

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 03-_____ FOR THE PURPOSE OF SEEKING APPOINTMENT OF METRO AND THE JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION (JPACT) AS AN AREA COMMISSION ON TRANSPORTATION BY THE OREGON TRANSPORTATION COMMISSION

Date: August 7, 2003

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BACKGROUND

On June 18, 2003, the Oregon Transportation Commission (OTC) approved final rules governing the formation of Area Commissions on Transportation (ACT). There are currently 11 ACTs throughout the state and the OTC has a goal to establish ACTs for all regions of the state. Although the concept of ACTs was modeled after the Joint Policy Advisory Committee on Transportation (JPACT), there is no formal designation of an ACT in the Portland metropolitan area. This resolution is intended to initiate the process to be designated as an ACT and responds to the guidelines established governing the terms and conditions required to become an ACT. This recommendation was produced through a special JPACT advisory committee chaired by Metro Councilor Rex Burkholder.

Roles and Responsibilities

An ACT is formed as an advisory committee to the OTC. Its primary mission is to make recommendations to the OTC regarding project selection for funding through the State Transportation Improvement Program (STIP). It has optional duties to make recommendations on policy issues and transportation system and corridor plans in their area. The ACT is intended to provide a vehicle for developing a consensus among various transportation stakeholders in order to provide a more effective means of communication between the OTC and that community.

This request to establish Metro and JPACT as an ACT is an effort to increase the dialogue between JPACT and the OTC, and is not intended to diminish the existing authority that exceeds that of an ACT. Under federal statutes, Metro is the designated Metropolitan Planning Organization (MPO) and has the authority to approve plans through the Regional Transportation Plan (RTP) and federal funding allocations through the Metro Transportation Improvement Program (MTIP) within the Portland region, subject to concurrence of the OTC. In cases where there is disagreement, the Governor has the final decision making authority. Under state law and Metro's Charter, Metro has the authority to adopt a regional transportation system plan subject to requirements established by the Land Conservation and Development Commission and consistent with the Oregon Department of Transportation (ODOT) State Transportation System Plan. These authorities would remain unchanged as a result of being designated an ACT. However, there would be the added access to OTC decision making by ensuring that when the OTC seeks input from ACTs on policy and funding issues, the Portland region will also be consulted.

Structure and Membership

It is recommended that the current geography, structure and membership be the basis for establishing JPACT and the Metro Council as an ACT. According to the JPACT Bylaws adopted by Resolution No. 90-1189A (attached), the membership of JPACT includes three Metro Councilors, nine elected city

and county officials from throughout the region and appointed officials from ODOT, TriMet, the Port of Portland, the Department of Environmental Quality and Washington State Department of Transportation (WSDOT). JPACT considered other models, including expanding their boundary to the full tri-county region and adding representatives from the area outside Metro or establishing a separate ACT for the surrounding area outside Metro. It was their conclusion that the existing boundary is most appropriate and that ODOT should consult with the three County Commissions and request they confer with their respective cities outside Metro, in lieu of forming an ACT for the expanded area. This recommendation is based upon the small amount of funding in this expanded area for which there is a need to provide recommendations to the OTC.

In a similar manner, JPACT considered whether a change in membership is warranted. According to the ACT guidelines, the mandatory membership categories are satisfied by the current JPACT membership. Optional membership is recommended to be considered from the following groups: freight, trucking, bicycle, pedestrian, public interest advocacy, environmental, land use, local citizens, business, education, public safety. The guidelines also call for consideration of ex-officio membership from the OTC, legislators, local Congressional aides, the Community Solutions Team, state and federal resource agencies and Regional Investment Boards. It was JPACT's conclusion that it was more appropriate to provide mechanisms for coordination with these groups rather than add membership to JPACT.

In addition, JPACT recognized that the current six citizen seats on the Transportation Policy Alternatives Committee (TPAC) provides an avenue for those stakeholders that are interested (Note: these positions are appointed by the Metro Council through an open public solicitation and are selected to provide a balance of interest group and geographic representation). JPACT also found that it is more effective to involve business and other stakeholder groups in specific targeted efforts, rather than through ongoing membership on JPACT. Several recent examples include the Transportation Investment Task Force which is assisting JPACT in addressing the need for a regional transportation funding source and the Hwy 217 Policy Advisory Committee which is examining alternatives for improvements in that corridor. Finally, it was acknowledged that this ACT designation in the Portland region includes the Metro Council in the decisionmaking process which provides an added mechanism for engagement with stakeholder groups.

Operations of the ACT

The operations of the JPACT/Metro decisionmaking process are spelled out in the JPACT Bylaws. Included are provisions for appointment of members, quorum requirements, length of terms, public notice, TPAC recommendations, etc. Included in the JPACT Bylaws is the established relationship between JPACT and the Metro Council. Under those terms, there must be a recommendation from JPACT which can be approved or rejected by the Metro Council. The operations of the Metro Council are governed by the Metro Charter which is subject to approval by voters of the District.

Coordination

Appointment of JPACT and the Metro Council as an ACT produces added requirements for coordination with the Northwest Oregon ACT and the Mid-Willamette Valley ACT. It will be necessary to establish a mechanism to provide for this coordination.

Outstanding Issues

STIP/MTIP Coordination - The primary reason the OTC established the guidelines for creation of ACTs was to obtain input on project priorities for funding through the State Transportation Improvement Program (STIP). However, it became apparent through this review that, as an MPO, Metro has the

authority to approve the ODOT STIP as part of the MTIP. As such, there was an interest in better coordinating the process Metro uses to allocate Surface Transportation Program (STP) funding and Congestion Mitigation/Air Quality (CMAQ) funding with the process ODOT uses to select projects in the Metro area for funding through the STIP. Similarly, the MTIP includes federal transit funds apportioned to TriMet. There was an interest expressed to better coordinate the process TriMet uses to select projects for funding through these sources. This will require review by JPACT when the process for the next MTIP update is established.

JPACT Finance Committee - In discussing JPACT's roles and responsibilities, it became apparent that there are a number of finance issues that need to be addressed that required more time than their monthly JPACT meeting provided. Of particular concern is whether or not to refer a Metro transportation funding ballot measure and coordination with the Transportation Investment Task Force. As a result, this Resolution calls for establishment of a JPACT Finance Committee to develop recommendations for consideration by the full Committee.

JPACT Membership - There are a number of membership issues raised by JPACT that are still outstanding and require further consideration. Of particular interest are the following: 1) Additional representation for cities throughout the region, especially the larger cities (for example, the Metro Policy Advisory Committee (MPAC) includes the City of Portland, the next largest city in each county and a seat that collectively represents the remaining cities in that county); and 2) whether the representation from the four agencies (ODOT, TriMet, the Port of Portland and the Department of Environmental Quality (DEQ)) is most appropriately a Board/Commission member or a staff member. Further discussion by JPACT on these and other membership issues is deferred for future consideration.

ANALYSIS/INFORMATION

1. **Known Opposition**

None.

2. **Legal Antecedents**

Metro is designated a metropolitan planning organization under the terms of Title 23 United States Code, Chapter 1, Subchapter 1, Section 134.

The Metro Council is established under the terms of the Metro Charter.

The relationship between the Metro Council and JPACT is established under the JPACT Bylaws, adopted by Resolution No. 90-1189A.

Metro would be designated an ACT under ORS 184.610 to 184.666 which gives the Oregon Transportation Commission the authority to establish the policies for the operation of ODOT.

3. **Anticipated Effects**

Establishment of JPACT and the Metro Council as an ACT under the auspices of the OTC.

4. **Budget Impacts**

In general, there should be no change in the cost to operate the JPACT/Metro Council decision making process under this designation as an ACT because the boundaries remain the same. There will be an added cost to coordinate with the Northwest Oregon ACT and the Mid-Willamette Valley ACT that will fall to both Metro and ODOT.

RECOMMENDED ACTION

Staff recommends approval of this resolution.

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Attachment 1

Questions to address for formation of an ACT. Key Questions to be addressed in an ACT Proposal.

The Oregon Transportation Commission expects that for an ACT to be effective it will represent the political environment of the area. Therefore, each ACT may look and function somewhat differently than another. However, each proposal or biennial report for an ACT should address at least the following questions:

1. What is the rationale for the geographic boundaries of the proposed ACT? If the boundaries are being modified, why?

The proposed boundary for the ACT is the same as the Metro Boundary (see attached). This area encompasses 90 percent of the tri-county region's population (1.3 million) and 96 percent of the region's employment (802,000). This area constitutes the common urban community of interest and is affected by the same regional land use and transportation plans. The area in the tri-county region outside Metro encompasses a largely rural territory and small towns with very different land use and transportation issues and challenges.

2. What are the proposed voting and ex officio membership categories and how do they ensure coordination with existing regional public agencies?

The membership of JPACT is as follows:

City of Portland - an elected City Commissioner appointed by the Mayor
Multnomah County - an elected County Commissioner appointed by the Chair
Washington County - an elected County Commissioner appointed by the Chair
Clackamas County - an elected County Commissioner appointed by the Chair
Cities of Multnomah County - an elected City official appointed by mutual agreement of the Mayors of Multnomah County cities outside Portland
Cities of Washington County - an elected City official appointed by mutual agreement of the Mayors of the Washington County cities
Cities of Clackamas County - an elected City official appointed by mutual agreement of the Mayors of the Clackamas County cities
ODOT and DEQ - a principle staff representative appointed by the agency director
TriMet and the Port of Portland - a representative appointed by the chief board member
3 Metro Councilors - appointed by the Metro Council President
3 Washington State representatives - elected or principal staff representatives appointed by the Southwest Washington Regional Transportation Council (the MPO for the Vancouver, Washington area) from any of the following: City of Vancouver, Clark County, WSDOT, CTRAN (the transit district)

This representation encompasses, either through a direct representative or a position intended to represent a collection of agencies and jurisdictions, all transportation agencies in the region. In addition, the regional, county and city elected officials also represent jurisdictions with land use authority. Representation from the State of Washington is augmented by membership on their MPO board, by Metro and ODOT.

3. Is the membership broadly representative of local elected officials and inclusive of other key stakeholders and interests (see Section IV, Subsection B., Membership)? If key representation is not included, explain the justification.

This membership is consistent with the mandatory membership requirements of providing at least 50 percent elected officials (70 percent) plus voting representation from the ODOT staff, the Port and the transit district.

Representation that is not included falls into the optional category, generally involving stakeholders. This is not included due to the very large number of stakeholders in a region with a population of 1.3 million. Alternatively, involvement of stakeholders is provided by their inclusion on other advisory committees and by providing many avenues to provide public input. Ex-officio representation from the OTC would be a welcomed addition. Coordination with legislators is accomplished through as-needed invitations.

4. How would/does the ACT coordinate with adjacent ACTs and/or MPOs and involve state legislators?

It is recommended that ODOT assist Metro in establishing an annual meeting between the Metro ACT and the Mid-Willamette Valley ACT to coordinate on issues of mutual interest. Due to the traffic volumes on I-5, Hwy 99W and Hwy 99E south of the Metro region, there is significant interaction between these areas, suggesting many coordination issues. It appears there are fewer issues requiring coordination between the Metro ACT and the Northwest Oregon ACT, suggesting that coordination meetings should be established on an as-needed basis.

5. What is the proposed work program of the ACT?

The Unified Work Program establishes the work program and budget for all federally funded and regionally significant planning activities of Metro, ODOT, TriMet and local governments. It is approved annually by JPACT, the Metro Council and ODOT. It is also subject to a federal certification review every three years.

6. How will/does the ACT meet the minimum public involvement standards as shown in Attachment A of this document?

Metro has an adopted Citizen Involvement Policy that governs Metro's work program and any state, regional or local work program that has or will have a relationship to Metro's work program. The adopted policy and commonly used practices exceed the minimum ACT requirements.

7. Who would/does help guide the work program and agendas of the ACT? Indicate the general operational structure.

The work program is carried out under the supervision of the Planning Director for Metro with considerable input and oversight by the Transportation Policy Alternatives Committee (TPAC) and JPACT. Agendas for JPACT are authorized by the JPACT Chair. Agendas for the Metro Council are authorized by the Metro Council President. All policy actions are taken in the form of a Resolution. The Regional Transportation Plan, in order to be legally enforceable, is adopted by Ordinance.

8. How would/does the ACT secure technical assistance on transportation issues?

The ACT will rely on the technical support of staff from Metro, ODOT, TriMet, the Port of Portland and to varying degrees the cities and counties. In addition, on an as needed basis, there will be consulting contracts in support of specific issues and projects.

9. What key work efforts will be/have been addressed by the ACT?

The work program of the ACT is described in the FY 04 Unified Work Program. It includes an update to the Regional Transportation Plan, the Bi-Annual MTIP/STIP development process, on-going monitoring and forecasting of travel patterns and conditions and various corridor studies. At this time corridor studies are either underway or programmed in the McLoughlin Blvd. corridor, the I-205 Corridor South of I-84, the I-5/Bi-State Corridor, the Hwy 217 Corridor, the Powell (US 26)/Foster Corridor east of the Willamette River, the Sunrise Corridor (Hwy 212) east of I-205 and the I-5/99W Connector Corridor.

10. Who would/does provide support staff to the ACT?

Generally, Metro provides staff support to the ACT. At times, this is supplemented by staff support from ODOT on specific topics, studies and agenda items. Staff support from ODOT will be particularly important for joint MTIP/STIP public outreach and coordination with surrounding ACTs.

11. What will be/is the decision making process used by the ACT?

The committee structure and decision making process for ACT business (as well as MPO business) is as follows:

JPACT must make a recommendation to the Metro Council. JPACT relies on a recommendation from TPAC but is not bound by the TPAC recommendation. The Metro Council can accept or reject the JPACT recommendation but cannot adopt a revised recommendation. If an amendment is preferred by the Metro Council, it must be referred back to JPACT for consideration. Any action that must be adopted by Ordinance as an amendment to the Regional Framework Plan must also have a recommendation from the Metro Policy Advisory Committee (MPAC), as required by the Metro Charter.