
Thursday, February 04, 2021
6:45 PM – 8:30 PM

Zoom Link: https://clackamascounty.zoom.us/webinar/register/WN_vZS4DEjjS32biHftcRtZHg
Webinar ID: 892 1707 3343
Telephone: 1 (346) 248-7799

AGENDA

6:45 p.m. Pledge of Allegiance

Welcome & Introductions

Chair Paul Savas & Mayor Brian Hodson, Co-Chairs

Housekeeping

- Approval of December 03, 2020 C4 Minutes **Page 03**
- 2021 Meeting Calendar **Page 05**
- Status of C4 Membership Roster

6:50 p.m. I-205 Project and Comprehensive Congestion Management and Mobility Plan (CCMMP) Update

Presenting: Della Mosier, ODOT Urban Mobility Deputy Director; Mandy Putney, I-205 Project Director

- Presentation Materials **Page 06**

7:35 p.m. 2021 Legislative Session Update

Presenting: Chris Lyons, Clackamas Government Affairs

- Discussion Memo **Page 12**

8:00 p.m. C4 Metro Subcommittee Recommendation re SMART Representation on the Joint Policy Advisory Committee on Transportation (JPACT)

Presenting: Dwight Brashear, SMART Director; Mark Ottenad, Wilsonville Government Affairs Director

- Discussion Memo and Letter to FHWA **Page 15**

8:10 p.m. R1ACT Vacancy and Process to Nominate Positions

Presenting: Trent Wilson, Clackamas Government Affairs

- Supporting Materials **Page 30**

8:15 p.m. Updates/Other Business

- JPACT/MPAC Updates - Including Cities Seat Update
- R1ACT Update
- Racial Research Justice Project Update
- Other Business

8:30 p.m. Adjourn

General Information



Current Voting Membership

		C4 Exec	C4 Metro	C4 Rural	JPACT	MPAC	R1ACT
Clackamas County	Commissioner Paul Savas	●	●	●	●		●
Clackamas County	Commissioner Martha Schrader		●	●		●	
Canby	Mayor Brian Hodson	●		●			●
CPOs	Martin Meyers (Redland CPO)	●	●	●			
Estacada	Mayor Sean Drinkwine			●			
Fire Districts	Matthew Silva (Estacada Fire District)	●					
Gladstone	Mayor Tammy Stempel		●				
Hamlets	John Keith (Stafford Hamlet)			●			
Happy Valley	Council President Brett Sherman		●		●	●	
Johnson City	Vacant						
Lake Oswego	Mayor Joe Buck	●	●				
Milwaukie	Councilor Kathy Hyzy		●			●	
Molalla	TBD			●			
Oregon City	Commissioner Rachel Lyles Smith		●			●	
Portland	Vacant						
Rivergrove	Mayor Walt Williams		●				
Sandy	Mayor Stan Pulliam			●			
Sanitary Districts	Paul Gornick (Oak Lodge Water Services)	●					
Tualatin	Councilor Valerie Pratt		●				
Water Districts	Hugh Kalani (Clackamas River Water)						
West Linn	Mayor Jules Walters		●				
Wilsonville	Mayor Julie Fitzgerald		●				

Current Ex-Officio Membership

MPAC Citizen Rep	Ed Gronke (Alt.)
Metro Council	Councilor Christine Lewis
Port of Portland	Emerald Bogue
Rural Transit	Tom Strader
Urban Transit	Tom Markgraf (TriMet)

Frequently Referenced Committees:

- CTAC:** Clackamas Transportation Advisory Committee (C4 Transportation TAC)
- JPACT:** Joint Policy Advisory Committee on Transportation (Metro)
- MPAC:** Metro Policy Advisory Committee (Metro)
- MTAC:** Metro Technical Advisory Committee (MPAC TAC)
- R1ACT:** Region 1 Advisory Committee on Transportation (ODOT)
- TPAC:** Transportation Policy Advisory Committee (JPACT TAC)

Thursday, November 05, 2020
Development Services Building
 Main Floor Auditorium, Room 115
 150 Beaver Creek Road, Oregon City, OR 97045

Attendance:

Members: **Clackamas County:** Jim Bernard; Paul Savas; **CPOs:** Martin Meyers; Marge Stewart (Alt.); **Gladstone:** Tammy Stempel; **Hamlets:** John Keith; **Happy Valley:** Brett Sherman; **Lake Oswego:** Theresa Kohlhoff; **Metro:** Christine Lewis; **Milwaukie:** Kathy Hyzy; **MPAC Citizen:** Ed Gronke (Alt.); **Oregon City:** Rachel Lyles Smith; **Sanitary Districts:** Paul Gornick; **Transit:** Tom Markgraf (TriMet); Dwight Brashear; (SMART); **Tualatin:** Paul Morrison; **West Linn:** Russ Axelrod; **Wilsonville:** Tim Knapp

Staff: Trent Wilson (PGA)

Guests: Jaimie Huff (Happy Valley); Will Farley (Lake Oswego); Brett Setterfield (ClackCo); Mike Bezner (DTD); Mark Ottenad (Wilsonville/SMART); Dayna Webb (Oregon City); John Lewis (Oregon City); Jeff Gudman (community member); Michael Murray; Ray Atkinson (CCC); Rick Cook (Community); Jamie Stasny (DTD); Krista Purser (Kittleson); Susie Wright (Kittleson)

The C4 Meeting was recorded and the audio is available on the County's website at <http://www.clackamas.us/c4/meetings.html> . Minutes document action items approved at the meeting.

Agenda Item	Action
Approval of November 05, 2020 C4 Minutes	Approved.
Clackamas Transit Development Plan	<p>County transportation staff presented on the status of the Clackamas Transit Development Plan, highlighting key findings and next steps.</p> <p>Comments were generally positive about the findings, with several comments pertaining to a need for increased outreach on the work and findings.</p> <p>County staff committed to following up on the comments about outreach, to rural communities in particular.</p>
2021 Legislative Session and Priorities	County government affairs staff presented on the status of the 2021 State Legislative Session, noting the impact that

	<p>COVID-19 and remote hearings were having on the special session and likely to be similar in 2021.</p> <p>C4 advanced the Interstate 205 Widening and Seismic Improvements Project and Wildfire Response as the two priorities C4 would like to monitor and support during the session.</p>
<p>Recognition of Outgoing Members</p>	<p>The following C4 members were recognized for their work and engagement on the C4 Committee: Chair Jim Bernard, Mayor Tim Knapp, Councilor Paul Morrison, Councilor Theresa Kohlhoff, Mayor Russ Axelrod, Councilor Teri Cummings (Alt.), Mayor Dan Holladay, Councilor Wilda Parks, Councilor Jan Lee (Alt.); and Mayor Keith Swigart.</p> <p>New members would be introduced in the coming months during the regularly scheduled city membership update (every two years).</p>
<p>Updates/Other Business</p> <ul style="list-style-type: none"> • JPACT/MPAC Updates • R1ACT • Other Business 	<p>JPACT/MPAC: No updates from JPACT. MPAC's last meeting was in October.</p> <p>R1ACT: Monitoring and recommending to the Oregon Transportation Commission (OTC) positions on the development of the 2024 to 2027 State Transportation Improvement Program (STIP)</p> <p>Other Business: NA</p>

Adjourned at 8:36 p.m.

Memo

Date: January 28, 2021

To: C4 and C4 Metro Subcommittee Members

From: Trent Wilson, Clackamas County Government Affairs

RE: 2021 Meeting Dates for C4, C4 Metro Subcommittee, and C4 Executive Committee

Please mark your calendars for the following 2021 C4 meeting dates. These dates occur at regular intervals as described below, but are subject to change.

Meeting materials are posted to the C4 Webpage a week in advance:

<https://www.clackamas.us/c4>

Meeting Details:

**All meetings will occur on Zoom until further notice.*

C4: Meets the 1st Thursday of every month, beginning at 6:45 pm.

C4 Metro Subcommittee: Meets the day before JPACT (3rd Thursdays) every month, which is typically the 3rd Wednesday, at 7:30am

C4 Executive Committee: Meets the 2nd Monday of every month at 5:30pm

Calendar

Month	C4	C4 Exec	C4 Metro
January	Canceled	Canceled	20 th
February	4 th	8 th	17 th
March	4 th	8 th	17 th
April	1 st	12 th	19 th
May	6 th	10 th	20 th
June	3 rd	14 th	16 th
July	1 st	12 th	14 th
August	5 th	9 th	18 th
September	2 nd	13 th	15 th
October	7 th	11 th	20 th
November	4 th	8 th	17 th
December	2 nd	13 th	15 th

Urban Mobility Office: Status Update









“The Process is the Project”
C4 Update

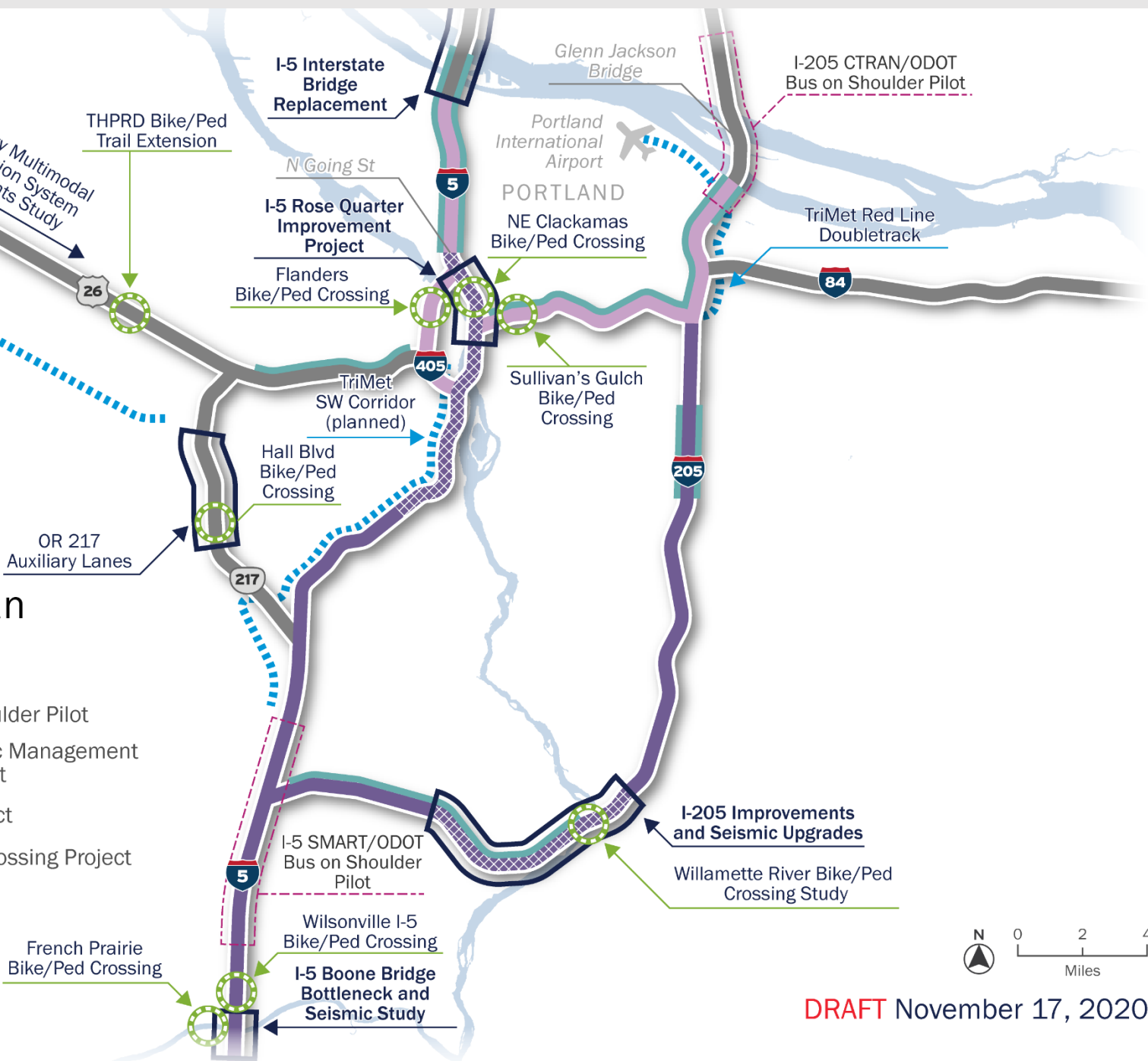
Presented by:

Della Mosier, PE | Deputy Director, Office of Urban Mobility

Mandy Putney | I-205 Project Director

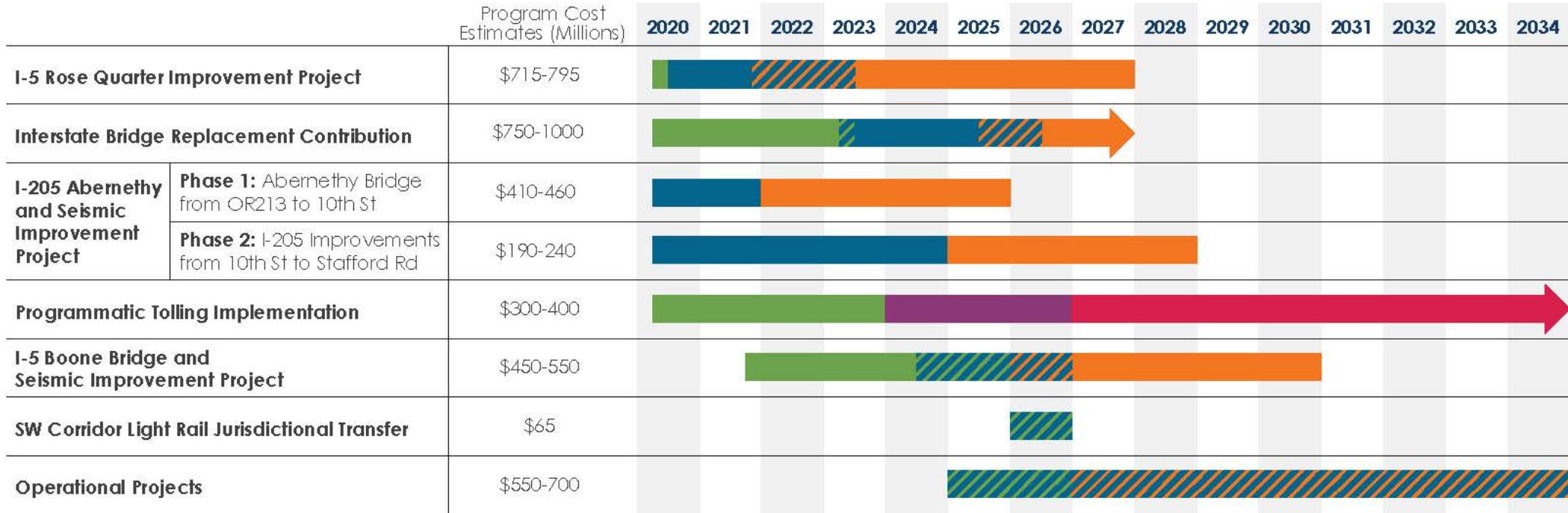
Comprehensive Congestion Management and Mobility Plan (Portland Region)

-  Current Toll Corridor
-  Expanded Toll Corridor Limits
-  Potential Toll Corridor Limits
-  System Improvement Project
-  Bus on Shoulder Pilot
-  Active Traffic Management (ATM) Project
-  TriMet Project
-  Bike/Ped Crossing Project










DRAFT November 17, 2020

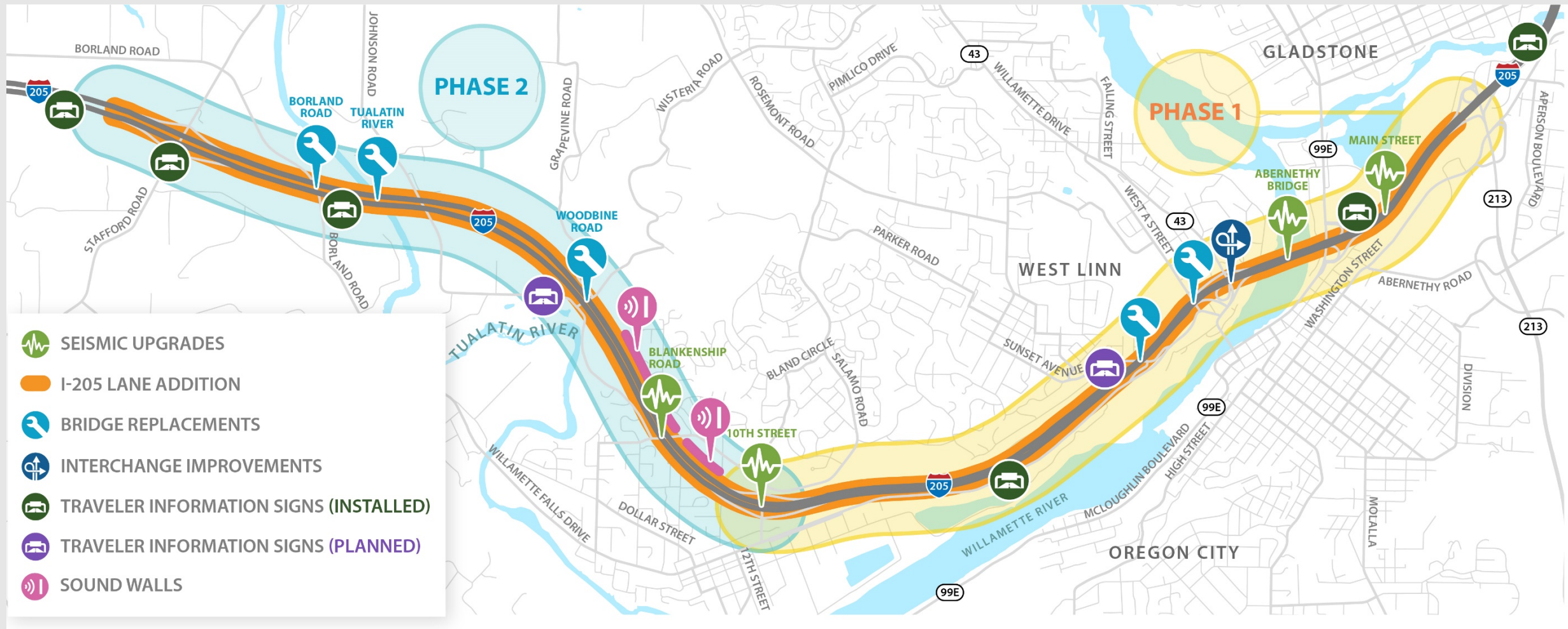
COMPREHENSIVE CONGESTION MANAGEMENT and MOBILITY PLAN: INVESTMENT AND IMPLEMENTATION STRATEGY



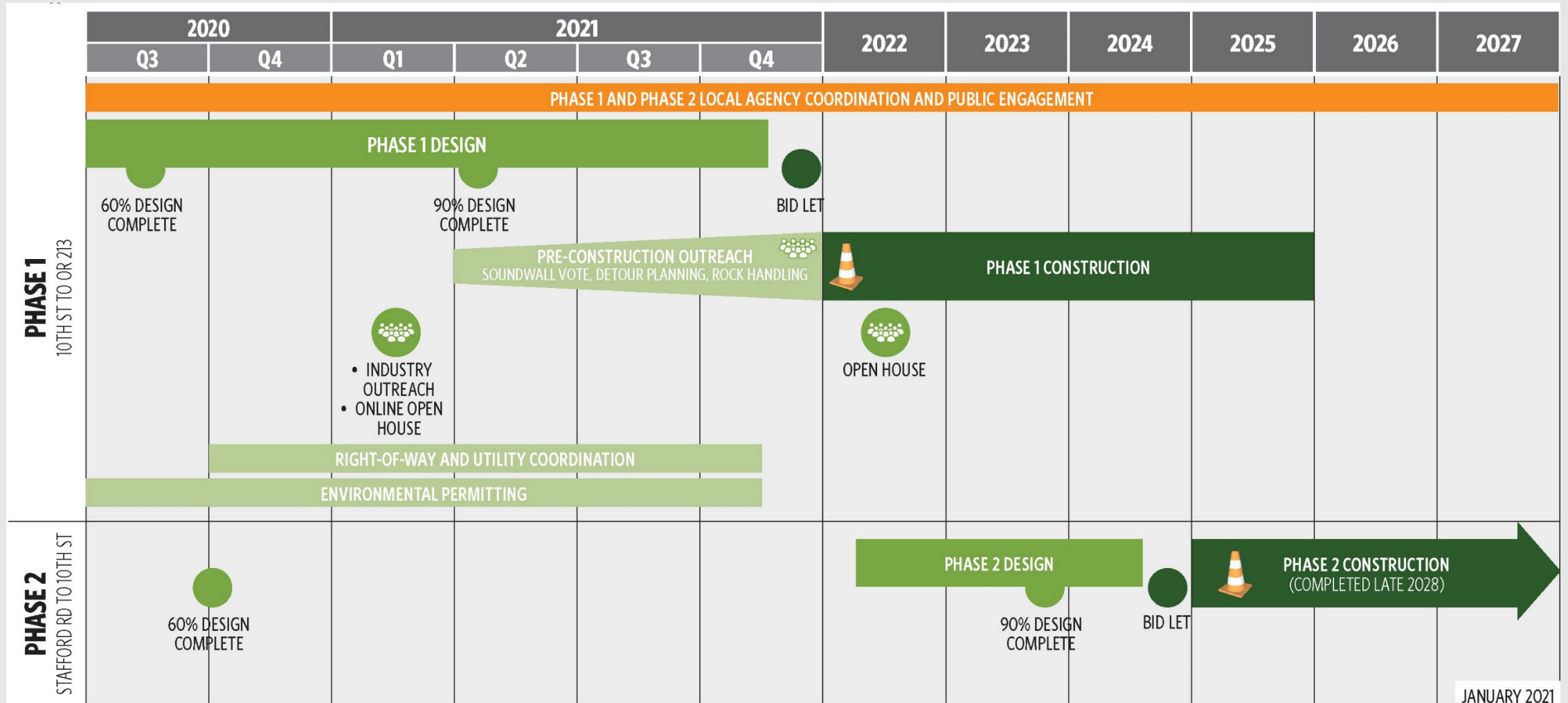
Legend

-  Planning Phase
-  Planning / Design Phase
-  Design Phase
-  Design / Construction Phase (Alternative Delivery)
-  Construction Phase
-  Design, Build, Test, and Implement Phase
-  Toll Operations Phase

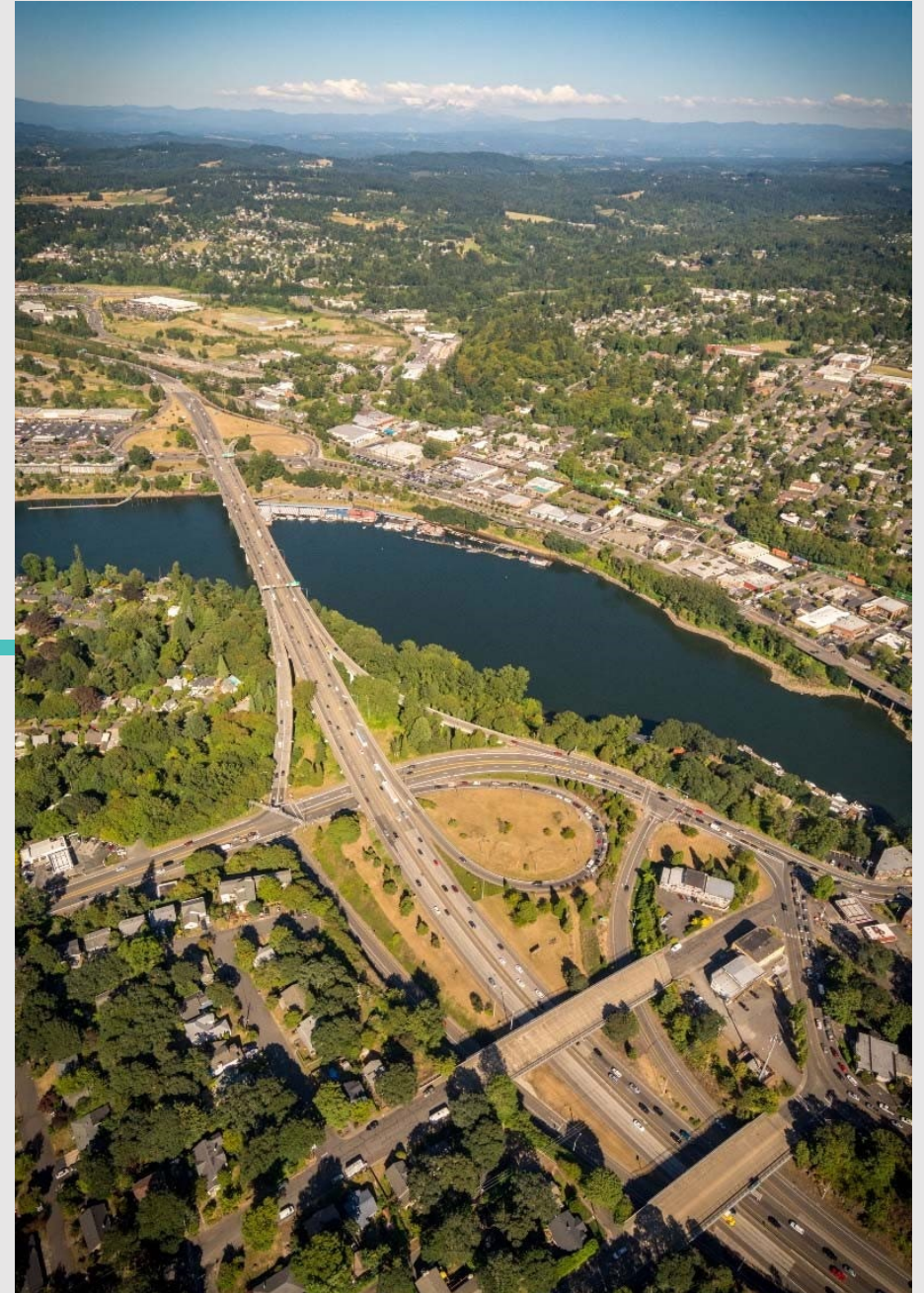
I-205: Stafford Road to OR 213 (Abernethy Bridge)



I-205 Improvements – Project Schedule



THANK YOU – QUESTIONS?



Memorandum

To: Clackamas County Coordinating Committee (C4)
From: Chris Lyons, Clackamas County Public & Government Affairs
Date: January 28, 2021
RE: C4 Legislative Update

Overview:

The 2021 Oregon legislative session began Tues, Jan. 19 and will conclude no later than Sun, June 27. To date, just under 2,000 bills have been introduced, with another 1,000+ expected.

Governor Brown held her State of the State Address on Jan. 21. Her top priorities for 2021 and the remaining two years of her tenure include recovering from COVID-19, repairing and rebuilding from the disastrous wildfire season, and a reinvigorated fight for racial justice. She also identified the following legislative goals:

- Investments to expand access to affordable healthcare
- Broadband expansion (mostly to assist schools)
- Support to help communities create response plans and fire evacuation routes
- Investments in K-12 schools and early education to close opportunity gaps and build antiracist curriculums
- \$250 million in affordable housing, homelessness prevention, and rental assistance
- Significant criminal justice reform

Government Affairs staff will provide members with an update on the I-205 Widening & Seismic Improvements Project, wildfire issues, and the Sunrise Vision concept, for C4 discussion on ways that jurisdictions/entities can participate in advocacy efforts.

I-205 Talking Points

- The I-205 bottleneck project between Stafford Road and OR 99E is the #1 shared transportation priority for all Clackamas jurisdictions.
- The project will create seven miles of earthquake proof roadway, including the Abernethy Bridge, and add a third lane so that it is consistent with the rest of I-205.
- The project was prioritized by the legislature in the 2017 transportation package as a bottleneck of statewide significance.
- To date, design is fully funded at over \$50 million and will be reach 90% design in April.
- The project will be ready to go out to bid by the end of the year, with in-water work beginning in early 2022.
- However, all of this is contingent upon identifying funding for construction.
- This shovel ready project should not sit on a shelf waiting for funding – each year that we wait increases the project cost by \$15 million.

Attachment:

- House Special Committee on Wildfire Recovery – 2/15/21 Meeting Agenda

Staff:

Laura Kentnesse, LPRO Analyst
Shelley Raszka, Committee Assistant



Members:

Rep. Brian Clem, Chair
Rep. Rick Lewis, Vice-Chair
Rep. Pam Marsh, Vice-Chair
Rep. Jami Cate
Rep. Paul Evans
Rep. David Gomberg
Rep. Dacia Grayber
Rep. Mark Meek
Rep. Lily Morgan
Rep. Bill Post

HOUSE SPECIAL COMMITTEE ON WILDFIRE RECOVERY

Oregon State Capitol
900 Court Street NE, Room 347, Salem, Oregon 97301
Phone: 503-986-1731
Email: <https://olis.oregonlegislature.gov/liz/2021R1/Testimony/HWREC>

AGENDA

Revision 1 Posted: JAN 28 12:50 PM

MONDAY

Date: February 15, 2021
Time: 5:30 P.M.
Room: Remote A

Please Note: The Capitol Building is currently closed to the public and meetings are taking place remotely. Go to <https://olis.leg.state.or.us/liz/2021R1/Committees/HWREC/Overview> to access a live stream of this meeting. Locate the meeting date and click on the camera icon at the designated time. A viewing station will also be available outside of the Capitol Building.

The House Special Committee on Wildfire Recovery has invited the Senate Committee on Natural Resources and Wildfire Recovery to join this meeting.

To testify on a bill or topic that is scheduled for a Public Hearing, follow the instructions at the bottom of this agenda.

This meeting is scheduled from 5:30-8:30 pm. Times below reflect tentative start times for each item. Committee chairs may, at their discretion, reschedule or alter agendas to accommodate committee business.

Public Hearing

Wildfire Recovery

- (5:30-6:30 pm) Canyon and Valley Regions
- (6:30-7:30 pm) Metro Region
- (7:30-8:30 pm) Coast Region

To submit written testimony on this topic, email to hwrec.exhibits@oregonlegislature.gov. To register to provide remote oral testimony, follow the instructions on "Oral Testimony" at the bottom of this

AGENDA (cont.)

February 15, 2021

agenda.

Public Testimony Options:

You may provide written or oral testimony at this meeting.

Written Testimony

Written testimony must be received within 24 hours after the start time of the meeting in which the public hearing is held. Testimony is uploaded to OLIS as part of the legislative record and made publicly available at <https://olis.leg.state.or.us/liz/2021R1/Committees/HWREC/Overview>.

- o Email: hwrec.exhibits@oregonlegislature.gov
- o Mail: House Special Committee on Wildfire Recovery, 900 Court Street NE, Room 453, Salem, OR 97301

Oral Testimony (Live Remotely)

- o Registration is required to testify by phone or video link. You will receive a confirmation email. If you do not, please contact the committee assistant. To sign up, either use the online form at https://survey.sjc1.qualtrics.com/jfe/form/SV_0fzb6enyS9SzFfo OR register by calling 833-588-4500.
- o Registration closes at the time the meeting is scheduled to begin.
- o Public Access Kiosk: For those who do not register to testify or do not have access to testify by phone or video link, a public access kiosk is located outside of the State Capitol Building.

Please Note: Neither registration nor use of the public access kiosk is a guarantee that you will be able to testify during the meeting. Committee chairs may determine that public testimony must be limited. For this reason, written testimony is encouraged even if you plan to speak.

Note change: the House Special Committee on Wildfire Recovery has invited the Senate Committee on Natural Resources and Wildfire Recovery to join this meeting.

Unless otherwise noted on the agenda, testimony is only accepted by committees for bills or topics scheduled for a public hearing. See the Oregon Legislature's website for information on contacting individual legislators directly on bills or topics not scheduled for a public hearing.



Special City of Wilsonville / SMART Staff Report for Clackamas County Coordinating Committee (C4)

C4 Meeting Date: Feb. 4, 2021	Subject: C4 Support for SMART Transit Direct Representation on the Portland MPO Board: “SMART Seat at the Metro JPACT Table.” Staff Members: Dwight Brashear, SMART Director; Mark Ottenad, Public/Government Affairs Director
Staff Recommendations: City of Wilsonville / SMART staff recommend advancing motion of support.	
Recommended Language for Motion: I move that C4 recommend to Metro Council and JPACT that SMART be provided with direct representation at the Portland MPO TMA Board, known as JPACT.	
PROJECT / ISSUE RELATES TO:	
<input checked="" type="checkbox"/> C4 Transit Priorities	<input checked="" type="checkbox"/> Improved Urban-Rural Transit Operations Coordination

ISSUE BEFORE C4

At the December 16, 2020, C4 Metro Subcommittee meeting, the subcommittee recommended to C4 consideration of a motion that C4 recommend to Metro Council and JPACT that SMART be provided with direct representation at the Portland MPO TMA Board, known as JPACT.

EXECUTIVE SUMMARY

C4 has an opportunity to help elevate the role of the Portland metro area’s other FTA urban-area transit operator, SMART, on the JPACT Portland MPO TMA board that could improve public transit service in the South Metro area and transit connections with rural Clackamas County.

BACKGROUND INFORMATION

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are undertaking a periodic review of the Portland Metropolitan Planning Organization (MPO) Transportation Management Area (TMA) policy board, which is Metro’s Joint Policy Advisory Committee on Transportation (JPACT), for compliance with 2012 federal surface transportation authorization legislation, Moving Ahead for Progress in the 21st Century Act (MAP-21).

MAP-21: Congress intended for public-transit to have greater MPO representation

- In passing MAP-21, Congress sought to have a greater level of public transit engagement in MPO TMA transportation planning efforts.

- 2014 Federal Highway Administration (FHwA) and Federal Highway Administration (FTA) joint policy guidance on implementing MAP-21 provides support for increased transit representation at the MPO TMA policy board.

JPACT Bylaws are outdated

- Created in 1999; last amended in 2008. Subsequent 2014 FHwA/FTA policy guidance to MPOs on implementing MAP-21 indicates need to update.
- Bylaws do not require transit coordination at the regional level; only that “TriMet will periodically coordinate” with SMART.

SMART meets FHwA/FTA requirement for MPO TMA policy board participation

- SMART is the other FTA-certified urbanized-area transit operator for the Portland MPO.
- SMART provides transit service between Portland and Salem MPOs and connects rural Canby area with Portland MPO, feeding riders into TM’s high-capacity transit WES.
- SMART is working with ODOT to implement bus-on-shoulder transit services along the heavily congested I-5 Wilsonville-to-Tualatin corridor and along the I-205 Wilsonville-to-Clackamas Town Center Transit Center .

Incomplete transit representation at the MPO TMA policy board

- JPACT bylaws provide direct representation to only one of two urbanized-area transit operators (to TriMet), while providing indirect representation to SMART under the aegis of the Cities of Clackamas County representative.
 - The Cities of Clackamas County representative pursuant to JPACT Bylaws is to represent SMART at the MPO policy board; however, a Cities rep may or may not be aware of transit issues in general and SMART’s operations in particular.
 - Metro-area Clackamas County cities have TriMet as transit provider, no matter how much or little service that the city receives; so cities in general lack awareness of SMART.
 - Rhetorically, should Portland or a Metro Councilor represent TriMet at JPACT?
- Federal agencies indicate that an elected official who serves on policy board “should not also attempt to serve as a representative of providers of public transportation.”

Resolution is to provide SMART direct representation on MPO TMA policy board

- SMART should have a designated seat at JPACT

EXPECTED RESULTS

C4 recommendation to Metro Council and JPACT can advance the issue for both regional and federal consideration.

TIMELINE

Recommendation now is timely since federal review of JPACT is underway currently.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY

Increased transit resources and regional transit coordination provides transportation alternative.

EXHIBITS

Wilsonville-SMART Letter to FHwA-FTA, RE: Comments on transportation planning certification review for Portland, OR, MPO, Dec. 7, 2020.



December 7, 2020

Submitted via email to:

Rachael Tupica, Federal Highway Administration, Oregon Division *rachael.tupica@dot.gov*

Matt Kunic, Federal Highway Administration, Washington Division *matthew.kunic@dot.gov*

Jeremy Borrego, Federal Transit Administration, Region 10 *jeremy.borrego@dot.gov*

Ned Conroy, Federal Transit Administration, Region 10 *ned.conroy@dot.gov*

RE: Comments on transportation planning certification review for Portland, OR, MPO

Dear FHwA and FTA Administrators:

The City of Wilsonville, operator of the award-winning South Metro Area Regional Transit (SMART) agency, is providing comment and recommendation regarding the transportation planning certification review for the Portland, OR, Metropolitan Planning Organization (MPO) that is administered through Metro regional government's Joint Policy Advisory Committee on Transportation (JPACT) policy board that serves the transportation management area (TMA) of Portland, OR.

SMART is the Portland metropolitan area's only other FTA urbanized-area transit provider, working in partnership with the Tri-County Metropolitan Transit District (TriMet), as well as the adjacent Salem, OR, MPO transit operator (Salem Area Mass Transit District (SAMTD) and rural transit providers located outside of the Portland and Salem MPO boundaries. SMART plays a strategic role as the sole transit operator in providing service in the greater South Metro urban region with connections to the Salem MPO and adjacent growing rural Canby area.

SMART operates a full range of public transit services, including fixed-route and ADA/paratransit service, that focus on the rapidly growing South Metro region of Portland with connections to the cities of Salem and Canby. SMART provides highly-rated transit services within Wilsonville, a community of 25,000 residents that hosts 20,000 jobs where approximately 90% of the workforce commutes to employment in Wilsonville.

SMART provides connecting transit service to TriMet's high-capacity Westside Express Service (WES) at the Wilsonville Transit Center, as well as to the state capital of Salem and to the rural city of Canby. SMART is working with the Oregon Department of Transportation (ODOT) to improve public transit service in the South Metro Portland area through a new

pilot program for bus-on-shoulder transit services along the heavily congested I-5 Wilsonville-to-Tualatin corridor and along the I-205 Wilsonville-to-Oregon City corridor.

SMART constantly receives requests from nearby elected officials in the South Metro region of the MPO and adjacent rural areas for public transit service that is not provided for currently at the desired level to their communities. Leaders of the South Metro area cities of Oregon City, Tualatin, and West Linn, and adjacent rural areas of Canby and Woodburn have over the past several years inquired about SMART providing transit service in or connections to their communities.

In some instances, SMART has been able to obtain special grant funds from the FTA and ODOT's Statewide Transportation Improvement Fund (STIF) to provide new transit service to the South Metro cities of Tualatin, and is now examining the feasibility for new service to Oregon City, the Clackamas County seat of government. In a similar manner, new regular transit service connects the rural Canby area with Wilsonville and transit services of the Portland MPO.

In terms of the transportation planning certification review for Portland, OR, MPO, the JPACT policy board bylaws do not provide public transit with the level of direct representation at the MPO policy board that Congress intended in passing the Moving Ahead for Progress in the 21st Century Act (MAP-21), which requires representation by providers of public transportation in each metropolitan planning organization (MPO). As the Portland MPO's only other public transit provider, SMART has no direct representation at JPACT and pursuant to the JPACT bylaws is indirectly represented by the Cities of Clackamas County representative, who may or may not have any awareness and understanding of how public transit works and the role of public transit in MPO transportation planning; *see* JPACT Bylaws, page 4 (attached).

Indeed, given that the MPO JPACT policy board bylaws were last updated in 2008, it is highly unlikely that the bylaws comply with the updated MPO representation provisions as provided for in MAP-21, signed into law July 2012, and the subsequent FTA and FHWA jointly issued this guidance on implementation of provisions of MAP-21 as appearing in the Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations.

The City of Wilsonville, by and through its FTA urbanized-area transit provider SMART, should have direct representation at the JPACT table. Chapter 53 of title 49, United States Code, as amended by MAP-21 effective October 1, 2012, contains several relevant MAP-21 provisions pertaining to SMART transit having direct representation at the MPO table.

MAP-21 Sec. 5303 Metropolitan transportation planning states:

“(a) Policy. --It is in the national interest--

(1) to encourage and promote the safe and efficient management, operation, and development of **surface transportation systems that will serve the mobility needs of people** and freight and foster economic growth and development within and **between States and urbanized areas**, while minimizing transportation-related

fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter;

(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, **and public transit operators** as guided by the planning factors identified in subsection (h) and section 5304(d).”

Page 14, emphasis added.

Thus, MAP-21 demonstrates an intent by Congress for public transit operators to be fully engaged in MPO transportation planning efforts that “serve the mobility needs of people... between States and urbanized areas.” SMART is unique in that it is the only transit operator that provides public transit service between the urbanized Portland MPO and Salem MPO.

MAP-21 Sec. 5303 Metropolitan transportation planning further states that the MPO membership composition should include:

“(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation;”

Page 16, emphasis added.

Currently, only one voting seat at JPACT represents “providers of public transportation”; however, Congress sought to have greater representation of “providers of public transportation.”

The issue of Wilsonville/SMART representation at the MPO may be accomplished through a simple amendment of the JPACT bylaws without having to go through a restructuring process. MAP-21 Sec. 5303 Metropolitan transportation planning notes that:

“(B) Restructuring.—A metropolitan planning organization may be restructured to meet the requirements of paragraph (2) without undertaking a redesignation.”

Page 16.

In 2014 the FTA and FHWA jointly issued this guidance on implementation of provisions of MAP-21 “that require representation by providers of public transportation in each metropolitan planning organization (MPO) that serves a transportation management area.” FTA/FHWA Policy Guidance on Metropolitan Planning Organization (MPO) Representation, June 2, 2014. This guidance states:

“The clear intent of this legislative provision is to ensure that providers of public transportation are represented on the MPO board and should have equal decisionmaking rights and authorities as the other members that are on the policy board of an MPO that serves a TMA. Contrary to the conclusions of some of the commenters, 23 U.S.C. 134(d)(2) and 49 U.S.C. 5303(d)(2) expressly provide

that MPOs serving TMAs must alter their board compositions, if necessary, in order to attain the statutorily required structure.”

Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31214; emphasis added.

The FTA and FHWA jointly issued guidance on implementation of provisions of MAP-21 further strengthens the position that Wilsonville/SMART should have direct representation at the MPO JPACT “policy board”, and that doing so may be accomplished with a simple amendment of the JPACT bylaws:

“Congress amended 23 U.S.C. 134(d)(2)(B) and 49 U.S.C. 5303(d)(2)(B) to provide that, among other mandatory MPO members, MPOs serving an area designated as a TMA specifically “shall consist of . . . representation by providers of public transportation.” Congress also amended 23 U.S.C. 134(d)(5)(B) and 49 U.S.C. 5303(d)(5)(B) to provide that an MPO **“may be restructured to meet the requirements of paragraph (2) without undertaking a redesignation.”** Additionally, the Conference Report accompanying MAP- 21 states, **“The conference committee requires the structure of all Metropolitan Planning Organizations include officials of public agencies that administer or operate public transportation systems within two years of enactment.”** Congress also made clear that the term metropolitan planning organization refers to **“the policy board” of the organization, not its advisory or non-decisionmaking elements.**

Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31216; emphasis added, footnotes omitted.

Furthermore, it would appear that the current MPO JPACT policy board bylaws contradict FTA and FHWA jointly issued guidance on implementation of provisions of MAP-21. The JPACT bylaws currently require the “Cities of Clackamas County representative” to represent SMART at the MPO policy board; *see* JPACT Bylaws, page 4. The Cities of Clackamas County representative must be an elected official from a Clackamas County city whose primary responsibility is to serve the interests of cities rather than represent public transit provider:

“The policy guidance states that a public transportation representative on an MPO should not serve as one of the other mandatory MPO members set forth in 23 U.S.C. 134(d)(2) and 49 U.S.C. 5303(d)(2). For example, a member of an MPO board whose assignment comes by virtue of his or her position as an elected official should not also attempt to serve as a representative of providers of public transportation on the MPO board.”

Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31216; emphasis added.

Wilsonville/SMART anticipates that MPO representatives may claim that providing Wilsonville/SMART direct representation on the JPACT policy board “could introduce a

conflict or upset a carefully constructed balance on the MPO.” However, explicit FTA and FHWA jointly issued guidance rejects this argument:

“23 U.S.C. 134(a)(2) and 49 U.S.C. 5303(a)(2) state that ‘it is in the national interest...to encourage the continued improvement and evolution of the metropolitan and statewide planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators.’ The MAP-21’s establishment of a performance-based approach to transportation decisionmaking evolves and improves the metropolitan and statewide planning processes, increasing the accountability and transparency of the Federal surface transportation program and improving project decisionmaking.

“The inclusion of a representative of providers of public transportation in each MPO that serves a TMA is a critical element of MAP-21’s performance management framework as it will enable the MPO to establish balanced performance targets and improve its ability to develop plans and programs that support an intermodal transportation system for the metropolitan area. As such, it contributes to the continued improvement and evolution of the cooperative and collaborative metropolitan planning process.

“The guidance affirms that a representative of providers of public transportation on an MPO that serves a TMA, once designated, should have equal decisionmaking rights and authorities as the other members that are on the policy board of an MPO that serves a TMA.”

Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31216; emphasis added.

As a direct, urbanized-area FTA recipient, SMART meets the qualifications set out by FTA and FHWA jointly issued guidance for direct representation at the MPO policy board:

“The policy guidance clarifies that the **representative of providers of public transportation on an MPO that serves an area designated as a TMA should be a provider of public transportation in the metropolitan planning area and a designated recipient, a direct recipient, or a subrecipient of Urbanized Area Formula funding**, or another public transportation entity that is eligible to receive Urbanized Area Formula funding.”

Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31217; emphasis added.

The current MPO policy board structure violates the intent and FTA and FHWA jointly issued guidance for implementing MAP-21 by arbitrarily subordinating SMART’s representative to be the Cities of Clackamas County representative to JPACT and by not providing direct representation for SMART; *see* JPACT Bylaws, page 4. Currently, the only public transit operator with direct representation to the MPO policy board is TriMet, which

pursuant to the JPACT bylaws, does not consider the needs SMART, which pursuant to the JPACT bylaws is represented by the Cities of Clackamas County representative.

“An MPO serving a TMA should formally establish through a board resolution the role and responsibilities of a representative of providers of public transportation, including, at a minimum, that **the transit representative should (1) consider the needs of all eligible providers of public transportation in the metropolitan planning area and to address those issues that are relevant to the responsibilities of the MPO, and (2) have equal decisionmaking rights and authorities as the other members that are on the policy board of an MPO that serves a TMA.**”

Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31219; emphasis added.

The current JPACT policy board bylaws do not comply with MAP-21 and FTA and FHWA jointly issued guidance by failing to describe how all (both SMART and TriMet) public transit operators are to be represented at the MPO policy board. To date, JPACT has failed to implement the policy guidance to “determine how the MPO will meet the requirement to include representation by providers of public transportation.” The failure is demonstrated by the JPACT bylaws that provide direct representation to only one of two urbanized-area transit operators (to TriMet), while providing indirect representation to SMART under the aegis of the Cities of Clackamas County representative; *see JPACT Bylaws, page 4.*

Indeed, JPACT Bylaws demonstrate complete disregard for the and FTA and FHWA jointly issued guidance for implementation of MAP-21 that seeks to elevate the role of transit operators for key decisionmaking authority:

“As the regional transit representative, **TriMet will periodically coordinate** with the South Metro Area Rapid Transit (SMART).”

JPACT Bylaws, page 4; emphasis added.

In passing MAP-21, Congress demonstrated a keen intent that MPO transit operators should be working in close coordination with each other and with other MPO transit agencies, as opposed to “periodically” when one transit operator decides it may coordinate with another. The FTA and FHWA jointly issued guidance provides the organizational solution to this issue by providing direct representation for Wilsonville/SMART at the MPO JPACT policy board.

The FTA and FHWA jointly issued guidance provides several examples of how the MPO may comply with the provisions of MAP-21:

“There are multiple providers of public transportation within most TMAs. **An MPO that serves an area designated as a TMA that has multiple providers of public transportation may need to cooperate with the eligible providers to determine how the MPO will meet the requirement to include representation by providers of public transportation.** There are various approaches to meeting


this requirement. For example, an MPO may allocate a single board position to eligible providers of public transportation collectively, providing that one representative of providers of public transportation must be agreed upon through a cooperative process. The requirement for representation might also be met by rotating the board position among all eligible providers or by providing all eligible providers with proportional representation. **However the representation is ultimately designated, the MPO should formally adopt the revised structure through a board resolution, bylaws, a metropolitan planning agreement, or other documentation, as appropriate."**


Emphasis added; Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31219.

Thus, cumulatively based on the FTA and FHWA jointly issued guidance for MPO compliance with the provisions of MAP-21, Wilsonville/SMART must be provided direct representation with a seat on the JPACT MPO policy board. Doing so allows the MPO to come into compliance with the provisions of MAP-21 that seek to improve the operations and provisioning of public transit service within the metropolitan area, between MPOs and connections to adjacent rural areas. As the Portland, OR, MPO's only other FTA urbanized-area transit operator that provides strategic service to the rapidly growing South Metro area with connections to TriMet's high-capacity WES, to the Salem MPO, and to rural Canby area, SMART is ideally positioned to be a highly productive partner with other jurisdictions on the JPACT MPO policy board. With a simple amendment of the JPACT bylaws providing Wilsonville/SMART with direct representation at the JPACT policy board, the MPO can come into compliance with the provisions of MAP-21.

We are ready and pleased to provide any additional information that may be needed in your review of this important issue. Thank you for your time and consideration.

Sincerely,


Tim Knapp, Mayor
City of Wilsonville


Dwight Brashear, Director
South Metro Area Regional Transit (SMART)

Attachment: Joint Policy Advisory Committee on Transportation (JPACT) Bylaws

cc: Metro JPACT Planning and Development Department
Tri-County Metropolitan Transportation District of Oregon
Clackamas County Coordinating Committee
Washington County Coordinating Committee

**JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION
(JPACT)**

BYLAWS

ARTICLE I

This committee shall be known as the JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION (JPACT).

**ARTICLE II
MISSION**

It is the mission of JPACT to coordinate the development of plans defining required regional transportation improvements, to develop a consensus of governments on the prioritization of required improvements and to promote and facilitate the implementation of identified priorities.

**ARTICLE III
PURPOSE**

Section 1. The purpose of JPACT is as follows:

- a. To provide the forum of general purpose local governments and transportation agencies required for designation of Metro as the metropolitan planning organization for the Oregon portion of the Portland metropolitan area, defined as the Metro jurisdictional boundary or the Metro urban growth boundary whichever is greater, and to provide a mechanism for coordination and consensus on regional transportation priorities and to advocate for their implementation.
- b. To provide recommendations to the Metro Council under state land use requirements for the purpose of adopting and enforcing the Regional Transportation Plan.
- c. To coordinate on transportation issues of bi-state significance with the Clark County, Washington metropolitan planning organization and elected officials.

Section 2. In accordance with these purposes, the principal duties of JPACT are as follows:

- a. To approve and submit to the Metro Council for adoption the Regional Transportation Plan (RTP) and periodic amendments.
- b. To approve and submit to the Metro Council for adoption short and long-range growth forecasts and periodic amendments upon which the RTP will be based.
- c. To approve and submit to the Metro Council for adoption the Unified Planning Work Program (UPWP) and periodic amendments for the Oregon and Washington portions of the metropolitan area. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.
- d. To approve and submit to the Metro Council for adoption the Transportation Improvement Program (TIP) and periodic amendments. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.
- e. To approve and submit to the Metro Council for adoption the transportation portion of the State Implementation Plan for Air Quality Attainment for submission to the Oregon Department of Environmental Quality. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.
- f. To periodically adopt positions that represent the region's consensus on transportation policy matters, including adoption of regional priorities on federal funding, federal transportation reauthorizations and appropriations, the State Transportation Improvement Program priorities and regional priorities for Light Rail Transit (LRT) funding. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.
- g. To review and comment on the RTP and TIP for the Clark County portion of the metropolitan area and include in the RTP and TIP for the Oregon urbanized portion of the metropolitan area a description of issues of bi-state significance and how they are being addressed.
- h. To review and comment, as needed, on the regional components of local comprehensive plans, public facility plans and transportation plans and programs of ODOT, Tri-Met and the local jurisdictions.

**ARTICLE IV
COMMITTEE MEMBERSHIP**

Section 1. Membership

- a. The Committee will be made up of representatives of the following voting jurisdictions and agencies:

	<u>Members</u>	<u>Votes</u>
Multnomah County.....	1	1
Washington County.....	1	1
Clackamas County.....	1	1
City of Portland.....	1	1
Cities of Multnomah County.....	1	1
Cities of Washington County.....	1	1
Cities of Clackamas County.....	1	1
Oregon Department of Transportation...	1	1
TriMet.....	1	1
Port of Portland.....	1	1
Department of Environmental Quality....	1	1
Metro.....	3	3
State of Washington.....	3	3
 TOTAL	 17	 17

- b. Alternates may be appointed to serve in the absence of the regular members.
 c. Members and alternates will be individuals in a position to represent the policy interests of their jurisdiction.

Section 2. Appointment of Members and Alternates

a. Members and alternates from the City of Portland and the Counties of Multnomah, Washington and Clackamas will be elected officials from those jurisdictions and will be appointed by the chief elected official of the jurisdiction. The member and alternate will serve until removed by the appointing jurisdiction. The Clackamas County seat shall represent the regional transit service providers Sandy Area Metro (SAM), South Clackamas Transit District (SCTD) or City of Molalla, and Canby Area Transit (CAT) that provide services within the MPO boundary.

b. Members and alternates from the Cities of Multnomah, Washington and Clackamas Counties will be elected officials from the cities represented by these positions of each county (except Portland) and will be appointed through the use of a mail ballot of all represented cities based upon a consensus field of candidates developed through a forum convened by the largest city being represented. The member and alternate will be from different jurisdictions, one of which will be from the city of largest population if that city's population constitutes the majority of the population of all the cities represented for that county. The member and alternate will

serve for two-year terms. In the event the member's position is vacated, the alternate will automatically become member and complete the original term of office. The member and alternate will periodically consult with the appropriate transportation coordinating committees for their area. **The Cities of Clackamas County seat represents the City of Wilsonville, which as the governing body represents South Metro Area Rapid Transit (SMART).**

c. Members and alternates from the two statewide agencies (Oregon Department of Environmental Quality and Oregon Department of Transportation) will be a principal staff representative of the agency and will be appointed by the director of the agency. The member and alternate will serve until removed by the appointing agency.

d. Members and alternates from the two tri-county agencies (TriMet and the Port of Portland) will be appointed by the chief board member of the agency. The member and alternate will serve until removed by the appointing agency. **As the regional transit representative, TriMet will periodically coordinate with the South Metro Area Rapid Transit (SMART).**

e. Members and alternates from the Metro Council will be elected officials and will be appointed by the Metro Council President and confirmed by the Metro Council and will represent a broad cross-section of geographic areas. The members and alternate will serve until removed by the Metro Council President.

f. Members and alternates from the State of Washington will be either elected officials or principal staff representatives from Clark County, the City of Vancouver, the Washington Department of Transportation, the Southwest Washington Regional Transportation Council and C-TRAN. The members will be nominated by Clark County, the City of Vancouver, the Washington Department of Transportation and C-TRAN and will serve until removed by the nominating agency. The three Washington State members will be selected by the Southwest Washington Regional Transportation Council.

h. Terms for all members and alternates listed above commence on January 1 of each year.

ARTICLE V MEETINGS, CONDUCT OF MEETINGS, QUORUM

a. Regular meetings of the Committee will be held monthly at a time and place established by the chairperson. Special or emergency meetings may be called by the chairperson or a majority of the membership. In the absence of a quorum at a regular monthly meeting or a special meeting, the chairperson may call a special or emergency meeting, including membership participation and vote by telephone, for deliberation and action on any matters requiring consideration prior to the next meeting. The minutes shall describe the circumstances justifying membership participation by telephone and the actual emergency for any meeting called on less than 24 hours' notice.

b. A majority of the voting members (or designated alternates) of the full

Committee (9 of 17 members) shall constitute a quorum for the conduct of business. The act of a majority of those present at meetings at which a quorum is present shall be the act of the Committee.

c. Subcommittees to develop recommendations for JPACT can be appointed by the Chair. The Chair will consult on subcommittee membership and charge with the full membership at a regularly scheduled meeting. Subcommittee members can include JPACT members, JPACT alternates and/or outside experts.

d. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.

e. The Committee may establish other rules of procedure as deemed necessary for the conduct of business.

f. Each member shall be entitled to one (1) vote on all issues presented at regular and special meetings of the Committee. In the absence of the member, the alternate shall be entitled to vote.

g. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the chairperson to notify the appointing agency with a request for remedial action. In the case of the representative for the "cities" of Multnomah, Washington and Clackamas Counties, the chairperson will contact the largest city being represented to convene a forum of represented cities to take remedial action.

h. The Committee shall make its reports and findings public and available to the Metro Council.

i. Metro shall provide staff, as necessary, to record the actions of the Committee and to handle Committee business, correspondence and public information.

ARTICLE VI OFFICERS AND DUTIES

a. The chairperson and vice-chairperson of the Committee shall be appointed by the Metro Council President and confirmed by the Metro Council.

b. The chairperson shall preside at all meetings he/she attends and shall be responsible for the expeditious conduct of the Committee's business.

c. The chairperson shall vote only in the case of a tie.

d. In the absence of the chairperson, the vice-chairperson shall assume the duties of the chairperson.

**ARTICLE VII
RECOGNITION OF TPAC**

a. The Committee will take into consideration the alternatives and recommendations of the Transportation Policy Alternatives Committee (TPAC) in the conduct of its business.

**ARTICLE VIII
AMENDMENTS**

a. These bylaws may be amended or repealed only by a two-thirds vote of the full membership of the Committee and a majority vote of the Metro Council.

b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend or repeal Bylaws.

Memorandum

To: C4 Metro Subcommittee
From: Trent Wilson, Government Affairs Specialist
Re: R1ACT Clackamas Urban Cities Discussion
Date: January 28, 2021

Overview

The Region 1 Area Committee on Transportation (R1ACT) is currently (re)filling its 2021 appointments and other vacancies, which includes 5 openings in Clackamas County. The open seats and process to fill those appointments is outlined below.

Existing Seats

Seat	Term	Existing/previous members
Urban city*	2021 to 2025	Previously Councilor Theresa Kohlhoff
<i>Process: Nominated through application process by urban cities</i>		
Business/Labor member	2021 to 2025	Bill Merchant
<i>Process Nomination affirmed by consent of C4.</i>		

The recommended process outlined for the (2)two seats is currently:

- Applications due to Trent Wilson by Thursday, February 25, 2019
- Cities caucus at or before the March 04, 2021 C4 meeting to select the city seat nominations
- C4 members to select and advance Business/Labor Member on March 04, 2021 meeting
- BCC formalizes nomination list in letter to ODOT
- Selections are submitted to ODOT in advance of the April R1ACT meeting.

For additional information, please contact:

Trent Wilson – twilson2@clackamas.us

Region 1 Area Commission on Transportation

Roster

January 27, 2021

Position	Representative	Affiliation	Term expires (June 30)	
Active Transpo Stakeholder	Megan Ramey			2023
City of Portland	Chris Warner	PBOT Director	2021	
Clack Co	Paul Savas	Commissioner, Clackamas County		2023
Clack Co Stakeholder	Bill Avison	Avison Lumber		2023
Clack Co Stakeholder	Vacant		2021	
Clack Co Stakeholder	Brian Hodson	Mayor, Canby		2023
Clack Co Stakeholder	Markley Drake	Councilor, Happy Valley		2023
Clack Co Stakeholder	Bill Merchant	Vice Chairman, Hamlet of Beavercreek	2021	
Freight Stakeholder	Pia Welch	Fed-Ex		2023
Hood River Co	Mike Oates	Chair, Hood River County		2023
Hood River Co Stakeholder	Jon Davies	Columbia River Insurance	2021	
Hood River Co Stakeholder	Jess Groves	Commissioner, Port of Cascade Locks	2021	
Hood River Co Stakeholder	Erick Haynie	Councilor, Hood River		2023
Metro	Mary Nolan *	Councilor, Metro	2021	
Mult Co	Jessica Vega Pederson	Commissioner, Multnomah County	2021	
Mult Co Stakeholder	Vacant		2021	
Mult Co Stakeholder	Vacant			2023
Mult Co Stakeholder	Hau Hagedorn	Portland State University	2021	
Mult Co Stakeholder	Sumi Malik	Environmental Justice Stakeholder	2021	
Mult Co Stakeholder	Zack Culver	Laborers 737		2023
Mult Co Stakeholder	Dr. Philip Wu			2023
ODOT Region 1	Rian Windsheimer	Region 1 Manager, ODOT		2023
Port of Portland	Ivo Trummer	Port of Portland	2021	
Rural Transit Stakeholder	Andi Howell	Sandy Area Transit		2023
TriMet	Doug Kelsey	TriMet	2021	
Wash Co	Roy Rogers	Commissioner, Washington County		2023
Wash Co Stakeholder	Peter Truax	Mayor, Forest Grove	2021	
Wash Co Stakeholder	Jason Snider	Mayor, Tigard		2023
Wash Co Stakeholder	Gery Schirado	Mayor, Durham		2023
Wash Co Stakeholder	Steve Callaway	Mayor, Hillsboro	2021	
Wash Co Stakeholder	Pam Treece	Westside Economic Alliance	2021	
Ex Officio	Phillip Ditzler	Federal Highway Administration		

*Nominated, to be approved at February 2021 meeting