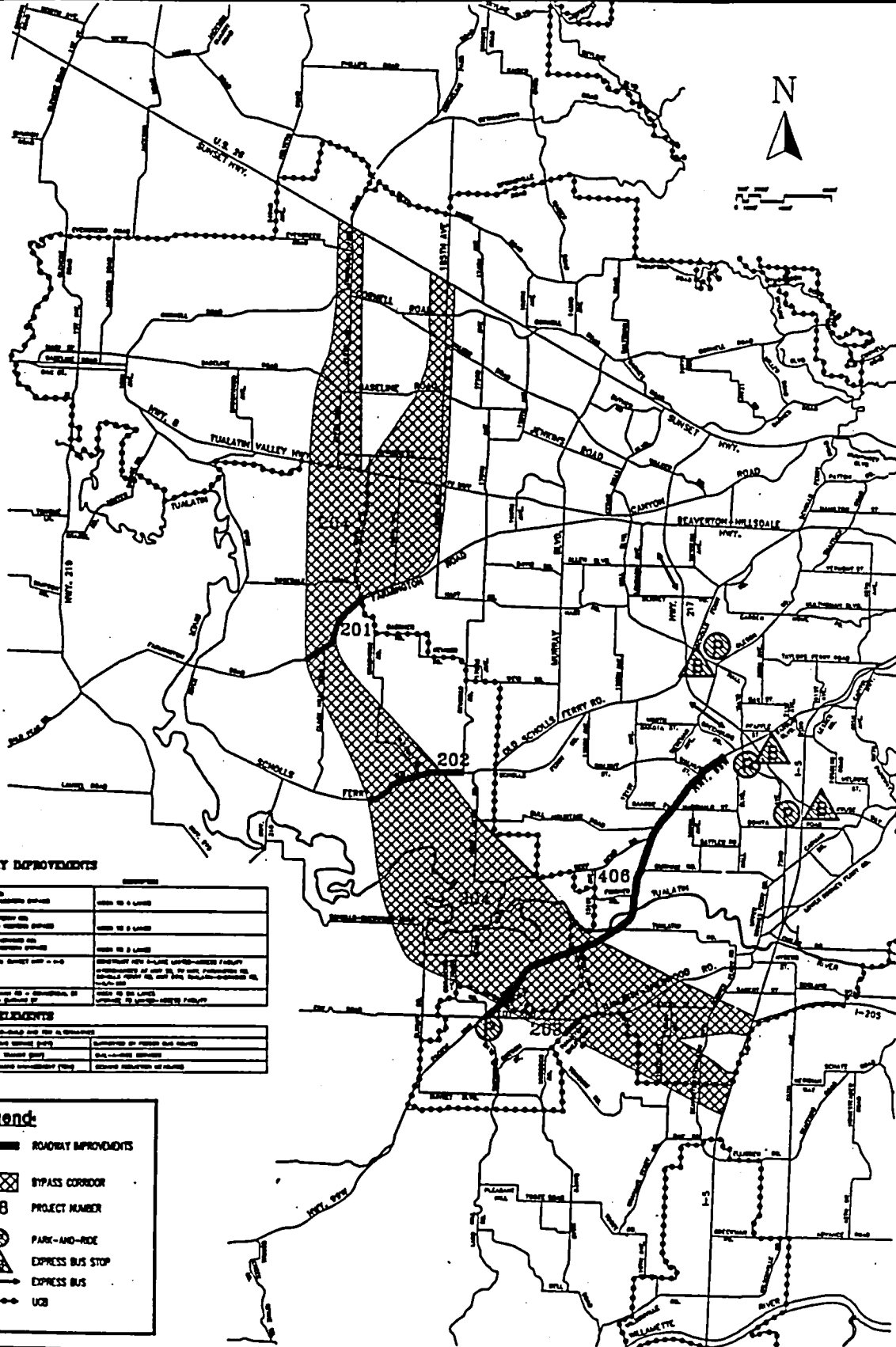
- ROADWAY IMPROVEMENTS
- ◆ INTERSECTION IMPROVEMENTS
- 58 PROJECT NUMBER
- ▨ MURRAY EXTENSION CORRIDOR
- ▧ NEW LIMITED ACCESS ARTERIAL CORRIDOR
- ⊙ PARK-AND-RIDE
- ▲ EXPRESS BUS STOP
- EXPRESS BUS
- ⋯ UCI

BYPASS ALTERNATIVE

WESTERN BYPASS STUDY

**PARSONS
BRINCKERHOFF**

October, 1992



ROADWAY IMPROVEMENTS

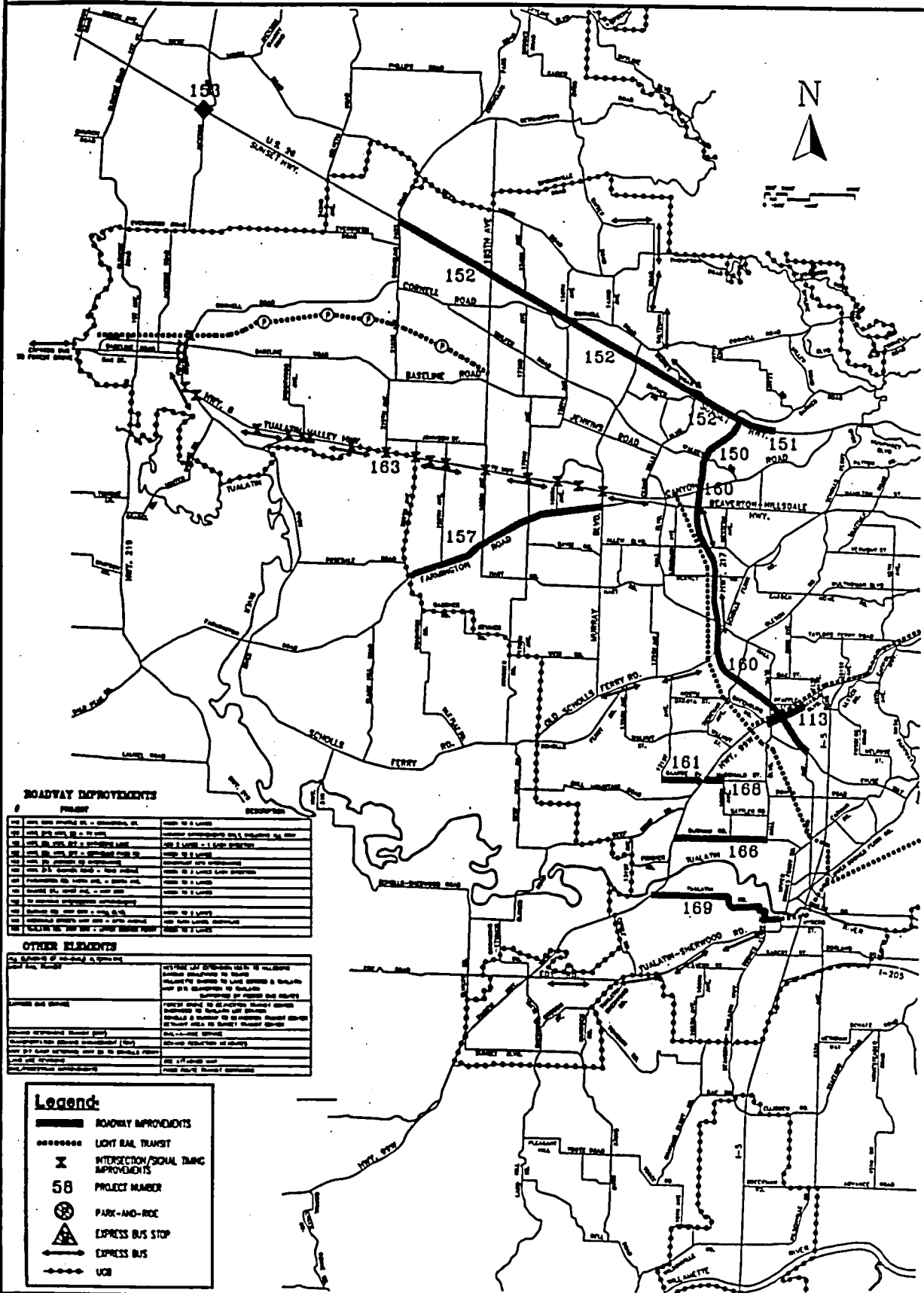
NO.	DESCRIPTION	STATUS
101	Widening to 4 lanes and 4 shoulders	Phase 1 & 2
102	4-lane divided with 4 shoulders	Phase 1 & 2
103	Widening to 4 lanes and 4 shoulders	Phase 1 & 2
104	4-lane divided with 4 shoulders	Phase 1 & 2
105	Widening to 4 lanes and 4 shoulders	Phase 1 & 2
106	4-lane divided with 4 shoulders	Phase 1 & 2

OTHER ELEMENTS

NO.	DESCRIPTION	STATUS
201	Express bus stop	Phase 1 & 2
202	Express bus stop	Phase 1 & 2
203	Express bus stop	Phase 1 & 2
204	Express bus stop	Phase 1 & 2
205	Express bus stop	Phase 1 & 2
206	Express bus stop	Phase 1 & 2
207	Express bus stop	Phase 1 & 2
208	Express bus stop	Phase 1 & 2
209	Express bus stop	Phase 1 & 2
210	Express bus stop	Phase 1 & 2
211	Express bus stop	Phase 1 & 2
212	Express bus stop	Phase 1 & 2
213	Express bus stop	Phase 1 & 2
214	Express bus stop	Phase 1 & 2
215	Express bus stop	Phase 1 & 2
216	Express bus stop	Phase 1 & 2
217	Express bus stop	Phase 1 & 2
218	Express bus stop	Phase 1 & 2
219	Express bus stop	Phase 1 & 2
220	Express bus stop	Phase 1 & 2

Legend

- ROADWAY IMPROVEMENTS
- BYPASS CORRIDOR
- PROJECT NUMBER
- PARK-AND-RIDE
- EXPRESS BUS STOP
- EXPRESS BUS
- UCI



ROADWAY IMPROVEMENTS

PROJECT	DESCRIPTION
150	WIDEN TO 4 LANES
151	WIDEN TO 4 LANES
152	WIDEN TO 4 LANES
153	WIDEN TO 4 LANES
157	WIDEN TO 4 LANES
160	WIDEN TO 4 LANES
161	WIDEN TO 4 LANES
163	WIDEN TO 4 LANES
166	WIDEN TO 4 LANES
168	WIDEN TO 4 LANES
169	WIDEN TO 4 LANES

OTHER ELEMENTS

PROJECT	DESCRIPTION
150	INTERSECTION SIGNAL TIMING IMPROVEMENTS
151	INTERSECTION SIGNAL TIMING IMPROVEMENTS
152	INTERSECTION SIGNAL TIMING IMPROVEMENTS
153	INTERSECTION SIGNAL TIMING IMPROVEMENTS
157	INTERSECTION SIGNAL TIMING IMPROVEMENTS
160	INTERSECTION SIGNAL TIMING IMPROVEMENTS
161	INTERSECTION SIGNAL TIMING IMPROVEMENTS
163	INTERSECTION SIGNAL TIMING IMPROVEMENTS
166	INTERSECTION SIGNAL TIMING IMPROVEMENTS
168	INTERSECTION SIGNAL TIMING IMPROVEMENTS
169	INTERSECTION SIGNAL TIMING IMPROVEMENTS

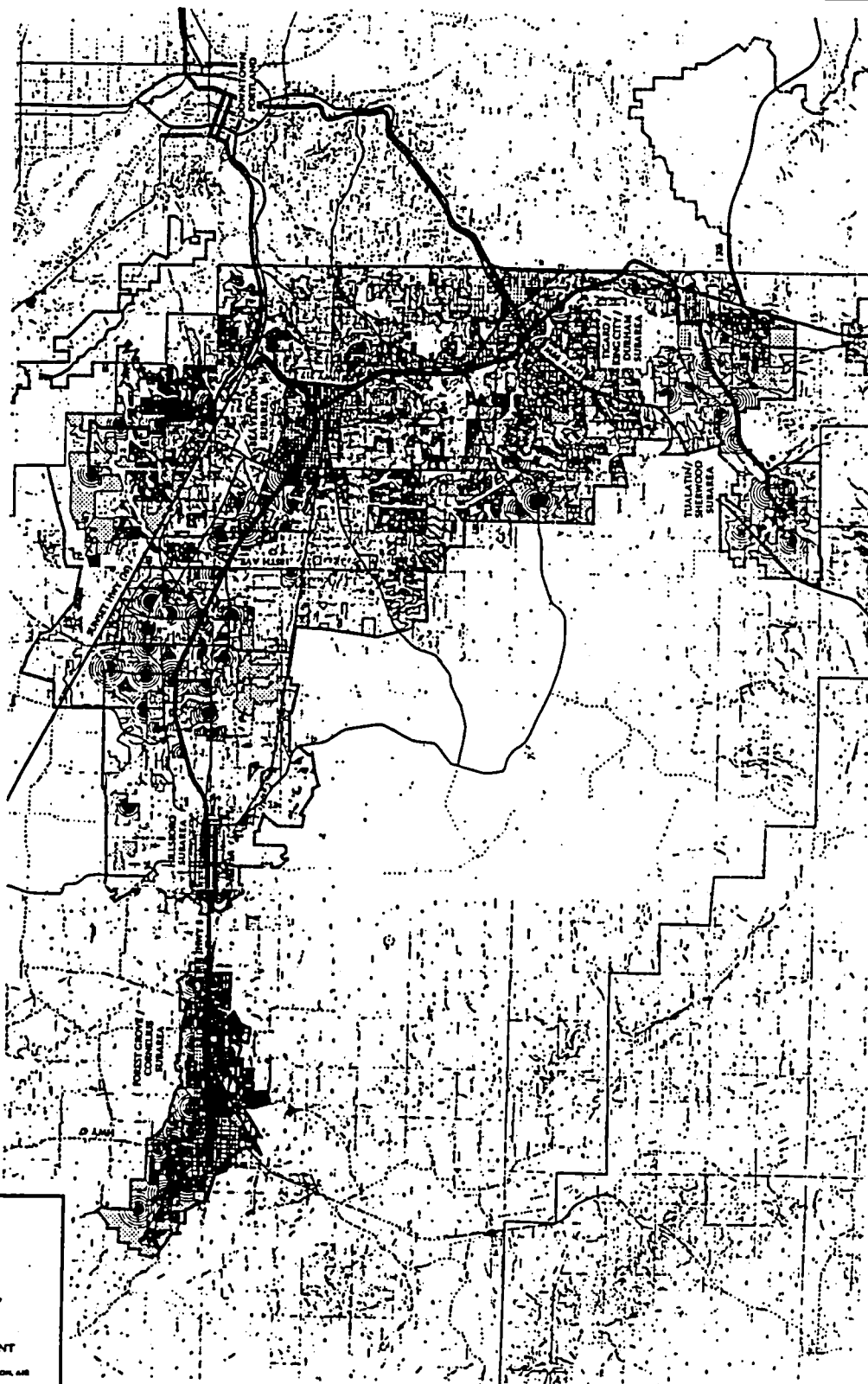
Legend

- ROADWAY IMPROVEMENTS
- LIGHT RAIL TRANSIT
- INTERSECTION/SIGNAL TIMING IMPROVEMENTS
- PROJECT NUMBER
- PARK-AND-RIDE
- EXPRESS BUS STOP
- EXPRESS BUS
- UCR

LUTRAQ ALTERNATIVE
Land Use Element
October, 1992

WESTERN BYPASS STUDY

PARSONS
BRINCKERHOFF



Legend



LAND USE ELEMENT

THE LAND USE, TRANSPORTATION, AIR
QUALITY CONNECTION
THE SHERBORN COUNTY, DEBON
FOR
NEW FRIENDS OF OREGON

1. 1992-1993
2. 1994-1995

**PROPOSED
TRANSPORTATION DEMAND MANAGEMENT PROGRAM
OCTOBER, 1992**

Background

A Transportation Demand Management (TDM) Program will be modeled as an element of all of the "Build Alternatives" for the Western Bypass Study. A previous memo, distributed to the advisory committees at the July 1991 meetings, described possible program elements and their potential for being included in the Metro regional model as part of proposed study alternatives. To be included in the modeling process, the TDM program elements need to the number of trips by mode due to measurable or quantifiable differences in time or cost or time differences. The impact of TDM elements, such as information or ride matching services, are difficult to quantify and thus cannot be modeled. This does not mean that they cannot be part of a TDM program, as they can provide support to other elements, making them more effective.

There are two reasons for including such a program as part of the alternatives: 1) one of the adopted objectives of the study, Objective 2.5 of Goal 2 of the Evaluations Measures and Criteria, is to "Reduce reliance on the private automobile and reduce or delay the need for additional vehicular capacity through support of transit, ride sharing (carpools, vanpools), and other demand management strategies"; and 2) the Transportation Rule, adopted by LCDC in 1991, which also has the objective of reducing reliance on automobiles. The rule seeks to achieve this objective by requiring reductions in parking spaces, reductions in VMT per capita, and developments to be designed to encourage transit, walking, and bicycling. A program of incentives and disincentives, is being proposed to reduce single-occupancy vehicle (SOV) trips within the study area.

The region has certain TDM programs already in place. These activities are generated from policies in the Regional Transportation Plan and focus on ridesharing and parking management. The parking management efforts are centered in downtown Portland. There is currently no parking management program enforced within the study area.

TDM Program

The proposed TDM program is designed to address the objectives for the study area as stated above: to reduce the use of single occupancy vehicles and also reduce VMT per capita in the study area. The following assumptions are incorporated into modeling this element:

- A parking charge will be applied to all work-related single-occupancy vehicles parking in the study area.
- The charge will be applied uniformly throughout the study area.
- There will be no parking charge for carpool or vanpool parking.
- A full transit subsidy will be provided for all study area employer sites for all employees who work in the study area and who ride transit.

**PROPOSED
DEMAND RESPONSIVE TRANSIT PROGRAM
OCTOBER, 1992**

Background

A Demand Responsive Transit (DRT) program will be modeled as an element of the all Western Bypass Study "Build Alternatives". The addition of this program was suggested by the study advisory committees. Initially included in only the TSM alternative, DRT will now be modeled as an element of the Arterial Expansion and Bypass Alternatives as well. This type of service was described in the January, 1991 Western Bypass Study Report entitled "Alternative Transportation Technology Report", and was presented and discussed at the January 1991 advisory committee meetings. DRT was also considered in the April 1989 Tri-Met report entitled "Suburban Transit Study".

Demand responsive transit provides service to riders when it is needed and where it is needed. It includes types of dial-a-ride, shared ride and shuttle services. It provides flexibility that fixed-route service cannot, as well as more intensive transit coverage.

DRT Program

The following assumptions are incorporated into modeling this element:

- A system of five Demand Responsive Transit cells has been mapped which together cover the entire study area.
- A dial-a-ride service will be provided to users within each of these cells.
- DRT vehicles will be accessed by a call-in service. Vehicles will be routed by a dispatcher in response to requests for service.
- Service coverage will be to all and any destinations within a cell, including residences, offices, shopping centers, bus stops, light rail stops and transit centers, if they are located within the cell.
- DRT service will not be provided between cells but service will be provided by fixed route service such as bus routes and light rail.
- DRT service will be provided in addition to the expanded fixed-route bus service planned by the year 2010.
- A full transit subsidy will be provided to all study area employees who use transit for work trips as part of the TDM program.

EXHIBIT A-1

(as recommended by JPACT)

Add to Page 2 - Planned Projects/TSM Alternative

As a second suboption to this alternative, congestion pricing will be evaluated as a substitute for the parking charge element.

ACC:lmk
92-1706.RES
11-16-92

OREGON ENVIRONMENTAL COUNCIL

027 S.W. Arthur Street, Portland, Oregon 97201

Phone: 503/222-1963 • Fax: 503/241-4260

MEMORANDUM

DATE: November 9, 1992

ATTN: Joint Policy Advisory Committee on Transportation
(JPACT)

FROM: John Charles, Executive Director - OEC
James E. Beard, Transportation Project Director - OEC

SUBJ: Resolution No. 92-1706 For the Purpose of Endorsing
Alternatives for Evaluation in the Draft Environmental
Impact Statement (DEIS) Phase of the Western Bypass Study

Agenda item number three for the Thursday, November 12 meeting of the Joint Policy Advisory Committee on Transportation (JPACT) calls for approval of Resolution No. 92-1706 endorsing the recommended alternatives for evaluation in the Draft Environmental Impact Statement for the Western Bypass Study.

The Oregon Environmental Council, after close study, is convinced that the recommended Western Bypass Study Alternatives are inadequate, and should be amended to include discussion and modeling of the effect congestion/road pricing and a Portland metropolitan area mileage-based smog fee system would have in the Western Bypass Study Area.

The proposed Western Bypass Study Alternatives are inadequate and incomplete in that they do not fully reflect ongoing state and regional transportation policy discussions in which congestion/road pricing and mileage-based smog fees are being seriously considered. These policy discussions include, for example, the Oregon Transportation Plan; the Governor's Task Force on Motor Vehicle Emissions Reductions, and the Oregon Roads Financing Study (see, for example, Oregon Transportation Plan at Policy 1B, Action 1B.1, Action 1B.2, pg. 23; and Goal 4: Implementation Policies, pg. 44).

We would like to ask that in the JPACT meeting on Thursday, November 12, you consider amending the proposed Western Bypass Study Alternatives as follows (proposed changes in CAPITAL LETTERS):

- 2) Planned Projects/Transportation System Management (TSM) Alternative -- The TSM Alternative includes all of the projects in the No-Build Alternative plus those planned projects without secured funding which expand the capacity of the existing transportation system. Such

projects are included in existing jurisdictional, Tri-Met, and ODOT plans. Among the improvements are the extension of Westside LRT from 185th Avenue to Hillsboro, expansion of Highway 217 to three lanes in each direction, extension of Beef Bend Road to Elsner Road, extension of Murray Boulevard as a three-lane collector to Highway 99W, and various other roadway and intersection improvements.

MODELING OF THE EFFECTS OF A MARGINAL COST PRICING SYSTEM (I.E., CONGESTION/ROAD PRICING) AND A MILEAGE-BASED SMOG FEE IS INCLUDED FOR THIS ALTERNATIVE, ALONG WITH MODELING FOR ALL COMPONENTS OF THE PROPOSED TSM PROGRAM EXCEPT THE PARKING FEE COMPONENT OF THE TSM PROGRAM, AS THIS IS REDUNDANT WITH THE MODELING OF PARKING FEES IN THE LUTRAQ ALTERNATIVE.

The fee-based system proposed for modeling above would have an effect on Vehicle Miles Traveled in Western Bypass Study Area. How big would it be? Might it be possible that VMT reductions would be large enough that congestion in the Western Bypass Study Area could be reduced enough to eliminate any need for the Western Bypass, making some lower level of investment (e.g., Alternatives 1, 2, or 3) adequate for the desired levels of transportation service? If some of the revenue stream from congestion and smog fees is diverted to increased transit service and transit pass subsidies, similar to what is proposed in the Western Bypass Study Transportation Demand Management Program, could the level of investment in roads be further reduced?

These are questions that should be answered, and the Draft Environmental Impact Statement, OEC believes, is the place to answer them.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503.221-1646

Memorandum

Date: November 30, 1992

To: JPACT

From: *K* Andrew C. Cotugno, Planning Director

Re: Inclusion of Congestion Pricing as an Element of the
Western Bypass DEIS

TPAC has reviewed the action taken by JPACT to include congestion pricing as an element of the Western Bypass DEIS. As recommended by JPACT at the November 12 meeting, "congestion pricing will be evaluated as a substitute for the parking charge element" of the Planned Projects/TSM Alternative in the DEIS.

TPAC recommends reconsideration of this action. They feel that there are too many variations on the method of implementing congestion pricing, too many uncertainties on its feasibility and the lack of research to adequately quantify the effects of congestion pricing. For these reasons, they felt that consideration of congestion pricing should be through a regionwide research effort such as that recently reviewed for a pilot project. In the event regional policy is adopted to pursue congestion pricing, the Western Bypass and all other regional projects will be required to comply.

However, if JPACT remains interested in addressing congestion pricing as it relates to the Western Bypass, the following approach is recommended in lieu of the previous action:

Resolve No. 5:

"5. That ODOT undertake and fund a modest evaluation of the relative magnitude of demand reduction possible from congestion pricing as compared to parking pricing. This should be done separate from the DEIS and be completed when the DEIS is completed and should be coordinated with regional consideration of congestion pricing."

This alternative approach more clearly defines the scope of analysis to be one of measuring the relative magnitude of demand reduction compared to parking pricing rather than a full-scale feasibility study. This will rely on existing travel behavior research and involve extrapolating the effect of pricing on behavior derived from existing parking pricing. In addition, it more appropriately handles the issue outside the DEIS since there

JPACT
November 30, 1992
Page 2

will be uncertainty as to the reliability of the information. In addition, this approach would allow the approval process for the DEIS alternatives to proceed since the alternatives would remain unchanged from that recommended by the Western Bypass Committees.

ACC:lmk

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 92-1706 FOR THE PURPOSE OF ENDORSING ALTERNATIVES FOR EVALUATION IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) PHASE OF THE WESTERN BYPASS STUDY

Date: October 22, 1992

Presented by: Andrew Cotugno

PROPOSED ACTION

Endorsement of five alternatives carried for further consideration in the Draft Environmental Impact Statement (DEIS), with the eventual goal of determining a preferred alternative to continue to the Final Environmental Impact Statement (FEIS).

TPAC has reviewed this resolution and recommends approval of Resolution No. 92-1706. JPACT reviewed this resolution and recommends adoption with the addition of Exhibit A-1 relating to inclusion of congestion pricing in the "Planned Projects/TSM" alternative.

FACTUAL BACKGROUND AND ANALYSIS

An evaluation of strategies to help solve the circumferential (as opposed to radial) travel needs of the western side of the Portland urban area has been completed. The information gleaned from this process has led to the definition of five alternatives for further study. The analysis of these five alternatives is expected to lead to a preferred alternative, which may be one of these alternatives or an amalgam of two or more of them.

The end of the strategy evaluation led to the adoption of Resolution 92-1620A by the Council which accepted the deletion of the "Transit-Intensive Strategy" which included light rail on the 217 alignment as a component of a "transit only" solution and the far western Bypass option. This left four alternatives that had been studied as part of the ODOT process: No-Build (existing plus currently funded), Planned Projects/TSM (existing plus currently funded plus expected funding), Arterial Expansion with Express Lanes on Highway 217, and Bypass -- an arterial, expressway or freeway facility in part outside the Urban Growth Boundary (all except the No-Build included a high-capacity transit (HCT) element modeled as express buses on Highway 217). This same resolution required the consideration of Light Rail Transit (LRT) as the HCT element in at least one alternative and the requirement to not preclude this as part of the long-range solution.

At the time, an alternative was being developed by 1000 Friends of Oregon, dubbed the "Land Use Transit And Air Quality" "LUTRAQ" solution. This solution looked to land use designation and

design changes as a part of the transportation solution as well as a transit-supportive land use arrangement and assumed a Light Rail element in the Highway 217 corridor as the HCT element.

An evaluation of this last LUTRAQ alternative by ODOT led to the recommendation in this resolution to include it for analysis in the DEIS.

While the High-Capacity Transit element in the first four alternatives is being analyzed as express bus, the actual form of HCT could as well be LRT following an alternatives analysis by Tri-Met or Metro. This is a corridor level analysis and will not get to the final alignment nor design details of the alternative carried forward as a preferred alternative. There is thus no action being taken that would preclude the inclusion of LRT as the HCT element in any of the alternatives.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 92-1706.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5396
503/221-1646

Memorandum

ATTACHMENT A

Date: October 13, 1992
To: TPAC
From: Western TAC and CAC.
Re: Western Bypass Study TAC and CAC Recommendations

Technical Advisory Committee

Bob Cortright moved and Roy Gibson seconded, that the five alternatives (Bypass, Planned Projects/Transportation System Management (TSM), Arterial Expansion/High Occupancy Vehicle Express, Bypass, and 1000 Friends of Oregon's LUTRAQ) recommended by the study team (see October 6, 1992 document titled "Recommended Western Bypass Study Alternatives for the Draft Environmental Impact Statement") be carried forward into the Draft Environmental Impact Statement (DEIS) phase of the Western Bypass Study for the purpose of analyzing a broad range of alternatives and documenting their associated impacts. They represent a viable range of alternatives with reasonable transportation performances because each one performs better than the No-Build Alternative for all transportation-related evaluation criteria in the study. Each of the alternatives is different in its approach to meeting the study objectives, and would result in distinct impacts if implemented. Endorsement of this recommendation by committee members represents consensus for further study, and is not a decision for approval of any alternative or element of it for implementation.

In addition, one proposed modeling modification from the Transportation System Management (TSM) Alternative (Scholls Ferry Road widened to seven lanes) will be removed from that alternative and be included in the Arterial Expansion/High Occupancy Vehicle Express and the Bypass Alternatives.

Also, projects shown in the TSM Alternative that have already been completed will be included in the LUTRAQ Alternative.

Citizens Advisory Committee

Mary Tobias moved and Cathy Stanton seconded, that the Citizens Advisory Committee make the same recommendation as the Technical Advisory Committee.

Steering Committee

The steering committee recommended, with one negative vote, the same recommendation as the Citizens Advisory Committee.

October 19, 1992

DEPARTMENT OF
TRANSPORTATION

HIGHWAY DIVISION

Region 1

FILE CODE:

Jim Gardner
Presiding Officer
Metro
2000 S.W. First Avenue
Portland, Oregon 97201-5398

Please refer to your letter of September 25, 1992, regarding JPACT and Metro Council action on elimination of the "Western Bypass Option B" and the "Transit-Intensive" Strategies from further consideration as alternatives in the Western Bypass Study (WBS). Your letter addresses conditions included in Resolution 92-1620A regarding LRT in the Western Bypass Study alternatives. I would like to discuss in more detail how the WBS intends to address the resolution.

Our WBS advisory committees met last week to approve five alternatives for further study in a Draft Environmental Impact Statement. The alternatives are:

1. No Build
2. Planned Projects/TSM
3. Arterial Expansion/High-Occupancy Vehicle Express
4. Bypass
5. LUTRAQ

A detailed description is attached for your review. We will begin the Intergovernmental Agreement process at the October 30, 1992 meeting of TPAC, followed by JPACT and Metro Council. We will then return to the Oregon Transportation Commission following these decisions with a request for additional funding to complete the DEIS.

All build alternatives include high-capacity transit in the Highway 217 corridor. LUTRAQ uses LRT as the high-capacity transit element in the Highway 217 corridor. With Tri-Met's concurrence, WBS has chosen to use express buses as the high-capacity transit element in the TSM, arterial expansion, and bypass alternatives. Express bus was chosen



9002 SE McLoughlin
Milwaukie, OR 97222
(503) 653-3090
FAX (503) 653-3267

because of its flexibility between now and the study design year of 2010. WBS has addressed further consideration of LRT by inclusion of the LUTRAQ alternative in the DEIS process. This offers the possibility of LRT being part of the preferred alternative.

WBS is a corridor-level analysis. Improvements identified will not be specifically located on the ground. Perhaps the best way to explain this is to use the Planned Projects alternative, improvement on Highway 217. This improvement would add one lane in each direction. The improvement is feasible but the exact location of the lanes, or any interchange redesigns, would be left to detailed project development following selection of a preferred alternative by local governments. WBS will not produce detailed designs for any alternative. Without detailed, project-level designs, including identification of transit operations, it would be impossible to identify the best location for LRT. During any future project design work on Highway 217, the most recent decision on the type of high-capacity transit reflected in the RTP will be included. Our analysis to date confirms there is sufficient room in the Highway 217 corridor to include highway and transit improvements.

Funding the improvements of the preferred alternative will be accomplished via the established regional consensus process. This reflects the RTP region priority recommendations to ODOT. ODOT will continue to work with local and regional government to develop funding proposals that implement the OTP and RTP policies and directions. Funding commitments to date for ODOT improvements are listed in the 1993-1998 Six-Year Transportation Improvement Program.

I would be happy to discuss this further with you at your convenience.



Michal Wert
Project Development Manager

cc: Don Adams
Andy Cotugno

MW:BC:po
jgbc1005.e



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

September 25, 1992

Ms. Michal Wert
ODOT, Metro Region
9002 SE McLoughlin Blvd.
Milwaukie, OR 97222

Dear Michal:

At the August 13, 1992 meeting of JPACT and the September 10, 1992 meeting of the Metro Council, the attached resolutions were adopted relating to elimination of two Western Bypass "Strategies" from further consideration in the "Alternatives" phase of the study. These resolutions include the following provisions.

1. The "Western Bypass Option B" is recommended to be dropped for further consideration.
2. The "Transit-Intensive" strategy is recommended to be dropped from further consideration. However, there are a number of conditions about the status of LRT as a result of this action:
 - a. Although a "Transit-Intensive" strategy, including LRT, is dropped from further consideration, a combination strategy which includes LRT, support bus services and needed highway projects should be evaluated further before the final alternatives are approved for inclusion in the Draft Environmental Impact Statement (DEIS). In this manner, a decision can be made as to whether a combination highway/LRT alternative should proceed into the DEIS, a combination highway/bus (with express HOV lanes) alternative should proceed into the DEIS or both.
 - b. All alternatives included in the DEIS should be designed in such a way to not preclude future implementation of LRT. In order to accomplish this, all alternatives approved for inclusion in the DEIS (particularly the non-LRT alternatives) should explicitly identify the intended location for future LRT to ensure future construction is not precluded.

Executive Officer
Rena Cusma

Metro Council

Jim Gardner
Presiding Officer
District 3

Judy Wyers
Deputy Presiding
Officer
District 8

Susan McLain
District 1

Lawrence Bauer
District 2

David Devlin
District 4

Edward P. Gronke
District 5

George Van Bergen
District 6

Ruth McFarland
District 7

Tanya Collier
District 9

Roger Buchanan
District 10

Ed Washington
District 11

Sandi Hansen
District 12

MICHAL WERT
September 25, 1992
Page 2

- c. Another LRT alternative may be included in the DEIS through acceptance of the LUTRAQ alternatives for further consideration. If the LUTRAQ study, sponsored by 1000 Friends of Oregon, produces a viable land use/transportation alternative to the Bypass, it will be approved for inclusion in the DEIS. The LUTRAQ alternative and the other Bypass alternatives should be considered for approval for inclusion in the DEIS as a single consolidated action. If necessary, approval of the Bypass alternatives for inclusion in the DEIS should be delayed until the LUTRAQ alternative can also be considered.
- d. LRT is not being dropped from the Regional Transportation Plan (RTP) as a possible improvement in the Highway 217 Corridor. If a decision is made that LRT is not a viable component of the solution to the Western circumferential travel problem intended to be addressed by the Western Bypass, it will be retained in the RTP for other purposes.

In addition to action on these two "Strategies," we have concern about ODOT's commitment to fund the preferred alternative resulting from this process. If alternatives to a Bypass are evaluated in the DEIS, then the preferred alternative resulting from this process should be funded. The decision-making process should not be biased by the prospect of securing an Access Oregon funding commitment for the Bypass alternative while leaving the funding prospect for the other alternatives uncertain. This is particularly true under the flexibility provisions now available through ISTEA. Before the alternatives are approved for inclusion in the DEIS, we need to know the intent of the Oregon Transportation Commission on this matter.

Thank you for your consideration on these matters.

Sincerely,



Jim Gardner
Presiding Officer

cc: Don Adams, ODOT

Enclosures

METRO

2040 SW First Avenue
Portland, OR 97201-5798
(503) 221-1646
Fax 241-7417

ATTACHMENT B
Page 5

September 25, 1992

Mr. Don Adams
ODOT, Metro Region
9002 SE McLoughlin Blvd.
Milwaukie, OR 97222

Dear Don:

Attached is a letter to Michal Wert regarding concerns raised by JPACT and the Metro Council on the elimination of strategies from further consideration in the Western Bypass Study. One of the major areas of concern dealt with the question of whether ODOT is committed to fund the preferred alternative resulting from the study, regardless of the result, or only a Bypass option. Because of the new direction set in the Oregon Transportation Plan, increased flexibility for funding provided by ISTEA and the importance of completing the EIS in a manner unbiased by funding preferences, this is a significant policy concern. In addition, it has ramifications for other funding concerns throughout the region.

As a member of JPACT, could you please ensure this is addressed by the Oregon Transportation Commission and discussed further at JPACT.

Sincerely,



Jim Gardner
Presiding Officer

JG:ACC:pa

Enclosure

Executive Officer
Rena Cusma

Metro Council

Jim Gardner
Presiding Officer
District 3

Judy Wyers
Deputy Presiding
Officer
District 8

Susan McLain
District 1

Lawrence Bauer
District 2

Ed Devlin
District 4

Edward P. Gronke
District 5

George Van Bergen
District 6

Ruth McFarland
District 7

Tanya Collier
District 9

Roger Buchanan
District 10

Ed Washington
District 11

Sandi Hansen
District 12

October 19, 1992

DEPARTMENT OF
TRANSPORTATION

HIGHWAY DIVISION
Region 1

FILE CODE:

Jim Howell
Oregon Association of Railway Passengers
3325 N.E. 45th
Portland, Oregon 97213

We appreciate your suggestions on a rail alternative for consideration in the Western Bypass Study (WBS). Attached is ODOT's evaluation and conclusions on the Circumferential Rail Strategy presented by you at TPAC in 1991.

As noted in the evaluation, the rail strategy does not address circumferential travel problems in Washington County as defined in the Western Bypass Statement of Purpose and Need. It will, therefore, not be included as an alternative to be evaluated in the Draft Environmental Impact Statement but will be discussed as a strategy considered and dismissed from further evaluation in the WBS.

Please call Bill Ciz at 653-3240 if you have any questions.



Michal Wert
Project Development Manager

MW:po

Attachment

jtbcmw.e



9002 SE McLoughlin
Milwaukie, OR 97222
(503) 653-3090
FAX (503) 653-3267

WESTERN BYPASS STUDY

Oregon Department of Transportation

CIRCUMFERENTIAL TRANSIT ALTERNATIVE EVALUATION

October 8, 1992

INTRODUCTION

The purpose of this memorandum is to respond to a request by the Oregon Association of Railway Passengers (OARP) for an evaluation of a "Circumferential Rail Strategy", as described in a document entitled "An Alternative Transit Strategy to the Western Bypass", dated July 1991. The OARP document contains a general description of a circumferential passenger rail alternative of unspecified characteristics, following an alignment shown in Exhibit 1.

The rail routes described in the OARP document are not a formal alternative or strategy, in the sense that these terms are used in the Western Bypass Study process. The "rail strategy" described in the document does not include descriptions of any particular technology or its operating characteristics. However, this does not preclude evaluating the transportation consequences of implementing the circumferential rail strategy, in general terms, as it relates to the goals and objectives for the Western Bypass Study (WBS).

The circumferential rail strategy consists of a high quality rail system operating from Forest Grove to Beaverton and from Beaverton to Tigard and Lake Oswego, all following a right-of-way currently owned by private railroad companies. The strategy also includes an extension of such service across the Willamette River to Milwaukie, at which point it would follow an existing right-of-way in public ownership, similar to one of the alternatives currently being studied in METRO's preliminary alternatives analysis for the I-205 - Milwaukie Corridor. The service would include stops at the Gateway Transit Center where it could connect with the existing MAX LRT line. Assuming the purchase of the railroad right-of-way and the resolution of any issues regarding potential simultaneous use of this right-of-way for both freight and passenger surface, this memorandum will describe several transportation systems performance measures which we are able to estimate for the line, using other existing data. Consistent with the methodology for strategies in this study, the estimate of cost or consideration of funding is not included at this conceptual stage. Rather we look to see if the strategy provides a solution to the transportation problems identified for the WBS study.

It should be noted that the transit corridor between Gateway and Forest Grove would represent high capacity transit (HCT) service which has already been contemplated by the Regional Transportation Plan. Thus, while the Forest Grove to Gateway "circumferential" rail line should, in the words of its proponents, be evaluated as "part of a bigger picture approach in order to be effective", much of the service has already been considered in regional planning. In the WBS area, HCT service from Hillsboro to Tigard has been included

in several forms in different strategies. It has been documented in previous analyses that a strategy focused on circumferential LRT terminating at Tigard and Hillsboro does not work to solve the problems identified in the WBS. In Exhibit 1, OARP itself states that "a rapid light rail line on Barbur (Boulevard), a short rail line segment between Beaverton and Tigard and buses caught in congested mixed traffic do not adequately address the intra-suburban travel needs which produce current congestion."

It must be noted that the purpose of this memorandum is to evaluate the merits of this circumferential rail strategy in the context of the WBS and its unique study area (See Exhibit 2). The broad regional benefits to the Portland Metropolitan area are not properly the subject of this analysis or the WBS. The important question is not regional, but study area specific. How many of the study area trips currently made by auto could be shifted to transit if the transit intensive strategy previously investigated (and dismissed from further consideration because it was not a viable alternative for this study) were extended as outlined in the OARP proposal? Moreover, what effect would this shift to transit have on reliance on the single occupancy vehicle and congestion reduction in the WBS area?

Therefore, this rail strategy is evaluated in the context of the WBS's goals and objectives and evaluation criteria, which are not focused on transit ridership in itself except as it addresses broader questions of accessibility, travel demand and congestion. Since the WBS is neither a multi-county, regional transportation analysis nor a transit study, the focus of our analysis will be on the WBS area and on the criteria developed for evaluation of strategies.

ANALYSIS

Western Bypass Study

In a previously published document¹ the study team reviewed background data and travel demand forecasts both current and for the year 2010 under the no-build scenario in order to gain an understanding of regional travel patterns and behavior. This analysis provides a useful context for the evaluation of a circumferential rail strategy.

Sixty-eight percent of the vehicle trips forecast to occur in the study area in the 2010 will be local trips, defined as one of less than six miles in length, an increase from 61% in 1988. This indicates a growing importance of trips in the study area rather than through the region (See Exhibit 3).

As shown in Exhibit 4, the portions of the region east of the Willamette River which would be connected to the study area by a Willamette River crossing will experience person trip and vehicle trip growth at or below the average for the WBS area. Specifically, trips from the east Portland/Multnomah County District are estimated to grow by 17% by 2010, in comparison with a regional average of 37% and a study area growth of 66%. Trips in District 18, east Clackamas County, are forecast to grow by 39.5% during the same period of time. Proportionally, these rates of growth in person trips are below that found in most districts in the study area.

As further shown in Exhibit 5, the trend between 1988 and 2010 is for a reduction in the number of work vehicle trips at the PM peak hour with destinations outside the study area. This is because employment is expected to grow at a faster rate than households in the study area, and more people will live and work in the study area. Trips from the study area

¹1988 Existing and 2010 No-Build Forecasting Analysis Results, October 26, 1990

to District 4 (West Linn) will decline from 13.2% to 10.9% of the total study area work trips. Trips to east Portland/Multnomah County will decline from 8.9% to 4.5%. Trips to east Clackamas County will decline from 6.0% to 5.1%. This supports the growing importance of circumferential trips with origins and destinations within the WBS area identified in the Statement of Purpose and Need, and the need to focus on how to meet the travel demand associated with these trips.

Additional Analysis By METRO

With this as background, additional data in the form of an estimate of transit patronage on a line similar to the Circumferential Rail Strategy is available from a document previously prepared by METRO². A comparison of its conclusions with the problems identified in this study can be made. In this document METRO analyzed ridership potential on "railbus" service between Hillsboro and Gresham in order to determine its impact on traffic congestion in the southeast part of the region. The option evaluated in that document consisted of two rail lines, the Portland Traction Company (PTC) line from Gresham to Milwaukie and the Tillamook branch of the Southern Pacific Railroad from Milwaukie to Hillsboro. The report notes that the Southern Pacific line "is a main trunk line and is not for sale at this time"; nevertheless the analysis was conducted under the assumption that service would be provided uniformly along the line using a technology which is essentially a diesel power transit vehicle which operates on railroad tracks instead of paved streets.

While the line evaluated in this Metro report extends to Hillsboro and not Forest Grove, on the west, and to Gresham rather than Gateway, on the east, it serves as the best available analysis using the Regional Transportation Model for the circumferential rail strategy proposed by OARP. Its design year (2009) is essentially identical to that of the WBS (2010). The advantage of analyzing travel demand forecast data for this "railbus" option is to establish order of magnitude impacts which can be viewed as similar to those which might be expected from the implementation of the circumferential rail strategy.

The forecasts of travel behavior described in the memorandum are based upon an average travel speed of railbus vehicles on the line of 30 mph, inclusive of acceleration/deceleration and dwell time. These travel times are faster than times which can be expected to result from the use of light rail vehicles in this corridor, assuming that station stops and vehicle technology are similar to those used in the Westside and the Gresham line. Thus the travel speeds associated with this option are quite attractive relative to other transit choices available in the region today.

The memorandum authors also assumed that the railbus system would be fully integrated with existing transit service, including LRT and bus service. Thus at each of the transit centers it is assumed the full complement of Tri-Met buses would intersect with the railbus. These include fifteen lines at the Beaverton Transit Center, 9 at Tigard, 7 at Lake Oswego and 13 at Milwaukie.

With this high level of service and with the travel speeds noted above, METRO estimated that transit travel between zones which roughly correspond to the WBS area and those in the southeastern and eastern portions of the metropolitan area would increase by 15% over the levels forecast for the RTP in the absence of this service. This corresponds to approximately 1600 daily riders. Travel between those zones west of the Willamette River and those zones east of the Willamette River was forecast to increase by 1.5% over the RTP baseline totals. This corresponds to an increase of approximately 2000 riders per day (See Exhibit 6).

²"Expanded Transit Alternative: Assumptions and Analysis", METRO, July, 1988

The small net increase in daily riders on the transit system was concluded in the METRO study to result from the fact that five out of six of the new riders on the expanded "railbus" system would come from other transit routes and service. The rail option clearly would not generate significant additional ridership for the transit system as a whole, as analyzed by METRO.

Since an examination of transit ridership is not an end in itself, in the context of the Western Bypass Study, it is important to analyze the effects of this expanded transit service on vehicle volumes. The METRO analysis concluded that,

"The amount of regional travel with expanded transit service is reduced by 3300 vehicles from the RTP level of 4.9 million vehicles. When converted to p.m. peak travel, the difference between the two scenarios is only 400 (regional) vehicles."

Thus the introduction of expanded travel service in the form of railbus between Gresham and Hillsboro would reduce daily regional vehicle trips by less than 1/10th of one percent throughout the metropolitan area.

OVERALL CONCLUSIONS

It is well documented that fixed guideway HCT transit service does not operate as effectively in a land use environment where both origins and destinations are widely dispersed. The planned land uses for the circumferential rail corridor certainly fit this description, and it is no surprise that the effects of the operation of circumferential rail transit would be modest, at best. Moreover, alternatives currently under development in the WBS include options for transit service which respond to those disperse land uses and related travel demand assumptions.

Based on this information, and on an analysis of travel behavior of the region's residents forecast for the year 2010, there is no basis for concluding that the Circumferential Rail Strategy would make a meaningful contribution to meeting the goals and objectives of the WBS process. While this strategy may be considered in other studies as a means for providing transit service, there is no basis for concluding that there will be meaningful reductions in vehicle trips, vehicle miles traveled or congestion in the WBS area as a result of the construction of such an alternative, or the addition of this extended HCT element as part of an alternative in the WBS.

Based on the identified Purpose and Need, the Circumferential Rail Strategy does not represent an option significantly different in performance than the Transit Intensive (LRT) Strategy which has been previously analyzed and dismissed from further study. The Circumferential Rail Strategy will not be included for further analysis in the WBS. This analysis, however, will be included in the Draft Environmental Impact Statement in the section under "alternatives considered but not advanced for further study".

All the "Build" Options, including Transit Options, Violate State Goals

Each of the build alternatives involves adding capacity to the arterial and highway network in direct violation of LCDC Goal 12, which calls for reduction in vehicle-miles-travelled (VMT). It is well documented that added lanes increase VMT, by encouraging greater use of the roadway system.

Current Transit Strategies are Far Too Weak to have Real Impact on VMT

A radial Light Rail line on Barbur, a short Light Rail segment between Beaverton and Tigard and buses caught in congested mixed traffic do not adequately address the intra-suburban travel needs which produce current congestion. The quality and orientation of the proposed transit service would be insufficient to attract many people out of their automobiles. In addition, these transit strategies include significant highway expansion which is not directly related to transit and is not funded. An effective transit strategy must start from the "No Build" base, which still involves considerable highway expansion over current conditions.

Transit Strategies Don't Really Address Primary Issue of Circumferential Travel

Even under the Transit Intensive strategy, the proposed links and transfers would not provide for convenient and attractive circumferential transit travel.

A Comprehensive Intensive Transit Strategy is Needed

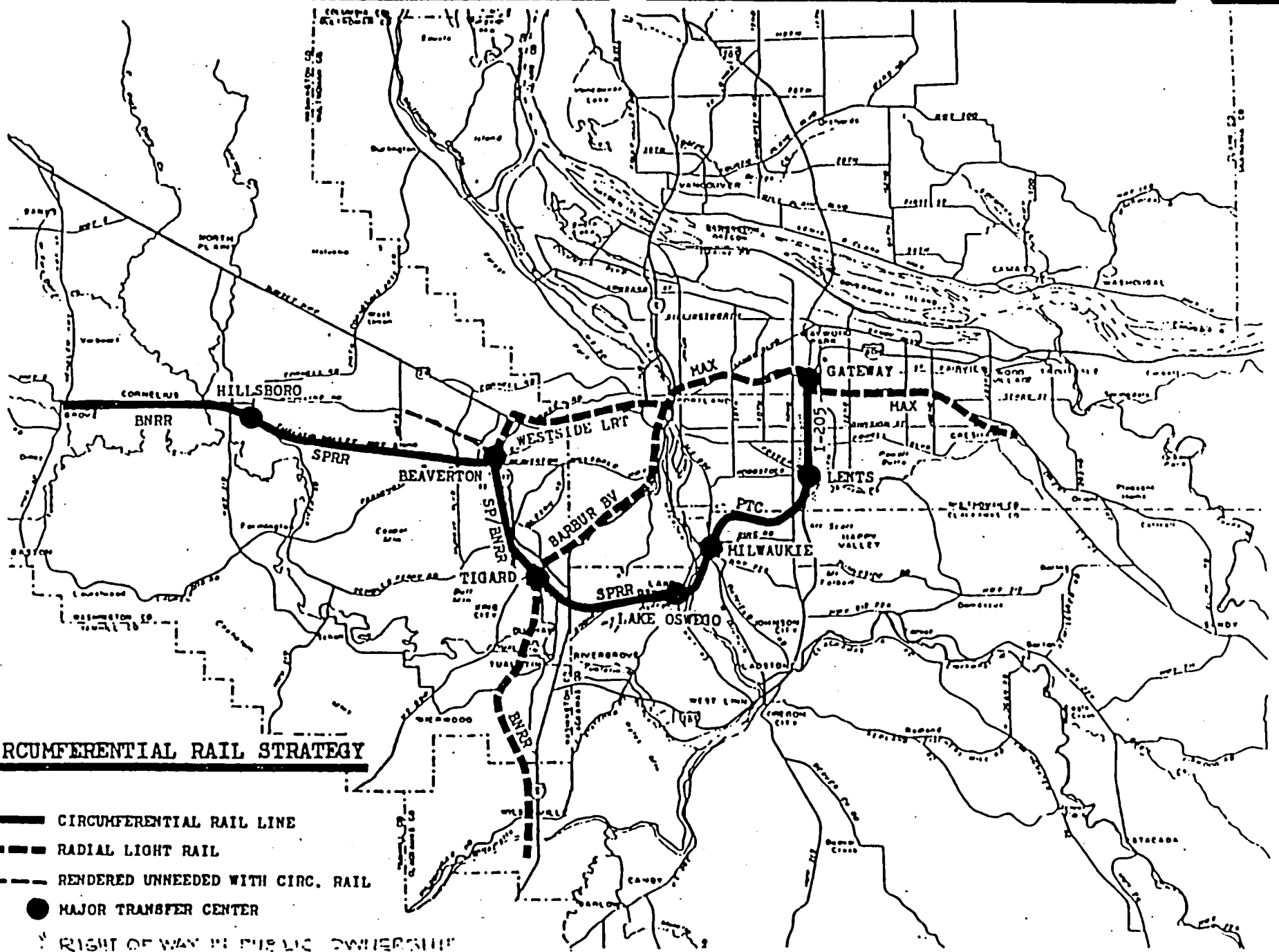
The transit strategy needs to be part of a bigger picture approach in order to be effective. The highway solution builds on a well-developed regional highway network, which extends outside of the Study Area. It is therefore appropriate that the projected transit service also extend outside the immediate Study Area, since an effective transit alternative needs to make up for the underdeveloped nature of the regional transit network.

OreARP Transit Strategy Built Around Hillsboro to Gateway Circumferential Rail Route

A rail connection from Hillsboro to Gateway, via Beaverton, Tigard, Lake Oswego, Milwaukie, and East Portland would begin to provide a viable alternative to movements on the proposed Western Bypass, many of which would undoubtedly be coming from or going to the I-205 corridor.

Route Placed to Serve Existing Activity Centers and Use Existing Rail Facilities

The proposed route would better serve travel needs than express bus service on I-205 itself. This is because the proposed route directly goes through established activity centers, which would improve ridership potential. The route would, as much as possible, use existing, underutilized tracks and rail rights-of-way, as well as dedicated transit right of way in the I-205 corridor. This would reduce the capital cost of this rail service in comparison to the highway alternative, which requires purchase of an entire new right-of-way, in addition to significant construction costs.



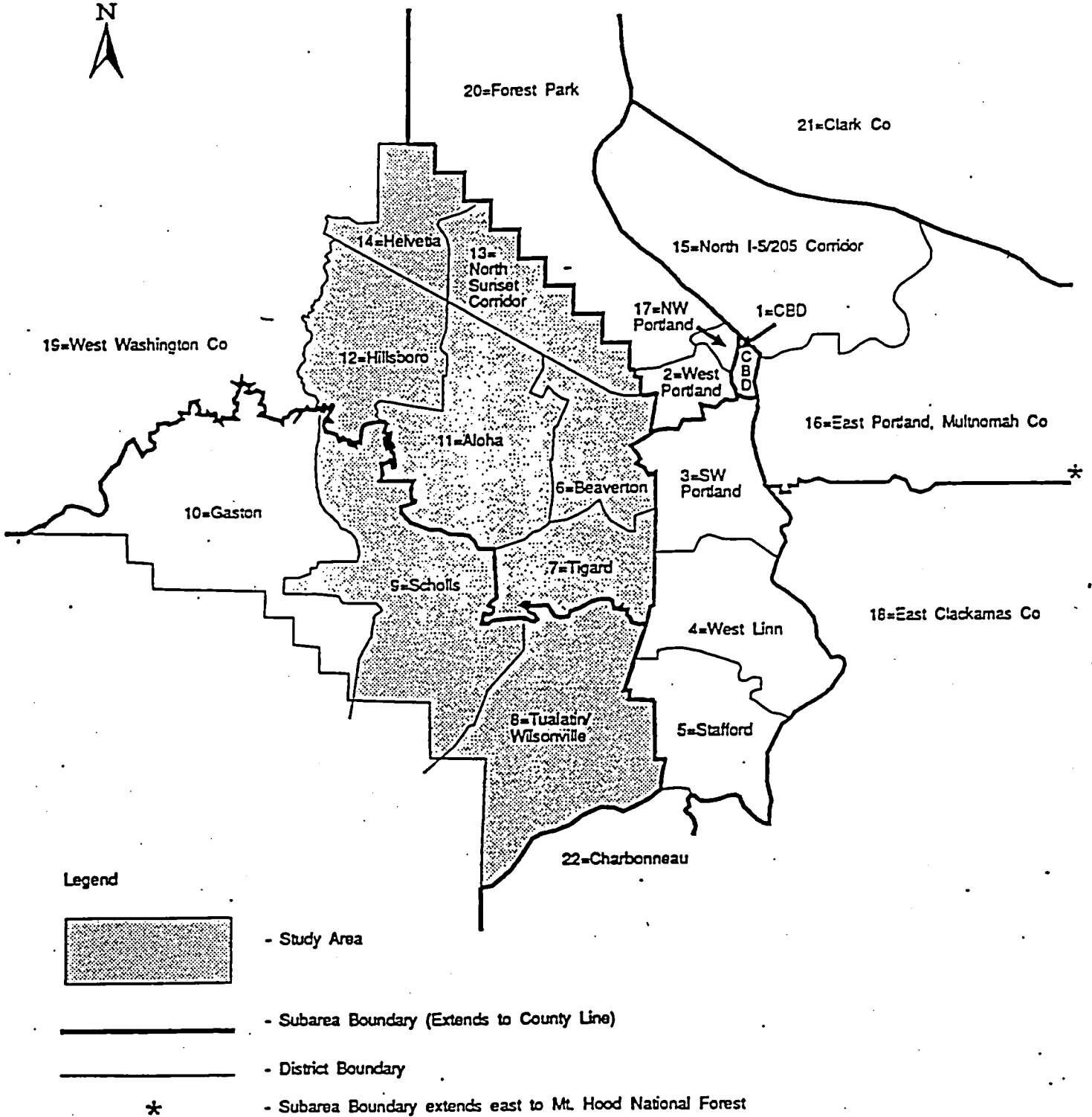
CIRCUMFERENTIAL RAIL STRATEGY

- CIRCUMFERENTIAL RAIL LINE
- - - -** RADIAL LIGHT RAIL
- - - -** RENDERED UNNEEDED WITH CIRC. RAIL
- MAJOR TRANSFER CENTER

∩ RIGHT OF WAY IN PUBLIC OWNERSHIP
 ∪ R.R. FOR SALE

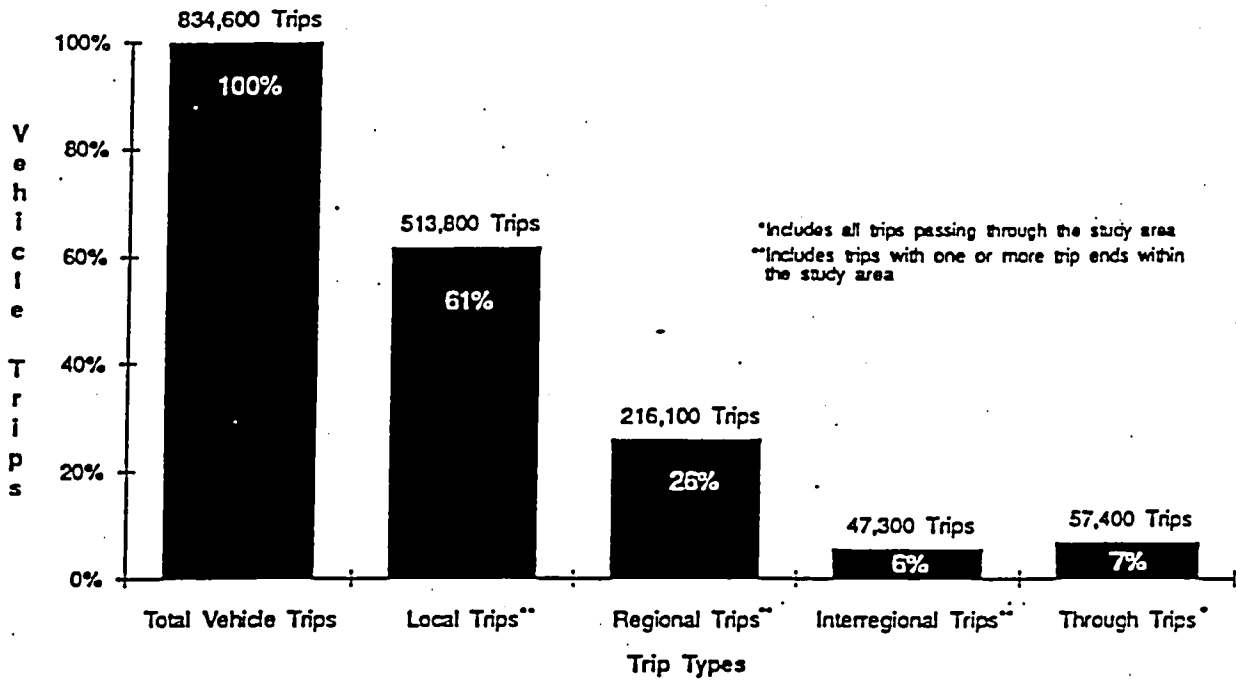
Proposed as an alternate development strategy to the Western Bypass by the Oregon Association of Railway Planners 7-16-91

District Identification

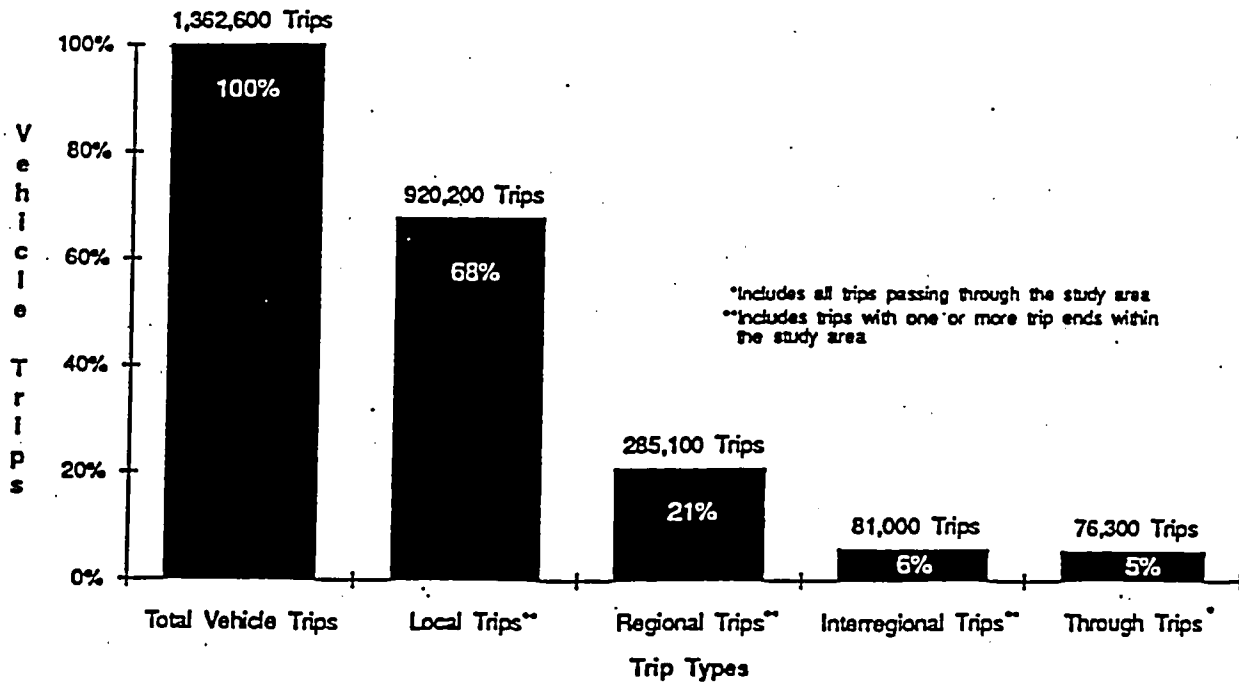


DISTRIBUTION OF 1988 AND 2010 STUDY AREA VEHICLE TRIPS BY TRIP TYPE

1988 VEHICLE TRIPS



2010 VEHICLE TRIPS



**SUMMARY OF GROWTH IN TRIPS BY DISTRICT (IN THOUSANDS)
1988 Existing and 2010 No Build**

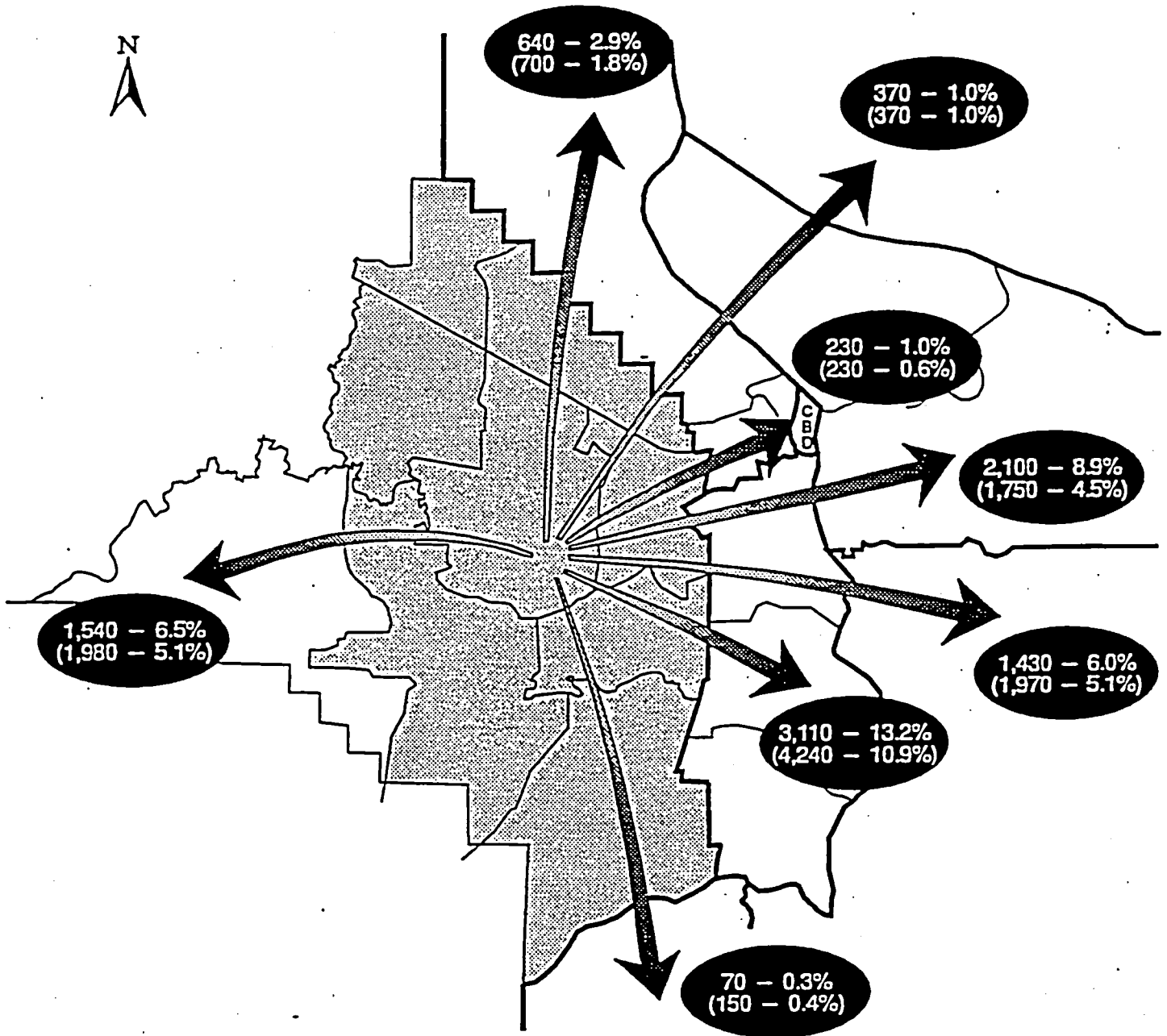
Trips To/From	Total Person Trips*			Total Vehicle Trips**		
	1988 Base	2010 No Build	Percent Growth	1988 Base	2010 No Build	Percent Growth
Region	4,469.1	6,114.4	36.8%	3,443.5	4,673.9	35.7%
Study Area (% of Region)	873.3 19.5%	1,456.6 23.8%	66.8%	690.7 20.1%	1,148.7 24.6%	66.3%
District						
1	217.0	261.7	20.6%	138.6	157.9	13.9%
2	44.5	50.2	12.9%	33.5	37.4	11.7%
3	223.9	284.2	26.9%	170.5	214.0	25.5%
4	149.7	222.5	48.6%	110.3	173.8	46.9%
5	5.0	5.1	2.4%	3.9	4.0	1.9%
6	289.7	352.4	21.7%	226.3	274.3	21.2%
7	137.2	195.7	42.6%	109.0	153.8	41.0%
8	72.7	160.7	121.0%	58.5	128.7	120.2%
9	7.4	10.5	41.4%	5.8	8.2	40.1%
10	10.5	14.6	39.0%	8.3	11.4	37.2%
11	188.2	370.2	120.1%	133.4	293.2	119.8%
12	107.9	208.7	93.4%	86.3	168.3	92.6%
13	85.0	152.4	79.2%	67.3	119.4	77.3%
14	5.1	6.0	17.8%	4.0	4.9	23.3%
15	569.3	553.6	-2.8%	433.5	408.3	-5.8%
16	997.4	1,168.3	17.1%	762.4	882.5	15.7%
17	87.3	94.3	8.0%	66.8	71.2	6.7%
18	540.8	754.3	39.5%	424.7	587.4	38.3%
19	74.6	110.5	48.2%	58.6	86.7	48.1%
20	23.6	34.4	46.0%	19.2	26.9	40.2%
21	649.0	1,098.3	69.2%	512.0	859.1	67.8%
22	3.3	5.9	77.1%	2.6	4.5	75.2%

Notes:

Indicates study area
Refer to District Identification map for district locations

*Does not include walk and bike trips
**Does not include external and commercial trips

PM Peak Hour Work Vehicle Trip Distribution from the Study Area for 1988 and 2010



Legend

- xxx,xxx - x.xx%
(xxx,xxx - x.xx%) - 1988 PM Peak Hour Work Vehicle Trips
xxx,xxx - x.xx% - 2010 PM Peak Hour Work Vehicle Trips
- Study Area
- Subarea
- District Boundary

Work Vehicle Trips from the Study Area	
Total Vehicle Trips	23,640 - 100% (38,930 - 100%)
Trips Within the Study Area	14,150 - 59.9% (27,540 - 70.7%)

EXHIBIT 6

Characteristics of Railbus Transit
and RTP Transit

- Total all-day regional transit trips for railbus transit increase by 4,140 trips from the RTP total of 276,450 trips.
- Highlights of all-day transit trip changes:

	<u>RTP Transit</u>	<u>Railbus Transit</u>
Hillsboro/Beaverton (4)		
Lake Oswego/Tigard/Tualatin (5)		
To/From: East Clackamas County (6)		
Southeast Portland (8)		
East Multnomah county (7)	10,190	11,760
Portland CBD (1)		
To/From: East Clackamas County (6)		
Southeast Portland (8)		
East Multnomah County (7)	81,480	81,560
West of Willamette (1-5)		
To/From: East to Willamette (1-5)	125,100	127,000

Source: METRO

Meeting Date: December 22, 1992
Agenda Item No. 7.5

RESOLUTION NO. 92-1712B

TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 92-1712, DESIGNATING THE REGIONAL GROWTH CONCEPTS TO BE EVALUATED IN PHASE II OF THE REGION 2040 PROJECT

Date: December 18, 1992

Presented by: Councilor McLain

Committee Recommendation: At the December 14 meeting, the Transportation and Planning Committee voted unanimously to recommend Council adoption of Resolution No. 92-1712B. Voting in favor: Councilors McLain, Bauer, Buchanan, and Washington. Excused: Councilor Devlin.

Committee Issues/Discussion: Andy Cotugno, Planning Director, presented the staff report. He explained the newest December 10, 1992 version of the resolution by reviewing the changes suggested. Changes in the Resolve section include:

1. Identifies three concepts from which to begin evaluation.
2. Provides that the three concepts will endeavor to meet the Clean Air Act, the State of Oregon's Transportation Rule, the Urban Reserve Rule, and the RUGGO's.
3. Provides for timely review by TPAC and RPAC of base data and assumptions.
4. Includes all of the tri-county area but considers the effect on growth in Clark, Columbia, Yamhill and Marion Counties.
5. Provides that the evaluation will not include the originally discussed Options E and F, but will study growth pressures in two parts. The first identifies and analyzes internal and external factors influencing growth rates and will describe how each concept responds. The second to identify actions to be taken to discourage or encourage growth and the feasibility of application.
6. Outlines variations of each concepts in Exhibit A. Allows for further amendment of Exhibit A.
7. Provides each concept will incorporate the Greenspaces Master Plan.
8. Adds "density" to the level of detail, includes public and private costs, and requires development of comparative analysis of public infrastructure and services.

9. Renames the project "2045" to have the span of years coincide with the Future Vision and Regional Framework Plan prescribed in the 1992 Metro Charter.

Councilor Moore asked about the variations of the highway system, referenced in Exhibit A. Mr. Cotugno explained that the various components provide for a multi-modal system to be provided, not just a single system. While each concept would be designed for freeway v. non-freeway, as well as facilities, there may be other things we may need to do in order to comply with each referenced component. We also need to know the effect of accessibility on the ability to incur development. He clarified the use of the terms "arterial" and "non-freeway".

Councilor Gardner suggested clarifying wording in Resolve 5 as follows: "The first part will identify and analyze factors, both internal and external which influence growth rates and [which describes] will describe how the growth [~~options~~] concepts respond". The committee and staff agreed.

Councilor Gardner also questioned the different descriptions of highway systems within each concept description. Mr. Cotugno explained that there is no definition for highway system by this resolution. Some highway minimums are defined (i.e. freeway v. non-freeway). This will provide us with information that will help us ultimately make those highway decisions. Councilor Gardner questioned the implication that all three corridors referenced would exist either as a freeway or as an arterial under all three concepts.

Councilor Moore asked for the meaning of the term "basic". Committee and staff discussion resolved the question to identify that the term meant no less than what state law required.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF DESIGNATING THE) RESOLUTION NO. 92-1712B
REGIONAL GROWTH CONCEPTS TO BE)
EVALUATED IN PHASE II OF THE) Introduced by Rena Cusma,
REGION 2040 PROJECT) Executive Officer

WHEREAS, The Metro Council adopted the Regional Urban Growth Goals and Objectives in order to ensure the region's livability is protected as growth occurs; and

WHEREAS, It is necessary to consider alternative urban forms to implement the Regional Urban Growth Goals and Objectives; and

WHEREAS, The citizens of the region approved on November 3, 1992, Measure Number 26-3, granting a Charter to Metro which made growth management a primary function; and

WHEREAS, The Region 2040 project has been undertaken to guide Metro in the management of the Portland metropolitan area urban growth boundary, future amendment to the Regional Transportation plan and to help ensure that transportation and land use are coordinated; and

WHEREAS, The Region 2040 project is intended to address the concerns of the region about the long-term aspects of growth in the region; and

WHEREAS, The approved work program for Region 2040 Phase I calls for Metro to determine a reasonable range of alternatives for accommodating growth to be evaluated in Phase II; and

WHEREAS, The Region 2040 project has completed a telephone survey of over 400 randomly selected citizens of the region about their concerns and values about growth; and

WHEREAS, Two series of workshops with the elected and appointed officials of the cities and counties of the region have been conducted in the spring and fall of this year concerning growth in the region; and

WHEREAS, Interviews with 52 representatives of public and private agencies and organizations from throughout the region have been conducted gathering their thoughts about growth in the region; and

WHEREAS, Two series of public workshops and open houses were advertised in the newspaper of general circulation as well as community newspapers and were held during the spring and fall of this year gathering public values and concerns about growth in the region; and

WHEREAS, 20,000 copies of a 12-page publication were prepared and distributed this fall which provided background on possible growth choices and provided the opportunity for citizens of the region to add or amend growth concepts; and

WHEREAS, RTAC and TPAC, RPAC and JPACT have reviewed, revised and recommend the evaluation of these regional growth concepts; and,

WHEREAS, growth choices depicted in the publication intend to show broad policy options and not to specify land use designations, transportation facilities or employment centers; now, therefore

BE IT RESOLVED,

1. That the Metro Council directs staff to begin evaluation of growth concepts as follows:

- Concept "A" continuing with current policies accommodating forecasted growth to the year 2040 through currently adopted comprehensive plans and continued expansion of the urban growth boundary;
- Concept "B" growing inside the urban growth boundary accommodating forecasted growth to the year 2040 by not enlarging the present urban growth boundary and increasing development intensities focused on transit inside the current boundary; and
- Concept "C" satellite communities growing at the edge accommodating forecasted growth to the year 2040 through some increases in intensities of use inside the current urban growth boundary and by some growth occurring in areas of concentrated urban development outside the current urban growth boundary.

2. That all of the above concepts will strive to be workable models and will endeavor to meet the intent of newly adopted policies and requirements including Metro's Regional Urban Growth Goals and Objectives and the State of Oregon's Transportation Rule and Urban Reserve Rule and the Clean Air Act of 1990.

3. That a base case for comparison purposes will be developed to provide an examination of the implications of implementing existing plans and policies not including new provisions of the State's Transportation Rule and Urban Reserve Rule, the

Regional Urban Growth Goals and Objectives or the Clean Air Act of 1990 . That detailed base data and assumptions will be provided for timely review to all TPAC and RPAC jurisdictions.

4. That each growth concept will include the full tri-county area and take into consideration effect on growth in Clark, Columbia, Yamhill and Marion Counties .

5. That a study of growth pressures will be completed in two parts. The first part will identify and analyze factors, both internal and external, which influence growth and [~~which describes~~] will describe how the growth [~~options~~] concepts respond. The second part of the study will identify possible actions which may be taken to discourage or encourage growth and the feasibility of application.

6. That the concepts described above could be designed in a myriad of ways and are subject to further technical definition, but that Exhibit "A" outlines the minimum set of variations for each concept that will be examined further. However, during Phase II of the project, other variations may be developed or proposed and Exhibit "A" is not intended to limit the possibility of other variations being evaluated .

7. That each concept will incorporate an element related to the Greenspaces Master Plan.

8. That for each of the regional growth concepts, Region 2040 shall develop a further level of detail which facilitates evaluation in terms of livability, density, economic, governmental and social costs, benefits and impacts, including the evaluation of public and private costs. That for each concept, Region 2040 shall develop a

comparative analysis of public infrastructure and services. Several variations to each concept may be considered. It is Metro's intention for the process of refinement and evaluation to be as inclusive as possible to encourage participation and ultimate consensus on alternatives.

9. That the Region 2040 project shall be amended to 2045 to ensure requirements of the Metro Charter related to development of a "Future Vision" are addressed including establishment of a "Future Vision Commission" and development of a regional framework plan.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____ 1992.

Jim Gardner, Presiding Officer

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

(revised 11/30/92)

FOR THE PURPOSE OF DESIGNATING THE) RESOLUTION NO. 92-1712
REGIONAL GROWTH CONCEPTS TO BE)
EVALUATED IN PHASE II OF THE) Introduced by Rena Cusma,
REGION 2040 PROJECT) Executive Officer

WHEREAS, The Metro Council adopted the Regional Urban Growth Goals and Objectives in order to ensure the region's livability is protected as growth occurs; and

WHEREAS, It is necessary to consider ~~the region has called for the development of alternative urban forms for evaluation in considering ways to implement the Regional Urban Growth Goals and Objectives~~; and

WHEREAS, The citizens of the region approved on November 3, 1992, Measure Number 26-3, granting a Charter to Metro which made growth management a primary function; and

WHEREAS, The Region 2040 project has been undertaken to guide Metro in the management of the Portland metropolitan area urban growth boundary, future amendment to the Regional Transportation plan and to help ensure that transportation and land use are coordinated; and

WHEREAS, The Region 2040 project is intended to address the concerns of the region about the long-term aspects of growth in the region; and

WHEREAS, The approved work program for Region 2040 Phase I calls for Metro to determine a reasonable range of alternatives for accommodating growth to be evaluated in Phase II; and

WHEREAS, The Region 2040 project has completed a telephone survey of over 400 randomly selected citizens of the region about their concerns and values about growth; and

WHEREAS, Two series of workshops with the elected and appointed officials of the cities and counties of the region have been conducted in the spring and fall of this year concerning growth in the region; and

WHEREAS, Interviews with 52 representatives of public and private agencies and organizations from throughout the region have been conducted gathering their thoughts about growth in the region; and

WHEREAS, Two series of public workshops and open houses were advertised in the newspaper of general circulation as well as community newspapers; and were held during the spring and fall of this year and gathered public values and concerns about growth in the region; and

WHEREAS, 20,000 copies of a 12-page publication were prepared and distributed this fall which provided a background on possible growth choices and provided the opportunity for citizens of the region to add or amend growth concepts; and

WHEREAS, RTAC and TPAC, RPAC and JPACT have reviewed, revised and recommend the evaluation of these regional growth concepts; and,

WHEREAS, growth choices depicted in the publication intend to show broad policy options and not to specify land use designations, transportation facilities or employment centers; now, therefore

BE IT RESOLVED,

1. That the Metro Council directs staff to begin evaluation of basic growth concepts as follows:

- Concept "A" continuing with current policies ~~accommodating~~ , which accommodates forecasted growth to the year 2040 through ~~implementation of~~ currently adopted comprehensive plans and continued expansion of the urban growth boundary;
- Concept "B" growing inside the urban growth boundary ~~accommodating~~ , which ~~accommodates~~ forecasted growth to the year 2040 by not enlarging the present urban growth boundary and increasing development intensities focused on transit inside the current boundary; and
- Concept "C" ~~satellite~~ communities growing at the edge ~~accommodating~~ , which ~~accommodates~~ forecasted growth to the year 2040 through some increases in intensities of use inside the current urban growth boundary and by some growth occurring ~~in~~ areas of concentrated urban development outside the current urban growth boundary; ~~and Concept "D"/"E"/"F" (to be added as necessary in response to public comment).~~

2. ~~That all of the above concepts will strive to be workable models and will endeavor to meet the intent of newly adopted policies and requirements including Metro's Regional Urban Growth Goals and Objectives and the State of Oregon's Transportation Rule and Urban Reserve Rule and the Clean Air Act of 1990.~~

3. 2. That a base case for comparison purposes will be developed to provide an examination of the implications of implementing existing plans and policies not including new provisions of the State's Transportation Rule and Urban Reserve Rule, the Regional Urban Growth

Goals and Objectives of the Federal Clean Air Act of 1990 as recently amended. That detailed base data and assumptions will be provided for timely review to all TPAC and RPAC jurisdictions.

4. 3. That Examination of each growth concept will include the full tri-county area and take into consideration its effect on growth in Clark, Columbia, Yamhill and Marion Counties surrounding communities.

5. 4. That the concepts described above in 1, constitute a reasonable range of choice for regional growth alternatives. That a study of growth pressures will be completed in two parts. The first part will identify and analyze factors, both internal and external which influence growth and which describes how the growth options respond. The second part of the study will identify possible actions which may be taken to discourage or encourage growth and the feasibility of application.

6. 5. That the concepts described above in 1, could be designed in a myriad of ways and are subject to further technical definition, but that Exhibit "A" attachment "1" outlines the minimum set examples of variations for each concept basic elements of each alternative that will be examined further. The variations described in attachment "1" shall be evaluated. However, during Phase II of the project, other variations may be developed or proposed and Exhibit "A" attachment "1" is not intended to limit the possibility of other variations being evaluated tested.

6. That all concepts will strive to be workable models and will endeavor to meet the intent of newly adopted policies and requirements including Metro's Regional Urban Growth Goals and Objectives and the State of Oregon's Transportation Rule and Urban Reserve Rule as well as the Federal Clean Air Act as recently amended. (see #2, above)

7. That each concept will incorporate an element related be evaluated in relationship to the Greenspaces Master Plan.

8. That for each of the regional growth concepts, Region 2040 shall develop a further level of detail which facilitates evaluation in terms of livability, economic, governmental and social costs, benefits and impacts, including the evaluation of public and private costs. That for each concept, Region 2040 shall develop a comparative analysis of public infrastructure and services. Several variations to each concept may be considered. It is Metro's intention for the process of refinement and evaluation to be as inclusive as possible to encourage participation and ultimate consensus on alternatives.

9. That the Region 2040 project shall be amended to 2045 to ensure requirements of the Metro Charter related to development of a "Future Vision" are addressed including establishment of a "Future Vision Commission."

ADOPTED by the Council of the Metropolitan Service District this ____ day of

_____ 1992.

Jim Gardner, Presiding Officer

Possible Refinements to Designated Regional Growth Concepts

For each concept there will be developed a further definition of detail sufficient to allow evaluation of impacts on liveability and economic vitality. Numerous variations of each concept are possible. The following are a minimum set that will be developed. During the development and further definition of the variations, it may be concluded that additional variations should be added. The following list is therefore a minimum that will be pursued, but is not intended to be an exclusive list which cannot be amended as deemed appropriate.

Concept "A" Continuing with Current Policies

The basic framework for Concept "A" is existing comprehensive land use plans and current urban growth boundary policies.

1. Concept "A" will be refined to determine the location for expansion of the urban growth boundary considering the following factors: a) contiguity with the existing boundary; b) a balanced consideration of factors 3 through 7 of Goal 14 and RUGGO, including accessibility of expansion areas to the jobs of the region, the ease of providing sanitary sewers and avoidance, where possible, of rural resource lands; and c) no expansion into floodplains or the Columbia Gorge Scenic area.
2. Two variations of the highway system would include: a) the Sunrise Corridor, Mt. Hood Parkway and Western Bypass as freeway/expressway level facilities; and b) the Sunrise Corridor, Mt. Hood and the Western Bypass as arterial, non-freeway improvements.
3. The Transit assumptions will include a basic radial transit system in which: a) the east-west light rail line from Gresham to Hillsboro will exist; b) there will be north-south light rail service connecting Milwaukie, Clackamas Town Center, Vancouver and Portland International Airport; c) there will be an additional radial light rail line to the southwest quadrant of the region; and d) the light rail and bus transit service level will be that described in the existing Regional Transportation Plan. A basic level of bicycle and pedestrian improvements would be included in this option.

Concept "B" Growing Inside the Urban Growth Boundary

A basic assumption of Concept "B" is that the current urban growth boundary would not be expanded.

1. Concept "B" will include accommodating the forecast growth for population and employment to the year 2040 inside the current urban growth boundary by a more intensive use of land

focused on transit. LUTRAQ and the Livable City projects would provide more specific local models for how land use intensification could occur in this concept focused on high capacity transit line intersections and transit "Main Streets."

2. Transit would be assumed to: a) have the most extensive transit level of service of any concept; b) consist of a radial high capacity transit system with an east-west component from Forest Grove to Gresham and north-south lines which connect areas north of Vancouver, Washington, Portland International Airport, Clackamas Town Center, Milwaukie and Oregon City; c) include an additional radial light rail line to the southwest quadrant of the region; d) include a circumferential high capacity transit system on the southern end of the region; and e) have a level of transit service consistent with that described in Tri-Met's proposed Strategic Plan. The highest level of bicycle and pedestrian improvements would be reflected in this option.
3. ~~The Highway system would: a) continue with the radial system currently in use, with expansions as necessary; b) include the arterial alternatives for the Western Bypass, Sunrise Corridor or Mt. Hood Parkway. Two variations of the highway system would include: a) the Sunrise Corridor, Mt. Hood Parkway and Western Bypass as freeway/expressway level facilities; and b) the Sunrise Corridor, Mt. Hood and the Western Bypass as arterial, non-freeway improvements.~~

Concept "C" Communities Growing at the Edge

A basic assumption of Concept "C" is that the current urban growth boundary would not be expanded in a contiguous manner. Rather, three satellite centers would be added as places to accommodate growth. An initial definition of satellite centers includes centers sized to accommodate 40-60,000 people, with alternative locations considered primarily on flatter, non-rural resource lands.

1. Approximately two-thirds of the forecast growth would be accommodated within the current urban growth boundary and the balance in satellite centers outside the current urban growth boundary as guided by forecasts of demand.
2. High capacity transit would be assumed to include both radial and circumferential lines, with service including: a) east-west from Forest Grove to Gresham, north-south from areas north of Vancouver Washington, to Portland International Airport, Clackamas Town Center, Milwaukie and Oregon City; b) a southern circumferential line; and c) an additional radial light rail line to the southwest quadrant of the region. Satellite centers would be provided high capacity transit service. The level of transit service would be less than that recommended in the Tri-Met proposed Strategic Plan, but higher than the current Regional Transportation Plan. A moderate level of bicycle and pedestrian improvements would be included in this concept.
3. ~~Two variations of the highway system would include: a) the Sunrise Corridor, Mt. Hood Parkway and Western Bypass as freeway/expressway level facilities; and b) the Sunrise Corridor, Mt. Hood and the Western Bypass as arterial, non-freeway improvements.~~

Base Case

This base case will reflect past practices. Recently adopted but not yet implemented policies such as the Transportation Rule, Clean Air Act or the Regional Urban Growth Goals and Objectives will not be included. The light rail system will be limited to an east-west line from Gresham to Hillsboro with a modest level of transit service. Highway investment in transportation expansion will continue to lag behind growth. The base case will also assume that underbuilding, or development at less than the maximum densities allowed by existing comprehensive plans, will occur consistent with historical experience. In addition, the base case will assume that infill and redevelopment will continue to occur at existing rates.

Attachment "2"

~~Options for Addressing Slow or No Growth Concerns~~

~~There are three options¹ to choose how to address the Slow or No Growth Concerns. They are:~~

- ~~1. Include as a growth concept "D", a slow growth option.~~
- ~~2. Complete a study of growth pressures, describing the benefits and costs of growth, no growth and negative growth; identifying present actions that encourage growth and possible actions which could discourage growth; and evaluating urban form options in terms of their adaptability to different growth rates. Analysis of the top 4 or 5 forces that affect growth and would be affected by a change in growth policies should be emphasized.~~
- ~~3. Develop a policy process which provides a method of making policy choices including a range of concepts from encouraging growth to no growth to negative growth.~~

MT:lmk
92-1712.RES
12-1-92

~~¹ All options should include consideration of the economic and environmental quality of life issues that would be affected by a slow growth approach.~~

**BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

FOR THE PURPOSE OF DESIGNATING THE)	RESOLUTION NO. 92 - 1712
REGIONAL GROWTH CONCEPTS TO BE)	
EVALUATED IN PHASE II OF THE)	Introduced by Rena Cusma,
REGION 2040 PROJECT)	Executive Officer

WHEREAS, The Metro Council adopted the Regional Urban Growth Goals and Objectives; and

WHEREAS, the region has called for the development of alternative urban forms for evaluation in considering ways to implement the Regional Urban Growth Goals and Objectives; and

WHEREAS, The Region 2040 project has been undertaken to guide Metro in the management of the Portland metropolitan area urban growth boundary, the Regional Transportation plan and to help insure that transportation and land use are coordinated; and

WHEREAS, The Region 2040 project is intended to address the concerns of the region about the long-term aspects of growth in the region; and

WHEREAS, The approved work program for Region 2040 Phase I calls for Metro to determine a reasonable range of alternatives for accommodating growth to be evaluated in Phase II; and

WHEREAS, The Region 2040 project has completed a telephone survey of over 400 randomly selected citizens of the region about their concerns and values about growth; and

WHEREAS, two series of workshops with the elected and appointed officials of the cities and counties of the region have been conducted in the spring and fall of this year

concerning growth in the region; and

WHEREAS, interviews with 52 representatives of public and private agencies and organizations from throughout the region have been conducted gathering their thoughts about growth in the region; and

WHEREAS, two series of public workshops and open houses advertised in the newspaper of general circulation as well as community newspapers, were held during the spring and fall of this year and gathered public values and concerns about growth in the region; and

WHEREAS, 20,000 copies of a 12 page publication were prepared and distributed this fall which provided a background, possible growth choices and provided the opportunity for citizens of the region to add or amend growth concepts; and

WHEREAS, RTAC and TPAC, RPAC and JPACT have reviewed, revised and recommend the evaluation of these regional growth concepts; now, therefore

BE IT RESOLVED,

1. That the Metro Council directs staff to begin evaluation of basic growth concepts as follows: Concept "A", continuing with current policies, which accommodates forecasted growth to the year 2040 through implementation of currently adopted comprehensive plans and continued expansion of the urban growth boundary; Concept "B", growing inside the urban growth boundary, which accommodates forecasted growth to the year 2040 by not enlarging the present urban growth boundary and increasing development intensities focused on transit inside the current boundary; and Concept "C", communities growing at the edge, which accommodates forecasted growth to the year 2040 through

RESOLUTION NO. 92-1712

page 2 of 4

some increases in intensities of use inside the current urban growth boundary and by some growth occurring areas of concentrated urban development outside the current urban growth boundary; and Concept "D"/"E"/"F" (to be added as necessary in response to public comment).

2. That a base case for comparison purposes will be developed to provide an examination of the implications of implementing existing plans and policies not including new provisions of the State's Transportation Rule and Urban Reserve Rule, the Regional Urban Growth Goals and Objectives or the Federal Clean Air Act as recently amended.

3. Examination of each growth concept will take into consideration its affect on growth in surrounding communities.

4. That the concepts described above in 1, constitute a reasonable range of choice for regional growth alternatives.

5. That the concepts described above in 1, could be designed in a myriad of ways and are subject to further technical definition, but that attachment "1" outlines examples of basic elements of each alternative. The variations described in attachment "1" shall be evaluated. However, during Phase II of the project, other variations may be developed or proposed and attachment "1" is not intended to limit the possibility of other variations being tested.

6. That all concepts will strive to be workable models and will endeavor to meet the intent of newly adopted policies and requirements including Metro's Regional Urban Growth Goals and Objectives and the State of Oregon's Transportation Rule and Urban Reserve Rule as well as the Federal Clean Air Act as recently amended.

7. That each concept will be evaluated in relationship to the Greenspaces Master Plan.

8. That for each of the regional growth concepts, Region 2040 shall develop a further level of detail which facilitates evaluation in terms of livability, economic, governmental and social costs, benefits and impacts. Several variations to each concept may be considered. It is Metro's intention for the process of refinement and evaluation to be as inclusive as possible to encourage participation and ultimate consensus on alternatives.

ADOPTED by the Council of the Metropolitan Service District this ____ day of _____, 1992.

Jim Gardner, Presiding Officer

Possible Refinements to Designated Regional Growth Concepts

For each concept there will be developed a further definition of detail sufficient to allow evaluation of impacts on liveability and economic vitality. Numerous variations of each concept are possible. The following are a minimum set that will be developed.

Concept "A", Continuing with Current Policies

The basic framework for Concept "A" is existing comprehensive land use plans and current urban growth boundary policies.

1. Concept "A" will be refined to determine the location for expansion of the urban growth boundary considering the following factors: a) contiguity with the existing boundary, b) a balanced consideration of factors 3 through 7 of Goal 14, including accessibility of expansion areas to the jobs of the region, the ease of providing sanitary sewers and avoidance, where possible, of rural resource lands, c) no expansion into floodplains or the Columbia Gorge Scenic area.
- 2) Two variations of the highway system would include: a) the Sunrise Corridor, Mt. Hood Parkway and Western Bypass as freeway level facilities and b) the Sunrise Corridor, Mt. Hood and the Western Bypass as arterial, non-freeway improvements.
- 3) The Transit assumptions will include a basic radial transit system in which: a) the east-west light rail line from Gresham to Hillsboro will exist b) there will be north-south light rail service connecting Milwaukie, Clackamas Town Center, Vancouver and Portland International Airport, c) there will be an additional radial light rail line to the southwest quadrant of the region, and d) the light rail and bus transit service level will be that described in the existing Regional Transportation Plan. A basic level of bicycle and pedestrian improvements would be included in this option.

Concept "B", Growing Inside the Urban Growth Boundary

A basic assumption of Concept "B" is that the current urban growth boundary would not be expanded.

1. Concept "B" will include accommodating the forecast growth for population and employment to the year 2040 inside the current urban growth boundary by a more intensive use of land focused on transit. LUTRAQ and the Livable City projects would provide more specific local models for how land use intensification could occur in this concept focused on high capacity transit line intersections and transit "Main Streets".

2. Transit would be assumed to: a) have the most extensive transit level of service of any concept, b) consist of a radial high capacity transit system with an east-west component from Forest Grove to Gresham and north-south lines which connect areas north of Vancouver, Washington, Portland International Airport, Clackamas Town Center, Milwaukie and Oregon City, c) include an additional radial light rail line to the southwest quadrant of the region; d) include a circumferential high capacity transit system on the southern end of the region and e) have a level of transit service consistent with that described in Tri-Met's proposed Strategic Plan. The highest level of bicycle and pedestrian improvements would be reflected in this option.

3. The Highway system would: a) continue with the radial system currently in use, with expansions as necessary, b) include the arterial alternatives for the Western Bypass, Sunrise Corridor or Mt. Hood Parkway.

Concept "C", Communities Growing at the Edge

A basic assumption of Concept "C" is that the current urban growth boundary would not be expanded in a contiguous manner. Rather, three satellite centers would be added as places to accommodate growth. An initial definition of satellite centers includes centers sized to accommodate 40-60,000 people, with alternative locations considered primarily on flatter, non-rural resource lands.

1. Approximately two-thirds of the forecast growth would be accommodated within the current urban growth boundary and the balance in satellite centers outside the current urban growth boundary as guided by forecasts of demand.

2. High capacity transit would be assumed to include both radial and circumferential lines, with service including: a) east-west from Forest Grove to Gresham, north-south from areas north of Vancouver Washington, to Portland International Airport, Clackamas Town Center, Milwaukie and Oregon City; b) a southern circumferential line; c) an additional radial light rail line to the southwest quadrant of the region. Satellite centers would be provided high capacity transit service. The level of transit service would be less than that recommended in the Tri-Met proposed Strategic Plan, but higher than the current Regional Transportation Plan. A moderate level of bicycle and pedestrian improvements would be included in this concept.

Concept D/E/F (to be added if necessary in response to public comments)

Base Case

1. This base case will reflect past practices. Recently adopted but not yet implemented policies such as the Transportation Rule, Clean Air Act or the Regional Urban Growth Goals and Objectives will not be included. The light rail system will be limited to an east-west line from Gresham to Hillsboro with a modest level of transit service. The base case will also assume that underbuilding, or development at less than the maximum densities allowed by existing comprehensive plans, will occur consistent with historical experience.

Attachment "2"

Options for Addressing Slow or No Growth Concerns

There are three options¹ to choose how to address the Slow or No Growth Concerns. They are:

1. Include as a growth concept "D", a slow growth option.
2. Complete a study of growth pressures, describing the benefits and costs of growth, no growth and negative growth; identifying present actions that encourage growth and possible actions which could discourage growth; and evaluating urban form options in terms of their adaptability to different growth rates. Analysis of the top 4 or 5 forces that affect growth and would be affected by a change in growth policies should be emphasized.
3. Develop a policy process which provides a method of making policy choices including a range of concepts from encouraging growth to no growth to negative growth.

¹ All options should include consideration of the economic and environmental quality of life issues that would be affected by a slow growth approach.

STAFF REPORT

RESOLUTION 92-1712, FOR THE PURPOSE OF DESIGNATING THE REGIONAL GROWTH CONCEPTS TO BE EVALUATED IN PHASE II OF THE REGION 2040 PROJECT

November 9, 1992

By: Andrew Cotugno

BACKGROUND

The Region 2040 project has developed three regional growth concepts. These are the result of public involvement efforts and initial technical analysis of possible choices for the region. Concept "A" accommodates expected regional growth by assuming the continuation of current policies through the implementation of currently adopted comprehensive plans and continued expansion of the urban growth boundary. Concept "B", growing inside the urban growth boundary, accommodates forecasted growth to the year 2040 by not enlarging the present urban growth boundary and increasing development intensities focused on transit inside the current boundary. Concept "C", communities growing at the edge, accommodates forecasted growth to the year 2040 through some increases in intensities of use inside the current urban growth boundary and by some growth occurring in areas of concentrated urban development outside the current urban growth boundary.

By adopting the resolution, the Metro Council will give direction to staff concerning how the Region 2040 project should be completed. This will include which potential options should be considered for evaluating the costs and consequences of each choice. More detailed variations of the regional growth concepts will be developed using the guidelines described in Attachment "1" with the participation of technical staff from the region, advisory committee members and the Metro Council. When this data is available, (scheduled for Summer, 1993) the citizens of the region can make known their preferences and the Metro Council can select a preferred alternative. This conclusion will in turn guide further decisions of the Metro Council concerning a Federally mandated update to the Regional Transportation Plan, State mandated urban reserves and urban growth boundary policies as well as providing a base for Metro Charter mandated work efforts.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution 92-1712, which provides a base for initiating the next Phase of Region 2040.

Meeting Date: December 22, 1992
Agenda Item No. 7.6

RESOLUTION NO. 92-1718A

TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 92-1718, ENDORSING THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON MOTOR VEHICLE EMISSION REDUCTION

Date: December 17, 1992

Presented by: Councilor Buchanan

Committee Recommendation: At the December 14 meeting, the Transportation and Planning Committee voted unanimously to recommend Council adoption of Resolution No. 92-1718A. Voting in favor: Councilors McLain, Bauer, Buchanan, and Washington. Excused: Councilor Devlin.

Committee Issues/Discussion: Andy Cotugno, Planning Director, presented the staff report. The resolution endorses the exhibit which is the summary of the recommendation of the task force. These recommendations, particularly to adopt the "Base Strategy", are the best combination of activities that the Governor's Task Force on Motor Vehicle Emission Reduction believes will meet the standards of air quality control, and maintain those standards while allowing for growth within the region.

This is a policy action indicating Metro's opinion. Legislation will need to be approved by the legislature before implementation. If they do, we will eventually need to adopt a State Implementation Plan, probably within two years.

He also discussed the contingency plan that contains additional strategies that will require another decision.

The third task force recommendation references the entire Tri-County area, but there is understanding on the part of the task force that that area may need to be reduced at a later date. Also, within the contingency package, the individual components are not ranked; all were considered. Also, eventually a constitutional amendment to raise additional revenues is endorsed.

Councilor Washington asked for clarification about why in the task force recommendation number 8 congestion pricing was dropped from the base strategy. Was it because it was determined not to contribute to emission reduction? Mr. Cotugno indicated yes, but it was considered to be of importance to the task force.

Councilor Moore stated that parking fees and reduction of vehicle miles traveled (VMT) should be recognized within the report. She asked if it could be added. Councilor Gardner, who was a member of the task force, indicated that parking fees received support from about half of the members. The focus was on air quality and not land use. Councilor Moore disagreed that parking fees would not relate to emission control. Parking fees equal less cars which

equal less emissions.

The committee asked staff for a method of including parking fees on the contingency list. Mr. Cotugno explained that this package does not focus on VMT reduction, rather emission reduction. If we do not attain the Clean Air Act standard after implementation of the Base Strategy, any of the contingency can be added.

Councilor McLain explained that she believed to be the best procedural method to fashion a change toward implementation of parking fees would be to lobby the legislature. These recommendations came from a legislatively instigated task force. This resolution only indicates our endorsement of their recommendations. We cannot change their action, but we can comment on it.

Mr. Cotugno suggested that the appropriate place to the recommendation of the committee to include parking fees, would be within the endorsing recommendation itself. He suggested another resolve: "That in the event the base strategy is not implemented, further consideration and a contingency plan strategy should be given to parking fees." The committee adopted the wording.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING THE) RESOLUTION NO. 92-1718A
RECOMMENDATIONS OF THE GOVERNOR'S)
TASK FORCE ON MOTOR VEHICLE EMIS-) Introduced by
SIONS REDUCTION IN THE PORTLAND) Councilor Richard Devlin
METROPOLITAN AREA)

WHEREAS, The Clean Air Act Amendments (CAAA) of 1990 designate the Portland metropolitan area as moderate non-attainment for Carbon Monoxide (CO) and marginal non-attainment for Ozone (HC); and

WHEREAS, The CAAA of 1990 requires the Portland metropolitan area to demonstrate attainment with Ozone by 1993 and Carbon Monoxide by 1995; and

WHEREAS, Failure to meet attainment will result in the Portland metropolitan area being designated a higher non-attainment category and subject to stricter federal air quality regulations; and

WHEREAS, In order to stay in attainment the Governor appointed a Task Force in March 1992 to examine vehicle emission reduction strategies in the Portland metropolitan area; and

WHEREAS, The Task Force determined that to stay in attainment through 2007 reductions of 36 percent in Hydrocarbons and 20 percent in Nitrous Oxide were needed; and

WHEREAS, To meet the emission reduction targets, the Task Force reviewed a number of market-based and regulatory emission reduction strategies and recommended seven strategies for the base strategy plan, two for the contingency strategy plan and four for the safety strategy as identified in Exhibit A; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District:

1. Endorses the Task Force recommendations for the base, contingent and safety factor strategies as contained in Exhibit A.

2. Endorses using any revenues generated from the strategies for transportation emission reduction strategies including transit which may require referral of a constitutional amendment to the statewide voters.

3. Directs Metro staff through TPAC and JPACT to continue to review key issues and develop implementation strategies.

4. Directs Metro staff through TPAC and JPACT to participate in the development and review of legislation needed to implement Task Force recommendations as appropriate and necessary.

5. That in the event the base strategy is not ^{fully} implemented, further consideration ~~and a contingency plan strategy should be~~ ^{should be given to parking fees in the} ~~given to parking fees.~~

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

Jim Gardner, Presiding Officer

RECOMMENDATIONS OF THE STATE'S MOTOR VEHICLE EMISSIONS TASK FORCE*
(As adopted by TPAC on 11-24-92)

**Strategy to Maintain Compliance with federal Air Quality Standards
in the Portland area through 2007**

Objective: Maintain healthful air quality and remove Clean Air Act impediments to industrial growth while accommodating up to a 31% increase in population and associated 47% in vehicle miles travelled over the next 15 years.

Base Strategy

	Date Implemented	Emission Reduction (%VOC / % NO _x)
1. California 1994 Emission Standards for sale of new gasoline powered lawn and garden equipment.	1994	6.1 / 0
2. High Option (Enhanced) Vehicle Emission Inspection.	TBD**	17.5 / 9.0
3. Expansion of Vehicle Inspection Boundaries from Metro to Tri-County area. (Subject to further examination of exact boundary.)	TBD**	1.0 / 0.5
4. Require 1974 and later vehicle models to be permanently subject to Vehicle Inspection.	TBD**	2.4 / 0.8
5. Phased in Vehicle Emission Fee*** based on actual emissions and mileage driven. -Starting 1994 at \$50 average (\$5 to \$125 range). -Reaching a \$200 average (\$20 to \$500 range) by 2000.	1994 - 2000	5.0 / 5.5
6. Pedestrian, Bike, Transit friendly Land Use for new construction.	1995 - 1996	5.2 / 4.4
7. Mandatory Employer Trip Reduction Program (50 or more employees).	TBD**	1.2 / 1.1
TOTAL EMISSION REDUCTION**** (Need 35.6% VOC / 20.2% NO_x by 2007)		37.1 / 20.6
NET COST/BENEFITS: \$119 million/year savings, 8% traffic reduction, 11% energy savings		

Safety Factor Strategy

1. Adequately Funded Public Education Program (\$1/vehicle/year).	1994
2. Continue and improve public request for voluntary reductions in emissions on bad ventilation days.	1993
3. Incident Management Program (rapid removal of accidents to minimize congestion)	TBD**
4. Emission Standards for new outboard motors if and when California or EPA adopts such standards.	--

Contingency Plan Strategy

In the event the base strategy is insufficient to maintain air quality standards, the following strategies will be considered for adoption (as appropriate other strategies can also be adopted):

- | | | |
|----|---|------------|
| 1. | Reformulated gasoline (to be implemented no sooner than 2005). | 20.6 / 5.6 |
| 2. | Congestion Pricing. (Regional full scale application, subject to further research)***** | 8.6 / 7.8 |

- Established by the 1991 Oregon Legislature and appointed by the Governor.
- TBD - To Be Determined, but expected sometime in 1995-2000 period.
- Revenue dedicated to provide better private/public transit service, selective free transit, mitigation of fee impact on low income households, and other incentive measures to provide lower polluting and less costly transportation. Will need constitutional amendment.
- Total adjusted for strategy overlaps.
- The Task Force also recommended immediate pursuit of a congestion pricing demonstration program.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 92-1718 FOR THE PURPOSE OF ENDORSING THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON MOTOR VEHICLE EMISSIONS REDUCTION IN THE PORTLAND METROPOLITAN AREA.

Date: November 17, 1992

Presented by: Andrew Cotugno

PROPOSED ACTION

Endorsement of the seven Base Strategies for meeting the target emission reduction goals for Hydrocarbons (-36%) and Nitrogen Oxide (-20%) by the year 2007; endorsement of the two contingency plan strategies that would be implemented if any of the base strategies fail to meet their air quality goals; endorsement of the four safety factor strategies which would be included in the maintenance plan to insure the desired safety margin for vehicle emission reductions would be achieved; and endorsement of the use of revenues generated from strategy-related fees for transportation-related emission reduction programs, including transit.

The recommendation of the Transportation '93 Committee on these recommendations is included as Attachment A to this Staff Report. This committee is comprised of city, county, regional, transit, legislative, industry and other interest group representatives to recommend action by the '93 Legislature.

TPAC has reviewed this endorsement and recommends approval of Resolution No. 92-1718.

FACTUAL BACKGROUND AND ANALYSIS

Formation of Task Force

As a result of HB 2175 passed by the 1991 Oregon Legislature, the Governor appointed a Task Force on Motor Vehicle emission Reductions in the Portland metropolitan area on March 11, 1992 to develop a list of recommendations for the state lawmakers, the Department of Environmental Quality, and the Metropolitan Service District on how to reduce vehicle emissions over the next 20 years in order to ensure attainment of federal health-based air quality standards. These standards call for attainment in emissions in 1993 for ozone (HC) and 1995 for Carbon Monoxide (CO).

The Task Force met seven times between April 1992 and September 1992 to discuss the level of reductions needed in the Portland metropolitan area and the potential means for achieving the targets. A list of Task Force members are included in Attachment A.

Base Regional Growth Projections/Decisions

In formulating its recommendations, the Task Force adopted the following growth parameters that were incorporated into the analysis of vehicle emission reduction strategies.

- The Task Force agreed to use a 2.2 percent annual growth rate in regional VMT. This rate is slightly higher than the 1.7 percent contained in Metro's Regional Model and reflects a consensus of the direction of the growth trend being experienced in the region. Metro concurred with the recommendation.
- The Task Force agreed on the historical 1 percent industrial growth rate per year for industrial expansion in the future to ensure that expected industrial growth would not need to provide costly emission offsets.
- Although individual vehicle emission reduction strategies were considered revenue neutral, several pricing strategies generated revenues that could be used to pay for transportation emission reduction incentive programs. These programs could include incentives to use alternate modes such as free or reduced price transit passes, improved transit service, subsidies for private shuttle services, employer vanpool programs, employee travel allowances, and improved bicycle access. The revenues could also be used to offset the impact of the emission-related fees on low-income persons.
- The Task Force agreed to evaluate a safety margin of 2.9 percent growth in VMT per year. This was done to address unknown problems such as global warming which can exacerbate ozone problems in the region.
- The Task Force also agreed that a 95 percent confidence limit should be allowed in the computation of the ozone emission reduction target to reflect normal weather fluctuations expected in a 10-20 year period.

Task Force Recommendations

The Governor's Task Force finalized its recommendations at its September 22, 1992 meeting. Exhibit A to the Resolution shows each individual strategy selected for the base plan, contingency plan and safety margin including their potential for reducing vehicle emissions. The base strategy recommendations included: (1) California 1994 emission standards for lawn and garden equipment; (2) an enhanced inspection and maintenance program; (3) an expansion of the inspection boundary to the Tri-Country area; (4) a base inspection year of 1974; (5) a vehicle emission fee collected every two years at the time of registration; (6) transit-supportive land use; (7) mandatory employer trip-reduction program; and (8) a congestion pricing demonstration project. Direct costs to the individual, in order to gain the

air quality and ancillary benefits, include: the emission fee, which will be phased in and range from \$5.00 to \$125.00 in 1994 and from \$20.00 to \$500.00 in 2000; and the enhanced inspection/maintenance program which will increase the cost per visit from the current \$10.00 to \$35.00 to \$50.00.

The recommendations form the foundation for the Portland area air quality maintenance plan required by the 1990 Clean Air Act. The recommendations are complementary with the Oregon Benchmarks for Air Quality and Transportation, the Oregon Transportation Plan, State Transportation Goal 12, and the Legislature's global warming goal. Upon adoption of the individual emission reduction strategies, Metro and DEQ will develop the full detailed Maintenance Plan for submission to EPA. If any of the recommended measures are dropped or only partially implemented, other measures must be incorporated to meet the established reduction targets for 2007 of 36 percent for Hydrocarbons and 20 percent for Nitrogen Oxides. The two contingency measures recommended by the Task Force are available for consideration but other measures could also be substituted. Since measures must be implemented for inclusion in the final Maintenance Plan, the option of including congestion pricing is not available without further research. At the time the Maintenance Plan is adopted, contingency measures must be included in the event the adopted measures fail to maintain the standard. No further legislative or administrative hurdles can hinder implementation of those contingencies if future air quality violations reappear.

Issues

The Governor's Task Force based their selection of strategies on attaining the agreed-upon goals for hydrocarbon and NOx reduction by 2007. The rigid legislative deadline did not allow the Task Force to complete a full discussion of specific issues related to each individual strategy. Of consequence, a number of issues including the assumptions used in modeling fee-based strategies, the collection and use of revenues, the impact of land use strategies on individual jurisdictions, the impact of fees on low-income people, and the type and location of a congestion pricing demonstration project need further review and discussion by TPAC and JPACT prior to regional implementation.

A number of forums to resolve these issues are in place or have been proposed. Metro, through a comprehensive Transportation Demand Management (TDM) study, will further analyze the technical merits of the travel-related recommendations; the congestion pricing proposal will be examined through FHWA's Grant Solicitation process, requiring regional consensus; and the use of revenues will be addressed by groups such as Transportation 93 and those involved in Road Finance issues. For example, the Transportation '93 group is recommending the Legislature refer a measure to amend the constitution to allow emission fee revenue to be used for non-highway reduction strategies, including transit.

At the request of TPAC, a subcommittee was formed to look at the assumptions used to model the use of revenues for transit.

The strategies which generate revenue were modeled in two ways. First, they were modeled to estimate emission reductions from the fee itself, ignoring the use of the revenue. Second, they were modeled to estimate emission reductions from the use of the fee in incentive programs. Any specific incentive program would be selected to provide the most air quality benefit and would need to be identified through an extensive analysis considering the economic, ridership, and other effects on the region as a whole. This was beyond the scope of the Task Force. As such, the emission reductions from a "generic" incentive program were modeled.

The generic incentive program modeled was a program to subsidize alternate transportation to those affected by the fee. In order to allow for revenues to be modeled, it was assumed that free alternate transportation would be provided to existing users of transit who could be affected by the fee, and only additional excess revenue would be used for new rides. To estimate the increase in non-auto trips from the use of revenues, Tri-Met's projected cost per boarding ride for its 2010 Strategic Plan level of ridership was used along with a factor to account for the elasticity of demand for targeted free transit. This cost (\$5.83) was assumed to be sufficient to cover conventional Tri-Met transit service as well as other alternative incentive programs such as employer travel allowance subsidies, privately operated shuttle service and vanpool purchases if these types of programs are ultimately found to be desirable to include in an incentive program.

Final strategies as included in the maintenance plan will likely be a combination of TDM and transit strategies, which will include service improvements and may, or may not, include a reduced fare structure. In any event, the maintenance plan strategy will be required to meet the HC and NOx reduction targets.

Legislation

Metro and DEQ are working to put together a specific legislative package for review and approval by JPACT as appropriate and necessary. JPACT review may occur prior to and/or during the 1993 legislative session.

It is known that the implementation of the base strategies and the contingent strategies will require legislation in order to implement. At a minimum, legislation is needed to: (1) revise DEQ's Vehicle Inspection Program; (2) authorize the use of vehicle emission fees; (3) fund public education; and (4) authorize implementation of a congestion pricing program.

Costs and Benefits

The cost and benefits of Task Force recommendations are summarized below:

Costs: \$421 million/year for lawn and garden equipment, and vehicle inspection and new vehicle emission fee.

Benefits: \$540 million /year which reflects the savings in fuel and other costs of reduced operation of motor vehicles caused by emission fees, employer trip reduction programs and land use changes.

Net Cost: \$119 million/year savings

Net Cost/
Ton for
HC/NOx
emission
reduction: \$9302/ton savings

Next Steps

Metro plans to follow up with the necessary administrative actions to: (1) make modifications to the Regional Transportation Plan (RTP) to reflect Task Force recommendations on emissions and VMT reductions; (2) administer available federal ISTEA funds to help implement Task Force recommendations; (3) support the development of an incident management strategy; (4) pursue development of a congestion pricing strategy; (5) participate in the public education program; and (6) pursue implementation of the base and contingency strategies through JPACT, and DEQ.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 92-1718.

RL:lmk
92-1718.RES
11-18-92

TRANSPORTATION '93 COMMITTEE
CLEAN AIR SUBCOMMITTEE REPORT, AS AMENDED
NOVEMBER 12, 1992

The following summarizes the findings and recommendations of the Clean Air Subcommittee for consideration by the Transportation '93 Committee.

FINDINGS:

1. The Clean Air Act, adopted by Congress in 1990, as well as Environmental Protection Agency's (EPA) interpretive guidance for this Act, impose significant restrictions on growth in communities not attaining compliance with federal air quality standards.
 - a. Nonattainment means the community either fails to meet national air quality standards for a specific pollutant or does not have an approved air quality maintenance plan in place.
 - b. Restrictions on growth generally impact industry. Among the many restrictions for new industrial sources of air pollutants in a nonattainment area is the requirement for obtaining emission offsets for planned new air emissions before construction can begin. The offset must, for most pollutants, be greater than the new emissions.
 - c. The new offset rule could prevent industrial and economic growth in these communities with industries emitting the specified pollutants.
 - d. Continuation of nonattainment could result in withholding of federal highway funds.
2. Oregon has several nonattainment areas for major air pollutants. Portland, Salem, Eugene/Springfield, Medford, Klamath Falls and Grants Pass are in nonattainment for carbon monoxide; Portland for ozone pollution; and, Eugene/Springfield, Medford, Klamath Falls, Grants Pass, Oakridge, Lakeview and La Grande for small particulate.
3. The Portland Metropolitan area will need to accommodate up to 31 percent increase in population and associated 47 percent in vehicle miles travelled during the next 15 years.
4. Automobiles and wood stoves are the primary source of air pollution, not industry. Notwithstanding this fact, the Federal Clean Air Act severely restricts industrial and economic growth in a community where air pollution exceeds or is likely to exceed federal air quality standards.

5. Oregon's nonattainment areas can avoid the limiting effects of offset requirements. An area having achieved national air quality standards can provide EPA with a maintenance plan for staying in compliance. Upon approval by EPA of such a plan for a community, the offset rules will no longer restrict industrial and economic growth.

RECOMMENDATIONS:

- A. Adopt the Base Strategy of the State's Motor Vehicle Emissions Task Force to maintain compliance with federal Air Quality Standards in the Portland Area through 2007.
 - (1) Total emission reduction needed by 2007 is 35.6 percent VOC and 20.2 percent NOx.
 - (2) Base strategy will provide total emission reduction of 37.1 percent VOC and 20.6 percent NOx.
- B. Environmental Quality Commission as soon as possible should file with Environmental Protection Agency a maintenance plan for compliance with federal Air Quality Standards.
- C. In the event the Task Force's base strategy fails to achieve expected results in the Portland area, or if other unexpected factors threaten compliance with air quality standards, a program will be implemented to require the use of reformulated fuels. Anticipated emission reduction is 20.6 percent VOC and 5.6 percent NOx.
- D. Continue statutory authority for the State's Motor Vehicle Emissions Task Force. This body needs to be available to evaluate the impact and determine appropriate policy as circumstances and technology impact the ability of the state to maintain and/or improve compliance with federal Air Quality Standards.
- E. Propose adoption of constitutional amendment dedicating for non-highway related transportation a source of revenue based on a survey of voter attitudes for such dedication.
- F. Supports public policy that promotes and encourages the use of clean transportation fuels. "Clean Transportation Fuels" means any fuel determined by the Department of Environmental Quality to be less polluting than conventional gasoline, including but not necessarily limited to reformulated gasoline, low sulphur diesel fuel, natural gas, liquified petroleum gas, methanol, ethanol, any fuel mixture containing at least 85 percent methanol or ethanol and electricity.
- G. Support the Portland area application for a congestion pricing pilot project.

Motor Vehicle Task Force Members
4/23/91

Mike Hollern, Oregon
Department of Transportation
c/o Brooks Resources
PO Box 6119
Bend, OR 97708
503/382-1662 voice
503/385-3285 fax

Betty Atteberry
Sunset Corridor Association
15455 NW Greenbrier Parkway,
Suite 201
Beaverton, OR 97006
503/645-4410 voice
503/645-2029 fax

James Austin
Motor Vehicle Manufacturers
Association
1107 9th Street, Suite 1030
Sacramento, CA 95814
906/444-3767 voice
906/444-0607 fax

Bill Blosser
Land Conservation &
Development Commission
2020 SW 4th Avenue, 2nd floor
Portland, OR 97201
503/224-9190 voice
503/295-4446 fax

Lisa Brenner
Sensible Transportation
Options for People
18181 SW Kummrow Road
Sherwood, OR 97140-9164
503/625-6891 voice
503/625-6369 fax

John Burns
Dura Industries Incorporated
4466 NW Yeon
P.O. Box 10762
Portland, OR 97210
503/228-7007 voice
503/223-4595 fax

Senator Ron Cease
2625 NE Hancock
Portland, OR 97212
503/282-7931 home
503/725-3017 work (PSU)
503/725-5199 fax

John Charles
Oregon Environmental Council
927 SW Arthur Street
Portland, OR 97201
503/222-1963 voice
503/241-4260 fax

Mayor Larry D. Cole
City of Beaverton
P O Box 4755
Beaverton, OR 97076
503/526-2222 voice
503/526-2571 fax

Christine Ervin
Oregon Department of Energy
625 Marion Street, NE
Salem, OR 97310
503/378-4131 voice
503/373-7806 fax

Jim Gardner
Metro Councilor
2930 SW 2nd Avenue
Portland, OR 97201
503/326-2444 voice
503/273-5586 fax

Fred Hansen
Department of Environmental
Quality
811 SW Sixth Avenue
Portland, OR 97204
503/229-5300 voice
503/229-6124 fax

Dell Isham
Automobile Club of Oregon
P.O. Box 13024
Salem, OR 97309
503/375-3615 voice
503/371-7281 fax

Representative Delna Jones
P O Box 5666
Aloha, OR 97006
503/642-3102 voice

Gretchen Kafoury
Portland City Commissioner
City Hall
1220 SW 5th Ave.
Portland, OR 97204
503/823-4151 voice
503/823-3014 fax

Ronald Kiracofe
P.O. Box 8100
Blaine, WA 98230
206/371-1268 voice
206/371-1684 fax

Mike Meredith
Oregon Trucking Association
5940 N Basin Avenue
Portland, OR 97217
503/289-6888 voice
503/289-6672 fax

Mary Kyle McCurdy
1000 Friends of Oregon
534 SW 3rd Avenue, Suite 300
Portland, OR 97204
503/223-4396 voice
503/223-0073 fax

Craig Modahl
Intel Corporation
5200 NE Elam Young Parkway
Hillsboro, OR 97124
503/642-6792 voice
503/649-4728 fax

Kris Nelson
Energy Consultant
2170 Winter, SE
Salem, OR 97302
503/362-8814 voice
503/585 4096 fax

Steve Peterson
Oregon Economic Development
Department
775 Summer Street, NE
Salem, OR 97310
503/373-1205 voice
503/581-5115 fax

John Russell
Association for Portland
Progress
200 SW Market, Suite 1515
Portland, OR 97201
503/228-2500 voice
503/228-3204 fax

Tom Walsh
Tri-Met
4012 SE 17th Avenue
Portland, OR 97202
503/238-4832 voice
503/239-6451 fax

Jerry Yudelson
Vice President, Sales and
Marketing
Regional Disposal Co.
317 SW Alder, #1205
Portland, OR 97204
503/248-2080 voice
503/248-2151 fax

Meeting Date: December 22, 1992
Agenda Item No. 7.7

RESOLUTION NO. 92-1719A

TRANSPORTATION AND PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 92-1719, ENDORSING THE OREGON TRANSPORTATION FINANCE PLAN

Date: December 17, 1992

Presented by: Councilor Buchanan

Committee Recommendation: At the December 14 meeting, the Transportation and Planning Committee voted unanimously to recommend Council adoption of Resolution No. 92-1719A. Voting in favor: Councilors McLain, Bauer, Buchanan, and Washington. Excused: Councilor Devlin.

Committee Issues/Discussion: Andy Cotugno, Planning Director, presented the staff report. This committee has previously reviewed the Oregon Transportation Plan (OTP), which is a substantive document in terms of plans and the different objectives for the different modes. This the financing element of that plan. It represents the cooperative effort between the League of Oregon Cities, the Association of Oregon Counties and the Oregon Department of Transportation.

The OTP is fairly aggressive in terms of urban transit, inner city, inner city rail objectives, and in terms of marine and port facilities and aviation. This focuses on all of these objectives in three pieces. The first two are highway and transit within the short term (six-year) OTP Funding Plan. The third is the initial implementation of future funding priorities. Actual implementation will involve referral to the next legislative session which includes road funding, gas tax increases, associated increases in weight mile taxes on trucks, and vehicle registration fee increases for road funding purposes. In doing that, it is also recommended that road funding be sufficient to allow for the current highway funds that could be transferred to transit. Current federal highway funds are already committed to road purposes. This will allow them to be released for flexible funding (Surface Transportation Funds) to include transit.

He furnished the committee with an Errata Sheet making a correction to page 4 of the exhibit to include an additional requirement for "further work to specify bike and pedestrian needs in order to met the vehicle miles traveled reduction goals implied in this recommendation as a high priority."

Councilor Buchanan asked whether the tire and battery tax includes bicycle equipment. Mr. Cotugno responded imposition of a tire and battery tax is within the basic recommendation. Later in the document under future funding priorities, there is an item calling for creation of an excise tax on bicycles and related accessories for non-road bike needs. This has been objected to by several bicycle groups in front of Transportation 93.

Councilor Buchanan asked for guidance about the most appropriate method of removing imposition of a bicycle excise tax for non-road bike needs. Mr. Cotugno suggested an additional resolve be added to say that "the excise tax on bicycles and related accessories for non-road bicycle needs not be pursued further." The committee agreed.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING)
THE OREGON TRANSPORTATION)
FINANCING PLAN)

Resolution no. 92-1719A
Introduced by
Councilor Richard Devlin

WHEREAS, Metro adopted the Regional Transportation Plan by Ordinance No. 92-433 identifying a comprehensive system of transportation improvements; and

WHEREAS, Metro adopted Resolution No. 89-1035 establishing a comprehensive financing strategy; and

WHEREAS, Metro has participated with the Oregon Roads Financing Study and the Oregon Transportation Financing Plan; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District:

1. Endorses the Oregon Transportation Plan.
2. Endorses the recommendations of the Roads Finance Study and Oregon Transportation Financing Plan as reflected in Exhibit A.
3. That it is recognized that some form of constitutional amendment will be required for transit finance.
4. That it is essential that a multi-modal financing package be implemented to address road, transit, bike, pedestrian, freight and air modes.
5. That it is understood that the split between state, city and county jurisdictions of new Highway Trust Fund revenues will be based upon a finalized forecast of six-year unmet needs

assuming partial success in implementing recommended local funding measures.

6. That the split of Highway Trust Fund revenues to the state will include an amount to allow the state to administer a "local" bridge repair and replacement program and a "local" replacement fund to allow federal Surface Transportation Program (STP) funds to be transferred to transit. The current STP Program includes a share for Portland metropolitan area jurisdictions administered by Metro. Intergovernmental agreements between ODOT, the Association of Counties, the League of Cities and Metro will be required to establish how these "local" funds will be administered.

7. That a phase-in strategy be designed to ensure funding for alternate modes is sufficient.

8. That continued consideration should be given to the effect of proposed revenue sources on economic competitiveness and to ensure that they reinforce modal objectives.

9. That further clarity is requested from ODOT on their schedule for updating or developing modal plans to be funded through these revenue sources.

10. That the excise tax on bicycles and related accessories for non-road bicycle needs not be pursued further.

Jim Gardner, Presiding Officer

ERRATA SHEET
TO RESOLUTION NO. 92-1719

FOR CORRECTION TO PAGE 4 OF EXHIBIT A (DRAFT OTP FUNDING ALTERNATIVE) UNDER "B. INITIAL IMPLEMENTATION FOR FUTURE FUNDING PRIORITIES." ADD A BULLET TO READ AS FOLLOWS:

- Requires further work to specify bike and pedestrian needs in order to meet the VMT reduction goal implied in this recommendation as a high priority.

92-1719.RES
ACC:lmk
12-8-92

Note: This paper summarizes a funding plan alternative prepared by Public Financial Management, Inc. (PFM) for consideration by the Oregon Department of Transportation (ODOT), League of Oregon Cities, Association of Oregon Counties, Oregon Transit Association, Oregon Roads Finance Study Policy Committee, Oregon Public Ports Association, Transportation 93, JPACT, and other interested parties. PFM serves as financial consultant to ODOT for the Oregon Transportation Plan (OTP).

While this funding alternative reflects input from numerous transportation interest groups, and is the result of deliberations by the 1993 Oregon Roads Finance Study, the Oregon Transportation Plan Financing Systems Policy Committee, and the Transportation 93 Group, it has not been adopted, nor is it being recommended by any of those groups. PFM, acting for ODOT, is seeking feedback from interested parties to this funding alternative prior to preparation of a recommended OTP Funding Plan for adoption by the OTC at its December 15, 1992 meeting.

Questions regarding this paper should be directed to Mark Gardiner or Gerda Newbold at PFM (Phone 223-3383), or to Mark Ford at ODOT (Phone 1-378-8273)

**OREGON TRANSPORTATION PLAN
DRAFT FINANCING PLAN ALTERNATIVE
November 1992**

I. OTP - The Multi-modal Oregon Transportation Plan and Intermodal Funding Plan

The Oregon Transportation Plan (OTP) is a multi-modal plan, incorporating all of the major modes of transporting people and goods in the state. The OTP is designed with the intention of using the public investments in the transportation to promote the accomplishment of State economic development, quality of life, environmental, and land use objectives. The plan is not only multi-modal because it incorporates more than one mode of transportation. The meaningful multi-modal nature of the plan results from the interdependence of the modes -- particularly as it relates to the ability to reduce road needs by making appropriate transit and transportation demand management investments.

For financial planning purposes, OTP investments are broken into five categories:

- Roads (State, Counties, Cities - includes bicycle & pedestrian investments)
- Transit (Tri-Met and "Downstate")
- Intercity Passenger Transportation
- Marine Rail Access
- Aviation

As noted above, these investments are inter-related. More than \$11 billion in road investments can be avoided by achieving the State's land use transportation goals for reducing vehicle miles traveled (VMT). This reducing in VMT is achieved through investment in transit operations and capital as well as changed land use patterns and transportation demand management. The funding plan is also multi-modal, and takes

advantage of the increased resources and flexibility offered by the federal Intermodal Surface Transportation Efficiency Act (ISTEA). This act for the first time allows certain portions of the federal transportation funding received by Oregon jurisdictions to be used for transportation solutions regardless of mode.

The funding alternative incorporates two elements which reflect this flexibility. The most significant is the use of Surface Transportation Program (STP) funds to fund transit capital. This program, which previously had been the Federal Aid Urban (FAU) and Federal Aid System (FAS) funding categories, now is almost totally flexible in use between transit and roads. The other major non-road portion of the ISTEA (other than dedicated transit funding) is the "Enhancement" program, which also is expected to be used for non-road purposes.

Flexibility, however is, in itself, enough to meet the investment needs of the Oregon transportation system. Significant additional funding is also required. In fact, PFM estimates that more than \$3.2 billion of additional funding (beyond current levels) will be required to meet the projected transportation needs in the first six years of the program, and that more than \$27.5 billion will be needed for the twenty years from 1993 to 2012. This additional revenue need is on top of the estimated \$40 billion to be received from the revenue system currently in place. (Note, these numbers reflect inflated -- as opposed to 1992 -- dollars, and therefore will not match the uninflated numbers used for initial purposes of the OTP).

II. Short Term (Six Year) OTP Funding Plan

To meet the investment needs of the Oregon transportation system, the funding alternative suggests a series of actions by ODOT and the Legislature to increase rates on existing revenue sources, enact new revenue sources, enable local governments to enact local revenues, and provide legislative authority for other, future funding actions. The funding alternative assumes that all of the current transportation funding mechanisms are left in place, with rates, base of calculation, and other factors undisturbed. Thus the Short Term Package concentrates creating the funding for unmet needs.

The package is broken into two parts:

A. Funding for the Initial OTP Program

Road - Preservation & Maintenance & Construction:

The largest dollar amount of the program, and the greatest need for additional revenues is in the preservation, maintenance, and construction of Oregon's roads, highways and bridges. The package dedicated for that purpose includes the following:

- o 4 cent gas tax and weight mile increases for 4 years (1994 through 1997).
A portion of this increase provides substitute funding in lieu of federal funding which would be dedicated to transit.
- o A \$15 Vehicle Registration Fee increase in 1995

Transit: -- Consistent, adequate operating support, capital funding needed to meet VMT Targets

The second largest dollar amount of transportation investment in the OTP is for transit capital and operating expansion. The Short Term plan would include the following actions related to transit funding:

- o Dedication of STP (federal flexible funding) to transit capital. The funding alternative assumes that this funding is phased in with a significant portion of STP funding in the first three to four years dedicated to roads.
- o Impose a tire and battery tax for purposes of increased transit operating and capital funding with a goal of providing \$4 to \$5 million annually for the initial period.
- o Provide statutory authority for payroll tax to replace lost property tax for transit operations in several large districts (excluding Tri-Met).
- o Referral of a constitutional amendment to allow creation of one or more major transportation-related revenue sources for transit and transportation demand management.

The Oregon Constitution prohibits the use of existing road funding mechanisms (gas tax, vehicle registration fee, etc.) for transit purposes. Additionally, the Oregon Supreme Court recently ruled that potential major new revenue sources, including proposed emissions fees on automobiles, would be subject to the constitutional constraints. The funding analysis indicates that some form of constitutional amendment will be necessary to meet the increased transit investment expected in the next six years.

- o State appropriation of approximately \$4 to \$5 million for increased operating support

Marine / Rail Access

The funding alternative suggests that those portions of port-related access projects which are not funded through road funding be prioritized for lottery funding as economic development projects.

- o Lottery funding for marine/rail access economic development projects

Aviation

The OTP anticipates investment in both commercial and general aviation airports to ensure appropriate air access throughout the state. The funding alternative suggest two sources for the aviation investment:

- o A 1/2 cent increase in the jet fuel tax for commercial airport projects
- o A 2 cent increase in the aviation gasoline fuel tax for general aviation airports

B. Initial Implementation for Future Funding Priorities

The OTP Short Term funding alternative also incorporates numerous activities and funding options implementation of which would begin in 1993. These include:

- o Creation of a Rail Fund and bonding authority for High Speed Rail and Light Rail Transit.
- o Authorization of a pilot project for congestion pricing.
- o Allocation of lottery funding for economic-development-related LRT and road projects.
- o Creation of a studded tire fee to offset increased maintenance costs.
- o Creation of an excise tax on bicycles and related accessories for non-road bike needs.
- o Imposition of local option vehicle registration fees and gas taxes in the largest metro areas and counties to meet urban road and highway needs.
- o Creation of a First Time Licensing Transportation Access Fee to contribute to growth-related road needs.
- o Repeal of the gasohol exemption to restore road funding capacity.
- o Authorize expansion of state in-lieu payroll payments for transit operations.

III. Long Term Program

The Long Term OTP funding program requires continued increases in funding sources to meet growth in needs, including:

- o Continued 4 cent increases in gas tax/weight mile (each year)
- o \$5 increase in VRF every 5 years
- o \$2 Increases in local option VRF every 5 years
- o Inflationary increases in excise taxes
- o Inflationary increases in Transportation Access Fees

The table on the following page shows the new revenues required for each transportation mode to meet the total projected investment in the OTP.

**Summary of New Revenues By Mode
In (\$000's)**

New Road Revenues	20 Years	6 Years
First Time Transportation Access Fee	\$410,388	\$103,848
Local Option Gas Taxes (8 counties)	1,545,239	160,515
Local Option VRF - Tri-County	415,190	85,008
Local Option VRF - Other Metros	283,084	57,960
Gas Tax for Ethanol Blended Fuel	67,600	67,600
Excise tax - bikes and accessories	32,066	5,802
Lottery funding for trans eco-devo	174,981	28,537
Local Transportation Access Fees	65,170	14,700
Studded snowtire fee - statewide	14,626	2,694
Increased gas tax revenues	11,276,000	719,000
Increased weight/mile revenues	5,388,000	265,000
Increased VRF revenues	<u>1,184,395</u>	<u>161,539</u>
Total	\$20,856,739	\$1,672,204
New Tri-Met Revenues		
Emission Fee - Portland Metro	\$3,485,950	\$342,566
Tire fee - statewide	7,567	1,283
Battery fee - statewide	2,788	473
Lottery funding for trans eco-devo	1,224,865	199,760
Local Transportation Access Fees	<u>13,965</u>	<u>3,150</u>
Total	\$4,735,134	\$547,232
New Downstate Transit Revenues		
Tire fee - statewide	\$49,184	\$8,336
Battery fee - statewide	13,939	2,363
Lottery funding for trans eco-devo	52,494	8,561
Payroll tax - top six metros	561,173	109,843
Local Transportation Access Fees	<u>13,965</u>	<u>3,150</u>
Total	\$690,754	\$132,253
New Intercity Bus & Rail Revenues		
Tire fee - statewide	\$18,917	\$3,206
Battery fee - statewide	11,151	1,890
Lottery funding for trans eco-devo	<u>297,467</u>	<u>48,513</u>
Total	\$327,535	\$53,609
New Marine/Rail Access Revenues		
Lottery funding for trans eco-devo	<u>\$239,205</u>	<u>\$83,078</u>
Total	\$239,205	\$83,078
New Aviation Revenues		
Increased Jet Fuel Tax	<u>\$232,848</u>	<u>\$42,251</u>
Total	\$232,848	\$42,251

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 92-1719 FOR THE PURPOSE OF ENDORING THE OREGON TRANSPORTATION FINANCING PLAN

Date: November 30, 1992

Presented by: Andrew Cotugno

PROPOSED ACTION

Endorsement of the Oregon Transportation Finance Plan, establishing a comprehensive, multi-modal statewide funding strategy with an immediate action plan for consideration by the '93 Legislature and a long-term action plan for future consideration.

FACTUAL BACKGROUND AND ANALYSIS

Three statewide planning efforts have formed the basis of the Oregon Transportation Finance Plan: the Oregon Roads Finance Study, the Oregon Rail Passenger Plan and the Oregon Transportation Plan. These efforts also encompass the Portland metropolitan area. The recommended financing plan is comprehensive in nature, with funding proposals to meet urban, rural and intercity needs statewide by all of the responsible service providers. ODOT, cities, counties, transit districts, ports, airports and metropolitan planning organizations are all affected. The recommendations are consistent with Metro Resolution No. 89-1035 which addressed the strategies for a comprehensive multi-modal approach in the Portland region.

Most of the recommendations are focused on statewide proposals for funding, including:

- . An increase of 4¢ on the gas tax plus associated truck weight-mile taxes for the next four years; a portion of this will allow traditional federal highway funds to be transferred to transit.
- . A \$15.00 vehicle registration fee increased in 1995.
- . Dedication of flexible federal highway funds (through the Surface Transportation Program (STP) funds) to transit capital.
- . Imposition of a tire and battery tax for transit capital and operating.
- . Implementation of an emission fee in the Portland region.
- . Referral of a constitutional amendment to allow at least the emission fee and tire and battery tax to be used for transit.

In addition, the proposals for funding the Highway trust Fund must also include legislative action to establish the split

between state, city and county jurisdictions. The current split is 60 percent state, 24 percent county; and 16 percent city. The new split will be based upon projected six-year "unmet" needs and will be approximately 50/30/20 (the exact split is still being determined). However, the split proposed for adoption by the Legislature will be approximately 58 percent to provide an added increment of 8 percent to ODOT to allow them to administer two "local" programs:

1. An STP Replacement Program. In FY 92, MPOs, cities and counties received \$19.8 million in federal STP funds for use on local projects. The share for the Metro area was \$9 million. In order to transfer the full amount of statewide STP funds to transit, the amount previously allocated to local areas will be replaced with increases from the Highway Trust Fund. These funds will be allocated to jurisdictions equivalent to the level of STP funds they "give up." Accordingly, in the future, Metro will be administering a State Highway Trust Fund program rather than a federal program. As such, these funds will be for constitutionally restricted purposes. In addition, any use of STP funds by Tri-Met must be approved in Metro's TIP.
2. A Local "Highway Bridge Repair and Replacement Program." The "unmet needs" for cities and counties include bridge needs. However, the allocation on the basis of population and registered vehicles is not reflective of where the needs are. By shifting this component of the local revenues and all of the federal bridge revenues to ODOT, it will be possible to administer a local bridge program based upon prioritized needs statewide. This should correct a deficiency in the past administration of the federal bridge program which was inadequate to meet bridge needs statewide. Under this program:
 - A share of the new State Highway Trust Fund revenues would be dedicated to local bridge repair and replacement;
 - A share of the federal bridge funds would also be dedicated to local bridge repair and replacement;
 - These would be suballocated into two accounts based upon the cost of unmet needs:
 - a) Large Willamette River bridges; and
 - b) All other bridges.
 - Projects would be selected from these two accounts based upon prioritization criteria reflecting the severity of need.

New bridges would not be handled in this manner since they are comparable to all other new highway needs.

Intergovernmental agreements between ODOT, the Association of Counties (AOC), the League of Cities (LOC) and Metro will be needed to define administrative procedures for these programs.

Finally, the splits are based upon an assumption that local revenue-raising measures are at least partially successful. The Financing Plan recommends local action as follows:

- Local option vehicle registration fees and gas taxes in the eight largest Metro areas and counties; and
- Use of traffic impact fees to properly assess growth.

Multnomah and Washington Counties already collect a gas tax (3¢ and 1¢, respectively) and Metro is considering referral of a local option vehicle registration fee to the voters.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 92-1719.

ACC:lmk
11-30-92
92-1719.RES

Meeting Date: December 22, 1992
Agenda Item No. 7.8

RESOLUTION NO. 92-1722



METRO

2000 S.W. First Avenue
Portland, OR 97201-5396
503/221-1646

Memorandum

DATE: December 17, 1992

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 7.8; RESOLUTION NO. 92-1722

The Finance Committee report will be distributed in advance to Councilors and available at the Council meeting December 22.

Exhibit A to Resolution No. 92-1722, Comprehensive Annual Financial Report, will be distributed separately from this agenda packet and available at the Council meeting December 22.