12-13-1990

Meeting Notes 1990-12-13

Joint Policy Advisory Committee on Transportation

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Meeting: JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION

Date: December 13, 1990

Day: Thursday

Time: 7:15 a.m.

Place: Metro, Conference Room 440

*1. MEETING REPORT OF NOVEMBER 8, 1990 - APPROVAL REQUESTED.

*2. RESOLUTION NO. 90-1369 - AUTHORIZING SUPPLEMENTAL FEDERAL-AID URBAN FUNDS FOR LRT COMPATIBILITY OF THE HAWTHORNE BRIDGE - APPROVAL REQUESTED - Andy Cotugno.

*3. RESOLUTION NO. 90-1363 - AMENDING THE TIP FOR TRANSFER OF FUNDS TO PURCHASE LIGHT RAIL VEHICLES - APPROVAL REQUESTED - Andy Cotugno.

*4. RESOLUTION NO. 90-1361 - ESTABLISHING A WORK PLAN FOR THE ANALYSIS OF ISSUES RELATED TO THE TRANSFER OF MASS TRANSIT SERVICES FROM TRI-MET TO THE METROPOLITAN SERVICE DISTRICT - INFORMATIONAL - Jim Gardner.

*Material enclosed.

NOTE: Overflow parking is available at the City Center parking locations on the attached map, and may be validated at the meeting. Parking on Metro premises in any space other than those marked "Visitors" will result in towing of vehicle.

NEXT JPACT MEETING: JANUARY 10, 1990, 7:15 A.M.
MEETING REPORT

DATE OF MEETING: November 8, 1990

GROUP/SUBJECT: Joint Policy Advisory Committee on Transportation (JPACT)

PERSONS ATTENDING: Members: Chair George Van Bergen, Richard Devlin and Jim Gardner, (alt.) Metro Council; Pauline Anderson, Multnomah County; Earl Blumenauer, City of Portland; Don Adams (alt.), ODOT; Clifford Clark, Cities of Washington County; Bob Post (alt.), Tri-Met; Gary Demich, WSDOT; Bonnie Hays, Washington County; Bob Liddell, Cities of Clackamas County; Ed Lindquist, Clackamas County; Marge Schmunk, Cities of Multnomah County; and Les White (alt.), C-TRAN

Guests: Craig Lomnicki (JPACT alt.), Cities of Clackamas County; Howard Harris, DEQ; Paul Haines, City of Lake Oswego; Tom Walsh, Dick Feeney, and G.B. Arrington, Tri-Met; Tuck Wilson and Bebe Rucker, Port of Portland; Gussie McRobert (JPACT alt.), Cities of Multnomah County; Richard Ross, City of Gresham; Rod Sandoz, Clackamas County; Dennis Mulvihill, John Rosenberger and Jerry Parmenter, Washington County; Gil Mallery, Intergovernmental Resource Center; Ted Spence, ODOT; Don McDowell, C-TRAN; Ray Polani, Citizens for Better Transit; Jim Howell, OREARP, Robert S. Simon, Attorney; Felicia Trader and Steve Dotterrer, City of Portland

Staff: Andy Cotugno, Casey Short, Martin Winch, Karen Thackston, and Lois Kaplan, Secretary

SUMMARY:

The meeting was called to order and a quorum declared by Chair George Van Bergen. He introduced Tom Walsh, the new General Manager-elect from Tri-Met.

MEETING REPORT

The minutes of the October 11, 1990 JPACT meeting were approved as written.
REGIONAL GOALS AND OBJECTIVES

Andy Cotugno reviewed the revised draft of the Regional Urban Growth Goals and Objectives which reflects comments made at the October 11 JPACT meeting. This recognizes the region's first step toward the adoption process of the Regional Goals and Objectives and acknowledges that JPACT would like to participate in some of the follow-up activities. These goals will affect what goes into the Regional Transportation Plan (RTP) and, perhaps indirectly, the comprehensive plans of the region.

Andy then reviewed the memo directed to the Urban Growth Management Plan Policy Advisory Committee (PAC), citing the impacts on the transportation system and the RTP. He noted that the economic activity centers and infill/redevelopment are compatible with and will help implement the land use concepts in the RTP. Another area of concern was the urban reserves and how it interfaces with infill/redevelopment.

Commissioner Hays wanted the record to be clear that JPACT is supportive of the "concept" of the urban reserves and economic activity centers while not being specific.

Staff is recommending that JPACT approve the revised comments while noting its concerns on the Regional Urban Growth Goals and Objectives for transmittal to the Urban Growth Management Plan PAC.

Commissioner Blumenauer expressed concern about the overlap between the UGM PAC and JPACT and the possibility that they are headed in different directions. He hoped we would not lose an opportunity to move both of these processes forward. As soon as the transportation component can be brought into the process, he felt it would be easier to build on the land use and framework of state law and that there was need to be more specific on the functional plans. He noted that we are not taking advantage of the JPACT and state land use process given us.

Councilor Gardner noted that the UGM PAC is addressing periodic review of the Urban Growth Boundary which led to the Regional Urban Growth Goals and Objectives. The state is supportive of what the UGM PAC is doing and is therefore going to relax its UGB deadline. Councilor Gardner felt that we should have a self-imposed deadline for adoption of the Goals and Objectives and direction on its implementation. He was also supportive of Commissioner Blumenauer's suggestion that JPACT be more specific in its recommendation, one that focuses on transportation and land use.
A discussion followed on the possibility of merging the two committees.

Andy Cotugno spoke of the need to move forward with these comments, to logically conclude that we do agree with the Goals and Objectives, and to agree that more work is needed to translate them into specifics.

Commissioner Hays suggested utilizing the Washington County Transportation Coordinating Committee (WCTCC). Commissioner Blumenauer wanted to speed up the process in building on the transportation component by expanding the concept of the transportation functional plan to include land use issues related to transportation.

Action Taken: It was moved and seconded to transmit the Regional Urban Growth Goals and Objectives memo to the Urban Growth Management PAC.

In discussion on the motion, it was noted that materials should be prepared well in advance so that time will be allowed for sharing information with the smaller cities of each jurisdiction.

Clifford Clark was inclined to reflect rather than be specific and did not want to see JPACT pressured into taking action. He spoke of the regional policies' impact on the smaller cities and felt that Commissioner Hays' suggestion to include the WCTCC in the process would broaden participation from the cities of Washington County. Mayor Liddell of West Linn also cited the importance of giving the smaller cities of Clackamas County an opportunity for input on this issue.

Commissioner Blumenauer felt that we need to both reflect and broaden participation in order to be constructive.

Commissioner Hays felt that JPACT should keep acceptance of this process in mind with the understanding that the Regional Goals and Objectives may be amended at some future time.

In calling for the question, the motion PASSED unanimously.

SURFACE TRANSPORTATION ACT POSITION - PORTLAND URBAN AREA

Andy Cotugno explained that, earlier in the year, a process was started to determine what kinds of objectives we should pursue in the STA update. Included in JPACT's agenda packet are concepts being discussed from a federal viewpoint, comparisons of proposals to what's in place today, an overview of the FHWA/UMTA
proposals with an evaluation of the resulting impacts on urban areas and recommendations for changes.

Andy indicated that the STA process includes initial acceptance by the Administration, a national bill being drafted, followed by introduction of the STA to Congress in February. Staff is recommending that JPACT accept some key principles as their objectives for the STA update and review the material to effectively participate in the statewide process. JPACT will be asked to adopt a more formalized position in January. Don Adams felt JPACT's final review could possibly be in February because of the state's timetable.

Andy Cotugno then reviewed the current STA components, the FHWA/UMTA proposal, and JPACT Alternatives 1 and 2. He spoke of trying to achieve four principles: 1) urban area funding assurance; 2) a federal Discretionary program for NHS and New Starts; 3) flexibility to meet objectives for the most cost-effective alternative; and 4) comprehensive Congestion Management requirements being a joint responsibility of the state and urban areas. Andy noted that these proposals have been discussed with the Conference of Mayors, NARC, APTA, National League of Cities, and National Association of Counties.

Ray Polani indicated that Citizens for Better Transit like the flexibility of what they see. He noted that they are a little disappointed that the emphasis is not on inter-city and intra-city travel. He felt the concept should be to fund what is most efficient, most sustainable, most environmentally sound, and with equal funding for the mode chosen.

Jim Howell, representing Oregon Association of Railway Passengers, pointed out that there is no provision in the national law for inter-city transit and he felt it was a serious flaw. He suggested a fund for inter-city transit, rail and bus and felt the options should be expanded to include that.

Gary Demich spoke of standardizing match ratios to eliminate mode bias. He also felt the 75/25 match ratio was too low as proposed on page 7 of the document under B.2.

Les White noted that the Rail Modernization Program is one of the issues that hasn't been addressed. A way must be found to access funds for maintenance of the older rail systems by supporting legislation that would include rail modernization funds for all rail cities. He also pointed out that allocation of funds should be discussed for the 5-cent gas tax that was passed.
Don Adams indicated that a state alliance will be established that will include those people that have a buy-in on the transportation side, citing the business community, users, and local government. An attempt will be made to establish a statewide position on some key principal issues.

Bob Post commented that shifting New Starts to the General Fund is a significant problem for an urban area looking at a rail funding source.

Councilor Gardner questioned whether a decision should be made between Alternatives 1 and 2, but a discussion centering on the need for flexibility between the two options.

**Action Taken:** It was moved and seconded to approve this position paper and to participate in ODOT's statewide process. Motion PASSED unanimously. A more formalized position paper will be considered in February.

Andy Cotugno suggested further discussion between ODOT and the JPACT Chair regarding representation on the state's committee. Clifford Clark expressed concern over the vagueness of the alliance, questioning whether it will happen. He suggested that it begin on January 1. Don Adams agreed to meet with the JPACT Chair to solve the issue of regional representation. He assured the Committee there would be representation from the business community, JPACT, LOC, OTC, AAA, Highway Users and ORCA.

**METRO/TRI-MET MERGER REPORT**

At its July 12, 1990 meeting, JPACT decided to appoint a subcommittee with the task of studying the Metro/Tri-Met merger issue. The subcommittee, chaired by Earl Blumenauer, included Jim Cowen, Bob Bothman, Clifford Clark, George Van Bergen, David Knowles, Bonnie Hays, Charlie Williamson and John Frewing.

Copies of the JPACT committee report were distributed prior to the November 8, 1990 meeting for review by the full committee. Based on the tight timeline, a thorough analysis was not possible.

Commissioner Blumenauer reviewed the collective opinions of the Committee with regard to problem definition, process/timing, financing, service, planning and governance. In conclusion, he summed up the following:

- That consideration of a Tri-Met merger should be delayed until the fall of 1991 (after negotiations are completed for the Westside light rail Full-Funding Agreement);
That the Metro merger committee should work with JPACT to develop a reasonable work plan for a merger study; and

That the work plan should include: identification of a problem; the study process; identification of the region's transit goals; development of alternatives and review criteria; involvement of public and affected jurisdictions; the decision process; and adequate timelines.

Also included in the document (Attachment A) were jurisdiction and Committee member comments pertaining to the proposed merger study.

Commissioner Blumenauer felt the consensus of the subcommittee was that there isn't a problem to be solved and they didn't see how a proposed merger would benefit the region. There were strong concerns about not interfering with the Full-Funding Agreement for the Westside light rail project. There were additional concerns regarding financing because costs and resources have not been identified. Commissioner Blumenauer noted public concern over public finance and there needs to be discussion with the public on those implications. If the Metro Council wishes to pursue the study further, he suggested that the public be encouraged to participate fully.

Commissioner Blumenauer noted that local changes should come about with identified problems, and the subcommittee did not feel that this is the case in question. He noted that there isn't a good model of elected regional governance for transit districts in this country. Commissioner Blumenauer felt that the subcommittee had responded to the directive from JPACT within the timeframe allowed. He was agreeable to working on this issue in the future with Tri-Met and Metro to give it the attention it deserves, acknowledging appreciation for the efforts of the jurisdictions who participated to ensure that it was a constructive process.

Commissioner Hays commented that, as they worked through the process and discussed the issue of transit service delivery to the region, the City of Portland and Washington County came up with alternative transit options and new opportunities for transit. She did not feel governance is the major issue but rather to do a major transit analysis.

Clifford Clark concurred that the consensus of the subcommittee was that they did not see a problem and that the merger solution was being offered in search of a problem. He acknowledged that it is an excellent transit system that has been recognized nationally, that it may need more work, that it does not need a
new system of governance, that it does not need a group of elected officials tinkering with it, and that an appointed board works very well. In fact, the subcommittee did not understand why they were going through the process except for Metro's statutory authority.

Chair Van Bergen felt he was in the minority at Metro but agreed to give the Council the opportunity for this review. He was hopeful that, as they go further into detail, they will have more answers on this issue. He indicated that the attitude of the majority of the Metro Council is known.

Councilor Gardner spoke of a letter directed to Commissioner Blumenauer as chair of the Merger Subcommittee from Councilor Knowles, dated November 5, taking issue with the conclusion of the report that the proposed merger would be a "disruptive" change and with the "findings" that were based on a collection of opinions rather than facts. He, therefore, did not concur in the Subcommittee's recommendation to JPACT. Councilor Gardner indicated that the Metro Council did not feel that Tri-Met had a serious problem to respond to. He noted that the process was started because of consistent comments of dissatisfaction through editorials, resolutions passed by smaller cities in the region who were dissatisfied with the service, and response to citizenry with such concerns. He felt the tone of this report was what bothered Councilor Knowles and him. It collected the thoughts of JPACT members which were represented as facts and later turned into findings.

Mayor McRobert expressed support of Mayor Clark and Commissioner Blumenauer's recommendation, noting disapproval of the tone of Councilor Knowles' letter to the Subcommittee. She felt that the process would be more creditable if Metro would forego its excise tax on transit.

Jim Howell questioned why Toronto's transit system was not analyzed as it is considered the best in the nation in terms of governance. It was later noted that it was included in the subcommittee report. He also referenced a survey performed by the City of Portland without mention in the document.

Councilor Devlin spoke of a suburban transit study previously done that was never implemented. He did not feel there was intent to identify a problem with Tri-Met and questioned whether it was an appropriate time to start a process on this issue. He emphasized that the Metro Council did not feel there was a necessity in identifying the problem.
Action Taken: It was moved and seconded to accept the report and transmit it to the Intergovernmental Relations Committee for presentation.

In discussion on the motion, Commissioner Lindquist commented that this report was an excellent effort within the timeframe allowed.

Ray Polani felt that Tri-Met has been in a holding mode for the past eight years while improvements have steadily been made to the highway system.

Tom Walsh, General Manager-elect for Tri-Met, emphasized the point that there is a major transportation problem facing the region in the next 10 months -- the Full-Funding Agreement -- and for JPACT to sense the urgency and focus its energy on this single task. The task at hand is how to mobilize a Full-Funding Agreement by September 30, 1991. He did not feel that resources are available to look at the merger issue during that timeframe and that the main focus should be on obtaining the 75 percent federal funding. Chair Van Bergen concurred in the need for JPACT to target its efforts toward that goal, which should be discussed further at the December 13 JPACT meeting.

In calling for the question, the motion PASSED. Councilor Gardner dissented. Councilor Devlin voted for the motion but wanted the record to be clear that his vote was not an endorsement of the Subcommittee report but rather to transmit the report to the Metro Council. It was also agreed that the November 5 letter from Councilor Knowles and the November 7 letter from Commissioner Hays accompany the report.

NOTE OF THANKS

Bob Post thanked everyone involved for their efforts and support of the successful Westside light rail ballot measure.

ADJOURNMENT

There being no further business, the meeting was adjourned.

REPORT WRITTEN BY: Lois Kaplan

COPIES TO: Rena Cusma
            Dick Engstrom
            JPACT Members
Resolution No. 90-1369 used FY 1988 FAU population base in developing the transfer of $60,000 to the Hawthorne Bridge project. FY 1989 revisions to the population of the City changed the City/Region splits to those noted in the "Correct Percent" column.

Reconciliation (correction) of amounts for Hawthorne Bridge appearing in Resolution No. 90-1369:

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Correct Percent</th>
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<tbody>
<tr>
<td>City</td>
<td>41.84</td>
</tr>
<tr>
<td>Region</td>
<td>58.16</td>
</tr>
</tbody>
</table>

The Resolution will not be corrected to reflect these revisions because of the small differences between the Resolution amounts and the corrected amounts. This notation will be appended to the Resolution in the Resolution book, and the TIP will be updated to reflect the corrected amounts above.
CONSIDERATION OF RESOLUTION NO. 90-1369 FOR THE PURPOSE OF AUTHORIZING SUPPLEMENTAL FEDERAL-AID URBAN FUNDS FOR LRT COMPATIBILITY OF THE HAWTHORNE BRIDGE

Date: December 4, 1990
Presented by: Andrew C. Cotugno

PROPOSED ACTION

This resolution would transfer $60,000 from the regional and Portland Federal-Aid Urban Reserve to the Hawthorne Bridge East Approach Ramps Replacement Project. These funds, when combined with those previously allocated, will enable constructing additional structural support to accommodate a future LRT corridor. Accommodation for LRT can be made at a lower cost now if combined with the design and reconstruction of the bridge ramps rather than retrofitting the ramps at a future date.

FACTUAL BACKGROUND AND ANALYSIS

In January 1990, JPACT approved preliminary engineering funds to resolve the issue of accommodating light rail transit (LRT) as part of Multnomah County's Hawthorne Bridge Transition Structure Replacement Project. The amount allocated was $100,000 for PE to determine preferred track alignment and cost to retrofit the entire Hawthorne Bridge for LRT. An additional amount ($190,000) was set aside in a reserve account for future construction upon determination of specific alignment (inside/outside lanes) and in the event that the PE concluded that LRT compatibility was preferred to a future option of constructing a separate LRT bridge.

CH2M Hill was retained to answer the structural and operational questions of accommodating LRT on the main span of the bridge and has documented their findings in Attachment A. The results suggest that conversion of the outside lanes for use by LRT would cost $60,000 additional to augment the $190,000 previously allocated. This funding would be provided on a pro-rata basis by Portland and the region as follows:

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<thead>
<tr>
<th></th>
<th>Amount</th>
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<tbody>
<tr>
<td>Portland</td>
<td>$25,440</td>
</tr>
<tr>
<td>Regional Reserve</td>
<td>34,560</td>
</tr>
<tr>
<td></td>
<td>$60,000</td>
</tr>
</tbody>
</table>

This funding used now to strengthen the structure in anticipation of LRT would make it easier and cheaper to retrofit the bridge for LRT in the future. To wait and retrofit the transition for this purpose at a later date would cost $2.0 million. To construct a separate bridge would cost in excess of $30 million. To
allow LRT conversion on the transition structure on any possible future LRT alignment (i.e., both inside and outside lanes) would cost in excess of $500,000.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 90-1369.
BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING ) RESOLUTION NO. 90-1369
SUPPLEMENTAL FEDERAL-AID URBAN )
FUNDS FOR LRT COMPATIBILITY OF ) Introduced by
THE HAWTHORNE BRIDGE ) George Van Bergen, Chair
) Joint Policy Advisory
) Committee on Transportation

WHEREAS, Metro Resolution No. 90-1200 allocated Federal-Aid Urban Funds to the Hawthorne Bridge Transition Structure Replacement Project; and

WHEREAS, These funds in the amount of $290,000 were to cover Preliminary Engineering to determine LRT compatibility of the bridge and a reserve for construction if LRT-compatible; and

WHEREAS, Evaluation of the bridge for LRT use has been completed with consultant findings appearing in Attachment A to the Staff Report; and

WHEREAS, Additional Federal-Aid Urban funds will be needed to strengthen the bridge for LRT with significant cost savings if implemented during bridge reconstruction; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District hereby allocates $60,000, split between the region and Portland, from the Federal-Aid Urban Regional Reserve to the Hawthorne Bridge Transition Structure Replacement Project to supplement funds for additional structural support for LRT.

2. That the Transportation Improvement Program be amended to incorporate these allocations and project changes.
3. That this action is consistent with the Regional Transportation Plan and affirmative Intergovernmental Project Review is hereby given.

ADOPTED by the Council of the Metropolitan Service District this ___ day of _____, 1990.

Tanya Collier, Presiding Officer
STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1363 FOR THE PURPOSE OF AMENDING THE TRANSPORTATION IMPROVEMENT PROGRAM TO REVISE TRI-MET'S PROGRAM FOR LIGHT RAIL PROCUREMENT, TRANSIT MALL EXTENSION, AND BUS PURCHASES

Date: December 4, 1990 
Presented by: Andrew Cotugno

PROPOSED ACTION

Adoption of this resolution would amend the Transportation Improvement Program to include a series of revisions to Tri-Met's Interstate Transfer, Section 3 Trade, and Section 9 programs. Major considerations of the revised programs for FY 1991 include:

1. Transferring $3,187,500 from Interstate Transfer funds, currently allocated to light rail vehicle procurement, to the Transit Mall Extension North.

2. Transferring $3,000,000 from Section 3 Trade funds, currently allocated to the Mall Extension, to bus purchases.

3. Transferring $3,000,000 from Section 9 funds, currently allocated to articulated buses in 1993, to light rail vehicles.

4. Supplementing light rail vehicle procurement with $1.9 million of remaining FY 91 Section 9 funds.

TPAC has reviewed this TIP amendment and recommends approval of Resolution No. 90-1363.

FACTUAL BACKGROUND AND ANALYSIS

The Transportation Improvement Program, as adopted in September 1990, includes $8.2 million of Section 3 Trade funds allocated to the Transit Mall Extension North. Recent discussions between Tri-Met and the Urban Mass Transportation Administration have indicated that some project elements are ineligible for Section 3 Trade funding because they are highway related.

Tri-Met and the City of Portland have devised a series of funding tradeoffs which will accommodate Mall Extension requirements as well as light rail vehicle procurement. The changes proposed are shown as follows:

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<tr>
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<th>Current</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Section 3 Trade</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mall Extension</td>
<td>$ 8.2 m.</td>
<td>$ 5.2 m.</td>
</tr>
<tr>
<td>Standard Buses</td>
<td>0</td>
<td>3.0</td>
</tr>
</tbody>
</table>
Some of the Section 9 funding accumulated for purchase of articulated buses in 1993 is needed now to keep the light rail vehicle procurement whole. However, $3 million of substitute Section 3 Trade funds will go toward a standard bus procurement now rather than in 1993, allowed by final provisions of the Clean Air Act extending purchase of diesel buses through 1992. In addition, Tri-Met plans to allocate all remaining available FY '91 Section 9 funds to the light rail vehicle procurement. The $1.9 million supplementing this procurement is needed to cover potential cost adjustments due to changes in the value of the dollar versus European currencies over the past year.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 90-1363.
WHEREAS, The Joint Policy Advisory Committee on Transportation (JPACT) has approved an overall funding program for transit improvements; and

WHEREAS, Some specific project elements of the program have been allocated funding under the Interstate Transfer Program, Section 3 Trade and Section 9 Programs, and Federal-Aid Urban Program; and

WHEREAS, Some $8.2 million of Section 3 Trade funding has been allocated to the Transit Mall Extension North Project; and

WHEREAS, Tri-Met has been advised by the Urban Mass Transportation Administration that some project elements of the Transit Mall Extension are highway related and therefore not eligible for Section 3 Trade funding; now, therefore

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District endorses Tri-Met's proposal for an alternate FY 1991 funding program to accomplish these goals, as follows:

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<thead>
<tr>
<th>Section 3 Trade</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mall Extension</td>
<td>$ 8.2 m.</td>
<td>$ 5.2 m.</td>
</tr>
<tr>
<td>Standard Buses</td>
<td>0</td>
<td>3.0</td>
</tr>
</tbody>
</table>
Current Proposed

Interstate Transfer

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<thead>
<tr>
<th>Description</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Rail Vehicle</td>
<td>$6,050,990</td>
<td>$2,863,490</td>
</tr>
<tr>
<td>Mall Extension</td>
<td>0</td>
<td>3,187,500</td>
</tr>
</tbody>
</table>

Section 9

<table>
<thead>
<tr>
<th>Description</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Articulated Buses (1993)</td>
<td>12.2 m.</td>
<td>9.2 m.</td>
</tr>
<tr>
<td>Light Rail Vehicles</td>
<td>11.131</td>
<td>16.032</td>
</tr>
<tr>
<td>(includes $1.9 m. supplement)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. That all of the remaining FY '91 Section 9 funds ($1.9 million) are to be made available for light rail procurement to cover potential cost adjustments.

3. That the Transportation Improvement Program be amended to incorporate these allocations and project changes.

4. That these actions are consistent with the Regional Transportation Plan and affirmative Intergovernmental Project Review is hereby given.

ADOPTED by the Council of the Metropolitan Service District this ____ day of _____, 1990.

Tanya Collier, Presiding Officer
BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING
A WORK PLAN FOR THE ANALYSIS OF
ISSUES RELATED TO THE TRANSFER
OF MASS TRANSIT SERVICES FROM
TRI-MET TO THE METROPOLITAN
SERVICE DISTRICT

RESOLUTION NO. 90-1361
INTRODUCED BY COUNCILOR
JIM GARDNER

WHEREAS, the Metropolitan Service District has the authority under ORS 268.370 to order transfer of the transit system of the Tri-County Metropolitan Transit District (Tri-Met) to the Metropolitan Service District; and

WHEREAS, the Metro Council adopted Resolution No. 90-1293A on July 12, 1990, "Supporting the Merger of Tri-Met with the Metropolitan Service District and Establishing a Process to Pursue the Merger," which established a five-member Tri-Met Merger Subcommittee (the subcommittee); and

WHEREAS, the Metro Council adopted Resolution No. 90-1322 on September 13, 1990, "Approving a Contract for the Provision of Metro/Tri-Met Merger Services to the Council and its Designated Committees," which authorized a contract with Cogan Sharpe Cogan pursuant to their August 27, 1990, proposal; and

WHEREAS, Cogan Sharpe Cogan has submitted its report, "Analysis of Issues Related to Possible Merger of Metro and Tri-Met" to the subcommittee on November 27, 1990 (attached as Exhibit A); and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) submitted to the subcommittee on November 13, 1990, a report on the transit service and transportation planning implications of a merger (attached as Exhibit B), which included
among its conclusions that, "[t]he consideration of a Tri-Met merger should be delayed until the fall of 1991 after the completion of negotiations for the Westside Light Rail full funding agreement"; and

WHEREAS, the region's top priority transportation project is the construction of Westside Light Rail, which requires a commitment of funds from the 1991 Oregon Legislature and execution by September 30, 1991, of a full funding agreement between Tri-Met and the Urban Mass Transit Administration (UMTA) which stipulates 75% federal funding of the Westside Light Rail project; and

WHEREAS, efforts to secure full federal funding for Westside Light Rail should take precedence over other long-term transit issues until the full funding issue is resolved; and

WHEREAS, the transit service's governance structure is a legitimate issue within the broader discussion of how best to provide public services in the region; and

WHEREAS, the Metro Council recognizes the necessity of establishing a comprehensive and public process for examining the issues surrounding a transfer of the transit system, which process should include provisions for involving JPACT, local governments, citizens' groups interested in transit and transportation issues, and the general public in the identification and resolution of issues concerning transit service and transit governance; and

WHEREAS, Metro's ability to transfer the transit system from Tri-Met to the Metropolitan Service District now exists, and attempts to eliminate or modify the transfer provisions of existing
statutes in the 1991 legislative session may be counter-productive; and

WHEREAS, the Tri-Met Merger Subcommittee recommends that a thorough analysis be conducted of the issues involved in a potential transfer of the transit district to the Metropolitan Service District; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service adopts the following work plan regarding the potential transfer of the Tri-Met transit system to the Metropolitan Service District:

1. The Executive Officer shall prepare, as part of her budget proposal for the 1991-92 fiscal year, a request for funding a comprehensive study of issues related to transfer of the transit system to Metro. The budget request shall include, but not be limited to, a proposed timeline for analysis of the issues listed below, and shall also include provisions for the involvement of JPACT, local governments, interested citizens' groups, and the general public.

2. Issues to be addressed in the study shall include:
   - Development of a strategic plan to identify the relationship between the transfer and other immediate Metro agenda items, including development of a home rule charter, Metro's role in regional growth management, and resources needed to address multiple new initiatives concurrently.
- A detailed personnel study to identify what effect transfer would have on staffing and potential cost savings resulting from transfer.

- A determination of whether to refinance Tri-Met bonds, and the timing and financial effects of refinancing.

- Development of alternatives for long-range financing for the region’s transit system.

- Identification of the positive and negative effects of transfer on transit service and planning.

- Effect of transfer on development and implementation of light rail expansion, particularly Westside Light Rail and Clackamas County Light Rail.

- Examination of the possibilities for reconfiguring the transit system to provide more flexibility in serving suburban areas.

- Development of local government concurrence on the structure of the region’s Metropolitan Planning Organization following a transfer.

- Boundary issues, including a determination whether action by the legislature would be necessary to resolve boundary issues.

- Review of Metro’s governance structure and contracting procedures in relation to carrying out transit responsibilities.

- Identification of time and costs required to absorb Tri-Met’s control systems, including whether to fully or partially merge them.
3. The release of any Request For Proposals for performing any or all parts of the study shall occur upon resolution of the UMTA full funding issue.

4. The Metropolitan Service District's agenda for the 1991 Legislative Assembly shall include opposition to any efforts to repeal the existing provisions of ORS 267.020 or 268.370 pertaining to the relationship between Metro and Tri-Met. The Council and the Executive Officer shall encourage other governments in the region, including cities, counties, Tri-Met, and the Oregon Department of Transportation, similarly to pledge their opposition to repealing statutory language regarding the relationship between Metro and Tri-Met.

5. Metro will actively encourage local government participation in the review and analysis of the issues listed in #2 above, based on their recommendations in the JPACT report.

6. Upon completion of the study, Metro will conduct a series of public hearings throughout the district to solicit public comment on the study's findings. These hearings will precede consideration of the study by the full Metro Council and will be considered to be part of the process of reviewing the scope of issues related to a possible transfer.

ADOPTED by the Council of the Metropolitan Service District this ____________ day of ____________, 1990.

Tanya Collier, Presiding Officer
TRI-MET MERGER SUBCOMMITTEE
COMMITTEE REPORT

RESOLUTION NO. 90-1361, FOR THE PURPOSE OF ESTABLISHING A WORK
PLAN FOR THE ANALYSIS OF ISSUES RELATED TO THE TRANSFER OF MASS
TRANSIT SERVICES FROM TRI-MET TO THE METROPOLITAN SERVICE
DISTRICT

Date: November 30, 1990 Presented by: Councilor Gardner

COMMITTEE RECOMMENDATION: The Tri-Met Merger Subcommittee voted
5-0 to approve Resolution No. 90-1361 and forward it to the
Intergovernmental Relations Committee with a recommendation that
they forward it to the Council. Subcommittee members voting were
Councilors Gardner, Devlin, and McFarland, Executive Officer Rena
Cusma, and Tri-Met Board President Loren Wyss.

COMMITTEE DISCUSSION/ISSUES: Councilor Van Bergen attended the
meeting, and was invited to participate in the subcommittee’s
discussion. He raised questions about references to the
legislature’s "intent" and "belief" regarding the benefits of
consolidating regional services in general and transferring the
transit system’s governance from Tri-Met to Metro, specifically.
He also asked whether the Executive Officer could actually
perform all the tasks she would be directed to do in #1 and #2 of
the Be it Resolved section of the resolution.

Councilor Devlin spoke to the sections of the resolution dealing
with Metro’s position regarding possible attempts to tamper with
the "marriage clause" in the statutes. He stated that it would
be inappropriate to put additional hurdles in the way of a
transfer, and that Metro’s ability to assume Tri-Met’s bonds, or
other issues, should not be tampered with. He thought this idea
was implicit, if not explicit, in the resolution. He further
stated that the list of items to be studied should not be
considered all-inclusive: other items could be added later.

Councilor McFarland agreed with Councilor Van Bergen on the
legislative intent statements. She stated that legislative
intent can only be found out by talking with the legislators who
voted on a measure. The only person to address the subcommittee
who had been in the legislature at the time was Commissioner Earl
Blumenauer, who said that the legislature included language
authorizing a transfer as a compromise, and intended to remove it
later.

Mr. Wyss advised that in attempting to discern legislative
intent, we should consider the status of Metro and Tri-Met at the
time the statutes were adopted. Both agencies were less mature
then, and no one could have envisioned how they would develop.
He said the resolution was timely and supportable, but he had
problems with some of the Whereas statements which drew
conclusions not supported by the Cogan Sharpe Cogan report. Mr.
Wyss added that it has never been on Tri-Met’s agenda or plan to
attempt to change the legislation as it currently exists.
Councilor Devlin then moved to eliminate Whereas clauses 10, 11, and 12* (see attached). He later added an amendment to his motion to include deletion of part of the subsequent Whereas.

After discussion of possible language of the latter amendment, the subcommittee voted 3-1 to delete Whereas clauses 10, 11, and 12. (Councilor McFarland was temporarily out of the room; when she returned, she stated that she supported the motion.) Councilor Gardner explained that he voted No because he supported a reference in the resolution to the potential benefits of a transfer.

Mr. Wyss moved an amendment to the next-to-last Whereas, as follows (words in [brackets] to be deleted, words underlined to be added):

\[
\text{WHEREAS, [retention of] Metro's ability to transfer the transit system from Tri-Met to the Metropolitan Service District [is in the best interests of the citizens of the region] now exists and attempts to eliminate or modify the transfer provisions of existing statutes in the 1991 legislative session [would] may be [inappropriate and] counter-productive; and}
\]

The amendment was approved unanimously, followed by approval of the main motion.

Mr. Wyss then voiced a concern that the resolution had no reference to the advantages and disadvantages of a governance change on Tri-Met riders and taxpayers.

* Much of the subcommittee's discussion concerned three Whereas statements which the subcommittee voted to delete. The text of those statements is attached to this report for reference.
#10. WHEREAS, the Oregon Legislature has established its intent that regional services be consolidated under one government wherever possible; and

#11. WHEREAS, the existence of the statutory provisions enabling Metro to transfer governance of the transit system demonstrates the Legislature's belief that transfer poses the potential long-term benefits of consolidating multiple regional services and providing direct accountability for transit service through an elected governing body which directly represents the citizens of all parts of the metropolitan region; and

#12. WHEREAS, transfer of the transit system's governance from Tri-Met to Metro poses additional potential benefits through improved coordination of land use and transportation planning, resulting in more effective management of the region's projected growth; and
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<td>Roy Rogers</td>
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