

BEFORE THE METRO COUNCIL

ADOPTING REVISIONS TO THE)	ORDINANCE NO. 95-607
REGIONAL TRANSPORTATION PLAN)	
)	Introduced by Mike Burton,
)	Executive Officer

WHEREAS, The Regional Transportation Plan has contained both Metro's federal regional transportation plan requirements as the Metropolitan Planning Organization for federal funding purposes and Metro's requirements under state law for a transportation functional plan; and

WHEREAS, An Interim Federal Regional Transportation Plan is now being adopted in advance of Metro's major updates of its Regional Urban Growth and Objectives and to create a Regional Transportation Systems Plan under state law; and

WHEREAS, Metro's Interim Federal RTP is needed to demonstrate a fiscally-constrained plan in compliance with federal air quality laws to continue eligibility for federal transportation funding; and

WHEREAS, Metro's RTP was last amended in Ordinance No. 92-433 and remains in effect as Metro's transportation functional plan until its major update is complete; and

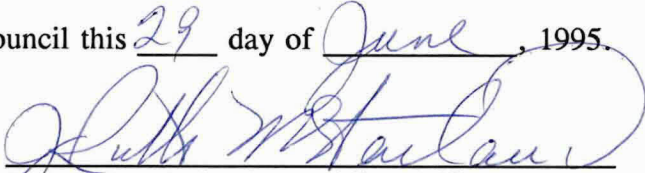
WHEREAS, Amendments to the RTP are needed at this time to clarify its ongoing status as the "state" RTP and to remove references to the now separate federal RTP; now, therefore;

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the 1992 revision of the Regional Transportation Plan remains in effect as Metro's functional plan for transportation as federal funding provisions have been moved to the Interim Federal Regional Transportation Plan.

2. That the amendments to the 1992 Regional Transportation Plan to remove federal transportation planning provisions contained in Exhibit "A" attached and incorporated herein are hereby adopted.

ADOPTED by the Metro Council this 29 day of June, 1995.




J. Ruth McFarland, Presiding Officer

ATTEST:



Cathy Rose
Recording Secretary

Approved as to Form:



Daniel B. Cooper, General Counsel

Exhibit A

Amendments to the 1992 Regional Transportation Plan adopted by Ordinance No. 92-433:

Page i-1 at A., second paragraph is amended to omit the following as shown:

"Adoption of this Plan represented:

- ~~completion of a federal requirement as a condition for receipt of federal transportation funding"~~

Page i-3, 5 at D., third and fourth paragraphs are amended to read as shown:

"Metro Legislative Authority

Metro's ~~state~~ authority for urban transportation planning is derived from two primary sources:

- ~~Title 23 (Highways) and Title 49 (Transportation) Code of Federal Regulations.~~
- Oregon Revised Statutes - Chapter 268
- 1992 Metro Charter

~~The federal requirements for transportation planning are primarily directed at proposed transportation investments using federal funds while the state requirement deal with the transportation elements of local comprehensive plans. There is, however, a great deal of overlap between the two requirements since federally funded transportation investments comprise a significant portion of the full transportation system identified in comprehensive plans.~~

~~Federal Planning Requirements~~

~~FHWA and FTA have jointly required that each urbanized area, as a condition to the receipt of federal capital and operating assistance, have a transportation plan process that results in a transportation plan consistent with the planned development for the area. Metro is the agency, in cooperation with ODOT and Tri Met, that is designated by the Governor as the "metropolitan planning organization" to carry out the federal transportation planning requirements.~~

~~In accordance with these requirements, Metro must annually endorse a transportation plan and a Transportation Improvement Program (TIP). The TIP must specify federally funded transportation projects to be implemented during the next three to five year period based upon realistic estimates of available revenues. Furthermore, projects included for funding in the TIP must be consistent with the adopted RTP.~~

~~Also in accordance with regulations, the RTP must consist of a short and long range element and provide for the transportation needs of persons and good in the metropolitan area.~~

~~The planning process leading to adoption of the RTP must:~~

- ~~● consider the social, economic and environmental effect of transportation in accordance with the National Environmental Policy Act and Clean Air Act;~~
- ~~● ensure involvement of the public;~~
- ~~● ensure there is no discrimination on the grounds of race, color, sex, national origin or physical handicap in the planning process or under any program receiving federal assistance;~~
- ~~● include special efforts to plan public mass transportation facilities and services for the handicapped;~~
- ~~● consider energy conservation goals and objectives;~~
- ~~● include technical analysis as needed and to the degree appropriate, including:~~
 - ~~● an analysis of existing conditions of travel, transportation facilities and fuel consumptions;~~
 - ~~● projections of economic and land use activities and their potential transportation demand;~~
 - ~~● an evaluation of alternative transportation improvements to meet short and long term needs;~~
 - ~~● corridor or subarea studies; transit technology studies; legislative, fiscal, functional classification and institutional studies; and~~

- ~~an evaluation of alternative measures to respond to short term energy disruptions.~~

~~In addition to the requirements of FHWA and FTA, the Clean Air Act Amendments of 1990 (administered by the Environmental Protection Agency (EPA)) require each urbanized area to meet federal standards for clean air. Metro is responsible for examining alternative transportation strategies to reduce air pollution that, in combination with stationary controls (i.e., point source) adopted by the Department of Environmental Quality, meet the standards"~~

Page i-5, 6 are amended to omit the following as shown:

~~"Regional Transportation Decision-Making Process~~

~~Every metropolitan area must have a Metropolitan Planning Organization (MPO) designated by the Governor to receive and disburse federal funds for transportation projects. Metro (the Metropolitan Service District) is the MPO for the Portland metropolitan area and, therefore, approves the expenditure of all federal transportation funds in this region. To assure a well-balanced regional transportation system, the following decision-making process has been established for these important funding allocations.~~

~~Metro Council~~

~~Metro is our directly elected regional government, with responsibility for garbage disposal, development assistance and management of the Metro Washington Park Zoo, as well as transportation. The Metro Council is composed of 12 members elected from districts. The Joint Policy Advisory Committee on Transportation (JPACT) recommends transportation projects and programs for Council approval.~~

~~Joint Policy Advisory Committee on Transportation (JPACT)~~

~~JPACT provides a forum for elected officials and representatives of agencies involved in transportation projects to evaluate all the transportation needs in this region and to make recommendations for funding to the Metro Council. The 17 member Committee includes elected officials from local governments within the region, three Metro councilors, representatives of the agencies involved in regional transportation, plus representatives from governments and agencies of Clark County, Washington and the State of Washington.~~

~~Agencies represented on JPACT include ODOT, Tri-Met, the Port of Portland, DEQ and the Washington Department of Transportation (WDOT).~~

~~A finance subcommittee of JPACT has been formed to develop and recommend financing strategies to implement the region's transportation agenda.~~

~~Transportation Policy Alternatives Committee (TPAC)~~

~~While JPACT provides a forum for recommendations on transportation issues at the policy level, TPAC provides input from the technical level.~~

~~TPAC's membership includes technical staff from the same governments and agencies in JPACT plus representatives of FHWA, Federal Aviation Administration (FAA), FTA and the Intergovernmental Resource Center (IRC) of Clark County. There are also six citizen representatives appointed to TPAC by the Metro Council.~~

~~TPAC has one standing subcommittee:~~

- ~~● Transportation Improvement Program (TIP) Subcommittee: Comprised of staff from the three counties, Portland, ODOT, Tri-Met and Metro, this subcommittee monitors progress on implementing projects and recommends changes in the TIP to JPACT.~~

~~Interstate Coordination~~

~~Planning for the Portland-Vancouver metropolitan area is carried out by two regional planning agencies, Metro and the Intergovernmental Resource Center (IRC) of Clark County. Each agency conducts its transportation planning under its respective state and federal authority for its own geographic area. However, since this is a single urbanized area, it is essential that the two agencies coordinate plans to adequately address problems of interstate significance. This coordination is assured through the mechanisms described below:~~

- ~~● Bi-State Policy Advisory Committee — A Bi-State Policy Committee exists to provide a forum for elected officials from Oregon and Washington to discuss problems of mutual concern and make recommendations to the Metro Council and IRC of Clark County. This Committee includes representatives from the two regional agencies, the two principal cities and the two principal counties. In addition, the Committee can establish ad-hoc committees to deal with transportation problems. Transportation recommendations from the Committee are~~

~~made to the Metro Council through TPAC and JFACT in accordance with Metro's decision-making process.~~

- ~~• Metro/Clark County IRC Committees — In order to ensure a voice in transportation decisions of interstate significance, JFACT includes representation from WDOT, Clark County and Vancouver, and TPAC includes representatives from WDOT, Clark County, Vancouver and Clark County IRC. Similarly, Clark County's "Consolidated Transportation Advisory Committee" includes representation from ODOT and Metro.~~
- ~~• Transportation Plan and Improvement Program Coordination — Before adoption of the RTP or an amendment to the Plan having interstate significance, Metro and Clark County IRC must consult with the other party and consider any comments of the other party before adoption."~~

Page 5-1 at A., first paragraph, second and third sentences are amended to read as shown:

"The transportation improvements included in the Plan represent a set of investments that have been chosen recommended after vigorous local and regional review of possible alternatives, and ~~are considered to be as~~ the most prudent and cost-effective use of public funds to solve the region's transportation problems. Consistent with Chapter 8 these improvements may be varied based on further study before inclusion in city and comprehensive plans in compliance with LCDC goals and in the federal TIP."

Page 8-1 at B, third and fourth sentences are omitted as shown:

~~"The Transportation Improvement Program (TIP) is the five-year incremental capital improvement program for the region to implement planned improvement projects and includes all transportation projects proposed to use federal funds to implement. As such, the TIP contains modernization projects that are depicted in Chapter 5 of the RTP as well as preservation and smaller scale modernization activities that are consistent with the policies and objectives of the RTP but are not of sufficient scope to warrant inclusion in the RTP."~~

Page 8-3, 4, at 5. "Transit Service Planning" is omitted as shown:

~~In accordance with UMTA Circular 7005.1, recipients of UMTA funding are required to develop a process for considering the capability of private providers to perform mass transportation and related support services. They are also required to provide periodic documentation on the results of~~

~~implementation of the policy. This requirement falls both on Metro as the Metropolitan Planning Organization and Tri Met as the principal provider for transit services and UMTA grant recipient. Specifically, Metro is required to adopt a policy which provides for consideration of private enterprise in local transit service planning, ensure a fair resolution of disputes and certify at the time of submission of the annual Transportation Improvement Program that the local process is being followed. This process is included in the Interim Federal RTP. The following policies are intended to respond to these requirements while recognizing that the principal responsibility for involving the private sector should rest with Tri Met since it is the only operator in the Portland region.~~

~~a. Transit Service Planning~~

~~1) Tri Met should ensure private enterprise involvement in transit service planning and development of transit capital improvements, to include:~~

~~a) Notice to and early consultation with private providers in plans involving new or restructured service as well as the periodic reexamination of existing service.~~

~~b) Periodic examination, at least every three years, of each route to determine if it could be more efficiently operated by a private enterprise.~~

~~c) Description of how new and restructured services will be evaluated to determine if they could be more effectively provided by private sector operation pursuant to a competitive bid process.~~

~~d) The use of costs as a factor in the private/public decision.~~

~~2) Metro will review the results of these analyses and provide TPAC and JPACT an opportunity for review and comments.~~

~~3) In transit service studies where Metro has lead responsibility, Metro will provide notice to and ensure early consultation with private providers.~~

~~b. — Dispute Resolution~~

~~Tri Met should establish a dispute resolution process that provides a clear opportunity for interested parties to object to a decision. The process should also include the opportunity for final appeal to UMTA.~~

~~e. — Documentation~~

~~1) — In conjunction with submittal of projects to Metro for inclusion in the Transportation Improvement Program, Tri Met shall submit documentation that this private enterprise policy has been followed, including:~~

~~a) — a description of the involvement of the private sector in the development of the specific projects. The determination of whether service or support functions reflected in the Annual Element are to be provided by a public or private provider can be arrived at through use of requests for proposals, requests for bids, or other means in the local planning process;~~

~~b) — a description of the proposals received from the private sector and how they were evaluated;~~

~~e) — a description of impediments to holding service out for competition and the measures taken to address the impact of such impediments; and~~

~~d) — a copy of the Tri Met dispute resolution procedure and a description and status of private sector complaints.~~

~~This documentation shall be provided no later than the time of submission of projects for the annual update to the Transportation Improvement Program (June 1). In addition, supplemental documentation should be submitted at the time of submittal of any additions to the Transportation Improvement Program, if necessary.~~

~~2) — Metro will include this documentation as part of the certification to UMTA that the region is in compliance with federal requirements."~~

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STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 95-607 FOR THE PURPOSE OF ADOPTING REVISIONS TO THE REGIONAL TRANSPORTATION PLAN

Date: June 15, 1995

Presented by: Andrew C. Cotugno

PROPOSED ACTION

This ordinance would decouple the federal RTP from the 1992 RTP, leaving the 1992 plan as the "state" RTP for purposes of meeting state requirements. Upon completion of Phase II of the RTP update in 1996, the state and federal versions of the RTP would be "recoupled" into a single plan that meets both state and federal requirements.

FACTUAL BACKGROUND AND ANALYSIS

Oregon statute (ORS 268.390) requires that Metro adopt a state RTP, a transportation functional plan. It may contain "recommendations and requirements" for local comprehensive plans per ORS 268.390(4). Chapter 8 of the RTP contains local plan consistency and dispute resolution processes. Further, functional plans must be consistent with Metro's adopted Regional Urban Growth Goals and Objectives (RUGGO). The 1992 RTP is consistent with RUGGO, particularly Objective 13.

The federal Regional Transportation Plan (federal RTP, adopted by Metro Council, May 24, 1995) is the mandatory transportation systems plan that (1) is the basis for the Transportation Improvement Program (TIP); and (2) now must be financially "constrained."

The 1989 and 1992 RTPs combined the mandatory federal RTP and the state RTP (mandatory functional plan) into the same document (adopted by Ordinance No. 92-433).

Federal RTP Resolution - Decouple in 1995

The recently adopted federal RTP is a "constrained" systems plan that uses an interim 2015 forecast derived from the 2040 Growth Concept proposal, not acknowledged comprehensive plans. It therefore contains post 1992 TIP-added projects and fewer long term unfunded projects than the remaining 1992 RTP. Other changes acknowledge that the bicycle/pedestrian mode share was increased based on the 1994-95 travel survey instead of the 1985 data; that fewer areas outside the UGB needed to be served than under comprehensive plan use policies; that a narrower range of South/North choices can be shown than in 1992; and that adopted Westside station area minimum densities can be assumed and, therefore, used for those areas.

The initial adoption of a separate federal RTP for funding purposes on May 24, 1995 left the 1992 RTP in place for state land use purposes until an update to the state RTP is completed in mid 1996. This requires a "decoupling" ordinance amendment to clearly take the federal RTP role out of Ordinance No. 92-433. This completes the process of making the federal RTP resolution only a set of funding premises under state law, not a land use decision. Federal RTP projects would still have to be in local comprehensive plans and not inconsistent with the 1992 Functional Plan, as amended by this ordinance.

Federal RTP/TSP - Recoupled in 1996

After 1995 RUGGO acknowledgment by LCDC, the Urban Reserves designation, the amended federal RTP and the transportation functional plan could be adopted together by ordinance. Concurrently, any interim Growth Concept planning could also be adopted at the time the regional Transportation Systems Plan (TSP) is ready in 1996. The recoupled federal/state RTP and framework plan component will be consistent with federal requirements. However, an appeal is possible on the basis of its regulatory impact as the regional TSP in 1996. Such an appeal would occur regardless of this decoupling.

RUGGO Amendment Impact - July 1995

Both the refined 2040 Growth Concept and updates of RUGGO Goal II objectives are scheduled to be adopted into RUGGO in July 1995. That amendment action is a land use decision and the amended RUGGO will be submitted to LCDC for acknowledgment.

Since functional plans must be consistent with applicable RUGGOs, a state RTP update adopted as a functional plan must comply with the RUGGOs in effect at the time it is adopted. Even if there is little change in the 1995 RUGGO Transportation Objective, there would be confusion if a state RTP/Functional Plan update were adopted now, before approval of amended RUGGOs that will be undergoing LCDC review.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 95-607.