



600 NE Grand Ave.
Portland, OR 97232-2736

Council meeting agenda

Thursday, January 12, 2023

10:30 AM

Metro Regional Center Council Chamber,
<https://youtu.be/8Gmb6OzBobs>,
<https://zoom.us/j/615079992>, or
877-853-5257 (toll free) (Webinar ID:
615079992)

This meeting will be held electronically and in person at the Metro Regional Center Council Chamber. You can join the meeting on your computer or other device by using this link: <https://youtu.be/8Gmb6OzBobs>

1. Call to Order and Roll Call
2. Public Communication

Public comment may be submitted in writing. It will also be heard in person and by electronic communication (video conference or telephone). Written comments should be submitted electronically by emailing legislativecoordinator@oregonmetro.gov. Written comments received by 4:00 p.m. the day before the meeting will be provided to the council prior to the meeting.

Those wishing to testify orally are encouraged to sign up in advance by either: (a) contacting the legislative coordinator by phone at 503-813-7591 and providing your name and the agenda item on which you wish to testify; or (b) registering by email by sending your name and the agenda item on which you wish to testify to legislativecoordinator@oregonmetro.gov. Those wishing to testify in person should fill out a blue card found in the back of the Council Chamber.

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3. Resolutions

3.1 Resolution No. 23-5305, For the Purpose of Adopting the 2023 State Legislative Agendas

[RES 23-5305](#)

Presenter(s): Anneliese Koehler (she/her), Metro
Jenna Jones (she/her), Metro

Attachments: [Resolution 23-5305](#)
[Exhibit A](#)
[Exhibit B](#)
[Staff Report](#)

3.2 Resolution No. 23-5302, For the Purpose of Completing a HIP Fund Exchange with ODOT for Less Restrictive Federal Funds Allowing them to be Applied as Supplemental Funding Support to Seven Metro Regional Flexible Fund Allocation Funded Projects to Help Offset Inflation Cost Increase Impacts

[RES 23-5302](#)

Presenter(s): Ted Leybold (he/him), Metro
Ken Lobeck (he/him), Metro

Attachments: [Resolution 22-5302](#)
[Staff Report](#)

4. Chief Operating Officer Communication

5. Councilor Communication

6. Adjourn

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ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានការប្រឹក្សាស្តីពីការរើសអើងសូមទូរស័ព្ទទៅលេខ 503-797-1700 ។ www.oregonmetro.gov/civilrights ។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេបកប្រែសម្រាប់លោកអ្នក ។

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Agenda Item No. 3.1

Resolution No. 23-5305, For the Purpose of Adopting the 2023 State Legislative Agenda
Resolution

Metro Council Meeting
Thursday, January 12, 2023

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE 2023) RESOLUTION NO. 23-5305
STATE LEGISLATIVE AGENDA)
) Introduced by Council President Peterson

WHEREAS, Metro has an interest in the bills, policies, and discussions before the 2023 Oregon Legislature; and

WHEREAS, the Metro Council and Metro staff will represent Metro’s interest during the upcoming legislative session [through meetings, engagement, and legislative discussion]; and

WHEREAS, the Metro Council wishes to establish a united position on important legislative proposals and provide direction to its staff in order to represent the will of the agency; and

WHEREAS, the 2023 Metro Council Legislative Priorities attached as Exhibit A of this resolution lists specific expected and potential 2023 issues that are of concern to Metro and the metropolitan region, and gives guidance to staff on the Metro Council’s position on these issues; and

WHEREAS, the 2023 Legislative Principles attached as Exhibit B states the Metro Council’s principles regarding categories of potential legislation in order to provide guidance to staff in representing Metro; now therefore

BE IT RESOLVED that the Metro Council directs the Metro Chief Operating Officer, the Metro Attorney, and Metro staff to communicate the agency’s position on a variety of legislative proposals to the 2023 Oregon Legislature consistent with Exhibits “A” and “B” attached hereto.

ADOPTED by the Metro Council this 12th day of January, 2023.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

METRO COUNCIL LEGISLATIVE PRIORITIES 2023 Legislative Session



ECONOMIC PROSPERITY

- **Industrial Site Readiness:** Support legislation, including Semiconductor Task Force priorities, that advances solutions to make land inside urban growth boundaries available for industrial development and job creation through infrastructure investment, brownfield cleanup, land aggregation, and other means.
- **COVID Response and Economic Recovery:** Support legislation that addresses ongoing COVID-19 public health response and economic recovery including policy changes and funding assistance in line with the Comprehensive Economic Development Strategy and additional business, economic development, and housing support.

GUN SAFETY

- **Regulating Firearms on Metro Properties:** Support legislation that increases Metro's authority to regulate the carrying of firearms on Metro properties and public venues.

HOUSING AND HOMELESSNESS

- **Private Activity Bonds:** Support legislation that increases the proportion of private activity bonds allocated for affordable housing and reduces technical barriers that result in delayed projects.
- **Equitable and Affordable Housing:** Support legislation to increase state housing funding, improve tenant protections, expand affordable home ownership options, increase home ownership for BIPOC households, provide additional tools and authority to local governments to address housing supply and affordability, advance solutions that leverage and integrate local, state and federal investments to implement comprehensive supportive housing and wraparound services, and address climate resilience for home owners and renters.
- **Housing Production:** Support legislation that help increase equitable housing production and development that addresses past inequities in the land use system and in affordability and location of housing while adhering to the fundamentals of Oregon's land use system.

LAND USE

- **Urban Growth Management:** Ensure that the Legislature establishes the policy framework and process for local land use decisions and respects the authority of local governments, including Metro, to make specific decisions on local land use matters. Oppose efforts to legislatively determine specific land use designations in the region or to distort the process of assessing land need by mandating inaccurate analysis.

TRANSPORTATION

- **State Funding for State-Owned Highways:** Secure ongoing state funding for investments to improve safety and multimodal mobility on state highways that operate as urban arterials.
- **Interstate Bridge Replacement Project:** Support legislative decisions that advance the Interstate 5 bridge replacement project in ways that accommodate community concerns, measurably reduce greenhouse gas emissions and minimize other environmental impacts, and address ongoing harm to communities of color caused by past and current transportation policies and investments.
- **Transportation Pricing:** Support transportation pricing mechanisms that significantly and measurably reduce congestion, minimize carbon emissions, advance equity and improve safety.

WASTE MANAGEMENT AND WASTE REDUCTION

- **Electronic Recycling and Reuse:** Support legislation that modernizes the current electronic recycling system to be more convenient, equitable and allows for better pathways to reuse when possible.
- **Abandoned and Derelict Vessels and Recreational Vehicles:** Support legislation building towards a comprehensive statewide program and dedicated funding for the removal and disposal of abandoned and derelict vessels and recreation vehicles, both on land and in the water.

METRO COUNCIL 2023 LEGISLATIVE PRINCIPLES¹



GENERAL PRINCIPLES:

- 1. Successful Communities:** Metro supports policy and funding solutions that facilitate the achievement of the six desired outcomes for successful communities that have been agreed upon by the region: vibrant, walkable communities; economic competitiveness and prosperity; safe and reliable transportation choices; leadership in minimizing contributions to climate change; clean air, clean water and healthy ecosystems; and equitable distribution of the burdens and benefits of growth and change.²
- 2. Racial Diversity, Equity and Inclusion:** Metro envisions a region and state where a person's race, ethnicity or zip code does not predict their future prospects and where all residents can enjoy economic opportunity and quality of life. Metro therefore supports legislation that acknowledges past discrimination, addresses current disparities and promotes inclusion in public programs, services, facilities and policies.³
- 3. Tribal Sovereignty:** Metro seeks to support tribal sovereignty through government-to-government relations and coordination with Tribes, exploring opportunities to incorporate tribal interests and priorities into Metro's work and ensuring agency compliance with pertinent cultural, historic and natural resource protection laws. Metro will not supplant any Tribe or tribal organization's efforts on legislative priorities and will strive to coordinate with legislative and policy representatives of Tribes, Tribal organizations and Indigenous legislators to determine if Metro's involvement on any legislative priorities is appropriate.
- 4. Climate Justice:** Metro supports efforts to combat and adapt to climate change and to meet the state's goals for reducing greenhouse gas emissions. To this end, Metro supports state policy and funding solutions that can help to reduce emissions in all of its main lines of business: land use and transportation planning and investment, housing and homeless services, consumption, waste management and solid waste management, parks and natural areas, and operation of visitor venues.
- 5. Vibrant Sustainable Workforce.** Metro supports a thriving and equitable regional economy that creates job and career opportunities for all people. To this end, Metro supports state policy and investments that create new career opportunities and remove barriers to career opportunities to meet the demand for a skilled and diverse workforce in Metro's lines of business and in the region, including initiatives that promote quality training, family sustaining wages, access to career ladders and the provision of workforce wraparound services, and incentives to promote economic adaptability and mobility.

6. **Preemption:** With respect to issues related to matters of regional concern, Metro's policy and funding authority should not be preempted or eroded.
7. **Funding:** To ensure a prosperous economy, a clean and healthy environment, and a high quality of life for all of their citizens, Metro and the region's counties, cities, and other service providers must have the financial resources to provide sustainable, quality public services. Accordingly, the Legislature should remove existing restrictions on local and regional revenue-raising authority and avoid enacting new limitations or pre-emptions, and all state mandates should be accompanied by funding.

SPECIFIC PRINCIPLES:

HOUSING:

8. **Affordable Housing and Homelessness:** Metro supports efforts to ensure that housing choices are available to people of all incomes in every community in our region; to reduce the number of households that are burdened by the combined costs of housing and transportation; to support people experiencing homelessness or at risk of losing housing; and to increase affordable opportunities for home ownership.⁴ To achieve these outcomes, Metro supports legislative actions consistent with Oregon's land use laws that increase the supply of both regulated affordable housing and market-rate housing; provide funding for both housing development and services that support lower-income renters and people experiencing homelessness; and provide reasonable protections for renters against arbitrary and unfair actions.

LAND USE AND URBAN GROWTH MANAGEMENT:

9. **Oregon's Land Use System:** Oregon's land use planning system provides an important foundation for the prosperity, sustainability and livability of our region; this system reflects the values of Oregonians and enjoys strong public support. The Legislature should exercise restraint and care when considering changes to Oregon's land use system.
10. **Local Land Use Decisions:** Management of the urban growth boundary is a complex undertaking that involves extensive analysis, public input, and a balancing of many factors. Urban growth management decisions have profound impacts not just on land at the boundary, but on communities within the boundary and on farms and other rural lands outside the boundary. For these reasons, the Legislature should establish the process and policy framework for local land use decisions and should affirm the authority of local governments, including Metro, to make specific decisions on local land use matters.
11. **Efficient Use of Existing Urban Land:** Land within the urban growth boundary should be used efficiently before the boundary is expanded.⁵ Metro supports policy and funding strategies to facilitate efficient use of existing urban land, including investments in brownfield cleanup and industrial site readiness, as well as policy and zoning reforms that authorize and/or encourage

more efficient development in residential and commercial areas.

12. **Need:** The UGB should not be expanded in the absence of demonstrated need.⁶
13. **Integration of Land Use and Transportation:** Land use and transportation planning should be coordinated so land uses do not undermine the efficiency and reliability of the transportation system and transportation investments do not lead to unintended or inefficient land uses.⁷
14. **Annexation:** Cities are the preferred governing structure for providing public services to urban areas, and Metro supports reforms that will facilitate, or reduce barriers to, orderly annexation and incorporation.
15. **Fiscal Responsibility:** Funding to support urban development should be generated at least in part by fees on those who directly benefit from that development.

SOLID WASTE:

16. **Life Cycle Approach:** Metro supports efforts to minimize the health, safety, environmental, economic and social impacts associated with consumer products and packaging throughout all stages of a product's life cycle, beginning with resource extraction and continuing through design, manufacturing, consumption and disposal.⁸
17. **Product Stewardship/Producer Responsibility:** Metro supports legislation providing that whoever designs, produces, sells or uses a product bears responsibility for minimizing the product's environmental impact throughout all stages of the product's life cycle. Under this market-based approach, the life-cycle costs of a product are internalized into its price rather than being forced onto the general public. This approach also provides an incentive for manufacturers to design and produce their goods in a way that minimizes waste, environmental impact and management costs.
18. **Equity in the Solid Waste System:** The Regional Waste Plan aims to eliminate disparities experienced by people of color and historically marginalized communities from the full life cycle of products and packaging used and disposed in the region. Metro supports legislation that achieves this by advancing: community restoration, community partnerships and community investment; access to recycling, waste and reuse services and information; good jobs with improved worker health and safety, compensation and career pathways; business opportunities in the local economy; and community health through minimized impacts from system operations - locally and in end markets - and from toxic chemicals in products and packaging. Legislation should require the establishment of targets, standards and compliance processes, as appropriate, to ensure progress toward equity goals.

TRANSPORTATION:

19. **Transportation Funding:** Providing adequate funding for all transportation modes that move people and freight supports economic prosperity, community livability, public health and environmental quality. For these reasons, Metro supports an increase in overall

transportation funding, investments in a safe and balanced multimodal transportation system that addresses the needs of all users, and flexibility in the system to provide for local solutions to transportation problems.

- 20. Climate Justice:** Metro and its regional partners are committed to the Climate Smart Strategy, which includes actions needed to achieve state targets for reducing greenhouse gas emissions from transportation. The state should provide financial support for implementation of the Climate Smart Strategy.
- 21. Safe and Equitable Transportation:** Our region has adopted policies and developed programs to make it safer to walk and bike to school and other destinations, reduce serious traffic crashes and deaths, and reduce the disproportionate impact of traffic crashes and traffic enforcement in low income communities and communities of color.⁹ Metro supports legislation that advances safe and equitable transportation, including more effective and equitable enforcement of speed limits and other safety regulations, greater investment in infrastructure that improves safety (especially in disadvantaged communities), and greater authority for local governments to safely manage their transportation networks.

PARKS, NATURE AND CONSERVATION:

- 22. Parks and Natural Areas:** Our region has invested heavily in protecting water quality and fish and wildlife habitat and providing residents with access to nature and outdoor activity. Parks and natural areas are regional assets that support public health, environmental quality, strong property values and economic prosperity. For these reasons, Metro supports measures to increase local and regional authority to raise revenues to support parks and natural areas and to increase the level of state funding distributed to local governments for acquisition, capital improvements, and park operations.
- 23. Species Conservation:** Metro supports efforts to protect and restore fish and wildlife habitat, to recover threatened and endangered species, and to create a better future for fish and wildlife, both in Oregon and globally.
- 24. Conservation Education:** Metro supports efforts to provide stable and reliable funding to conservation education.

ECONOMIC PROSPERITY:

- 25. Metro Venues:** Because the Oregon Convention Center, Expo Center, Portland's Centers for the Arts and Oregon Zoo contribute millions of dollars to the state and regional economies, Metro supports policy and funding solutions that facilitate the success of these venues in attracting visitors and enhancing the quality of their experiences.

AGENCY OPERATIONS:

- 26. Firearms and Public Facilities:** Metro supports legislation that increases Metro's authority to regulate the carrying of firearms on Metro properties and public venues, and opposes

legislation that limits or reduces that authority.

- 27. Disaster Resilience:** Metro supports legislative efforts to improve community disaster preparedness and resilience, with the goal of enabling the Portland region to provide for the immediate needs of its residents and businesses after a catastrophic event and facilitating the region's short- and long-term recovery.

¹ Unless otherwise noted, endnotes refer to applicable policy statements in Metro's [Regional Framework Plan](#) (RFP).

² RFP Chapter 1 (Land Use).

³ [Strategic plan to advance racial equity, diversity and inclusion](#).

⁴ RFP Policy 1.3 (Housing Choices and Opportunities).

⁵ RFP Policy 1.1 (Compact Urban Form).

⁶ RFP Policy 1.9 (Urban Growth Boundary).

⁷ RFP Policy 1.3.13 (Housing Choices and Opportunities); Transportation Goal 1 (Foster Vibrant Communities and Efficient Urban Form).

⁸ [2030 Regional Waste Plan](#), page 11.

⁹ [2018 Regional Transportation Plan, Chapter 3](#), Safety and Security Policies 1-9 and Transportation Equity Policies 1-7.

STATE LEGISLATIVE AGENDA

Date: 12/16/22
Department: GAPD
Meeting Date: 1/12/23

Presenters: Anneliese Koehler, Legislative Affairs Manager and Jenna Jones, State and Regional Affairs Advisor

Prepared by: Anneliese Koehler,
Legislative Affairs Manager and Jenna
Jones, State and Regional Affairs Advisor

Length: 30 minutes

ISSUE STATEMENT

This Council meeting is for Council to adopt the 2023 State Legislative Priorities and 2023 State Legislative Principles. Proposed legislative priorities and principles will be discussed.

ACTION REQUESTED

The Council may adopt its state legislative agendas for 2023.

IDENTIFIED POLICY OUTCOMES

Support Metro's policy goals through engagement with the Oregon State Legislature and state agencies.

POLICY QUESTION(S)

- Does Council wish to approve 2023 state legislative policy priorities and principles, updated in Council discussions in July, October and December?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

See attachments for State Legislative Principles and State Legislative Priorities. These are final drafts and are here for final adoption. Discussions with Council in July, October and December are reflected in the final document.

STAFF RECOMMENDATIONS

See attached State Legislative Principles and State Legislative Priorities.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Over the course of the last six months, we met with Metro Departmental leadership, community organizations, jurisdictional partners and legislators to discuss possible state legislative priorities. In addition, Metro Council had work sessions in July, October and December to discuss the initial drafts of the state legislative agenda. We have incorporated all of this feedback into our presentation to you today and are here seeking final adoption of the state legislative agenda for 2023.

Democrats maintain the governorship and a majority in both chambers. As a result of redistricting this year, there will be many first-time legislators in Salem. And, because of the pandemic, second term legislators have only participated in remote committee hearings and work sessions; nearly two-thirds of the Oregon House of Representatives will have served one term or less when they gavel into session in February. Tools the minority have used in the past to stall session will also be limited in 2023 and beyond. The Oregon Constitution requires two thirds of a legislative chamber to be present in order to conduct chamber business and pass bills. Parties have used this requirement to deny quorum and therefore prevent the passage of bills. Measure 113 changed the state's constitution to bar any lawmaker from running for re-election if they have 10 or more unexcused absences from a floor session during a single legislative session. Measure 113 will likely lead to walkouts being a less viable tool to significantly delay legislative business.

Legislative leadership priorities

Unlike prior sessions, we anticipate that this next session will not be dominated by COVID-19 response. Barring any significant public health changes, it will certainly continue to be a topic, but it is unlikely to be the focus of session. We think that housing and homelessness, climate resiliency, infrastructure and economic recovery, and reproductive rights will likely be main primary conversation drivers this upcoming session. In addition, budget will also be top of mind for many in the building. The current economic forecast for the upcoming biennium is rosy, but that does not consider the significant infusion of one-time federal funds that are unlikely to be repeated. The state funded a significant number of "one-time" programs that many would like to become permanent.

For Metro, it is likely that land use will be a dominate focus during session. There are currently active conversations around land use for both housing and industrial land. We anticipate that there will be a significant number of bills targeting the land use system, including our authority.

The Capitol Building

For the past few years, because of the pandemic, Oregon's Legislature has primarily operated remotely. The Capitol Building will be open to the public for 2023 and unlike previous sessions, we anticipate that this will be the first session that will be primarily in person, although construction has significantly reduced the number of hearing rooms available for legislative committees to meet and there are fairly stringent capacity limits throughout portions of the Capitol Building.

BACKGROUND

Council updates its State Legislative Agendas annually and reviews and as needed, updates its State Legislative Principles.

ATTACHMENTS [Identify and submit any attachments related to this legislation or presentation]

- State Legislative Affairs Principles
- State Legislative Priorities

[For work session:]

- Is legislation required for Council action? Yes No
- If yes, is draft legislation attached? Yes No
- What other materials are you presenting today? [INSERT]

Agenda Item No. 3.2

**Resolution No. 23-5302, For the Purpose of Completing a HIP Fund Exchange with
ODOT for Less Restrictive Federal Funds Allowing them to be Applied as Supplemental
Funding Support to Seven Metro Regional Flexible Fund Allocation Funded Projects to Help
Offset Inflation Cost Increase Impacts**
Resolution

Metro Council Meeting
Thursday, January 12, 2023

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF COMPLETING A HIP) RESOLUTION NO. 22-5302
FUND EXCHANGE WITH ODOT FOR LESS)
RESTRICITVE FEDERAL FUNDS) Introduced by: Chief Operating Officer
ALLOWING THEM TO BE APPLIED AS) Marissa Madrigal in concurrence with
SUPPLEMENTAL FUNDING SUPPORT TO) Council President Lynn Peterson
SEVEN METRO REGIONAL FLEXIBLE FUND)
ALLOCATION FUNDED PROJECTS TO HELP)
OFFSET INFLATION COST INCREASE)
IMPACTS)

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council allocate federal transportation funding to projects in the Metro area through the Regional Flexible Funding Allocation process for inclusion in the Metropolitan Transportation Improvement Program (MTIP), and

WHEREAS, recently awarded projects preparing to spend their funding are facing unprecedented inflationary costs, inhibiting their ability to build projects as they originally proposed, and

WHEREAS, Metro received a formula Highway Infrastructure Program (HIP) funding allocation from FHWA appropriated funds to ODOT during Federal Fiscal years 2021 and 2022 which total \$3,850,000; and

WHEREAS, pursuant to the U.S. Department of Transportation’s MTIP amendment submission rules, JPACT and the Metro Council must approve any subsequent amendments and new funding to the MTIP; and

WHEREAS, one of the HIP fund eligibility requirements stipulates they must be obligated through the FHWA process before the end of federal fiscal year (FFY) 2023, or they will lapse; and

WHEREAS, the HIP funding eligibility restrictions phase resulted in an agreed upon fund exchange with ODOT for less restrictive funds that can be applied to Metro funded projects; and

WHEREAS, ODOT and Metro agreed to several acceptable eligibility conditions which maintains the FFY 2023 obligation requirement as a primary condition for the exchange to occur and use of the funds; and

WHEREAS, Metro staff added a key use condition that the HIP exchanged funding would be used as supplemental funding to existing Regional Flexible Fund Allocation (RFFA) projects to address inflationary cost increases; and

WHEREAS, staff reviewed and evaluated various candidate projects including their FFY 2023 development status, delivery timing, existing delivery barriers plus funding needs, and established a funding recommendation for seven projects across the three counties in the Metro MPA boundary area that meets the funding eligibility and obligation requirements; and

WHEREAS, all nominated projects will use the supplemental funding to help offset inflation cost increases enabling the projects to continue moving forward on schedule for delivery; and

WHEREAS, on December 2, 2022, Metro’s Transportation Policy and Alternatives Committee recommended that JPACT approve this resolution; and

WHEREAS, on December 15, 2022, JPACT recommended that the Metro Council approve this resolution; now therefore

BE IT RESOLVED that the Metro Council adopts JPACT's recommendation approves this resolution.

ADOPTED by the Metro Council this 12th day of January 2023.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: December 19, 2022
To: Metro Council and Interested Parties
From: Ken Lobeck, Funding Programs Lead
Subject: Highway Infrastructure Program (HIP) Exchange and Supplemental Funding Recommendations – Resolution 22-5302

HIP EXCHANGE AND SUPPLEMENTAL FUNDING RECOMMENDATIONS STAFF REPORT

Purpose Statement

FOR THE PURPOSE OF COMPLETING A HIP FUND EXCHANGE WITH ODOT FOR LESS RESTRICTIVE FEDERAL FUNDS ALLOWING THEM TO BE APPLIED AS SUPPLEMENTAL FUNDING SUPPORT TO SEVEN METRO REGIONAL FLEXIBLE FUND ALLOCATION FUNDED PROJECTS TO HELP OFFSET INFLATION COST INCREASE IMPACTS

INTRODUCTION

High levels of inflation over the past few years has been a significant issue on the ability to successfully deliver transportation projects. Between 2018 and 2022, the transportation industry construction cost increase for the Pacific Northwest was reported at 32.4%. Projects funded prior to that time through the Regional Flexible Fund Allocation (RFFA) process based on budgets that anticipated inflation at more traditional historic levels, are now trying to execute construction contracts and facing these unprecedented cost increases.

Fortunately, a one-time allocation of federal funding through the Highway Improvement (HIP) funding program has made approximately \$3.85 million available for allocation to projects in the Metro area. This proposal will allocate these funds to local projects with existing RFFA funding that are ready to proceed to construction but that are facing funding shortfalls due to these recent, unexpected high levels of inflation. These allocations will help address the inflationary costs and keep the projects, and the region's funding obligation performance, delivered on schedule and as planned.

BACKGROUND

What This Is:

Federal Highways Administration appropriates various types of federal funds usually to the State DOT to be applied to eligible transportation improvement projects. Each fund type contains specific eligibility criteria, required funding matches, obligation and expenditure shelf-life requirements along with other application conditions in order to properly use the funds. Some federal fund types are included detailed eligibility conditions such as Congestion Mitigation Air Quality (CMAQ) improvement funds that require project to demonstrate quantifiable improvements to specific air pollutant groups to meet eligibility criteria. Other fund types such as STBG are less restrictive and have a much more flexible eligibility range.

Periodically, the MPO may receive an additional fund type formula-based allocation based on the main appropriation ODOT receives. During Federal Fiscal Year (FFY) 2020 and 2021, FHWA appropriated Highway Infrastructure Program (HIP) funds to the State DOTs. Based on the eligibility criteria for the funds, ODOT allocated a portion of the HIP funds to Metro to be applied on eligible projects. The two-year allocated totaled \$3,850,000. The funds came with several conditions.

As the name suggest HIP funds are intended to be used on roadway improvement projects with an emphasis to be applied to the construction phase. Eligible areas include the following:

- Construction of:
 - Highways, bridges, tunnels, including designated routes of the Appalachian Development Highway System and local access roads.
 - Ferry boats and terminal facilities eligible for funding
 - Transit capital projects eligible for assistance
 - Infrastructure-based intelligent transportation systems capital improvements, including the installation of vehicle-to-infrastructure communication equipment
 - Truck parking facilities eligible for funding under section 1401 of the Moving Ahead for Progress in the 21st Century Act; and
 - Border infrastructure projects eligible for funding under section 1303 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
- Highway and transit safety infrastructure improvements and programs, including railway-highway grade crossings.
- The funds may also be obligated to provide necessary charging infrastructure along corridor-ready or corridor-pending alternative fuel corridors designated pursuant to 23 U.S.C. 151.

Additional use and eligibility conditions included the following:

- Pursuant to section 133(c) of title 23, U.S.C., projects may not be undertaken on a road functionally classified as a local road or a rural minor collector unless the road was on a Federal-aid highway system on January 1, 1991, except;
 - For a bridge or tunnel project (other than the construction of a new bridge or tunnel at a new location)
 - Highway and transit safety infrastructure improvements and programs, including railway-highway grade crossings
 - To provide necessary charging infrastructure along corridor-ready or corridor-pending alternative fuel corridors designated pursuant to 23 U.S.C. 151
 - As approved by the Secretary. Further, 23 U.S.C. 133(g)(1), allowing a portion of Surface Transportation Block Grant funds to be obligated on roads functionally classified as minor collectors, does not apply to these funds.
- Pursuant to section 133(d)(5) of title 23, U.S.C., programming and expenditure of funds for projects shall be consistent with sections 134 and 135 of title 23, U.S.C. Projects must be identified in the Statewide Transportation Improvement Program/Transportation Improvement Program and be consistent with the Long-Range Statewide Transportation Plan and the Metropolitan Transportation Plan(s).

- Obligation status: For the FFY 2021 and FFY 2022 cycles the HIP funds must be obligated before the end of FFY 2023, or they lapse.

Along with the various eligibility conditions, the funds were appropriated somewhat late to the State DOTs. As a result, the MPOs receive the funding notification late and had about a year to complete the nomination and selection of project candidates, approval of funding awards, complete MTIP and STIP programming, and obligate the funds through the FHWA Financial Management and Information System (FMIS). The eligibility criteria and obligation requirements has produced significant challenges for Metro to commit the HIP funds to qualified projects.

As a second option, Metro requested ODOT consider a fund swap for the HIP funds. Metro would relinquish the HIP funds for less restrictive federal funds such as STBG funds. Both ODOT and Metro agreed to complete the fund swap, but several conditions still applied.

The revised eligibility conditions included the following:

1. **The exchanged federal funds Metro receives still had to be obligated before the end of FFY 2023.**
2. As a result of this condition, the exchanged supplemental funding could not be included as part of the 2025-27 RFFA call.
3. The exchanged funds Metro will receive from ODOT are anticipated to be State STBG and programmed under Advance Construction (AC) funding procedures. The eligibility criteria for STBG funds apply and will provide additional flexibility for use on projects than using the HIP criteria.
4. However, the exchange funding is to be applied to the construction phase in the same spirit of the original HIP funds. The construction phase requirement is a “request” and not a “must”.

BASIS FOR FUNDING RECOMMENDATION

With the above foundation conditions, the following additional conditions have been identified to help ensure the funds could be programmed and obligated quickly. The added conditions include the following:

- a. The exchange funding is considered “supplemental funding” and will be applied to eligible projects that have experienced recent cost increases due to inflation.
- b. The supplemental funding to mitigate inflation cost increases can’t supplant local overmatch commitments already programmed to the project. The supplemental funding is considered “needed funding on top of existing programming” to address funding shortfalls caused by inflation cost increases.
- c. The funding increase must be due to a recent adjustment from inflation corrections. The cost increase can’t be the result of a scope or limits change to the project.
- d. To be consistent with existing RFFA program allocation objectives, the total funding of \$3,850,000 will be allocated to projects across the region that meet the need and eligibility criteria described above.

During early October 2022, staff reviewed the comprehensive list of active RFFA projects and identified possible funding candidates based on the eligibility logic identified above. Staff worked with the ODOT Local Agency Liaisons (LAL) and reviewed project delivery schedule, current cost estimates, readiness to obligate funds before the end of FFY 2023, etc. to identify eligible candidates and then narrow the recommendations to stay within the \$3.85 million funding limit.

JPACT December 15, 2022 Meeting Summary:

Ted Leybold, Manager, Metro Resource Development Department provided an overview of the HIP fund exchange and supplementation funding recommendations. He explained to JPACT the origin of the funding from ODOT and why Metro pursued the fund exchange option. He discussed the impact inflation has on RFFA funded projects, and the timely opportunity the fund exchange would provide several existing funded RFFA projects. Finally, he summarized the funding recommendations to the seven projects proposed to receive and split the available \$3,850,000.

During the discussion period, Emerald Bogue, Port of Portland provided a statement of support from the Port for the funding recommendation and complemented Metro and ODOT for the timeliness it will provide with the 40 Mile Loop project. Ali Mirzakhali, Oregon Department of Environmental Quality asked Ted why the obligation condition remained upon the exchanged Funds. Ted explained that ODOT also has annual obligation targets they must reach, or they could lose funding through the annual Redistribution process. By agreeing to maintain the end of FFY 2023 obligation requirement, Metro would be adding further pressure on ODOT to obligate other funds to cover the HIP fund exchange if the projects failed to obligate their funds by the end of the FFY 2023. The action maintains the obligation balance ODOT requires to help ensure they reach their state obligation targets.

With no further discussion, JPACT members moved the item and unanimously approved the Resolution 22-5202 and the seven projects with fund exchange recommendations.

TPAC December 2, 2022 Meeting Summary:

Ken Lobeck provided TPAC members an overview and summary of the HIP Exchange and subsequent decision to provide funding support to existing Regional Flexible Fund Allocation (RFFA) awarded projects to help offset recent cost increases due to inflationary cost revisions. TPAC members were curious about the source of the funding and why staff proceeded outside of the regular TPAC process.

Ken Lobeck explained that the HIP funds allocated to Metro included multiple eligibility and use restrictions that prevent their direct application to Metro RFFA projects. Additionally, the HIP funded had to be obligated before the end of FFY 2023 (September 30, 2023). The obligation requirements prevented them the HIP funds from being added to the RFFA project call.

The obligation requirement became the primary issue in determining how Metro could apply the HIP funds. Because the short timeframe and eligibility restrictions, a direct application of the HIP funds to eligible projects appeared improbable. As a fallback option, staff requested a fund exchange with ODOT to replace the HIP funds with less restrictive funding. Discussions with Jeff Flowers, Statewide Investments Section Manager at ODOT occurred during July to work through the exchange parameters. By late August 2022 we had the key elements for the exchange agreed upon. The key points included the following:

- Metro agreed to follow the “spirit” of the HIP which included obligating all funds before the end of FFY 2023. This eliminated the option of adding the funds to the current RFFA call in progress.
- The exchanged funds would be applied as much as possible to project construction phases.
- By agreeing to this construction phase objective, it negated the option of using the funds exchange to be applied to the UPWP for planning needs. The original eligibility use for the HIP funds prevents their use for planning activities.

- Programming will utilize the “Advance Construction – ACP0” fund code to provide ODOT with maximum flexibility to commit the final exchanged funds to the project when they were obligated.
- ODOT could apply the HIP funds based on their priorities. No geographic balancing conditions were included.
- Metro would provide the final funding recommendations to ODOT by the end of November.

Again, because of the short time to award and obligate the funds, available options to commit the funds appeared limited. Example: Completing a second fund exchange with TriMet for local funds was removed from consideration as the original HIP funds can’t be flex transferred to FTA.

However, addressing inflationary impacts upon many existing RFFA funded projects became a viable option. Ken Lobeck went on to describe the coordination process with the ODOT Local Delivery Section Local Agency Liaisons (LAL) to identify inflation cost increases and development of the final funding recommendations. He acknowledged that staff worked outside of the normal TPAC process because of the obligation shelf-life requirement. Through this process, seven projects are recommended for funding (as stated further in the staff report).

With this overview and background provided, TPAC members voted unanimously to recommend an approval recommendation to JPACT to approve Resolution 22-5302 and the funding for the seven projects.

STAFF FUNDNG RECOMMENDATIONS

The final staff project funding recommendations for the \$3,850,000 of HIP Exchange Supplemental funding are shown below. Proposed approval and implementation steps will then follow.

HIP Exchange Supplemental Federal Funding Recommendations					
Key	Lead Agency	Project Name	Project Description	Federal Funding Recommendation	Notes
Clackamas County					
19276	Clackamas County	Jennings Ave: OR 99E to Oatfield Rd	Construct sidewalk on the north side of the road and bike lanes on both sides of the road to provide safe bicycle and pedestrian facilities to connect residents with nearby schools, businesses, and transportation options. (2016-18 RFFA Award)	\$577,500	Add to the construction phase along with local match. Current cost estimate update indicates the construction phase is short by \$789,644.
Washington County					
19327	Tigard	Fanno Crk Trail: Woodard Pk to Bonita Rd/85th Ave - Tualatin BR	This project will construct four sections of the Fanno Creek Trail from Woodward Park to Bonita Road and 85th Avenue to Tualatin River Bridge in Tigard. (2016-18 RFFA Award)	\$695,605	Add funds plus required match to the construction phase in FFY 2023. Latest cost update indicates construction phase is still short of funding.
Split from 18758	ODOT & Beaverton	OR8: SW Hocken Ave - SW Short St	Design and construct streetscape elements focused on pedestrian safety and place making. (2016-18 RFFA Award)	\$325,948	Key 18758 is being split into two separate projects to avoid further delivery conflicts between ODOT’s scope elements and Beaverton’s.

					The Beaverton portion is still short funding to complete all scope elements. The \$325,948 will be applied to median landscaping elements.
22128	Washington County	Aloha Access Improvements: SW 174th Ave– SW 187th Ave	Design and implement various pedestrian access and crossing enhancements in the Aloha Town Center area to improve safety. (2019-21 RFFA Award)	\$325,947	Add to Planning phase to support the project development re-scoping effort due to Washington County’s prior completion of existing RFFA project scope elements.
Washington County Recommended Funding Total:				\$1,347,500	
Multnomah County (Includes Portland)					
20812	Portland	Brentwood Darlington Bike/Ped Improvements	Connect to parks community gardens and shopping. Sidewalks fill gaps in the ped network. Greenway provides connections between bikeways in Springwater corridor (2019-21 RFFA Award)	\$282,483	Add to Construction phase along with required local match to address construction phase funding shortfall
20813	Portland	NE Halsey Street Bike/Ped/Transit Improvements	Signal improvements intersection redesigns bus stop improvements and high priority crossings on NE Halsey between 65th and 92nd bikeway from 65th to 92nd path from the 82nd Ave. MAX station (19-21 RFFA Award)	\$900,000	Add to Construction phase to reduce existing funding shortfall. The project is scheduled to obligate the construction phase before the end of FFY 2023. If an obligation delay occurs, then Option B will be considered which will backfill funding shortfalls in PE (\$475,000) and ROW (\$200,000) providing the project a total of \$675,000. The remaining difference of \$225,000 would be applied to the Port of Portland’s 40 Mile Loop project.
17270	Port of Portland	40 Mile Loop: Blue Lake Park - Sundial & Harlow Rd	The project consists of two approved segments: (1) Blue Lake Park to Sundial Rd which 1.7 miles of mixed-trail improvements and (2) Harlow Rd which is SE of Segment 1 and includes 1900 ft running on the west Band of the Sandy River (2010-13 RFFA Award)	\$742,517	Add to the construction phase to address a \$1.3 to \$1.8 million phase funding shortfall. Final alignment scope elements will determine the revised phase cost.
Multnomah County Recommended Funding Total:				\$1,925,000	

Current MTIP Project Programming Summaries

LEAD AGENCY		Clackamas County				
PROJECT NAME		Jennings Ave: OR 99E to Oatfield Rd				
Project IDs		Project Description				Project Type
ODOT KEY	19276	Construct sidewalk on the north side of the road and bike lanes on both sides of the road to provide safe bicycle and pedestrian facilities to connect local residents with nearby schools businesses and transportation options.				Pedestrian
MTIP ID	70674					
RTP ID	11503					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Purchase right of way	2021	STP	\$897,322	\$102,703	\$0	\$1,000,025
Construction	2023	STP	\$2,149,994	\$246,076	\$791,913	\$3,187,983
FY 21-26 Totals			\$3,047,316	\$348,779	\$791,913	\$4,188,008
Prior Years' Totals			\$1,077,967	\$123,378	\$0	\$1,201,345
Estimated Project Cost (YOES)			\$4,125,283	\$472,157	\$791,913	\$5,389,353

LEAD AGENCY		Tigard				
PROJECT NAME		Fanno Crk Trail: Woodard Pk to Bonita Rd/85th Ave - Tualatin BR				
Project IDs		Project Description				Project Type
ODOT KEY	19327	This project will construct four sections of the Fanno Creek Trail from Woodward Park to Bonita Road and 85th Avenue to Tualatin River Bridge in Tigard.				Trail
MTIP ID	70690					
RTP ID	10766					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Construction	2023	CMAQ - URBAN	\$3,042,724	\$348,253	\$2,589,023	\$5,980,000
FY 21-26 Totals			\$3,042,724	\$348,253	\$2,589,023	\$5,980,000
Prior Years' Totals			\$1,358,512	\$155,488	\$622,000	\$2,136,000
Estimated Project Cost (YOES)			\$4,401,236	\$503,741	\$3,211,023	\$8,116,000

LEAD AGENCY		ODOT				
PROJECT NAME		OR8: SW Hocken Ave - SW Short St				
Project IDs		Project Description				Project Type
ODOT KEY	18758	Design and construct streetscape safety and operational improvements				Roadway and bridge
MTIP ID	70757					
RTP ID	12043					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Construction	2023	STBG - STATE	\$1,615,497	\$184,901	\$3,900,000	\$5,700,398
Construction	2023	STP	\$1,974,955	\$226,042	\$0	\$2,200,997
FY 21-26 Totals			\$3,590,452	\$410,943	\$3,900,000	\$7,901,395
Prior Years' Totals			\$2,934,171	\$335,828	\$0	\$3,269,999
Estimated Project Cost (YOES)			\$6,524,623	\$746,771	\$3,900,000	\$11,171,394

LEAD AGENCY		Washington County				
PROJECT NAME		Aloha Access Improvements: SW 174th Ave-SW 187th Ave				
Project IDs		Project Description				Project Type
ODOT KEY	22128	Design and implement various access and crossing enhancements in the Aloha Town Center area to improve pedestrian safety.				Active Transportation
MTIP ID	71095					
RTP ID	10608					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Planning	2023	STBG-URBAN	\$358,920	\$41,080	\$0	\$400,000
Preliminary engineering	2024	STBG-URBAN	\$1,512,848	\$173,152	\$0	\$1,686,000
Purchase right of way	2025	STBG-URBAN	\$323,028	\$36,972	\$0	\$360,000
Other	2025	STBG-URBAN	\$44,865	\$5,135	\$0	\$50,000
Construction	2026	STBG-URBAN	\$1,587,898	\$181,742	\$1,522,845	\$3,292,485
FY 21-26 Totals			\$3,827,559	\$438,081	\$1,522,845	\$5,788,485
Estimated Project Cost (YOES)			\$3,827,559	\$438,081	\$1,522,845	\$5,788,485

LEAD AGENCY		Portland				
PROJECT NAME		Brentwood Darlington Bike/Ped Improvements				
Project IDs		Project Description				Project Type
ODOT KEY	20812	Connect to parks community gardens and shopping. Sidewalks fill gaps in the ped network. Greenway provides connections between bikeways in Springwater corridor(2019-21 RFFA Award)				Active Transportation
MTIP ID	70877					
RTP ID	11193					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Purchase right of way	2022	TA - URBAN	\$528,090	\$60,442	\$0	\$588,532
Other	2022	TA - URBAN	\$44,865	\$5,135	\$0	\$50,000
Construction	2023	TA - URBAN	\$668,545	\$76,518	\$3,268,309	\$4,013,372
FY 21-26 Totals			\$1,241,500	\$142,095	\$3,268,309	\$4,651,904
Prior Years' Totals			\$918,500	\$105,126	\$813,374	\$1,837,000
Estimated Project Cost (YOE\$)			\$2,160,000	\$247,221	\$4,081,683	\$6,488,904

LEAD AGENCY		Portland				
PROJECT NAME		NE Halsey Street Bike/Ped/Transit Improvements				
Project IDs		Project Description				Project Type
ODOT KEY	20813	Signal improvements intersection redesigns bus stop improvements and high-priority crossings on NE Halsey between 65th and 92nd bikeway from 65th to 92nd path from the 82nd Ave. MAX station (19-21 FFFA Award)				Roadway and bridge
MTIP ID	70880					
RTP ID	11559					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Purchase right of way	2022	STBG-URBAN	\$147,320	\$16,861	\$190,631	\$354,812
Other	2022	STBG-URBAN	\$44,865	\$5,135	\$50,000	\$100,000
Construction	2023	STBG-URBAN	\$1,071,762	\$122,668	\$2,485,309	\$3,679,739
Construction	2023	TA - URBAN	\$250,598	\$28,682	\$0	\$279,280
FY 21-26 Totals			\$1,514,545	\$173,346	\$2,725,940	\$4,413,831
Prior Years' Totals			\$839,055	\$96,034	\$459,911	\$1,395,000
Estimated Project Cost (YOE\$)			\$2,353,600	\$269,380	\$3,185,851	\$5,808,831

LEAD AGENCY		Port of Portland				
PROJECT NAME		40 Mile Loop: Blue Lake Park - Sundial & Harlow Rd				
Project IDs		Project Description				Project Type
ODOT KEY	17270	The project consists of two approved segments: (1) Blue Lake Park to Sundial Rd which 1.7 miles of mixed-trail improvements and (2) Harlow Rd which is SE of Segment 1 and includes 1900 ft running on the west Band of the Sandy River (2010-13 RFFA Award)				Throughways
MTIP ID	70007					
RTP ID	10408					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Construction	2023	STP	\$2,004,083	\$229,376	\$0	\$2,233,459
FY 21-26 Totals			\$2,004,083	\$229,376	\$0	\$2,233,459
Prior Years' Totals			\$1,068,338	\$122,277	\$115,535	\$1,306,150
Estimated Project Cost (YOE\$)			\$3,072,421	\$351,653	\$115,535	\$3,539,609

APPROVAL STEPS AND TIMING

Metro’s approval process to move forward with the proposed HIP Exchange Supplemental funding recommendations includes the following:

- | <u>Action</u> | <u>Target Date</u> |
|--|------------------------------|
| • TPAC notification and approval recommendation..... | December 2, 2022 |
| • JPACT approval and recommendation to Council..... | December 15, 2022 |
| • Metro Council approval..... | January 5 or 12, 2023 |
| • Complete required MTIP and STIP amendments..... | End of January 2023 |
| • Complete necessary project IGA amendments..... | January-March 2023 |
| • Commence phase obligations..... | Starting March 2023 |

Notes:

1. Required MTIP and STIP programming amendments are anticipated to occur as administrative modifications and will not require a formal/full MTIP amendment to complete
2. Intergovernmental Agreement (IGA) amendments are needed to ensure the supplemental federal finding is identified for the project.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:**
 - a. Approves the proposed HIP for less restrictive federal funds exchange with ODOT and enables federal allocation of the \$3,850,000 to be committed and programmed to seven staff recommended projects
 - b. Amends the 2021-24 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 20-5110 on July 23, 2020 (FOR THE PURPOSE OF ADOPTING THE 2021-2024 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM FOR THE PORTLAND METROPOLITAN AREA).
 - c. Oregon Governor approval of the 2021-24 MTIP: July 23, 2020
 - d. 2021-2024 Statewide Transportation Improvement Program (STIP) Approval and 2021 Federal Planning Finding: September 30, 2020
3. **Anticipated Effects:**
 - a. Enables the supplemental funding to complete MTIP/STIP programming and IGA amendment actions enabling the funds to be obligated before the end of FFY 2023 which will ensure they will not lapse.
 - b. Supports addressing and resolving existing project funding shortfalls due to inflation cost adjustments.
 - c. Helps resolves project delivery barriers due to inflation cost increases allowing the projects to move forward on schedule.
4. **Metro Budget Impacts:** None to Metro as the HIP funding allocation was always intended to support outside agency eligible projects and could not be applied to Metro planning or other MPO planning areas.

RECOMMENDED ACTION:

JPACT approved Resolution 22-5302 on December 15, 2022 and now recommends Metro Council approve Resolution 22-5302 supporting the HIP fund Exchange with ODOT and the proposed allocations to the seven identified projects

No Attachments

Materials following this page were distributed at the meeting.



Metro

Metro Council Legislative Agenda Adoption

Jenna Jones, State and Regional Affairs Advisor

Anneliese Koehler, Legislative Affairs Manager

January 12, 2023



Legislative Priorities

Meant to be session specific around bill concepts that legislative affairs staff anticipate coming.



Legislative Priorities

- Economic Prosperity
- Gun Safety
- Housing and Homelessness
- Land Use
- Transportation
- Waste Management and Waste Reduction

Legislative Principles

- Division into two sections: general or over-arching principles and issue-specific principles
- Meant to be evergreen guiding principles for legislative affairs staff to rely on for bills not specifically identified in priorities
- New principle on “Tribal Sovereignty” that aligns with the Tribal Affairs Agenda presented previously to council



General principles

- Successful Communities
- Racial Diversity, Equity and Inclusion
- Climate Justice
- Pre-emption
- Funding

Specific Principles

- Housing
- Land Use and Growth Management
- Solid Waste
- Transportation
- Economic Prosperity
- Agency Operations

Questions



oregonmetro.gov





Metro

HIP Fund Exchange and Allocation

Resolution 22-5302

January 12, 2023

HIP Fund Exchange and Allocation

Overview

- Metro received a one-time allocation of Highway Infrastructure Program (HIP) funds
- Total allocation of \$3.85 million
- Need to allocate and obligate funds by August 2023

HIP Fund Exchange and Allocation

Priority Issues & Context



- Extraordinary inflation impacting project costs and ability to deliver
- Local resources to fill cost gaps increasingly scarce
- Risk of projects being significantly reduced in content in order to meet budgets

HIP Fund Exchange and Allocation

Objectives

- Support prior Regional Flexible Fund Allocation projects facing major inflationary cost increases
- Help those projects meet on-time project delivery to keep region eligible for additional funds
- Fund projects across the region
- Exchange HIP funds with ODOT to other types of federal funding in order to fund wider variety of project types

HIP Fund Exchange and Allocation

Fund exchange summary

- July 2022: Met with ODOT to consider fund exchange for less restrictive federal funds
- Metro & ODOT developed a fund swap plan with conditions to exchange the HIP funds:
 - Still obligate by the end of FFY 2023
 - Apply to a project's construction phase if possible
 - Support "on-top-of" costs from inflation. No fund supplanting

HIP Fund Exchange and Allocation

Process summary

- Collaborated with ODOT liaisons and local lead project staff to identify projects that met eligibility and objectives
- Developed allocation proposal that implements objectives
 - Can obligate funds in FY 2023
 - Addresses inflationary cost budget shortfall
 - Does not supplant local funding
 - Support projects across the region
- TPAC and JPACT review and recommendation

HIP Fund Exchange and Allocation

Funding Recommendations

Key #	Lead Agency	Project Name	Funding
19276	Clackamas County	Jennings Ave: OR 99E to Oatfield Rd	\$577,500
19327	Tigard	Fanno Creek Trail: Woodard Park to Bonita Rd/85th Ave - Tualatin Bridge	\$695,605
18758 Split	Beaverton	OR8/Canyon Rd Project	\$325,947
22197	Washington County	Aloha Access Improvements: SW 174th Ave-SW 187th Ave	\$325,948

HIP Fund Exchange and Allocation

Allocation Recommendations

Key #	Lead Agency	Project Name	Funding
20812	Portland	Brentwood Darlington Bike/Ped Improvements	\$282,483
20813	Portland	NE Halsey Street Bike/Ped/Transit Improvements	\$900,000
17270	Port of Portland	40 Mile Loop: Blue Lake Park - Sundial & Harlow Rd	\$742,517
Total HIP Exchange Supplemental Funding Awards:			\$3,850,000

HIP Fund Exchange and Allocation

Next Steps

Action	Target Date
JPACT Approval and Recommendation to Council	December 15, 2023
Metro Council Approval	January 12, 2023
Initiate IGA and MTIP/STIP modifications	February 5, 2023
Move forward with obligation requests	April 2023

HIP Fund Exchange and Allocation

Discussion, Questions, and Approval

- Discussion and questions
- Approval Request:
Approve Resolution 22-5302 which includes the HIP fund exchange with ODOT and the proposed supplemental funding allocations to the seven identified projects.