U.S. Department of Transportation

Transportation Management Area (TMA) Certification Review

Federal Highway Administration

Washington Division,
Olympia, Washington

Oregon Division,
Salem, Oregon

&

Federal Transit Administration
Region 10,
Seattle, Washington

Portland Metropolitan Planning Organization

&

Southwest Washington Regional Transportation Council

Certification & Report Issued: April 11, 2025

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EXECUTIVE SUMMARY

Purpose

As required in 23 U.S.C. 134(k) and 49 U.S.C. 5303(k), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) conducted a Certification Review of the Portland Metropolitan Planning Organization (Metro) and the Southwest Washington Regional Transportation Council (RTC). Metro and RTC are Metropolitan Planning Organizations (MPOs) that provide regional planning and agency coordination for an area of more than 200,000 in population, also referred to as a Transportation Management Area (TMA), in the respective Portland, OR-Vancouver, WA Urbanized Areas (UZAs). Every four years, FHWA and FTA are required to jointly review and evaluate the Metro and RTC transportation planning process, to ensure federal regulations are being implemented. Consistent with Federal regulations, the primary purpose of the Certification Review is:

- To formalize the continuing oversight and day-to-day evaluation of the planning process and document the findings and identify federal actions as needed,
- To ensure that the planning requirements of 23 U.S.C. 134 and 49 U.S.C. 5303 are being satisfactorily implemented, and
- To provide a valuable opportunity to provide advice and guidance to the planning partners in a TMA for enhancing the planning process and improving the quality of transportation investment decisions.

Summary of the 2025 Certification Review

Certification

Based on our review, FHWA and FTA found that the metropolitan transportation planning process conducted by Metro and RTC substantially meets federal planning requirements (per 23 U.S.C. 134 and 49 U.S. C. 5303). Therefore, FHWA and FTA jointly certify the regional transportation planning process to be compliant with the above-mentioned federal requirements for the next four years as of the date of this report, subject to the Corrective Actions detailed in Table 1 and Table 2.

Federal Findings

Table 1 and Table 2 also provide information about the following federal findings from this review. A more detail discussion of each finding is included in the Federal Certification Review Team Findings section of this report.

Table 1: Summary of Metro 2025 Certification Review Actions

Planning Topic	Metro 2025 Certification Corrective Actions	Due Date (if applicable)
Metropolitan Transportation Plan (MTP)	To fully meet the requirements of 23 CFR 450.324(f)(11)(iii), Metro must update the MTP by November 30, 2028, to specifically address the following requirement: • The financial plan must include strategies for new funding sources for ensuring their availability.	November 30, 2028
Civil Rights	Revise the Title VI Plan to include the following: • The Title VI Assurances need current signatures and dates and placed in appendix of future Title VI Plans. • Update the Title VI complaint process so FHWA headquarters processes the complaints. Both the complaint web page and the plan itself need to be modified to reflect these changes. • The Plan needs to say it was approved by the Policy Committee and the approval date. • Based on 23 CFR 200.9, the organizational chart in the Title VI Plan needs to reflect the position of the person who signs the assurances and show that the Title VI Program Manager has unfettered access to this person.	September 30, 2025

Planning Topic	Metro 2025 Certification Recommendations
MPO Structure and Agreements	• The Federal Team recommends that the approval documentation for any plans or programs include the dates of action by both JPACT and the Metro Council, as their interdependent roles are essential to successful process approvals.
	• The Federal Team recommends that FTA and FHWA be added as non-voting members of JPACT, with opportunities to provide updates on JPACT meeting agendas. Additionally, consider including direct representation of regional transit agencies on technical advisory boards and committees, such as the Transportation Policy Alternatives Committee (TPAC).
	• The Federal Team recommends that Metro work with JPACT members and regional transit agencies to clearly define how regional transit interests are represented on the committee. The JPACT By-Laws should explicitly describe the role of the regional transit representation seat, currently held by TriMet. Additionally, the representation of transit agencies on JPACT could be further supported through interlocal agreements between the transit agencies.
Metropolitan Transportation Plan (MTP)	• The Federal Team recommends that the RTP document the use of Year of Expenditure (YOE) in the financial planning processes and clearly outline the methods used to establish the inflation factor applied for YOE.
	• The Federal Team recommends that the RTP include a project prioritization process that clearly demonstrates how performance-based planning is used to identify and prioritize projects that support regional goals and policies. The FHWA will provide assistance and conduct an additional review as Metro works towards implementing this recommendation.
	• The Federal Team recommends that local and statewide planning efforts and planning documents, which play an important role in the development of the RTP, be clearly articulated in the RTP document through an integrated approach.
Congestion Management Process (CMP)	• The Federal Team recommends that the CMP continue to serve as a vital tool and resource for enhancing the Region's understanding of congestion and developing effective reduction strategies. To support this effort, the MPO should ensure that CMP products,

Planning Topic	Metro 2025 Certification Recommendations
	such as the Atlas of Mobility Corridors and RTP Regional Mobility Corridor Strategies, are updated prior to the next RTP revision, incorporating the most recent data and analysis on congested corridors. Additionally, the revised RTP should clearly outline the strategies developed through the CMP and their anticipated outcomes. Lastly, the FHWA plans to conduct an additional review of Metro's CMP to identify opportunities for improvement, aiming to enhance the CMP's effectiveness and relevance to the development of both the RTP and TIP.
Public Participation Plan (PPP)	• The Federal Team recommends documenting the federally required PPP as Appendix D of the Public Engagement Guide since much of what is required for effective public involvement is already addressed within the guide itself, not Appendix D. To alleviate confusion, Appendix D should clearly identify the elements within the Public Engagement Guide that apply to Federal requirements, or the PPP should be fully integrated into the guide to eliminate duplication and confusion.
	• The Federal Team recommends that if Appendix D is maintained, the update cycles and processes to document public comments and to engage the public should support those identified in the Public Engagement Guide.
	• The Federal Team recommends that the PPP be a part of Metro's key documents on Metro's website to ensure it is easily accessible and usable by the public.
	• The Federal Team recommends that Metro consider streamlining and simplifying documents, utilizing visualization techniques to manage messaging rather than relying solely on text.
Civil Rights	• None.
Transportation Improvement Program (TIP)	• The Federal Team recommends all projects submitted to the TIP should be prioritized by the MPO to ensure the goals and policies of the RTP are being met. This will also help ensure that decisionmakers better understand how projects included in the TIP support the RTP and federal performance measures. The FHWA will provide assistance and conduct an additional review as Metro works towards implementing this recommendation.

Table 2: Summary of RTC 2025 Certification Review Actions

Planning Topic	RTC 2025 Certification Recommendations/Commendations	
MPO Structure & Agreements		None.
Congestion Management Process (CMP)	Commendation	The Federal Team commends RTC in updating the CMP on an annual basis, ensuring the effectiveness of the process as an input to the MTP and TIP.
Metropolitan Transportation Plan (MTP)	Recommendation	The Federal Team recommends that RTC clearly describe how other plans and processes listed in 23 CFR 450.306(d)(4) are integrated into the MTP. The MTP should also describe how the strategies are intended to be implemented in other plans and planning processes.
	Recommendation	The Federal Team recommends that RTC clearly label the PDF files on the MTP webpage to help readers navigate between each of the chapters and appendices.
	Recommendation	The Federal Team recommends RTC include Federal Discretionary Grants as a possible funding source in the financial plan.
	Recommendation	The Federal Team recommends that RTC expand the Economic Vitality and Quality of Life goal to better include freight and truck parking for its importance in economic vitality and safety.
	Recommendation	The Federal Team recommends as part of the next MTP update, the financial constraint demonstration should include sufficient detail – functional categories, time periods, major travel modes – to more clearly demonstrate the total costs associated with meeting both long-term and short-term regional and local transportation needs. If new revenues

Planning Topic	RTC 2025 Certification Recommendations/Commendations	
		options are included the plan, they should be specifically identified and supported with assumptions that establish that they are reasonable.
Transportation Improvement Program (TIP)		None.
Public Participation Plan (PPP)	Recommendation	The Federal Team recommends that RTC develop a process to evaluate the effectiveness of outreach strategies (23 CFR 450.316) in order increase participation and ensure a full and open participation process. RTC's Public Participation Plan states that the plan is annually reviewed for effectiveness and may then be updated based on results of the review. Additionally, the PPP includes an Evaluation Matrix that shows the outreach strategies and by which metrics the strategies are being monitored. However, it is unclear how and when RTC decides that an update to the PPP is necessary.
	Recommendation	The Federal Team recommends that RTC continue to use visualization techniques, such as graphs, figures, pictures, maps, etc. to communicate information and planning concepts to aid the public in understanding proposed plans (23 CFR 450.316), and to encourage increased public participation.
Civil Rights	Recommendation	The Federal Team recommends that RTC post the discrimination complaint processes in plain language in order to ensure public accessibility.
	Recommendation	The Federal Team recommends that RTC establish an internal and external Title VI review process, incorporating policies and procedures that specify the program areas to be assessed, the frequency of reviews, the methodology employed, and the procedure for implementing corrective actions,

Planning Topic	RTC 2025 Certification Recommendations/Commendations	
		ensuring a data-driven approach. The National Highway Institute offers a training on Risk Mitigation Through Title VI Reviews (FHWA-NHI-361032B).
	Recommendation	The Federal Team recommends that RTC look at all public-facing documents and platforms, including meeting notifications, schedules, event announcements, meeting summaries, the Public Participation Plan, public information requests, and web content. The Federal Team recommends that RTC follow DOT's Policy Guidance Concerning Recipient's Responsibilities to LEP Persons and employ the four-factor analysis to identify materials requiring translation. Moreover, RTC shall include a language access statement on its homepage and guarantee that all vital documents are easily accessible on its website, with identifiers provided in appropriate languages. USDOT has a LEP Guidance webpage that details reasonable steps to ensure meaningful access to programs and activities by LEP persons.

Process to Resolve Corrective Actions

Metro and RTC are responsible for addressing all corrective actions identified in this certification report by the identified due date specified. ODOT and WSDOT, as the oversight agencies for Metro and RTC, respectively, are responsible for ensuring corrective actions are being sufficiently addressed by the specified due date.

FHWA and FTA are committed to working closely with Metro, RTC, ODOT, WSDOT, TriMet, SMART, and C-Tran to ensure requirements and expectations are understood, and to provide stewardship and technical assistance. A six-step process will be utilized:

- FHWA and FTA staff present findings to Metro, RTC, ODOT, WSDOT, and TriMet, SMART, and C-Tran Staff. Metro and RTC staff present to their respective Policy Boards.
- Metro and RTC staff develop a plan of action to include in its Unified Planning Work Program (UPWP) to address corrective actions by the due dates specified in this report.
- Metro and RTC staff are encouraged to form a certification action team composed of local, state, and Federal partners, to assist in the successful resolution of corrective actions.
- ODOT/WSDOT monitors the achievement of the action plan and ensures Metro and RTC sufficiently addresses compliance issues by the identified deadline.
- ODOT/WSDOT sends a letter to FHWA and FTA indicating a recommendation to close out the corrective actions.
- FHWA and FTA review ODOT's/WSDOT's request to close out the corrective action(s) and supporting documentation and issue a close-out letter, as appropriate.

INTRODUCTION

Background

Since the enactment of the Intermodal Surface Transportation Efficiency Act of 1991, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are required to jointly review, evaluate, and certify the transportation planning process in all Transportation Management Areas (TMAs), urbanized areas over 200,000 in population, to determine if the process meets the Federal planning requirements in 23 U.S.C. 134, 49 U.S.C. 5303, and 23 CFR 450. Pursuant to 23 U.S.C. 134(k) and 49 U.S.C. 5303(k), FHWA and FTA must jointly certify the metropolitan transportation planning process in TMAs at least once every four years. Certification of the planning process is a prerequisite to the approval of Federal funding for transportation projects in such areas.

The Certification Review focuses on compliance with Federal regulations, challenges, successes, and experiences of the cooperative relationship between the MPO, the State DOT, and public transportation operator(s) in conducting the metropolitan transportation planning process. It also an opportunity to assist on new programs and to enhance the ability of the metropolitan transportation planning process to provide decision makers with the knowledge they need to make well-informed capital and operating investment decisions.

The Certification Review process is one of several methods used to assess the quality of a regional metropolitan transportation planning process, compliance with applicable statutes and regulations, and the level and type of technical assistance needed to enhance the effectiveness of the planning process. The review process is individually tailored to focus on topics of significance in each metropolitan planning area. Federal reviewers prepare Certification Reports to document the results of the review process. The report and final actions are the joint responsibility of the FHWA and FTA field offices, and their content will vary to reflect the planning process reviewed.

Other activities provide opportunities for this type of review and comment on the Unified Planning Work Program (UPWP) (also includes approval), the Metropolitan Transportation Plan (MTP), Metropolitan Transportation Improvement Program (TIP), Statewide Transportation Improvement Program (STIP) findings, air-quality (AQ) conformity determinations (in nonattainment and maintenance areas), as well as a range of other formal and less formal contacts. The results of these other processes are considered in the Certification Review process. While the Certification Review report itself may not fully document these ongoing checkpoints, the findings and federal actions of the Certification Review are based upon the cumulative findings of the entire review effort.

This report documents the major Findings and Federal actions of the 2025 TMA Planning Certification Review of Southwest Regional Transportation Council and Metro MPOs. It also

provides a review of the 2021 TMA Planning Certification Review and validates corrective actions have been taken and that findings are closed.

Review Process and Scope

The TMA Certification Review process is lengthy and intensive. The Federal Team initiated the review process in July 2024 with a review of key documents to refine the scope of the review and concluded in April 2025 with this report. Table 3 shows a timeline and description of events that took place during the 2025 TMA Certification Review process.

Table 3: 2025 Metro and RTC TMA Certification Schedule of Events

Date	Description
July 15, 2024	FHWA/FTA sent kick-off email - requesting materials from MPO by August 15.
August 20, 2024	FHWA/FTA held a kick-off virtual meeting with MPO staff/DOT staff to discuss potential topic areas and dates.
August – October 2024	FHWA/FTA reviewed the progress of the past cert review, completed an initial desk review of MPO information and documents, and developed the scope of the review.
October 2024	FHWA/FTA emailed information regarding the public input process and confirmed the date of the TMA Certification Review meetings.
August – January 2025	FHWA/FTA started writing the draft report.
December 2024	FHWA/FTA held separate meetings with ODOT and Metro to gather information before the February meetings.
January 2025	FHWA/FTA shared the Certification Review meeting agenda with MPOs.
February 4, 6, 11, 12, 13, 2025	FHWA/FTA, MPO, DOT, and transit providers held virtual TMA certification meetings.
February/March 2025	FHWA/FTA reviewed meeting notes, documents, followed up with MPO staff as necessary, and completed the draft report.
April 12, 2025	FHWA/FTA completed the report/submitted transmittal letter to MPOs.

The Certification Review covers the transportation planning process conducted cooperatively by the MPOs, State DOTs, public transportation operators, as well as other MPO planning partners.

Participants in the review included representatives of FHWA, FTA, Metro, RTC, ODOT, WSDOT, Tri-Met, SMART, and C-Tran staff. These participants are listed in Appendix C.

Scope of Review

The 2021 Review concluded with 4 Corrective Actions for Metro and 0 Corrective Actions for RTC (see Appendix D for additional information). Unfortunately, the 4 Metro Corrective Actions were not closed out prior to this review, so they are incorporated into the scope of this review.

The Federal Certification Review Team took a risk-based approach to this review and reviewed the following documents:

Metro

- Coordination between Metro and RTC
- Congestion Management Process
- Public Participation Plan
- Metropolitan Transportation Plan (MTP)
- Metropolitan Transportation Improvement Program (TIP)
- Sec. 11206(b)(2)
- Title VI Plan

RTC

- Coordination between Metro and RTC
- Congestion Management Process
- Metropolitan Transportation Plan (MTP)
- Transportation Improvement Program (TIP)
- Public Participation Plan
- Civil Rights (Title VI, LEP, ADA)

Public Comments

Pursuant to CFR 450.336(b)(4) the Certification Review requires opportunities for comments and feedback from the public, committee members, and other stakeholders on how the transportation planning process is conducted in the Portland-Vancouver urbanized area.

The Federal Team opted to try a different approach to meet this requirement. A PowerPoint describing the Certification Review process and how people can comment on the transportation planning process was developed. Metro and RTC staffs were asked to post a FHWA/FTA TMA Certification Review presentation on their website and use their public involvement processes to notify people of this comment opportunity. It was available from November 1-December 13, 2024. Appendix A includes a summary of the Metro and RTC notifications of the comment opportunity, a copy of the FHWA/FTA TMA Certification Review presentation, and the public comments received during the comment period.

Report Structure

For each topic covered during this Certification Review, this report documents:

- **Regulatory Basis:** Summarizes federal transportation planning requirements and defines where information regarding each planning topic can be found in the Code of Federal Regulations (CFR).
- **Current Status:** Summarizes where documents/processes stand at the time of the Certification Review.
- **Findings:** Statements of fact that define the conditions found during FHWA and FTA's routine stewardship and oversight as well as with information collected through public participation, the desk review, and the onsite review.

Findings may result in the following federal actions:

- **Commendation:** A process or practice that demonstrates noteworthy practices and procedures for implementing the planning requirements.
- **Corrective Action:** Indicates a compliance issue where the transportation planning process/product fails to meet one or more requirements of the transportation planning statute and regulations.
- **Recommendation:** Ideas for improvement to processes and practices. Although not a compliance issue, recommendations are provided to improve the transportation planning process and products to better meet federal planning requirements and reflect effective practices.

METRO PROGRAM REVIEW

MPO Structure and Agreements

Regulatory Basis

23 USC 134 and 23 CFR 450.310(d) state TMA structure: (1) Not later than October 1, 2014, each metropolitan planning organization that serves a designated TMA shall consist of:(i) Local elected officials;(ii) Officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and(iii) Appropriate State officials.

23 U.S.C. 134(d) and 23 CFR 450.314(a) state the MPO, the State, and the public transportation operator shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified

in written agreements among the MPO, the State, and the public transportation operator serving the MPA.

Current Status

Metro Council is the designated Policy Board for the Portland metropolitan area's Metropolitan Planning Organization (MPO). The Joint Policy Advisory Committee on Transportation (JPACT) provides a forum for local elected officials to advises Metro Council on all MPO decision-making.

The Metro Council makes final decisions on the Regional Transportation Plan (RTP), Unified Planning Work Program (UPWP), Transportation Improvement Program (TIP), and the State Implementation Plan for Air Quality Attainment based on the recommendation for approval by JPACT. The Metro Council considers JPACT's recommendation and has only two choices: adopt the recommendation or send it back to JPACT with instructions for amendment. Both the Metro Council and JPACT must concur in the final adoption of MPO transportation planning products and policy.

Metro jointly makes up the whole of the TMA with RTC in Vancouver, Washington. The agreements in place provide for sharing of data, including socio-economic data and joint representation on MPO policy boards and technical committees.

Findings

- Metro Council and JPACT have distinct roles for required MPO action under Federal statutes and regulations. One cannot work independently from the other unless specified in their bylaws.
- Plans approved by Metro Council only have a single published approval date. This often causes confusion in terms of JPACT's role in the approval process.
- Currently, FTA and FHWA are not members of JPACT and view meetings as members of the general public through the webinar platform rather than as panelists. However, FHWA and FTA are considered non-voting members on the Transportation Policy Alternatives Committee (TPAC).
- JPACT includes small transit agency representation through the Cities of Clackamas County and the other "Cities of" representatives. TriMet is the only transit agency to hold a separate seat on the JPACT as the state-designated "Qualified Transit Agency".
- The relationship built between Metro and RTC has resulted in dynamic coordination and the accomplishment of key joint planning efforts including a current analysis of emergency route coordination.
- In 2008, JPACT updated the committee bylaws to clarify a formal role for TriMet as representative of all transit service providers, and in turn, TriMet would be expected to coordinate directly with area transit providers, including C-TRAN and SMART.
- South Metro Area Rapid Transit (SMART) asked JPACT to consider adding a second transit seat to the committee.

Corrective Actions:

None

Recommendations:

- The Federal Team recommends that the approval documentation for any plans or programs include the dates of action by both JPACT and the Metro Council, as their interdependent roles are essential to successful process approvals.
- The Federal Team recommends that FTA and FHWA be added as non-voting members of JPACT, with opportunities to provide updates on JPACT meeting agendas. Additionally, consider including direct representation of regional transit agencies on technical advisory boards and committees, such as the Transportation Policy Alternatives Committee (TPAC).
- The Federal Team recommends that Metro work with JPACT members and regional transit agencies to clearly define how regional transit interests are represented on the committee. The JPACT By-Laws should explicitly describe the role of the regional transit representation seat, currently held by TriMet. Additionally, the representation of transit agencies on JPACT could be further supported through interlocal agreements between the transit agencies.

Metropolitan Transportation Plan (MTP)

Regulatory Basis

23 U.S.C. 134(c), (h) & (i) and 23 CFR 450.324 set forth requirements for the development and content of the Metropolitan Transportation Plan (MTP). Among the requirements are that the MTP address at least a 20 year planning horizon and that it includes both long and short range strategies that lead to the development of an integrated and multi-modal system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

The MTP is required to provide a continuing, cooperative, and comprehensive multimodal transportation planning process. The plan needs to consider all applicable issues related to the transportation systems development, land use, employment, economic development, natural environment, and housing and community development.

23 CFR 450.324(c) requires the MPO to review and update the MTP at least every four years in air quality nonattainment and maintenance areas and at least every 5 years in attainment areas to reflect current and forecasted transportation, population, land use, employment, congestion, and economic conditions and trends.

Under 23 CFR 450.324(f), the MTP is required, at a minimum, to consider the following:

- Projected transportation demand
- Existing and proposed transportation facilities
- Operational and management strategies
- Congestion management process
- Capital investment and strategies to preserve transportation infrastructure and provide for multimodal capacity
- Design concept and design scope descriptions of proposed transportation facilities
- Potential environmental mitigation activities
- Pedestrian walkway and bicycle transportation facilities
- Transportation and transit enhancements
- A financial plan

Current Status

The 2023 Regional Transportation Plan (RTP) was approved by JPACT on November 16, 2023, and by Metro Council on November 30, 2023. The RTP is designed to meet both Federal and State long range planning requirements. The 2023 RTP consists of a policy plan, several technical appendices, and is informed by multiple modal/topical plans.

Findings

- The 2023 RTP provides goals and policies in support of local transportation plans, future region-wide planning efforts, and regional efforts to seek transportation infrastructure funding, and helps to guide the prioritization of short-term and long-term transportation strategies and projects to meet regional transportation needs. A travel demand model is used to forecast transportation demand on the regional transportation system within the Portland metro area and travel between the metro area and Vancouver, Washington. Data supporting the travel demand model is developed and shared between Metro and RTC to ensure consistency. This data includes land use, traffic data, and economic development data.
- The RTP supports individual local agency planning goals, needs and interests established through each agency's transportation planning practices and processes. Metro uses these local plans to ensure regional goals and policies are supportive of local interests and to ensure local agencies are supporting regional goals and policies. This reciprocal approach is reflected in their needs analysis and in Metro's project prioritization processes.
- Once gaps, congestion and needs on the regional transportation system are identified, local agencies are asked to submit priority projects that support regional goals and policies and that address regionally transportation needs. There is little assessment completed by Metro staff regarding how the projects put forth from the local agencies meet regional goals, policies or regional transportation needs identified in the RPT planning process.
- The financial plan includes an assessment of project costs assumed by the local agencies submitting the projects to the RTP. It also includes analysis of potential funding resources available currently and those available through legislated authority such as

tolls and congestion pricing.

- The financial plan does not assess the reasonable availability of funds projected by local agencies for anticipated revenue, nor does it assess the impact if legislated or other assumed sources do not come to fruition. The financial plan also does not provide for a consistent measure or formula to estimate project costs submitted by the local agencies.
- The previous TMA Certification Review noted a corrective action regarding Year of Expenditure (YOE), which was attested to be resolved with the 2023 RTP. However, documentation of YOE and the processes used to estimate the inflation factor was not included in the RTP or its appendices.

Corrective Actions

To fully meet the requirements of 23 CFR 450.324(f)(11)(iii), Metro must update the MTP by November 30, 2028, to specifically address the following requirement:

- The financial plan must include strategies for new funding sources for ensuring their availability.

Recommendations

- The Federal Team recommends that the RTP document the use of Year of Expenditure (YOE) in the financial planning processes and clearly outline the methods used to establish the inflation factor applied for YOE.
- The Federal Team recommends that the RTP include a project prioritization process that clearly demonstrates how performance-based planning is used to identify and prioritize projects that support regional goals and policies. The FHWA will provide assistance and conduct an additional review as Metro works towards implementing this recommendation.
- The Federal Team recommends that local and statewide planning efforts and planning documents, which play an important role in the development of the RTP, be clearly articulated in the RTP document through an integrated approach.

Congestion Management Process (CMP)

Regulatory Basis

23 U.S.C. 134(k)(3) and 23 CFR 450.322 set forth requirements for the congestion management process (CMP) in TMAs. The CMP is a systematic approach for managing congestion through a process that provides for a safe and effective integrated management and operation of the multimodal transportation system. TMAs designated as non-attainment for ozone or carbon monoxide must also provide an analysis of the need for additional capacity for a proposed improvement over travel demand reduction, and operational management strategies.

23 CFR 450.324(f)(5) requires the MTP include Management and Operations (M&O) of the transportation network as an integrated, multimodal approach to optimize the performance of the existing transportation infrastructure. Effective M&O strategies include measurable regional operations goals and objectives and specific performance measures to optimize system performance.

Current Status

Appendix L of the 2023 RTP documents Metro's CMP and its' incorporation into the RTP planning processes. The Regional Flexible Funding Allocation (RFFA) process is referenced in the CMP as the means of ensuring strategies identified through the CMP are prioritized for regional funding in the Transportation Improvement Program (TIP). The CMP largely relies on Federal performance targets for project selection and to support performance requirements related to congestion. The travel demand model used in the RPT provides the analysis and identifies the congested corridors.

Products of the CMP include the 2015 Atlas of Mobility Corridors, which identifies the regional corridors included in the CMP and the 2014 RTP Regional Mobility Corridor Strategies, which identifies potential strategies to address anticipated congestion.

Findings

- The CMP documentation states that a lack of data and ability to analyze selected congestion reduction strategies prevents the process from effectively determining the performance improvements anticipated along congestion corridors.
- The CMP does not include an clear evaluation process nor is the documented update cycle supported. Appendix L documents that the CMP will be updated with each RTP, except that the CMP was not updated with the 2023 RTP. The next CMP update is anticipated for 2028.

Corrective Actions

None

Recommendations

- The Federal Team recommends that the CMP continue to serve as a vital tool and resource for enhancing the Region's understanding of congestion and developing effective reduction strategies. To support this effort, the MPO should ensure that CMP products, such as the Atlas of Mobility Corridors and RTP Regional Mobility Corridor Strategies, are updated prior to the next RTP revision, incorporating the most recent data and analysis on congested corridors. Additionally, the revised RTP should clearly outline the strategies developed through the CMP and their anticipated outcomes. Lastly, the FHWA plans to conduct an additional review of Metro's CMP to identify opportunities for improvement, aiming to enhance the CMP's effectiveness and relevance to the development of both the RTP and TIP.

Public Participation

Regulatory Basis

Sections 134(i)(5), 134(j)(1)(B) of Title 23 and Section 5303(i)(5) and 5303(j)(1)(B) of Title 49, require a Metropolitan Planning Organization (MPO) to provide adequate opportunity for the public to participate in and comment on the products and planning processes of the MPO. The requirements for public involvement are detailed in 23 CFR 450.316(a) and (b), which require the MPO to develop and use a documented participation plan that includes explicit procedures and strategies to include the public and other interested parties in the transportation planning process.

Specific requirements include giving adequate and timely notice of opportunities to participate in or comment on transportation issues and processes, employing visualization techniques to describe metropolitan transportation plans and TIPs, making public information readily available in electronically accessible formats and means such as the world wide web, holding public meetings at convenient and accessible locations and times, demonstrating explicit consideration and response to public input, and a periodically reviewing of the effectiveness of the participation plan.

Current Status

The Public Participation plan (PPP) required under 23 CFR 450.316 is included in the Metro's region-wide Public Engagement Guide, adopted in June 2024. The Public Engagement Guide establishes the overall processes to be used by all Metro departments and all activities that Metro engages in, including the MPO activities.

Appendix D provides a clearly separate approach to public involvement from that which is described in the Public Engagement Guide. Appendix D describes the approach Metro staff will use activities required for the MPO, including, the RTP, TIP, and Public Involvement Plan.

The Public Engagement Guide describes the Tribal consultation processes and coordination with Federal Land Management agencies. It also describes potential strategies to engage the public and other interested parties.

Findings

- The Federal Team was unable to find the PPP on Metro's website. This was corrected during the TMA Certification Review discussion when the document was added to their online document library. However, in order to find the document, you must know the document title and you must search for it on the library page of the website.
- Because the PPP is included within the Public Engagement Guide under Appendix D, there is confusion over how the PPP relates to the Public Engagement Guide. For example, the Public Engagement Guide documents an update cycle that is more frequent (3-5 years) versus the PPP, which states it will be updated every 5 years.
- The Public Engagement Guide appears to provide part of the required public engagement activities, including tribal consultation and engagement with Federal Lands Management Agencies, but that is outside of Appendix D. This makes it unclear the relationship of Appendix D to the rest of the document.
- Many of Metro's documents are voluminous and lengthy with a great many pages of text and summary.

Corrective Action

None

Recommendations

- The Federal Team recommends documenting the federally required PPP as Appendix D of the Public Engagement Guide since much of what is required for effective public involvement is already addressed within the guide itself, not Appendix D. To alleviate confusion, Appendix D should clearly identify the elements within the Public Engagement Guide that apply to Federal requirements, or the PPP should be fully integrated into the guide to eliminate duplication and confusion.
- The Federal Team recommends that if Appendix D is maintained, the update cycles and processes to document public comments and to engage the public should support those identified in the Public Engagement Guide.
- The Federal Team recommends that the PPP be a part of Metro's key documents on Metro's website to ensure it is easily accessible and usable by the public.
- The Federal Team recommends that Metro consider streamlining and simplifying documents, utilizing visualization techniques to manage messaging rather than relying solely on text.

Civil Rights (Title VI, ADA)

Regulatory Basis

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 U.S.C. 2000d states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." In addition to Title VI, there are other Nondiscrimination statutes that afford legal protection. These statutes include the following: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 324), Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990. ADA specifies that programs and activities funded with Federal dollars are prohibited from discrimination based on disability.

Current Status/Findings

- Metro's Title VI Plan is dated September 2022. In Appendix E, signatures must be submitted annually.
- Metro's current complaint process is out of compliance.
- Metro's Title VI Coordinator must have direct access to the head of the organization and cannot report through someone. This must be captured on the organization chart.

Corrective Actions

Revise the Title VI Plan to include the following:

- The Title VI Assurances need current signatures and dates and placed in appendix of future Title VI Plans.
- Update the Title VI complaint process so FHWA headquarters processes the complaints. Both the complaint web page and the plan itself need to be modified to reflect these changes.
- The Plan needs to say it was approved by the Policy Committee and the approval date. Based on 23 CFR 200.9, the organizational chart in the Title VI Plan needs to reflect the position of the person who signs the assurances and show that the Title VI Program Manager has unfettered access to this person

Recommendations

None

Resources

- Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964 | FHWA:

https://highways.dot.gov/civil-rights/programs/title-vi/questions-and-answers-complaints-alleging-violations-title-vi-1#Toc522787056

- Recission of previous Complaint Review process: https://highways.dot.gov/sites/fhwa.dot.gov/files/FHWA%20Rescission%20Policy%20Memorandum%20Title%20VI%20April%2025%202019.pdf

Transportation Improvement Program (TIP)

Regulatory Basis

23 U.S.C. 134(c),(h) & (j) set forth requirements for the MPO to cooperatively develop a Transportation Improvement Program (TIP). Under 23 CFR 450.326, the TIP must meet the following requirements:

- Must cover at least a four-year horizon and be updated at least every four years.
- Surface transportation projects funded under Title 23 U.S.C. or Title 49 U.S.C., except as noted in the regulations, are required to be included in the TIP.
- List project description, cost, funding source, and identification of the agency responsible for carrying out each project.
- Projects need to be consistent with the adopted MTP.
- Must be fiscally constrained.
- The MPO must provide all interested parties with a reasonable opportunity to comment on the proposed TIP.

Current Status

Metro Council adopted the current 2024-2027 TIP on July 27, 2023. The TIP is updated every three years. Appendix I provides information about performance management and documents how projects in the TIP support federal performance management targets.

Appendix II provides the fiscal constraint demonstration. The TIP is fiscally constrained with a financial plan outlining the funds reasonably expected to be available and the costs anticipate for the projects prioritized in the TIP. Operations, maintenance and preservation of the existing transportation system is also considered in the financial planning for the TIP.

The public was afforded an opportunity to comment on the draft TIP document and comments received were documented. Public comments are documented in Appendix III and an analysis of the comments received is also documented with the disposition of the comments provided in report form.

Findings

- For projects prioritized in the TIP that are outside of the MPO's Regional Flexible Funding Allocation (RFFA), the prioritization and selection process relies on local agency analysis and determination of consistency with the goals and policies of the RTP. Metro does not provide further analysis to ensure compliance to the RTP.
- The RFFA process provides Surface Transportation Block Grant and Congestion Mitigation and Air Quality funding allocated to the MPO for prioritization within the Metro region. A process that includes criteria and performance measures to support the RTP is used to prioritize projects. Metro works with local agencies to ensure the projects submitted for funding under the RFFA meet goals and priorities. Projects submitted for funding are analyzed based on the selection criteria and are submitted to the TTAC and JPACT for review and approval.

Corrective Actions

None

Recommendations

- The Federal Team recommends all projects submitted to the TIP should be prioritized by the MPO to ensure the goals and policies of the RTP are being met. This will also help ensure that decisionmakers better understand how projects included in the TIP support the RTP and federal performance measures. The FHWA will provide assistance and conduct an additional review as Metro works towards implementing this recommendation.

RTC PROGRAM REVIEW

MPO Structure & Agreements

Regulatory Basis

23 USC 134 outlines the requirements for a Metropolitan Planning Organization (MPO) to operate. Subsection (d) of 23 USC 134 focuses on the MPO's representation and includes the election and appointments of officials. Federal legislation (23 U.S.C. 134(d)) requires the designation of an MPO for each urbanized area with a population of more than 50,000 individuals. Each MPO that serves a TMA, when designated or re-designated under 23 CFR 450.310(d), shall consist of local elected officials, officials of public agencies that administer or operate major modes of transportation within the metropolitan area, and appropriate State transportation officials.

When appropriate, MPOs may increase the representation of local elected officials, public transportation agencies, or appropriate State officials on their policy boards and other committees as a means for encouraging greater involvement in the metropolitan transportation planning process. The voting membership of an MPO that was designated or re-designated prior, will remain valid until a new MPO is re-designated. Re-designation is required whenever the existing MPO seeks to make substantial changes to the proportion of voting members representing individual jurisdictions, or the state or the decision-making authority or procedures established under MPO bylaws.

In accordance with 23 USC 134 and 23 CFR 450.314, MPOs are required to establish relationships with the State and public transportation agencies using specified agreements between the parties to cooperate in carrying out a continuing, cooperative and comprehensive metropolitan planning process. The agreements must identify the mutual roles and responsibilities and procedures governing their cooperative efforts.

In urbanized areas with a population of 50,000 or more, Federal planning law (23 USC 134 and 49 USC 5303 and 23 CFR 450) calls upon local officials to cooperate with states and public transportation providers in undertaking a continuing, comprehensive, and cooperative (3C) multimodal transportation planning process.

In metropolitan areas, Federal planning law (23 U.S.C 134 and 49 USC 5304) requires each MPO to cooperate with the state and local officials, to develop a long-range metropolitan transportation plan, transportation improvement program, and Unified Planning Work Program (UPWP). These planning and programming documents are developed through a 3C process carried out on a statewide level, but coordinated with the metropolitan planning processes of the MPO. Funding is available from FHWA and FTA to support metropolitan transportation planning. Planning programs are jointly administered by FHWA and FTA.

Current Status

RTC is the MPO for Clark County, the Washington portion of the Portland-Vancouver urbanized area. The Board of Directors serves many functions, including the adoption of the Regional Transportation Plan and programming projects using grant funding. The Regional Transportation Advisory Committee (RTAC) is a subcommittee of the Board, representing the MPO functions within Clark County. TC bylaws were first adopted in 1992 and have been amended several times over the years, with the most recent amendment occurring in December 2020.

RTC maintains a current metropolitan transportation planning agreement, which explains the duties of carrying out the 3C planning process between WSDOT, RTC, and C-TRAN. RTC ensures that the duties and tasks are handled by the respective agencies listed in the agreement, and all parties are signatories. RTC also executes a funding agreement with WSDOT, which ensures that all Federal requirements are adhered to when receiving and spending Federal funds and/or passing through Federal funds to local agencies.

Findings

RTC demonstrates significant coordination between staff, the Policy Board, and Technical Advisory Committee. The Policy Board and TAC are provided with an understanding of how Federal grant funding is provided to RTC, RTC staff continues to educate the Policy Board on Transportation Performance Management (TPM) requirements and consequences.

The Memorandum of Understanding between Metro and RTC was signed on May 13, 2024. The MOU includes 11 sections for coordination, and 4 sections for planning responsibilities.

RTC's Bylaws were most recently updated on December 1, 2020. Bylaws are reviewed on a 5-year cycle. Later this year, a Bylaws Committee will be formed to review RTC's Bylaws and make recommendations for any needed updates.

The 2021 TMA Certification Review of RTC noted that there was a forthcoming update to RTC's Interlocal Agreement. However, as clarified during the current Certification Review, there is no current plan by RTC to update the Interlocal Agreement and it remains accurate. Section 8 of the Interlocal Agreement includes detailed descriptions of the functions/responsibilities of the RTC Board related to core planning documents.

Corrective Actions

None

Recommendations

None

Congestion Management Process

Regulatory Basis

A congestion management process (CMP) requirement applies to transportation management areas (TMAs) that are MPOs with populations greater than 200,000, and is a systematic approach for managing congestion through a process that "provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 USC, and Title 49 USC 53 through the use of travel demand reduction and operational management strategies." (23 CFR 450.320[a]).

The congestion management process shall include:

- Methods to monitor and evaluate the performance of the multimodal transportation system
- Definition of congestion management objectives and appropriate performance measures
- Establishment of a coordinated program for data collection and system performance monitoring
- Identification and evaluation of the anticipated performance and expected benefits of appropriate congestion management strategies
- Identification of an implementation schedule, implementation responsibilities, and possible funding sources for each strategy
- Implementation of a process for periodic assessment of the effectiveness of implemented strategies

Current Status

RTC has developed a CMP appropriate to the needs of the region. RTC continually captures data on the CMP network and develops an annual report. The 2023 Monitoring Report, published in May 2024, is the latest version. The CMP is updated annually.

Findings

- The CMP is developed in partnership with Metro, ensuring the networks in both MPOs are in alignment.
- This CMP annual report aids in allowing RTC to use data more efficiently as it pertains to the MTP, and prioritization of projects in the TIP. The website is clear, concise, and helpful in explaining how the CMP relates to the MTP and TIP.
- The CMP includes many transportation demand management strategies and is informed by the Regional Commute Trip Reduction Plan, which is being updated.
- The Congestion Management Network algins with the Metro network, and is coordinated with the NHS and other designations.
- The CMP includes strategies to reduce single occupant vehicle (SOV) travel; Bus on shoulder is a strategy that is favored over HOV.
- The CMP is being migrated into ArcGIS Online tool.
- The CMP includes a strategy toolbox; a broad set of strategies are evaluated regularly. The strategies are used to mitigate congestion and are considered before system expansion. Local governments use the toolbox to develop studies and their TIPs.

Corrective Actions

None

Recommendations

None

Commendations

- The Federal Team commends RTC in updating the CMP on an annual basis, ensuring the effectiveness of the process as an input to the MTP and TIP.

Metropolitan Transportation Plan

Regulatory Basis

23 U.S.C. 134(c), (h) & (i) and 23 CFR 450.324 set forth requirements for the development and content of the Metropolitan Transportation Plan (MTP). Among the requirements are that the MTP address at least a 20-year planning horizon and that it includes both long- and short-range strategies that lead to the development of an integrated and multi-modal system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

The MTP is required to provide a continuing, cooperative, and comprehensive multimodal transportation planning process. The plan needs to consider all applicable issues related to the transportation systems development, land use, employment, economic development, natural environment, and housing and community development.

23 CFR 450.324(c) requires the MPO to review and update the MTP at least every four years in air quality nonattainment and maintenance areas and at least every 5 years in attainment areas to reflect current and forecasted transportation, population, land use, employment, congestion, and economic conditions and trends. Under 23 CFR 450.324(f), the MTP is required, at a minimum, to consider the following:

- Current and projected transportation demand of persons and goods
- Existing and proposed transportation facilities
- Performance measures and performance targets
- System performance report
- Operational and management strategies
- Congestion management process results
- Capital investment and strategies to preserve transportation infrastructure and provide for multimodal capacity
- Transportation and transit enhancement activities
- Design concept and design scope descriptions of proposed transportation facilities
- Potential environmental mitigation activities
- Financial plan
- Pedestrian walkway and bicycle transportation facilities

Under Title VI of the Civil Rights Act (ref. 49 CFR Part 21.5), no person shall be excluded from participating in, denied the benefits of, or subjected to discrimination (intentional or unintentional) by an entity receiving Federal financial assistance.

Current Status

RTC refers to the MTP as the Regional Transportation Plan (RTP). The current RTP at the time of the TMA Certification Review was the Regional Transportation Plan for Clark County, adopted in February 2024. RTC plans to update the MTP by 2029.

Findings

- The MTP does not clearly describe how other plans and processes listed in 23 CFR 450.306(d)(4) are integrated into the MTP.
- The MTP is published on a webpage specific to the MTP with additional resources such as a 2024 system map and a 2024 amendment process guidebook. The MTP is split into multiple PDF documents.
- The transportation demand analysis includes persons and goods; the regional transportation demand model includes a truck component to take into consideration of freight in the region.
- The financial plan component includes a 6-year project list (funded in local or regional TIPs) and 20-year planned project list.
- The Vision and Goals section includes discussion of freight, particularly in the Economic Vitality and Quality of Life goal.
- RTC prepares a detailed fiscal constraint demonstration as part of the financial plan (Chapter 5). This process includes calculation for funds from C-TRAN, cities, the County, and WSDOT. RTC further calculated this based on projects' estimated timeline for completion: within TIP (4 Years), within 10 years (5-10 years), more than 10 years.

Corrective Actions

None

Recommendations

- The Federal Team recommends that RTC clearly describe how other plans and processes listed in 23 CFR 450.306(d)(4) are integrated into the MTP. The MTP should also describe how the strategies are intended to be implemented in other plans and planning processes.
- The Federal Team recommends that RTC clearly label the PDF files on the MTP webpage to help readers navigate between each of the chapters and appendices.
- The Federal Team recommends RTC include Federal Discretionary Grants as a possible funding source in the financial plan.
- The Federal Team recommends that RTC expand the Economic Vitality and Quality of Life goal to better include freight and truck parking for its importance in economic vitality and safety.
- The Federal Team recommends as part of the next MTP update, the financial constraint demonstration should include sufficient detail – functional categories, time periods, major travel modes – to more clearly demonstrate the total costs associated with meeting both long-term and short-term regional and local transportation needs. If new revenues options are included the plan, they should be specifically identified and supported with assumptions that establish that they are reasonable.

Transportation Improvement Program

Regulatory Basis

23 U.S.C. 134(c), (h) & (j) set forth requirements for the MPO to cooperatively develop a Transportation Improvement Program (TIP). Under 23 CFR 450.326, the TIP must meet the following requirements:

- Must cover at least a four-year horizon and be updated at least every four years.
- Surface transportation projects funded under Title 23 U.S.C. or Title 49 U.S.C., except as noted in the regulations, are required to be included in the TIP.
- List project description, cost, funding source, and identification of the agency responsible for carrying out each project.
- Projects need to be consistent with the adopted MTP.
- Must be fiscally constrained.
- The MPO must provide all interested parties with a reasonable opportunity to comment on the proposed TIP.

Current Status

RTC adopted the 2025-2028 TIP on October 1, 2024. FHWA and FTA approved the TIP for inclusion in the STIP on January 16, 2025. The TIP is updated annually.

Findings

- RTC demonstrates that the TIP projects are fully funded by phases, and meets fiscal constraint requirements in programming projects that have funds that are reasonably expected to be available.
- RTC's TIP Guidebook outlines funding sources, explains the TIP process and project prioritization process for stakeholders, Policy Board, and TAC members.
- Additionally, RTC requires a "before and after report" to be completed by local jurisdictions that receive Federal funds. This is an additional check on local agencies that spend pass through funding. This contributes to RTC's project showcase dashboard, which is a project tracking tool available to the public on the RTC website.
- RTC includes a clear link between projects and performance-based planning and programming. While WSDOT chooses the maintenance and preservation projects on the state system, RTC is actively involved in this process. In addition, RTC is actively involved in discussions that occur within the Washington Legislature with respect to mobility projects.
- RTC includes a notice of its Section 504/ADA nondiscrimination commitment (i.e., ADA Nondiscrimination Statement) and the Title VI Nondiscrimination Statement in the TIP document.
- The TIP generally does a good job of including primary required elements, including public outreach, complete project listings, financial plan, annual listing of obligated projects, and performance-based planning requirements.
- Projects included in the TIP are drawn either directly from specific recommendations made in the MTP or developed from a more general series of recommendations (e.g., preservation and maintenance, safety, active transportation, demand management).
- Project selection criteria are determined in collaboration with local partners annually through pre-consultation, review, and post review. Additionally, RTC monitors project delivery and scores agencies on their ability to complete projects on time. This information is detailed in an annual Project Delivery Report.
- The TIP webpage includes additional information, including a Programming Guidebook, a Before and After Analysis, and the 2025 schedule.

Corrective Actions

None

Recommendations

None

Public Participation

Regulatory Basis

Sections 134(i)(5), 134(j)(1)(B) of Title 23 and Section 5303(i)(5) and 5303(j)(1)(B) of Title 49, require a Metropolitan Planning Organization (MPO) to provide adequate opportunity for the public to participate in and comment on the products and planning processes of the MPO. The requirements for public involvement are detailed in 23 CFR 450.316(a) and (b), which require the MPO to develop and use a documented participation plan that includes explicit procedures and strategies to include the public and other interested parties in the transportation planning process.

Specific requirements include giving adequate and timely notice of opportunities to participate in or comment on transportation issues and processes, employing visualization techniques to describe metropolitan transportation plans and TIPs, making public information readily available in electronically accessible formats and means such as the world wide web, holding public meetings at convenient and accessible locations and times, demonstrating explicit consideration and response to public input, and a periodically reviewing of the effectiveness of the participation plan.

Under Title VI of the Civil Rights Act (ref. 49 CFR Part 21.5), no person shall be excluded from participating in, denied the benefits of, or subjected to discrimination (intentional or unintentional) by an entity receiving Federal financial assistance.

Current Status

RTC's Public Participation Plan (PPP) was adopted on September 3, 2024, as documented in Resolution 09-24-22. The PPP went through a 45-day public comment period as required per 23 CFR 450.316(a)(3).

Findings

- RTC updated their Public Participation Plan in 2024 in response to updating Title VI documents which follow a 3-year update cycle. Per Resolution 09-24-22, updates to RTC's Public Participation Plan included clarifying desired outcomes with minor formatting and content updates.
- RTC received few public comments on their Public Participation Plan, Metropolitan Transportation Plan, and Transportation Improvement Program across recent public comment periods.
- RTC is in the process of updating planning documents with visual enhancements and techniques to better describe and explain RTC's planning processes and analysis.

Corrective Actions

None

Recommendations

- The Federal Team recommends that RTC develop a process to evaluate the effectiveness of outreach strategies (23 CFR 450.316) in order increase participation and ensure a full and open participation process. RTC's Public Participation Plan states that the plan is annually reviewed for effectiveness and may then be updated based on results of the review. Additionally, the PPP includes an Evaluation Matrix that shows the outreach strategies and by which metrics the strategies are being monitored. However, it is unclear how and when RTC decides that an update to the PPP is necessary.
- The Federal Team recommends that RTC continue to use visualization techniques, such as graphs, figures, pictures, maps, etc. to communicate information and planning concepts to aid the public in understanding proposed plans (23 CFR 450.316), and to encourage increased public participation.

Civil Rights (Title VI, LEP, ADA)

Regulatory Basis

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin. Specifically, 42 U.S.C. 2000d states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The Civil Rights Restoration Act of 1987, restored the original intent of Title VI to cover the entire operations of recipients/subrecipients regardless of funding source. In addition to Title VI, other nondiscrimination statutes afford legal protection. These statutes include: Section 162(a) of the Federal-aid Highway Act of 1973 (23 USC 324), Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.

49 CFR Part 27 are USDOT's regulations pertaining to implementation of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) as amended. Section 504 prohibits discrimination on the basis of disability such that "No otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

49 CFR Part 27.19 requires recipients to also comply with the Americans with Disabilities Act (42 U.S.C. 12101-12213) including the Department's ADA regulations (49 CFR Parts 37 and 38), the regulations of the Department of Justice implementing Titles II and III of the ADA (28 CFR Parts 35 and 36), and the regulations of the Equal Employment Opportunity Commission (EEOC) implementing Title I of the ADA (29 CFR Part 1630). ADA specifies that programs and activities funded with Federal dollars are prohibited from discrimination based on disability.

Executive Order #13166 (Limited English Proficiency) requires Federal agencies to ensure, consistent with Title VI, that persons who are limited in English proficiency have meaningful access to the programs, services, and activities of Federal recipients and sub-recipients.

Current Status

RTC has updated and posted their latest Title VI plan dated February 2025. Assurances are signed and dated as of September 2024.

Findings

- RTC's website refers to the Title VI nondiscrimination process as Title VI. The general public may not know what Title VI is. It may therefore be difficult for individuals to locate where they can file a complaint regarding discrimination.
- RTC's Title VI Plan mentions that it conducts periodic reviews of its program areas to ensure adherence to Title VI regulations. However, there is no apparent formalized review protocol or procedure specified.
- RTC's Language Access Plan recognizes that individuals with limited English proficiency (LEP) who speak Spanish, Russian, Vietnamese, and Chinese exceed the threshold specified in the Safe Harbor Provision, which necessitates the translation of all vital documents. However, RTC has only identified its Title VI Notice to the Public, Title VI Complaint Form and Procedures, ADA Policy, and ADA Notice as vital documents, neglecting to include public participation guidance and related documents. This could hinder meaningful access to services for LEP individuals.

Corrective Actions

None

Recommendations

- The Federal Team recommends that RTC post the discrimination complaint processes in plain language in order to ensure public accessibility.
- The Federal Team recommends that RTC establish an internal and external Title VI review process, incorporating policies and procedures that specify the program areas to be assessed, the frequency of reviews, the methodology employed, and the procedure for implementing corrective actions, ensuring a data-driven approach. The National Highway Institute offers a training on Risk Mitigation Through Title VI Reviews (FHWA-NHI-361032B).
- The Federal Team recommends that RTC look at all public-facing documents and platforms, including meeting notifications, schedules, event announcements, meeting summaries, the Public Participation Plan, public information requests, and web content.
- The Federal Team recommends that RTC follow DOT's Policy Guidance Concerning Recipient's Responsibilities to LEP Persons and employ the four-factor analysis to identify materials requiring translation. Moreover, RTC shall include a language access statement on its homepage and guarantee that all vital documents are easily accessible on its website, with identifiers provided in appropriate languages. USDOT has a LEP Guidance webpage that details reasonable steps to ensure meaningful access to programs and activities by LEP persons.

CONCLUSION

Process to Resolve Corrective Actions

Metro and RTC are responsible for addressing all corrective actions identified in this certification report by the identified due date specified. ODOT and WSDOT, as the oversight agencies for Metro and RTC, respectively, are responsible for ensuring corrective actions are being sufficiently addressed by the specified due date.

FHWA and FTA are committed to working closely with Metro, RTC, ODOT, WSDOT, and TriMet, SMART, and C-Tran to ensure requirements and expectations are understood, and to provide stewardship and technical assistance.

The following process will be used to monitor and ensure corrective actions are resolved by the due date specified in this certification report.

1. FHWA and FTA will jointly discuss the findings in the final report to Metro and RTC to ensure understanding of the findings, deadlines, and expectations. FHWA and FTA will also present the findings to the respective policy boards, if requested.

2. Metro and RTC will develop a plan of action, to be included in the Unified Planning Work Program (UPWP), that demonstrates how they can resolve corrective actions by the due dates specified in this report. Although not a current compliance issue, the MPOs are encouraged to indicate how recommendations can be implemented. A plan of action in the UPWP will be used as a tool for interagency coordination and communication, ensuring the MPOs allocate sufficient funding and resources to resolve findings, and accountability to ensure performance goals are met by established deadlines.

The plan of action should include the following elements:

- Target Date specified in the corrective action(s).
- Quarterly reporting on progress.
- Task(s) needed to resolve corrective action(s) with the lead person/agency identified.
- Deliverable(s) and dates of products/processes.
- Timeline of expected completion date of tasks.
- Training/Technical Assistance Needs.
- List of any resources needed, such as additional staff or consultant assistance.

3. The MPOs are encouraged to form a certification action team composed of local, state, and federal partners to assist in the successful and timely resolution of findings. The certification action team should meet on a routine basis to ensure timely progress on findings.

4. ODOT and WSDOT, as the pass-through and oversight agencies for MPOs, are responsible for ensuring compliance of the processes with applicable federal requirements, monitoring the achievement of performance goals, and ensuring the MPOs sufficiently addresses compliance issues by the identified deadline. When corrective actions have been sufficiently addressed, MPOs should formally their State ODOT review updated processes and related documents.

5. Upon the State DOT review and determination the MPO processes and documents comply with the Federal requirements and sufficiently address the corrective actions identified in this report, the will send a letter to FHWA and FTA with a recommendation to close out the corrective action(s).

6. FHWA and FTA will review requests to close out the corrective action(s) and supporting documentation and issue a letter with a determination that:

- The corrective action(s) has been sufficiently addressed, or
- The corrective action(s) has not been sufficiently addressed and documents outstanding compliance issues.

Certification

Based on our review, FHWA and FTA found that the metropolitan transportation planning process conducted by Metro and RTC substantially meets federal planning requirements (per 23 U.S.C. 134 and 49 U.S. C. 5303). Therefore, FHWA and FTA jointly certify the regional transportation planning process to be compliant with the above-mentioned federal requirements for the next four years as of the date of this report, subject to the Corrective Actions detailed in Table 1 and Table 2.

APPENDIX A – PUBLIC COMMENT PROCESS AND COMMENTS

Metro and RTC published an FHWA/FTA TMA Certification Review presentation and used their respective public involvement processes to notify the public about the opportunity to provide comments. The public comment period was open from November 1 to December 13, 2024. The Federal review team reviewed all submitted comments, incorporating key themes into their findings where applicable. The U.S. Department of Transportation (USDOT) appreciates all public input, and each comment received a direct response. A summary of the comments is available in Appendix A.

2025 Metro/RTC TMA Certification Review Presentation

What is a TMA Certification Review?

U.S. Department of Transportation
Federal Highway Administration
Federal Transit Administration

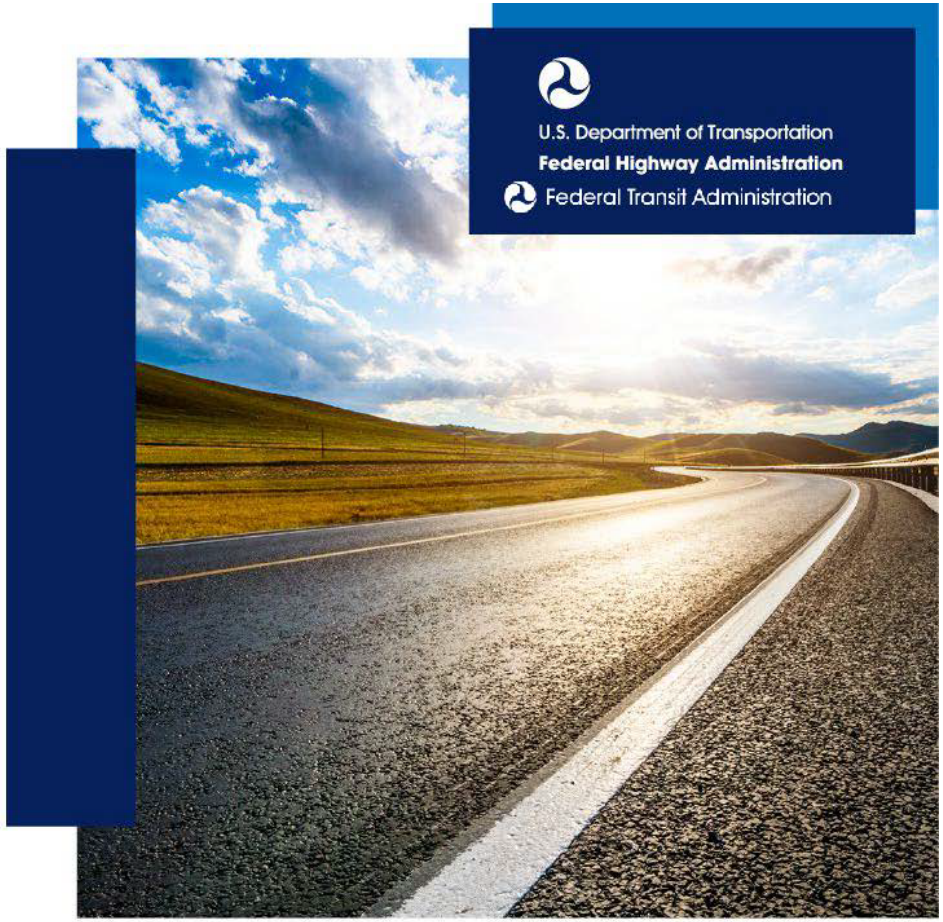
- The Transportation Management Area (TMA) Certification Review is a federal requirement for metropolitan planning areas over 200,000 population at least once every four years.

- The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) conduct the TMA Certification Review.

- The Portland-Vancouver TMA includes two Metropolitan Planning Organizations (MPOs):
  - Metro (Portland, OR)
  - Southwest Regional Transportation Council (Vancouver, WA).

Why is Your Input Important?

- The public's opinions may help to shape the metropolitan area's transportation planning process.
- The public comment period will be open from November 1, 2024, through December 13, 2024.
- Comments received by email and by mail during the public comment period will be summarized in a report.
  - *Note: Email and mailing addresses are on the last slide.*



Do You Have Comments on the MPO Planning Process?

U.S. Department of Transportation
Federal Highway Administration
Federal Transit Administration

Here are a few examples of topics you can provide comments on:

- Your experience navigating the MPO's website.
- Your experience with the MPO's planning process.
- Your experience receiving notifications about the planning process.
- Your opportunity to comment on the MPO's documents and the MPO's responsiveness to your comments.
- Your ability to access meetings and documents to meet your specific accessibility needs, including physical and language requirements.

What is the Outcome of this Review?

U.S. Department of Transportation
Federal Highway Administration
Federal Transit Administration

- After the Certification Review is conducted, the Federal Review Team will issue a report that summarizes the findings by April 12, 2025.
- The final report certifies the MPO's planning process for the next four years and could result in findings for the MPO to address.

What is the Planning Process?

U.S. Department of Transportation
Federal Highway Administration
Federal Transit Administration

- A process by which transportation decisions are made, and projects are planned and prioritized for implementation within the region.
- Because of limited funding, the MPO must prioritize regional needs.
- The process lays the framework for the future transportation system.

Who is Involved?

- Policy Committee
- Technical Committee
- Community Committee
- State Department of Transportation
- Public Transportation Operator
- Local Jurisdictions
- Local Residents
- Interest Groups
- FTA & FHWA

U.S. Department of Transportation
Federal Highway Administration
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What are the Planning Products?

U.S. Department of Transportation
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Products	Product Description	Metro	RTC
Unified Planning Work Program (UPWP)	MPO budget	Link	Link
Metropolitan Transportation Plan (MTP)	20-year vision for transportation	Link	Link
Congestion Management Process (CMP)	Strategies to solve traffic and transit congestion	Link	Link
Transportation Improvement Program (TIP)	4-year list of projects to be implemented	Link	Link
Public Participation Plan (PPP)	Describes how the public can be involved in planning process	Link	Link

How to Provide Comments on Metro or RTC's Planning Process:

U.S. Department of Transportation
Federal Highway Administration
Federal Transit Administration

Matthew Pahs Planning and Freight Program Manager Federal Highway Administration – Washington Division	
Mailing Address	711 Capitol Way S, Suite 501 Olympia, Washington 98501
Email Address	matthew.pahs@dot.gov

Public Comments Received

Zero public comments were received for RTC, while seven comments were received for Metro. Comments are listed below in the order they were received during the comment period.

Commenter	Date Submitted	Page
DF	November 1, 2024	42
Commissioner Savas and Mayor Buck	December 5, 2024	43
Garlynn Woodsong	December 5, 2024	44
Mayor Fitzgerald and Director Brashear	December 10, 2024	45
Tabitha Boschetti	December 12, 2024	72
Aaron Kuehn	December 13, 2024	75
Joseph Perez	December 13, 2024	77

From: D F
To: Pahs, Matthew (FHWA)
Subject: Transportation
Date: Friday, November 1, 2024 5:42:55 PM

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please honor the fact that most Oregonians do not want tolls.

1. Tolls are very inefficient
2. Tolls are unfair. Modern, capable, safe, and Efficient transportation, benefits everyone. So everyone should help pay. Not just the people who have to drive to work.
3. Tolls cause immense problems with Diversion Traffic.
4. People cheat on tolls. Examine the Pennsylvania Toll System.

Pennsylvania Toll Commission Debt is about
13 BILLION DOLLARS.

Nuff said???

Thanks

Davefarmer15362@gmail.com

--

December 5, 2024

Matthew Pahs
Planning and Freight Program Manager
Federal Highway Administration – Washington Division
711 Capitol Way S, Suite 501
Olympia, Washington 98501

RE: Transportation Planning Certification Review for Portland, OR MPO

Dear Mr. Pahs,

Thank you for the opportunity to comment on the makeup of Metro's transportation policy committee, the Joint Committee on Transportation (JPACT), which serves as the Portland area MPO. We recognize that Metro has done good work to support transit access and policies focused on the central part of the MPO. Building on this momentum, as JPACT representatives we encourage Metro to consider creating a new seat on JPACT to consolidate and improve the representation of smaller Public Transportation Service Providers (PTSPs) in the region.

Under current JPACT bylaws, transit interests are fragmented across several seats. TriMet and C-TRAN currently have direct representation, whereas the small PTSPs serving Clackamas and Washington counties only receive indirect representation through seats designated for county and city interests. In a region served by multiple transit agencies, transit users expect connectivity and coordination when they need to transfer between service areas, and it follows that smaller transit providers be included in regional planning and policy discussions.

As our region grows, transit is essential to helping the region meet our safety, climate, and congestion goals. We encourage FHWA and Metro to consider opportunities to increase transit representation on JPACT, with a particular emphasis on engaging smaller providers.

Paul Savas, Commissioner
Clackamas County
JPACT Member

Joe Buck, Mayor
City of Lake Oswego
JPACT Member

cc: President Lynn Peterson, Metro
Councilor Juan Carlos González, Metro
Georgia Langer, Metro

--

From: Garlynn Woodsong
To: Pahs, Matthew (FHWA)
Subject: Feedback on Oregon Metro's transportation planning process
Date: Thursday, December 5, 2024 12:50:21 PM

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Matthew,

Responding to Metro's notice of an opportunity to provide feedback on Oregon Metro's transportation planning process (per https://www.oregonmetro.gov/news/public-comment-opportunity-provide-feedback-metro-s-transportation-planning-process?mc_cid=19e933a211), here are some comments:

Metro has not fundamentally updated or changed its regional plan since 1995. Despite the State of Oregon's request for Metro to produce scenarios for how the region could reduce emissions and engage in climate adaptation, Metro's response was, essentially, that its existing plan is fine and no change is needed. It, most notably, did NOT take the opportunity to revisit its adopted plan and engage in the hard work to determine how to go above and beyond the plans from the 90s, to ask the question how the region could do better, to reduce emissions more rapidly, to produce more equitable outcomes, or to better adapt to the expected worst impacts of climate change.

Worse, Metro in recent years has seemingly abandoned transit, bicycle, or pedestrian network expansion in favor of freeway widening projects. It continually doubles down on massive wastes of money to widen freeways, at the expense of all other modes of transportation as well as the livability of the region.

Public comment on the RTIP and the RTP is routinely ignored, in favor of whatever deal has been cooked up already in a back room. Metro never responds meaningfully to public comment; it has no track record of altering its plans in response to comments, no matter what the substance.

In short, Metro is an agency that is adrift, no longer in touch with its mission, and engaging in activities (such as green-lighting funding for freeway expansion) that will actively undermine its stated goals (reducing emissions, producing equitable outcomes, or delivering a more livable future for the residents of the region).

Good luck forcing the agency to make any changes in response to this feedback. It's doubtful that they will listen any more to you than they do to the general public.

Cheers,
~Garlynn

~~*~~
Garlynn Woodsong
garlynn@placeinitiative.org
Executive Director
PLACE Initiative

--

December 10, 2024

Submitted via email to:
matthew.pahs@dot.gov

Matthew Pahs
Planning and Freight Program Manager Federal Highway Administration – Washington Division
711 Capitol Way S, Suite 501
Olympia, Washington 98501

RE: **Metro/RTC TMA Certification Review: Request for Structural Improvement for Transit Coordination at the MPO TMA Policy Board**

Dear Mr. Pahs:

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) Metro and Southwest Washington Regional Transportation Council (RTC) 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, and Vancouver, WA.

The Metro/RTC MPO TMA is composed of three FTA-certified urban-area transit operators:

1. Clark County Public Transit Benefit Area Authority, aka C-TRAN
2. South Metro Area Regional Transit, aka SMART
3. Tri-County Metropolitan Transit District, aka TriMet

Of the three FTA urbanized-area transit providers in the Metro/RTC MPO TMA, SMART is the only FTA urbanized-area transit provider *that does not have direct representation* on JPACT, the MPO TMA's policy board. Two of the three FTA urbanized-area transit providers in the Metro/RTC MPO TMA have direct representation on the JPACT: TriMet and C-TRAN.

SMART works in partnership with TriMet, as well as the adjacent Salem, OR, MPO TMA Salem-Keizer Area Transportation Study (SKATS) transit operator Salem Area Mass Transit District (SAMTD) and rural transit providers located outside of the Portland and Salem MPO

CITY OF WILSONVILLE, OREGON • SOUTH METRO AREA REGIONAL TRANSIT (SMART)
Phone 503-682-1011
Fax 503-682-1015
29799 SW Town Center Loop East
Wilsonville, OR 97070
www.ci.wilsonville.or.us
info@ci.wilsonville.or.us

boundaries. SMART plays a strategic role as the sole public transit operator in providing service in the greater South Metro urban region with connections to the Salem MPO and adjacent growing rural Canby area of Clackamas County, and soon with connections to Oregon City and Woodburn.

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 27,000 residents that hosts 23,000 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 TMA and adjacent rural areas for public transit service that is not provided for currently at the desired level to their communities by TriMet. 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, and to the City of Woodburn. In a similar manner, regular transit service connects the rural Canby area with Wilsonville and transit services of the Portland MPO TMA.

In terms of the transportation planning certification review for Portland-Vancouver MPO, the JPACT policy board bylaws do *not* provide public transit with the level of direct representation on the MPO TMA policy board that Congress intended in passing the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the "Bipartisan Infrastructure Law"), and previously in Moving Ahead for Progress in the 21st Century Act (MAP–21), Chapter 53 of title 49, United States Code, as amended by MAP-21 effective October 1, 2012, and as amended through P.L. 117–58, enacted November 15, 2021, and codified at 23 USC 134, which requires representation by providers of public transportation in each metropolitan planning organization (MPO).

As the Portland, Oregon, 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 Exhibit A, JPACT Bylaws, Section 2 (b) page 4.

Indeed, the City/SMART understand that transit representation on an MPO TMA policy board is required by regulation (23 CFR 450.310). Federal Register Notice (FRN, 2014) includes policy guidance on MPO transit representation that ensures that Metro and transit providers continue to work collaboratively to establish and maintain transit representation on the policy board.

The City/SMART raised the issue of a lack of sufficient transit representation on JPACT during the 2020 MPO TMA review process. While US DOT acknowledged the issue, no action was taken other than to provide recommendations to Metro.

Metro never directly responded to the City/SMART regarding our petition to US DOT to participate actively and in meaningful way on the MPO TMA policy board, which is JPACT. Yet, Metro did responded to our concerns via a letter to the Clackamas County Coordinating Committee, which had previously sent a letter to Metro raising these same issues; see Exhibit C, Clackamas County Coordinating Committee letter to Metro, "RE: Clackamas County Coordinating Committee (C4) communication regarding transportation planning certification review for Portland, OR, MPO," February 14, 2021.

The Clackamas County Coordinating Committee, aka "C4," is the lead interjurisdictional body for greater Clackamas County focusing on transportation and land-use issues. The Clackamas County Coordinating Committee is composed of the County, all 12 cities of the county, special districts, hamlets and citizen planning organizations, Metro MPAC citizen representative, Urban and Rural Transit representatives that includes SMART, TriMet and other rural transit operators.

The February 14 Clackamas County Coordinating Committee letter explicitly states that:

> "On February 4, 2021, the Clackamas County Coordinating Committee (C4) considered and voted unanimously to recommend to the Metro Council and Joint Policy Advisory Committee on Transportation (JPACT) that the JPACT Bylaws be amended to provide urban-area transit operator South Metro Area Regional Area Transit (SMART) with direct representation on the Portland, OR, Metropolitan Planning Organization (MPO) Transportation Management Area (TMA) policy board, JPACT."
>
> Exhibit C, Clackamas County Coordinating Committee letter to Metro, page 1.

A June 14, 2021, Metro letter responding to the Feb. 14, 2021, Clackamas County Coordinating Committee letter, indicated that:

> "USDOT did not give Metro a corrective action regarding JPACT or the JPACT bylaws; instead, USDOT made what is called a 'recommendation'. A recommendation, compared to a corrective action, is one that Metro may consider but isn't compelled to act upon. The relevant USDOT recommendation is below:
>
> > "**Recommendation 14:** Metro should work with the JPACT members and regional transit agencies to define how regional transit interests are represented on the committee. The JPACT By-Laws should explicitly and clearly describe the role of the regional transit representation seat, currently held by TriMet. The representation of transit agencies on JPACT could be further supported by inter-local agreements between the transit agencies. It is also recommended Metro consider direct representation of regional transit agencies on technical advisory boards and committees such as the Transportation Policy Alternative Committee (TPAC)."
>
> Exhibit B, Metro letter to the Clackamas County Coordinating Committee, June 14, 2021page 1 (emphasis in original)

The Metro letter of June 14, 2021, further stated:

> "The USDOT recommends that Metro work to **facilitate coordination between the transit agencies as they relate to JPACT and TPAC.**
>
> * * * * *
>
> "Given the USDOT's recommendations, Metro proposes to convene a meeting with Tri-Met and SMART to discuss next steps with a trained, third-party facilitator. The purpose of the meeting or series of meetings with a facilitator would be to identify the next steps. Because the recommendations from USDOT apply to the entire Transportation Management Area (TMA), there may be an opportunity to also include C-TRAN and the Regional Transportation Council (RTC) of southwest Washington at some point in the conversation. Metro believes these discussions must occur before any revisions to the JPACT bylaws are considered, and may potentially be achieved without amending the current JPACT bylaws.
>
> "Metro will aim to convene this meeting, or a series of meetings, in the summer and/or fall of 2021. We believe that this path forward will create opportunities for a truly regional transit system, enhance collaboration between transit agencies and benefit JPACT discussions moving forward."

Exhibit B, Metro letter to the Clackamas County Coordinating Committee, June 14, 2021, page 1 (emphasis in original)

The City/SMART is not aware that any of these proposed actions or recommendations were ever implemented. No meetings were ever convened, no facilitation occurred, and no improvements to transit planning at the MPO TMA board level has ever occurred. Only with SMART's direct representation on the MPO TMA policy board can transit coordination occur structurally within the MPO.

Specifically, the City/SMART is unaware of Metro following any of the direction of Recommendation 14 that is contained in Exhibit B, Metro letter to the Clackamas County Coordinating Committee, June 14, 2021, pages 1-2:

- "Metro should work with the JPACT members and regional transit agencies to define how regional transit interests are represented on the committee."

  No work has been undertaken by Metro to work with JPACT members and regional transit agencies to define how regional transit interests are represented on the committee, which is the MPO TMA board. The issue has never been presented for JPACT's review or consideration.

  C-TRAN joined JPACT as a committee member only after Clark County gave up its seat on the MPO TMA board. So, while the region's second FTA urban-area transit operator now has a seat on JPACT, SMART has no seat or direct representation on JPACT.

- "The JPACT By-Laws should explicitly and clearly describe the role of the regional transit representation seat, currently held by TriMet."

  While the JPACT bylaws, Exhibit A, are undated, the file name and meta properties indicate that the file was last modified on June 14, 2021, Metro did not undertake any effort to "explicitly and clearly describe the role of the regional transit representation seat" since 2021. In fact, the word "transit" never appears in the JPACT Bylaws; see Exhibit A.

- "The representation of transit agencies on JPACT could be further supported by inter-local agreements between the transit agencies."

  As manager of the MPO TMA board, Metro has never facilitated the recommendation that the "representation of transit agencies on JPACT could be further supported by inter-local agreements between the transit agencies." The only inter-local agreements between the transit agencies that has occurred since 2021 is in regard to a new state of Oregon transit funding source called State Transportation Improvement Fund, aka as STIF. And even with the new STIF program, TriMet as the funding distributor known as the Qualified Entity has placed obstacles in the way of relaying formula

funds to SMART, Clackamas County and other transit agencies that are known as Sub-Recipients.

- "It is also recommended Metro consider direct representation of regional transit agencies on technical advisory boards and committees such as the Transportation Policy Alternative Committee (TPAC)."

  Similar to the above citation of Metro in-action on 2021 DOT recommendations to Metro, Metro has taken no action to "consider direct representation of regional transit agencies on technical advisory boards and committees such as the Transportation Policy Alternative Committee (TPAC)." Indeed, the composition of staff-level TPAC members is similar to the JPACT jurisdictional composition, with the exception of only one Metro and six Citizen representatives on TPAC. The Metro Library shows that the TPAC bylaws were last amended on August 19, 2004; see Exhibit D, page 2.

  Exhibit B, Metro letter to the Clackamas County Coordinating Committee, June 14, 2021, pages 1-2

The City of Wilsonville, by and through its FTA urbanized-area transit provider SMART, should have direct representation at the JPACT table. 23 USC 134: "Metropolitan transportation planning," contains several relevant IIJA/MAP-21 provisions pertaining to SMART transit having direct representation at the MPO table.

23 USC 134: "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)."
>
> 23 USC 134 (emphasis added)

Thus, BIL 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 TMA and Salem MPO TMA.

23 USC 134 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;**"
>
> 23 USC 134 (a)(2)(b) (emphasis added)

Currently, only two voting seats at JPACT represent "providers of public transportation" — TriMet and C-TRAN; the third Portland metro-area FTA urban transit provider is omitted. Congress, however, 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 redesignation process. 23 USC 134 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."
>
> 23 USC 134 (6)(B)

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 decision making 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-decision making 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* Exhibit A, JPACT Bylaws, Section 2 (b) 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)

Note that federal guidance specifically allows a transit representative to serve as a municipal representative on the MPO TMA board; however, federal guidance does not provide for the opposite situation. Federal guidance does not indicate that a municipal representative may serve as a transit representative:

> "Subject to the bylaws or enabling statute of the MPO, a representative of a provider of public transportation may also serve as a representative of a local municipality."
>
> 23 USC 134 (3)(B)

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 decision making evolves and improves the metropolitan and statewide planning processes, increasing the accountability and transparency of the Federal surface transportation program and improving project decision making.
>
> **"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 decision making 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* Exhibit A, JPACT Bylaws, page 4. Currently, of two of the three metro-area public transit operators have direct representation to the MPO policy board (C-TRAN and TriMet), which pursuant to the JPACT bylaws, does not consider the needs of SMART, which according 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 decision making 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 the IIJA/BIL, successor to MAP-21, as codified at 23 USC 134, and FTA and FHWA jointly issued guidance by failing to describe how all (C-TRAN, SMART and TriMet) public transit operators are to be represented at the MPO policy board. To date, Metro, as the administrator of 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 two of the three urbanized-area transit operators (to TriMet), while providing indirect representation to SMART under the aegis of the Cities of Clackamas County representative; *see* Exhibit A, JPACT Bylaws, page 4.

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

> "As the regional transit representative, **TriMet will periodically coordinate** with the South Metro Area Rapid Transit (SMART)."
>
> Exhibit A, JPACT Bylaws, Section 2 (d) page 4; emphasis added.

In passing BIL/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 BIL/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 BIL/MAP-21 as codified at 23 USC 134, 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 BIL/MAP-21/23 USC 134 that seek to improve the operations and provisioning of public transit service within the metropolitan area, between MPOs and connections to adjacent rural areas.

The Clackamas County Coordinating Committee (C4) has resolved the issue of multiple transit operators having direct representation on a transportation/land-use policy board by creating two shared "transit seats" for both Urban and Rural transit operators. In this instance, SMART and TriMet take turns every other year being the primary representative of Urban Transit to C4. The other agency during that year acts as the alternate representative to represent Urban Transit when the primary representative is unable to attend a C4 meeting. Thus, a potential solution for improving transit coordination at the

MPO TMA policy board is to create a shared Transit seat at JPACT, where SMART and TriMet take turns being the representative or the alternate, similar to C4.

As the Portland, OR, MPO's only other FTA urbanized-area transit operator that provides strategic public transit service to:

1. The rapidly growing South Metro area with connections to TriMet's high-capacity WES, Westside Express Service commuter train;
2. To the Salem MPO TMA;
3. To rural Canby area of Clackamas County with connections to rural Molalla/South Clackamas Transportation District;
4. And soon to Oregon City in the South Metro region and to Woodburn in the North Willamette Valley area of the Salem MPO TMA

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 BIL/MAP-21. Structural change at the MPO TMA policy board level could provide the degree of integrated transit planning and operations that Congress intended and is pronounced at 23 USC 134.

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,

Julie Fitzgerald, Mayor
City of Wilsonville

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

Exhibits:

A. Joint Policy Advisory Committee on Transportation (JPACT) Bylaws (undated on paper; file name and meta date of June 14, 2021)

B. Metro letter to the Clackamas County Coordinating Committee, June 14, 2021

C. Clackamas County Coordinating Committee letter to Metro, RE: Clackamas County Coordinating Committee (C4) communication regarding transportation planning certification review for Portland, OR, MPO, February 14, 2021.

D. Transportation Policy Alternatives Committee (TPAC) Bylaws, August 19, 2004

cc: Metro Council; Metro JPACT; Metro Planning and Development Department
Southwest Washington Regional Transportation Council (RTC)
Clackamas County Coordinating Committee (C4)
Washington County Coordinating Committee (WCCC)

https://www.oregonmetro.gov/sites/default/files/2022/12/29/JPACT-Bylaws.PDF

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:

	Members	Votes
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.

Metro

600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov

June 14, 2021

Clackamas County Coordinating Committee
2051 Kaen Rd.
Oregon City, OR 97045

Dear Commissioner Savas, Mayor Hodson and C4 Members,

Thank you for your letter dated February 16, 2021, regarding your interest in adding South Metro Area Regional Transit (SMART) as a member to the Joint Policy Advisory Committee on Transportation (JPACT). We appreciate your raising this issue. During these difficult times of lockdown during COVID-19, it's important for all of us to work together in an inclusive way to address the problems that face our region.

At the time of your letter, Metro was waiting for direction from its federal partners. On March 24, Metro received the federal certification of our Metropolitan Planning Origination (MPO) and Transportation Management Area (TMA) from the U.S. Department of Transportation (USDOT) – in a letter jointly issued by the Federal Highway Administration (FHWA) and the Federal Transit Agency (FTA). In the certification, USDOT did not give Metro a corrective action regarding JPACT or the JPACT bylaws; instead, USDOT made what is called a "recommendation". A recommendation, compared to a corrective action, is one that Metro may consider but isn't compelled to act upon. The relevant USDOT recommendation is below:

> "Recommendation 14: Metro should work with the JPACT members and regional transit agencies to define how regional transit interests are represented on the committee. The JPACT By-Laws should explicitly and clearly describe the role of the regional transit representation seat, currently held by TriMet. The representation of transit agencies on JPACT could be further supported by inter-local agreements between the transit agencies. It is also recommended Metro consider direct representation of regional transit agencies on technical advisory boards and committees such as the Transportation Policy Alternative Committee (TPAC)."

In summary, USDOT will not *require* Metro to amend the JPACT bylaws. By not requiring a change in Metro's bylaws, the USDOT implied that the JPACT bylaws are currently in compliance with Moving Ahead for Progress in the 21st Century (MAP-21) guidelines. In fact, in our verbal communications with USDOT, they have indicated that Metro's JPACT bylaws are in compliance with MAP-21.

The USDOT recommends that Metro work to facilitate coordination between the transit agencies as they relate to JPACT and TPAC, using tools such as:

- Description of clear roles on JPACT and TPAC
- Regular, on-going communication between transit agencies in the region
- Inter-local agreements between transit agencies

Given the USDOT's recommendations, Metro proposes to convene a meeting with Tri-Met and SMART to discuss next steps with a trained, third-party facilitator. The purpose of the meeting or series of meetings with a facilitator would be to identify next steps. Because the recommendations from USDOT apply to the entire Transportation Management Area (TMA), there may be an opportunity to also include C-TRAN and the Regional Transportation Council (RTC) of southwest Washington at some point in the conversation. Metro believes these discussions must occur before any revisions to the JPACT bylaws are considered, and may potentially be achieved without amending the current JPACT bylaws.

Metro will aim to convene this meeting, or a series of meetings, in the summer and/or fall of 2021. We believe that this path forward will create opportunities for a truly regional transit system, enhance collaboration between transit agencies and benefit JPACT discussions moving forward.

Thank you again for reaching out. The C4 committee plays an important role in informing the priorities and practices of JPACT.

Please reach out to JPACT co-chair Margi Bradway with any questions you may have. Margi can be reached at margi.bradway@oregonmetro.gov.

Sincerely,

Shirley R. Craddick

Shirley Craddick
Metro Councilor, District 1
JPACT Chair

cc: Lynn Peterson, Metro Council President
Christine Lewis, Metro Councilor District 2
Juan Carlos Gonzalez, Metro Councilor District 4

Clackamas County
Coordinating Committee

Public Services Building
2051 Kaen Road
Oregon City, OR 97045
503-655-8581

February 16, 2021

Lynn Peterson, President
Metro Council
600 NE Grand Ave
Portland, OR 97232

Shirley Craddick, Councilor
Chair, Joint Policy Advisory Committee on Transportation (JPACT)

RE: Clackamas County Coordinating Committee (C4) communication regarding transportation planning certification review for Portland, OR, MPO

Dear President Peterson, Chair Craddick and members of the Metro Council and JPACT:

On February 4, 2021, the Clackamas County Coordinating Committee (C4) considered and voted unanimously to recommend to the Metro Council and Joint Policy Advisory Committee on Transportation (JPACT) that the JPACT Bylaws be amended to provide urban-area transit operator South Metro Area Regional Area Transit (SMART) with direct representation on the Portland, OR, Metropolitan Planning Organization (MPO) Transportation Management Area (TMA) policy board, JPACT.

In support of the Congressional intent in passage of Moving Ahead for Progress in the 21st Century, MAP-21, we look forward to working with all members of the Metro Council and JPACT to increase public-transit coordination in MPO TMA transportation planning efforts.

Thank you for your time and consideration.

Paul Savas, Commissioner
Clackamas County
Co-Chair, C4

Brian Hodson, Mayor
City of Canby
Co-Chair C4

cc:
Rachael Tupica, Federal Highway Administration, Oregon Division
Matt Kunic, Federal Highway Administration, Washington Division
Jeremy Borrego, Federal Transit Administration, Region 10
Ned Conroy, Federal Transit Administration, Region 10

Promoting partnership among the County, its Cities and Special Districts

TRANSPORTATION POLICY ALTERNATIVES COMMITTEE (TPAC)

BYLAWS

ARTICLE I

This Committee shall be known as the TRANSPORTATION POLICY ALTERNATIVES COMMITTEE (TPAC).

ARTICLE II

The Transportation Policy Alternatives Committee coordinates and guides the regional transportation planning program in accordance with the policy of the Metro Council.

The responsibilities of TPAC with respect to transportation planning are:

a. Review the Unified Planning Work Program (UPWP) and Prospectus for transportation planning.

b. Monitor and provide advice concerning the transportation planning process to ensure adequate consideration of regional values such as land use, economic development, and other social, economic and environmental factors in plan development.

c. Advise on the development of the Regional Transportation Plan (RTP) in accordance with federal planning regulations, the Oregon Transportation Planning Rule, the 1992 Metro Charter and the adopted 2040 Growth Concept.

d. Advise on the development of the Metropolitan Transportation Improvement Program (MTIP) in accordance with federal planning regulations.

e. Review projects and plans affecting regional transportation.

f. Advise on the compliance of the regional transportation planning process with all applicable federal requirements for maintaining certification.

g. Develop alternative transportation policies for consideration by the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council.

h. Review and comment on Metro Policy Advisory Committee land use matters that have significant transportation implications.

i. Review local comprehensive plans for their transportation impacts and consistency with the Regional Transportation Plan. Recommend needs and opportunities for involving citizens in transportation matters.

j. The responsibilities of TPAC with respect to environmental planning include, but are not limited to:

1. Review and recommend project funding for controlling mobile sources of particulates, CO, HC and NOx.

2. Review the analysis of travel, social, economic and environmental impacts of proposed transportation control measures.

3. Review and provide advice on the proposed plans for meeting environmental standards as they relate to mobile sources.

4. Review and recommend action on transportation and parking elements necessary to meet federal and state clean air requirements.

5. Consultation role on air quality, pursuant to state and federal planning requirements.

ARTICLE III
MEMBERSHIP, VOTING, MEETINGS

Section 1. Membership

a. The Committee will be made up of representatives from local jurisdictions, implementing agencies and citizens as follows:

City of Portland	1
Clackamas County	1
Multnomah County	1
Washington County	1
Clackamas County Cities	1
Multnomah County Cities (except Portland)	1
Washington County Cities	1
Oregon Department of Transportation	1
Washington State Department of Transportation	1
Southwest Washington Regional Transportation Council	1
Port of Portland	1
Tri-Met	1
Oregon Department of Environmental Quality	1
Metro (non-voting)	1
Citizens	6
	20

In addition, the City of Vancouver, Clark County, C-TRAN, Federal Highway Administration, Federal Aviation Administration (FAA), Federal Transit Administration (FTA), and Washington Department of Ecology may appoint an associate member without a vote. Additional associate members without vote may serve on the Committee at the pleasure of the Committee.

b. Each member shall serve until removed by the appointing agency. Citizen members shall serve for two years and can be reappointed.

c. Alternates may be appointed to serve in the absence of the regular member.

d. Unexcused absence from regularly schedule meetings for (3) consecutive months shall require the Chairperson to notify the appointing agency with a request for remedial action.

Section 2. Appointment of Members and Alternates

a. Representatives (and alternates if desired) of Cities within a County (except Portland) shall be appointed by means of a consensus of the Mayors of those cities. It shall be the responsibility of the representative to coordinate with the cities within his/her county.

b. Citizen representatives and their alternates will be nominated through a public application process, confirmed by the Metro Council, and appointed by the President of the Metro Council.

c. Except as provided by (a) and (b), representatives (and alternatives if desired) of the Counties and the City of Portland shall be appointed by the chief administrative officer of their jurisdiction/agency.

Section 3. Voting Privileges

a. Each member or alternate of the Committee, except associate members, shall be entitled to one (1) vote on all issues presented at regular and special meetings at which the member or alternate is present.

b. The Chairperson shall have no vote. Section 4. Meetings

Section 4. Meetings

a. Regular meetings of the Committee shall be held each month at a time and place established by the Chairperson.

b. Special meetings may be called by the Chairperson or a majority of the Committee members.

Section 5. Conduct of Meetings

a. A majority of the voting members (or designated alternates) shall constitute a quorum for the conduct of business. The act of the majority of the members (or designated alternates) present at meetings at which a quorum is present shall be the act of the Committee.

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

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

d. An opportunity will be provided at each meeting for citizen comment on agenda and non-agenda items.

ARTICLE IV
OFFICERS AND DUTIES

Section 1. Officers

The permanent Chairperson of the Committee shall be the Metro Planning Director or designee.

Section 2. Duties

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

Section 3. Administrative Support

a. Metro shall supply staff, as necessary, to record actions of the Committee and to handle Committee correspondence and public information concerning meeting times and places.

ARTICLE V
SUBCOMMITTEES

Subcommittees of the Committee are established to oversee the major functional area in the transportation planning process where specific products are required. The following are designated as permanent subcommittees:

a. Metropolitan Transportation Improvement Program (MTIP) Subcommittee -- to support the development and update of the five-year TIP, including the Annual Element.

b. Regional Transportation Options Subcommittee (RTO) --to recommend measures to reduce travel demand for inclusion in the RTP or funding in the MTIP, and to provide oversight on implementation of the Regional Travel Options Strategic Plan.

Other subcommittees may be established by the Chairperson, subject to approval of bylaws by TPAC. Subcommittee bylaws establish the scope of activities for these groups, though TPAC may direct subcommittees to consider issues that fall outside their respective bylaws, when appropriate.

Subcommittee members can include TPAC members, alternates and/or outside experts. All such committees shall report to the Transportation Policy Alternatives Committee.
Ad-hoc committees that function for less than six months may be established by the chair, and shall operate under the TPAC procedures for meeting notice requirements.

ARTICLE VI
REPORTING PROCEDURES

The Committee shall make its reports and findings and recommendations to JPACT and the Metro Council. The Committee shall develop and adopt procedures, which adequately notify affected jurisdictions on matters before the Committee.

ARTICLE VII
AMENDMENTS

Amendments to the Bylaws require the approval of JPACT and the Metro Council.

--

From:	Tabitha B
To:	Pahs, Matthew (FHWA)
Subject:	Metro Certification Review
Date:	Thursday, December 12, 2024 8:05:53 PM
Attachments:	RTP_OregonWalksPnP_8-24-23.pdf

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Matthew Pahs, Federal Highway Administration:

Thank you for the opportunity to comment on Metro's transportation planning process as part of FHA Certification Review.

While I'm writing this as an individual, I'm attaching a previous letter from the Plans and Projects Committee of Oregon Walks submitted to Metro during the last Regional Transportation Plan cycle in August 2024. As noted in the letter, Metro's process can result in a mismatch of policies and funded project outcomes, with limited ability for members of the general public to meaningfully contribute to a course correction.

Projects submitted by individual jurisdictions may not necessarily align with projected goals for climate and mode share, resulting in a project mix that Metro themselves found was far from projected to support the region's goals to triple transit, walking, and cycling mode shares. The goals are effectively developed through a broader public process, but fidelity to these community goals is lost through the effective RTP process for individual jurisdictions submitting to their projects.

At the point where this cumulative picture is knowable to the public (even to fairly engaged and wonky folks whose idea of a good Monday evening is inviting Metro staff to hang out at a Zoom meeting to make sure they're prepared to meaningfully engage) it seems too late to course correct. We hear that the deadline for funding anything is looming, so there's no meaningful opportunity to correct the project mix to meet adopted goals. This process results in funded projects that are out of sync with expressed community desires and adopted policies for a greener, safer, more resilient transportation network. Early in the process, it's too soon to tell what projects jurisdictions are submitting. Later in the process, it's too late to change the mix. As suggested in the August 2024 letter, Metro can do more in their process to set expectations for individual jurisdictions, and more tightly condition a relationship between meeting established community-driven goals and receiving funding.

Sincerely,

Tabitha Boschetti
tabitha.bos@gmail.com

PROTECTING YOUR
RIGHT TO ROAM

August 25, 2023
Metro Council,

As the Oregon Walks Plans and Projects Committee, we appreciate the opportunity to comment on the current draft of the Regional Transportation Plan. We thank staff including Lake McTighe and Marielle Bossio, as well as Councilor Simpson, for connecting with us, sharing resources, and discussing our questions and concerns.

Falling Short on Our Region's Goals and Policies
Your Executive Summary gets to the heart of the matter: The RTP *"does not meet the region's targets to triple transit, walking and bicycling mode share."* As we face down startling high rates of deaths on our roads, with disproportionate harm impacting communities of historical disinvestment, the limits to investment in walking and biking are distressing. While we acknowledge and look forward to many worthy projects on this list, we know that our region needs to go much further to course-correct and bring our investments in line with Metro's own policies and goals. A simple look at the budget distribution shows that identified walking and biking projects, transit projects, and complete streets projects are fighting for a small share of our region's overall transportation investments. Additionally, we know that historically these projects are too often the first on the chopping block, and the reality ends up even worse than what projections predict.

Supporting Areas of Progress
To be clear, we are supportive of the many strong projects in the walking and biking category. While this category only represents 4% of total capital funding, these projects punch above their weight to make progress toward our regional goals. Bringing in complete streets, safer crossings, and filling infrastructure gaps will improve health and quality of life in many areas of our region, create robust communities, and almost certainly save lives. We are glad to see projects in areas that are particularly lacking in safe streets, including Clackamas County and the east side of our region. To meet Metro's stated goals, we need significantly more of these kinds of projects, but to the extent they are present, we encourage priority implementation and construction throughout the region.

Among projects, we would also like to see more attention given to 12095 and 12299: ODOT projects described as a bundle including pedestrian crossings, filling sidewalk gaps, illumination, **bicycle lanes, and other measures that are sorely missing on ODOT facilities throughout our region. The conditions on urban arterials managed by ODOT are responsible for a striking and disproportionate number of road deaths, and these types of projects are vitally needed in our**

communities. We would like to see ODOT better identify the locations proposed for these projects, share greater detail with the community, and prioritize implementation of these kinds of improvements.

How Do We Move Forward to Meet Our Goals?
Where we are now, however, state highway megaprojects demand a lion's share of our public resources while our region's streets remain deadly for people walking, rolling, and connecting to transit. Metro's policies for reducing vehicle miles traveled, reducing greenhouse gas emissions, improving safety, and completing multimodal networks are ultimately undermined by the range of projects that jurisdictions and the state legislature have brought to the table. While this funding is not simply available to be redistributed, there are opportunities within the implementation of listed projects and in planning efforts moving forward to seek better outcomes.

We understand it is already too late to change many aspects of the current RTP, but Metro Council should use the opportunity now to set the groundwork for a new, updated and forward-thinking process for how projects are solicited and accepted. In future planning efforts, we would like to see the RTP do more to include parameters that push ODOT and other jurisdictions to focus on complete streets, transit connections, and other elements such as street trees and resource preservation throughout the design and implementation process. Jurisdictions should also need to demonstrate accountability to their public engagement and civil rights obligations through the project submittal process.

Even if Metro Council is limited in what it can do to shape our current regional funding balance now, the future planning work outlined in Chapter 8 is an area where leaders can set down clearer guidance and parameters for what it will accept from regional partners in future planning efforts. Metro leaders should also use this plan to bring greater resolve in working toward regional policies in future transportation planning and investment work, from Metro's role in monitoring for consistency of changes to city TSPs and other plans like the Oregon Highway Plan, as well as plans for urban reserves and other growth areas. This can include more stringent challenges when state and local agencies present plans that don't themselves hold promise for reducing VMT and eliminating pedestrian deaths. Within Corridor Refinement Planning, that can include efforts to center and prioritize needs for missing and substandard bike, pedestrian, and transit infrastructure, including long overdue safety improvements on urban arterials including Powell Boulevard and TV Highway.

Metro can set expectations now to better leverage your role in project development to ensure that opportunities for transit and active modes are prioritized at the earliest project stages. The changes Metro Council makes now can still set us up for better success for implementation and future RTP phases.

Dawn Walter
Oregon Walks Plans and Projects Committee

--

From: Aaron Kuehn
To: Pahs, Matthew (FHWA)
Subject: Public Comment - Transportation Management Area Certification Review - Portland Oregon Metro
Date: Friday, December 13, 2024 1:09:38 AM

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Matthew Pahs, Planning and Freight Program Manager
Federal Highway Administration – Washington Division

Dear Matthew Pahs,

As a member of the public, I reviewed the 2023 update to the Portland Oregon Metro Regional Transportation Plan (Metropolitan Transportation Plan) and provided comments, feedback, and testimony. I found systemic flaws in the process that stymied responsiveness of the MPO to consistent community comments and feedback. Reviewing the Regional Transportation Plan updates from prior years showed a pattern of inconsistency between the aspirational plan and the project list.

The RTP update process is five years long, but the plan and project list are only shared with the public in the final months, the last phase of a five-phase timeline. By then it is too late for public input to have any meaningful impact on the process. It is also too late for elected representatives to have any control over the process in response to public feedback. There should be feedback opportunities and public review during each phase, but including substantive public comment opportunities in especially the first two or three years of the process would allow time for public feedback to be acted on by agencies and the MPO.

Projects included in the plan update are evaluated and prioritized based on their adherence to a set of values. But agencies submitting projects self-evaluate their projects, and there is little or no oversight or ability for Metro to challenge projects. For example, the Oregon Department of Transportation's projects are overwhelmingly highway capacity projects that do not meet climate or safety goals by themselves, but are said to by ODOT. There should be a transparent system for evaluating projects based on their actual ability to advance those goals, and then prioritized by their project cost. As a region, we are unable to make informed decisions about project prioritization in the current process.

Some agencies like ODOT blend projects in mega "buckets", to make projects that don't meet goals individually appear to as a group. Metro needs the authority and teeth to be able to require agencies to reveal the contents of buckets, and list the projects they contain individually, so they can be evaluated accurately and independently.

Agencies put their entire operational and maintenance budgets for the next 20 years into the plan as single figures with no breakdown that allows for transparency. This is especially a problem with transit agencies whose costs are primarily M&O. Those costs should be provided in more detail so there is a way to evaluate them.

It is very challenging for the public to meaningfully provide feedback on a 586 page planning document, and 1090 projects. The public is reliant on executive summaries and other abridged materials to accurately represent the totality of the plan, but they are often not accurate. There

is pressure to present the RTP project list as meeting the goals of the plan, even when it doesn't. Metro is selective with its narrative and framing of the project list to the point of deception. The only chart shared with the public that summarized the project list in the 2023 plan update compared travel mode investment by number-of-projects, instead of a useful metric like investment dollars. There are many small bike and ped projects in the region, but equating each of those with multi-billion dollar mega-projects is intentional misinformation. This gave the impression that Metro was concealing and distorting the share of regional investment in highway capacity projects, and was exaggerating the investment in bike and ped projects, to make the plan appear to the public to meet regional transportation goals, to avoid public scrutiny.

The RTP update process involves the gathering of many cryptic committees, which go by cryptic initialisms, in a byzantine and intentionally inaccessible web of responsibility obfuscation. 7AM meetings with too many committee members and no real framework for effective change create conditions for meaningless rubber-stamp gatherings that respond to feedback with essentially shrugs. Members of committees and elected leaders appeared coerced into endorsing a plan they didn't agree with or understand to avoid risking the loss of funding for projects in their community if approval of the plan was delayed.

The Joint Policy Advisory Committee on Transportation and the Metro Policy Advisory Committee together provided recommended actions to Metro Council on 11/16/23 to "**Improve the RTP project list development and review process in advance of the 2028 RTP**." It has now been more than a year since these recommendations were shared with Metro, and there is no evidence that any of them have been acted on yet.

The recommended actions include the following action items that would address many of the systemic flaws in the current RTP update process:

— "Recommend Metro convene a group to review Metro's existing metrics and tools for evaluating safety, climate, equity, mobility and economic development impacts of transportation decisions across the RT, MTIP, RFFA and investment area programs to ensure metrics and tools reflect community and regional priorities and advance our ability to manage the existing system in a way that rectifies past and present harms and reduces further burdens on marginalized communities. This could lead to recommendations on new tools and/or process improvements that may be needed to better align investment priorities with RT goals and funding opportunities."

— "Recommend Metro conduct a review of the 2023 RTP project list development process in advance of the 2028 RTP update. The intended outcome of this review is an improved project assessment process that better aligns project selection with community and regional priorities. An improved project assessment process would provide transparency and enable decision-makers to consider the benefits and impacts of multiple projects comprehensively when making investment decisions."

— "Recommend that Metro Council members and staff present to elected councils around the region to highlight the goals of the 2023 RTP and expectations around identification of investment priorities during the scoping phase for the 2028 RTP update."

— "Post RTP adoption, recommend all agencies engage community members, community-based organizations, tribes, cities, counties, transportation providers, businesses and other

interested parties in the process of identifying and prioritizing locations and projects to address safety, climate, equity and transit needs in advance of the 2028 RTP Call for Projects. As part of this work, consider new/innovative data and metrics to benchmark and measure performance on safety and equity."

— I would add to this my own recommendation that Metro share their work and gather public input during all phases of the RTP update, not just the final phase.

Adopting these sensible and constructive recommended actions for the Metropolitan Transportation Plan update process that address the serious and universal concerns of committee members, elected leaders, and the public should be a requirement for Metro's recertification.

Thank you for the opportunity to provide comment,

Aaron Kuehn

--

From: Joseph Perez
To: Pahs, Matthew (FHWA)
Subject: Fwd: METRO RTP public comments needed/wanted
Date: Friday, December 13, 2024 2:35:42 PM
Attachments: image.png

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Matthew,
Thanks for the comment opportunity on METRO RTP in Portland Oregon.
Here are my comments on METRO's Planning Process:

+++
In my estimation, METRO and JPACT seem to be planning and recommending plans in oppostion to the region's goals to triple transit, walking and bicycling mode share...

"**The RTP** increases transit use and multimodal travel, but **does not meet the region's targets to triple transit, walking and bicycling mode share.** Metro's travel models forecast that the investments in the RTP help to increase the share of trips that people make using these modes, but only by small amounts. Transit mode share is forecast to grow by 1.3% between 2020 and 2045—a relative increase of over 30%—which is significant, but **still far short of adopted targets.**"

"All transportation-related actions (including federal MPO actions) are **recommended by JPACT to the Metro Council.** The Metro Council can approve the recommendations or refer them back to JPACT with a specific concern for reconsideration.
Final approval of each item, therefore, requires the concurrence of both bodies."

Seems to me the METRO planning process results in a plan approved by both JPACT and Metro Council that does not meet the region's goals.
Seems to me that Metro Council planning/administrative/recommendation process results in a plan that does not meet the region's goals.
Seems to me that JPACT planning/administrative/recommendation process results in a plan that does not meet the region's goals.
Seems to me that Metro Council and JPACT **concur** on a plan that does not meet the region's goals.

So here are my recommendations:
Both Metro Council and JPACT need to plan and **concur** on directing METRO municipalities to design plans that MEET the region's targets to TRIPLE bicycling, transit and walking mode share
Both Metro Council and JPACT need to plan and **concur** on directing METRO municipalities to pass and fund budgets MEET the region's targets to TRIPLE bicycling, transit and walking mode share
Both Metro Council and JPACT need to plan and **concur** on directing METRO municipalities to build more transit and more dense housing. Housing Policy is transportation policy
Both Metro Council and JPACT need to **concur** on a plan that will **triple transit, walking and bicycling mode share.**

The two statements above in quotes are on page 57 and 456 of the 2023 RTP accessible at this url: https://www.oregonmetro.gov/sites/default/files/2024/08/19/2023-Regional-Transportation-Plan-all-chapters.pdf
+++

Thanks again for the comment opportunity on METRO RTP in Portland Oregon.
I hope my comments result in positive planning outcomes in the region.
Joseph Perez

==

APPENDIX B – CERTIFICATION NOTIFICATION LETTER

U.S. Department of Transportation

Federal Highway Administration
Oregon Division
530 Center St. NE Suite 420
Salem, OR 97301
503-399-5749

Federal Highway Administration
Washington Division
711 Capitol Way S, Ste 501
Olympia, WA 98501
360-753-9480

Federal Transit Administration
Region 10 Office
915 Second Ave, Ste 3192
Seattle, WA 98174
206-220-7954

November 8, 2024

IN REPLY REFER TO:
HDA-OR/HDA-WA/FTA-TRO-10

Mr. Ted Leybold
Transportation Policy Director
Metro
600 NE Grand Avenue
Portland, OR 97232

Mr. Matt Ransom
Executive Director
Southwest Washington Regional Transportation Council
P.O. Box 1366
Vancouver, WA 98666

Subject: 2025 Portland-Vancouver Certification Review Notification

Dear Mr. Leybold and Mr. Ransom:

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) will be conducting a Certification Review of the transportation planning process for the Portland-Vancouver metropolitan area in February 2025. Metro's meetings are scheduled for February 4, February 6, and February 12, 2025. Southwest Washington Regional Transportation Council's (RTC) meetings are scheduled for February 11, February 13, and February 20, 2025. These dates were selected in consultation with your staff. We will review the cooperative planning process as conducted by Metro, RTC, the Oregon Department of Transportation (ODOT), the Washington Department of Transportation (WSDOT), local transit providers, and local governments in the area.

Since the enactment of the Intermodal Surface Transportation Efficiency Act of 1991, the FHWA and FTA are required to jointly review, evaluate, and certify the transportation planning process in all Transportation Management Areas (TMAs), urbanized areas over 200,000 in population, to determine if the process meets the Federal planning requirements in 23 U.S.C. 134, 49 U.S.C. 5303, and 23 CFR 450 at least once every four years. The deadline for completing this review is April 12, 2025.

Certification Reviews are conducted to evaluate the transportation planning process. Consequently, we will not be conducting a pass/fail review, but rather we intend to exchange information, highlight good practices, and identify opportunities for improvements. The Certification process will rely extensively on knowledge gained from routine contact with the

planning process in the area, as well as the scheduled Certification Review meetings. The specific focal points we are proposing for the Certification Review meetings include the following:

- Status of Recommendations and Close Out of the Corrective Actions from the previous Certification
- Congestion Management Process (CMP)
- Metropolitan Transportation Plan (MTP)
- Transportation Improvement Program (TIP)
- Consideration of Title VI/Limited English Proficiency (4-Factor Analysis)/ Environmental Justice/Public Involvement
- Organizational Structure and Policy Committee Representation and Involvement
- Federal Land Management Agency Coordination
- Other topics to be determined

As part of this Certification Review, an online open house was asked to be available from November 1-December 13, 2024, on the Metro and RTC websites. MPO committee members, special interest groups, and members of the public are invited to review the online presentation and email or mail comments to FHWA. We also offer the opportunity for any committee members or other local elected officials to meet with us separately if they so desire.

The review will be conducted by FHWA and FTA staff. We anticipate and welcome participation by the staff of the MPO, ODOT, WSDOT, transit providers, as well as any representatives of cities, counties and other local official who wish to participate.

If you have any questions concerning this review, please contact Ashley Bryers, FHWA Oregon Division, ashley.bryers@dot.gov, Matthew Pahs, FHWA Washington Division, matthew.pahs@dot.gov, or Ned Conroy, FTA Region 10, ned.conroy@dot.gov.

Sincerely,

ASHLEY DIANE BRYERS Digitally signed by ASHLEY DIANE BRYERS Date: 2024.11.12 09:04:25 -08'00'

Ashley Bryers
Planning Program Manager
Federal Highway Administration – Oregon Division

NED P CONROY Digitally signed by NED P CONROY Date: 2024.11.08 13:16:57 -08'00'

Ned Conroy
Senior Community Planner
Federal Transit Administration

Digitally signed by MATTHEW JOHN PAHS Date: 2024.11.12 08:59:32 -08'00'

Matthew Pahs
Planning and Freight Program Manager
Federal Highway Administration – Washington Division

cc:

Catherine Ciarlo, Planning, Development and Research Department, Metro
Tom Kloster, Regional Planning Manager, Metro
Dale Robins, Planning Manager, RTC
Judith Perez Keniston, Principal Planner, RTC
Neelam Dorman, Region 1 Planning Manager, ODOT
Glen Bolen, Region 1 Planner, ODOT
Chris Ford, Region 1 Policy and Development Manager, ODOT
Erik Havig, Statewide Policy and Planning Manager, ODOT
Laurie Lebowski, Southwest Region Planning Manager, WSDOT
Anna Ragaza-Bourassa, Tribal and Regional Planning Office, WSDOT
Kate Tollefson, Tribal and Regional Planning Office, WSDOT
Miles Pengilly, State Government Affairs Manager, TriMet
Kate Lyman, Manager, Service Planning and Development, TriMet
Scott Patterson, Deputy Chief Executive Officer, C-Tran
Taylor Eidt, Transit Planner, C-Tran
Danielle Casey, Community Planner, FTA Region 10
Jasmine Harris, Transportation Planner, FHWA Oregon Division
Nathaniel Price, Technical Services Team Lead, FHWA Oregon Division
Kelley Dolan, Community Planner, FHWA Washington Division
Theresa Hutchins, Community Planner, FHWA Office of Planning

APPENDIX C – CERTIFICATION REVIEW AGENDA AND PARTICIPANTS

Federal Team Members

- Ashley Bryers, Planning Program Manager, FHWA Oregon Division
- Autumn Young, Civil Rights Program Manager, FHWA Washington Division
- Danielle Casey, Community Planner, FTA Region 10
- Debbie Benavidez, Civil Rights Manager, FHWA Oregon Division
- Jasmine Marie Harris, Transportation Planner, FHWA Oregon Division
- Kelley Dolan, Community Planner, FHWA Washington Division
- Matthew Pahs, Planning and Freight Program Manager
- Nathaniel Price, Technical Services Team Leader, FHWA Oregon Division
- Ned Conroy, Senior Community Planner, FTA Region 10
- Theresa Hutchins, Community Planner, FHWA Office of Planning, Environment, & Realty
- Yamilée Volcy, Deputy Division Administrator, FHWA Washington Division

Metro Attendees

- Catherine Ciarlo, Director of Planning, Development & Research
- Molly Cooney-Mesker, Planning, Development & Research Communications & Engagement Manager
- Kim Ellis, Climate Program Manager
- Tom Kloster, Regional Planning Manager
- Matt Bihn, Planning Manager
- Ted Leybold, Transportation Policy Director
- Grace Cho, Associate Transportation Planner
- Cindy Pederson, Analytics and Applications Manager

South Metro Area Regional Transit (SMART)

- Dwight Brashear, Transit Director
- Kelsey Lewis, Grants and Programs Manager

Tri-Met Attendees

- Tara O'Brien, Government Affairs Program Manager
- Alex Page, Planner

ODOT Attendees

- Eric Havig, Statewide Policy and Planning Manager
- Chris Ford, Region 1 Policy Development Manager
- Neelam Dorman, Region 1 Planning Manager
- Glen Bolen, Interim Planning Manager

RTC Attendees

- Matt Ransom, Executive Director
- Adam Fiss, Senior Planner
- Dale Robins, Planning Manager
- Jennifer Campos, Principal Planner
- Jordan Hamann, Associate Planner
- Judith Perez Keniston, Principal Planner
- Mark Harrington, Principal Planner

C-TRAN Attendees

- Taylor Eidt, Deputy Director of Capital Projects and Planning

WSDOT Attendees

- Anna Ragaza-Bourassa, Acting Tribal and Regional Integrated Planning Manager
- Kate Tollefson, Transportation Planning Specialist
- Laurie Lebowsky-Young, Planning Director
- Gary Albrecht, Southwest Region Deputy Planning Director

APPENDIX D – METRO 2021 CERTIFICATION FINDINGS DISPOSITION

The Metro 2021 Certification Review includes the following Federal findings:

- 4 Corrective Actions
- 14 Recommendations

The Oregon Department of Transportation (ODOT) recommended that the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) close out the four Corrective Actions from the 2021 Certification Review on July 5, 2024. FHWA and FTA staff evaluated ODOT's recommendation as part of their compliance review of the Corrective Actions. Table D-1 summarizes the status of the 4 Corrective Actions, while Table D-2 details the status of the 14 Recommendations. This review was based on Metro's 2024 Metro TMA Certification Review Table, included on pages 108-117 of the Metro 2025-2026 UPWP, which was submitted to FHWA and FTA on January 28, 2025.

Table D-1: Metro 2021 Corrective Actions Status

Topic Area	Metro 2021 Corrective Actions	Status as of 1/28/25
1. Metropolitan Transportation Plan (MTP)	**Corrective Action 1: By December 23, 2023**, with the update of the MTP, Metro must create a financial plan that meets the requirements of 23 CFR 450.324(f)(11), including: • Document revenue and cost estimates in YOE dollars • In revenue estimation, develop one consistent process for all agencies and separate out ODOT revenues from Federal funding • Define operations and maintenance for highway and transit to use in MTP and TIP financial planning processes	Resolved
4. Consultation	**Corrective Action 2: By June 30, 2022**, Metro must document its formal consultation process developing with applicable agencies that outlines roles, responsibilities, and key decision points for consulting with other	Resolved

Topic Area	Metro 2021 Corrective Actions	Status as of 1/28/25
	governments and agencies defined in 23 CFR 450.316(b), (c), and (d), as required in 23 CFR 450.316(e).	
5. Public Participation	**Corrective Action 3: By June 30, 2023,** Metro must update the PPP to meet all requirements of 23 CFR 450.316, including: • Simplifying the PPP document through summaries, visualization, and other techniques to make the document accessible and comprehensible to the widest possible audience • Explicit procedures for outreach to be conducted at the identified key decision points. • Specific outreach strategies to engage traditionally underserved populations. • Criteria or process to evaluate the effectiveness of outreach processes. • A minimum public comment period of 45 calendar days shall be provided before the revised participation plan is adopted by the MPO.	See PPP Section for additional recommendations
6. Civil Rights (Title VI, EJ, LEP, ADA)	**Corrective Action 4: By December 31, 2022,** Metro must complete an ADA self-evaluation of all Metro programs, services, and activities that identifies universal access barriers and describes the methods to remove the barriers, along with specified timelines to come into compliance with Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990. The self-evaluation and transition plan should include a list of advocacy groups/individuals consulted with as part of the self-evaluation/transition plan process and be posted on Metro's website for public information and opportunity to provide feedback.	Not Resolved Missing a list of advocacy groups/individuals consulted with as part of the self-evaluation/transition plan process.

The Federal Team appreciates Metro staff for addressing the recommendations below.

Table D-2: Metro 2021 Recommendation Status – Submitted by Metro Staff

Topic Area	Metro 2021 Recommendations	Status Update by Metro Staff on 1/28/25
1. Metropolitan Transportation Plan (MTP)	**Recommendation 1:** As part of fiscal constraint documentation, Metro should develop cost and revenue estimates for functional categories (e.g., preventive maintenance, operations and management, capital), time periods (e.g., 2020-2030, 2030-2040) and by major travel modes (e.g., roadways, public transit, bike and pedestrian) to provide more specific detail describing how available revenues can meet projected costs overtime.	Metro staff will work with agency staff to develop cost estimates for functional categories. OM&P costs will be attributed to time periods (or cost bands). The current revenue forecast and capital project cost estimating methodologies anticipates that revenue forecasts will be developed for time periods within the plan years of 2024 through 2040. Capital projects will be assigned for implementation within time periods in YOE costs, limited to the revenue capacity within those time periods. Capital projects will identify all major travel modes provided or impacted by the project. For projects that provide or impact multiple modes, it may be difficult to attribute costs and apportionment of revenues to singular modal categories.
	Recommendation 2: Metro should develop a single definition for a regionally significance project and use it consistently throughout all documents and processes.	Metro expects to establish a comprehensive definition for the term "regionally significant" as part of the 2023 RTP update.
	Recommendation 3: Metro should look at MTPs of peer MPOs and consider changes to provide a more user-friendly and accessible MTP format.	As part of the 2023 RTP update, Metro is considering options for preparing a simplified version of the plan that is more accessible to the general public. We are contacting peer MPOs for examples.

Topic Area	Metro 2021 Recommendations	Status Update by Metro Staff on 1/28/25
		One of the burdens unique to our MPO is that our RTP is also regulated by Oregon's statewide planning laws, as well as Metro's own regional planning requirements under a voter-approved charter. As a result, our RTP serves many masters, each with specific requirements for its content and degree of detail. Given these conditions and requirements, we are considering a separate, simplified summary version aimed at the general public and policy makers. The MTC in the Bay Area is a good example of this approach, though our own work will be subject to budget and capacity availability.
	Recommendation 4: Metro should include the timelines for re- evaluation points, equity milestones, and follow-up actions to ensure accountability and benchmarks for success in the *Transportation Equity Evaluation* section of the MTP/RTP.	Metro staff will consider incorporating this recommendation as part of updating the regional equity analysis and findings for the 2023 RTP.
2. Transportation Improvement Program	**Recommendation 5:** Metro should include a breakdown of each federal funding source by amount and by year within the main document of the MTIP.	Metro staff will look to extract from the programming tables and the more detailed appendices of revenue and programming information, a user-friendly table of each federal funding source by amount and year within the main document of the 2024-27 MTIP.
	Recommendation 6: Metro should address ADA Transition Plan implementation in the TIP project prioritization and selection processes.	Metro will request ODOT and transit agencies to document how their prioritized investments and programming address their ADA Transition Plans. Additionally, the MTIP will document how the allocation of U-STBG, TAP and CMAQ funds accounted for ADA Transition Plans.

Topic Area	Metro 2021 Recommendations	Status Update by Metro Staff on 1/28/25
3. Congestion Management Process	**Recommendation 7**: Metro should continue to address the following portions of their congestion management process (CMP): • Methods to monitor and evaluate the performance of the multimodal transportation system by identifying the underlying causes of recurring and non-recurring congestion; identifying and evaluating alternative strategies; providing information supporting the implementation of actions; and evaluating the effectiveness of implemented actions; • Identification and evaluation of the anticipated performance and expected benefits of appropriate congestion management strategies that contribute to the more effective use of and improved safety of existing and future transportation systems based on the established performance measures. • Implementation of a process for periodic assessment of the effectiveness of implemented strategies, in terms of the area's established performance measures.	As part of the 2023 RTP update Metro is working in partnership with ODOT to update the region's mobility policy. This work is expected to conclude in mid-2022 and recommendations from the work will be carried forward to be applied and incorporated into the 2023 RTP. The updated policy will also be considered for amendment into the Oregon Highway Plan by the Oregon Transportation Commissions. As part of the 2023 RTP update, Metro will be revising Chapter 4 (Existing Conditions) and completing our 4-year System Performance Report (as required by federal regulations). In addition, Metro will update a needs assessment to evaluate performance of our multimodal transportation system, and setting investment priorities following the CMP process described in the RTP.
5. Public Participation	**Recommendation 8:** Metro should use just one document as the MPO's Public Participation Plan to	Metro plans to update to the "practitioner's portion" of the Public Engagement Guide and include that as secondary content (appendices and

Topic Area	Metro 2021 Recommendations	Status Update by Metro Staff on 1/28/25
	make it easier for the public participation processes.	attachments) in the updated Public Engagement Guide, which will serve as the PPP. This Public Engagement Guide update was launched as a process but was cut short in March 2020 due to impacts from the COVID-19 pandemic. The process has resumed in 2023.
	Recommendation 9: Metro should include information in the PPP on how the public can volunteer to serve on committees.	Metro will pursue this recommendation, understanding that multiple departments outside of the MPO function also manage and recruit for committees.
	Recommendation 10: Metro should update the *Language Assistance* link on its website so it's stated in the prominent languages in the region, as determined in the LEP Four-Factor Analysis and the Safe Harbor Provision.	Metro is currently developing its next website to comply with technical support and security updates to its Drupal platform. This recommendation has been included in the requirements and project plan for the new website, and the initial version was expected in early 2023 but has been delayed to 2025 due to COVID pandemic-related budget and staffing issues.
6. Civil Rights (Title VI, EJ, LEP, ADA)	**Recommendation 11:** Metro should ensure the ADA Notice can be easily located on its website, and in Metro buildings, and include the basics of ADA requirements of the State or local government, written in easy to understand plain language format, and contact information of the ADA Coordinator.	These recommendations are included in the work of the ADA Coordinator and ADA self-assessment project manager. This information has also been referred to the website update project team, and we expect this notice to be easier to locate on the new site. The current site has been updated to include an "Access" category prominently displayed in the bottom "wrap" (information that transfers across all web pages). This Access category includes plain language categories of "Know your rights" and "Accessibility at Metro," both of the pages for which include the ADA Notice, requirements and ADA Coordinator contact information.

Topic Area	Metro 2021 Recommendations	Status Update by Metro Staff on 1/28/25
	Recommendation 12: Metro should work with ODOT's Title VI staff to: • Clarify compliance reporting procedures and timelines; • Ensure that USDOT Standard Assurances associated with FHWA financial assistance are signed and incorporated into Metro's Title VI Plan; • Confirm ODOT's expectations related to collection and analysis of Title VI data; • Revise its Title VI complaint procedures to include FHWA's guidance on processing Title VI complaints; • Remove age and disability from the Title VI Plan, complaint procedures, and any other associated documents and ensure only appropriate groups are included.	Metro will continue to – and more actively – work with ODOT Title VI staff. Metro intends to update its Title VI Plan this year, incorporating the elements recommended. Metro staff would benefit from more direction from FHWA regarding removing the age and disability from the Title VI Plan. From a program management and public communications perspective, Metro strives to address Civil Rights holistically, while still meeting our responsibilities for Title VI programming and reporting under its MPO functions. Metro has also taken guidance from USDOT practice in its program and communications around Civil Rights, addressing protections and processes beyond the Title VI requirements for race, color and national origin. *See:* https://www.transportation.gov/civilrights/complaint-resolution/complaint-process. One potential path is to clarify that Metro's Civil Rights program has that holistic approach, and reflect that in a "Civil Rights Plan," inclusive of but in place of a "Title VI Plan," that meets the regulations and requirements of FHWA for Title VI.
	Recommendation 13: Metro should use the U.S. Census *American Community Survey* data as the primary data sources for identifying Limited English Proficiency populations and incorporating a more comprehensive, multiple data-set, approach.	Metro agrees with this recommendation and continues to follow this practice. The ACS remains our primary data source for identifying Limited English Proficiency populations. Oregon Department of Education data is used as a secondary source where ACS data aggregates LEP populations such as "Other Indo-European languages"; "Other African languages"; etc. as the best data to align with ACS data and disaggregate languages which may fall within the Safe Harbor guidance.

Topic Area	Metro 2021 Recommendations	Status Update by Metro Staff on 1/28/25
7. Transit Representation on MPO Board	**Recommendation 14:** Metro should work with the JPACT members and regional transit agencies to define how regional transit interests are represented on the committee. The JPACT By-Laws should explicitly and clearly describe the role of the regional transit representation seat, currently held by TriMet. The representation of transit agencies on JPACT could be further supported by interlocal agreements between the transit agencies. It is also recommended Metro consider direct representation of regional transit agencies on technical advisory boards and committees such as the Transportation Policy Alternative Committee (TPAC).	In 2008, JPACT updated the committee bylaws to clarify a formal role for TriMet as representative of all transit service providers, and in turn, TriMet would be expected to coordinate directly with area transit providers, including C-TRAN. More recently, South Metro Area Rapid Transit (SMART) asked JPACT to consider adding a second transit seat to the committee. Metro offered to SMART and TriMet to work with a third-party consultant to convene facilitated meetings between the transit agencies to discuss a mutually beneficial path forward and improve communication between agencies. At this time, TriMet continues to serve as the representative at JPACT with the expectation that they represent all transit providers at JPACT. TPAC has somewhat different representation than JPACT, and its bylaws already include two transit representatives. TriMet holds a voting position on TPAC and C-TRAN has a non-voting position on the committee.

APPENDIX E – RTC 2021 CERTIFICATION FINDINGS DISPOSITION, SUBMITTED BY RTC

Topic Area	FHWA/FTA Recommendations	Status
MPO Structure and Agreements	**Recommendation 1**: While RTC's self-certification demonstrates adherence to 2 CFR 200 for procuring and rendering contractor and consultant services and further adheres to following 23 CFR 450.220 and 23 CFR 450.336, RTC should update all contracts and agreements with Appendices A & E of the USDOT Title VI assurances when services will be provided by consultants or contractors.	**Response to Recommendation 1:** RTC has fully implemented this recommendation. In RTC's professional services agreement, Appendixes A & E were attached and required to be signed by all contractors. RTC is also using the WSDOT contract template from the current Local Agency Guidelines (LAG**)** *manual* for our most recent professional services contracts to ensure that federal requirements are met and addressed.
	Recommendation 2: With respect to the metropolitan planning agreement, per 23 CFR 450.314, and metropolitan planning (PL/5303) funding agreement with WSDOT, RTC should continue monitoring tasks and responsibilities that are being completed within the metropolitan planning area to ensure that planning tasks are not duplicated and that the appropriate agency is handling the respective tasks in alignment with each agreement.	**Response to Recommendation 2:** RTC monitors tasks to ensure all responsibilities within the MPA are being handled by appropriate agencies in alignment with each agreement and to reduce redundancy. RTC elicits feedback and delegates applicable responsibilities to planning partners during the formal UPWP consultation process (annual), which includes consultation with Metro as part our bistate MPA planning memorandum of understanding and practices agreement. In addition, RTC participates in the quarterly WSDOT/MPO-RTPO coordination meetings and subcommittee processes. Those consultations are specifically designed to ensure WSDOT and MPOs are coordinating planning functions (for example, transportation performance management program coordination, congestion monitoring, project prioritization) and for administration of Title 23 grant funds suballocated to MPOs as part of the State Transportation Improvement Program process.

Metropolitan Planning Area Boundaries	None	
Transportation Planning Process	None	
Unified Planning Work Program	**Recommendation 3**: RTC should continue to use the UPWP as a tool to track tasks and activities with respect to revenues and expenditures. In addition, RTC should hold check-in meetings throughout the year with WSDOT to review timelines for various deliverables. **Recommendation 4**: RTC should include research and other initiatives in the UPWP that will generate data that can be used to further advance equity in the transportation planning process. TCRP Report 214 is an example of one resource that may provide RTC with insight on this recommendation.	**Response to Recommendation 3**: RTC's and WSDOT's Tribal and Regional Integrated Planning (TRIP) offices collaborate on a regular basis to ensure that programs are delivered on time and on budget. A timeline of deliverables was included in the *SFY 2025 UPWP.* WSDOT SWR attends the RTC Board and RTAC monthly meetings. Project specific activities, deliverables, and financial reports are transmitted monthly as part of RTC's routine grant billing processes to WSDOT TRIP, which promotes mutual oversight and administration of the approved UPWP planning activities. In addition, RTC prepares a UPWP Annual Report, which provides a complete assessment of each fiscal year work program delivery, including specific task oversight and financial reporting. The UPWP Annual Report is transmitted to the Board of Directors and presented during a monthly public meeting. (Refer to UPWP FY 2023 Annual Report.) **Response to Recommendation 4:** RTC has been organizing its work program and building technical capacity to expand inclusion of equity in the transportation planning process, being responsive to the FHWA/FTA Planning Emphasis Areas (2021). RTC staff have been participants in regional equity advisory committees for major investment projects. Committee participation has strengthened RTC staff networking and relationships among stakeholder groups and have expanded technical understanding of methods and practices. The notable committees RTC participates and monitors have included Equity Advisory Group (Interstate Bridge Replacement Program), Equity and Mobility Advisory Committee (ODOT Toll Program), Accessible

		Transportation Coalition, and the Clark County Bicycle and Pedestrian Advisory Committee. In addition, RTC staff is a partner with Clark County Public Health in leading a Walkability Action Institute action team, which meets on a monthly basis. The team includes regional partners, many of whom provide services to underserved populations. After completing several elements of their original 2022 action plan, the team updated the action plan in 2024 with new action steps for supporting planning for active transportation, equity, complete streets, helping to meet federally required safety measure targets, planning for human services transportation needs, and realizing health outcomes for the community. In 2023 RTC prepared a series of briefing papers that guided development of the Regional Transportation Plan (2024). Environmental Justice was a major theme for inclusion in the RTP update. RTC has gone further and developed equity analysis methodology and policy, which was endorsed by the RTC Board of Directors (Staff Report, PowerPoint). In development of the methodology and policy, RTC reviewed applicable state and federal regulations and various spatial and quantitative analytical tools and has incorporated expanded methods of technical analysis into its equity analyses. In 2024, as part of updates to RTC's Title VI, Language Assistance Plan, and Public Participation Plan, the EJ Demographic Profile were completed to identify equity focus areas that identified overlapping areas of people of color, people with lower incomes, and LEP populations. The equity focus area analysis tools are being integrated into planning projects and programs to ensure underserved populations are being identified and considered throughout RTC's projects and programs. This includes using the equity focus areas in the TIP project evaluation process that awards additional points for projects that occur in equity focus areas

		and for evaluating potential projects in the development of a regional safety action plan. In addition, the *SFY 2025 UPWP* includes an unfunded task: *Integrate Equity Into Transportation Planning Process.* This task includes the prioritization of investments that ensure marginalized and underserved populations have equitable access to safe, reliable, affordable, and convenient travel choices to key destinations, and it updates the TIP project evaluation criteria to support projects that benefit underserved populations.
Performance-Based Planning and Programming	None	
Metropolitan Transportation Plan	**Recommendation 5**: RTC should expand its EJ analysis to include an equity analysis to better determine whether planned transportation investments will create a benefit or a burden on affected communities.	**Response to Recommendation 5:** The 2024 RTP *Appendix G* – RTP Environmental Justice Analysis expanded its analysis to include the proximity of RTP projects to vulnerable or marginalized populations. Fifty-one percent (96 projects) are located within or crossing through equity focus areas. This suggests that equitable investments are being planned for underrepresented populations. *SFY 2025 UPWP* proposed an unfunded task to analyze whether transportation investments will create a benefit or a burden on affected communities. The EJ Demographic Profile, which was used to develop Appendix G of the RTP, was updated in 2024 to include an analysis of the amount of federal grant funding RTC has distributed since 2016 for people of color populations in Clark, Klickitat, and Skamania counties. The distribution was segmented into 5% to 10%, 10% to 25%, 25% to 50%, and greater than 50% populations of people of color. Refer also to Responses to Recommendations 3 and 4, above.

	Recommendation 6: As part of the next MTP update, RTC should include a well-documented analysis of future transportation problems by major subareas or corridors that describes the transportation needs the MTP projects and programs are anticipated to address.	**Response to Recommendation 6:** All projects included in the 2024 RTP come from local or regional analysis of transportation needs. The 6-Year RTP project list includes priority projects from local, regional, or state planning efforts. Projects included on the 6-Year List are programmed between 2024 and 2029 and are included in the current TIP, and the list can be found in Chapter 6. The RTP 20-Year List can be found in Appendix N. These planned projects programmed between 2028 and 2045 will further the regionwide application of advanced technologies, facilitate intermodal connectivity, and incorporate complete streets elements and capacity improvements. As part of RTC's Congestion Management Process (CMP), RTC provides data discovery, assessment and consultation with planning partners regarding regional designated transportation corridor needs and implementation actions that are meant to address known deficiencies consistent with CMP guidance. The CMP is an annual data assessment. The CMP report is shared annually with RTC technical committee and the Board of Directors. (Refer to CMP Reports, Board of Directors briefing materials for 2023 assessment period (Data, Summary, Report)).
	Recommendation 7: As part of the next MTP update, the financial constraint demonstration should include sufficient detail – functional categories, time periods, major travel modes – to more clearly demonstrate the total costs associated with meeting long-term regional and local transportation needs. If new revenues options are included in Metro & RTC 2021 TMA Certification Report Executive Summary Page 6 Topic Area RTC 2021 Corrective Action/ Recommendation the plan,	**Response to Recommendation 7:** RTC uses a detailed spreadsheet to prepare the financial constraint demonstration. This process includes calculation for funds from C-TRAN, cities, the County, and WSDOT. RTC further calculated this based on projects' estimated timeline for completion: within TIP (4 Years), within 10 years (5-10 years), more than 10 years. Chapter 5 outlines the RTP Financial Plan, and Appendix M documents the current and potential revenue sources and funding programs available for transportation uses.

	they should be specifically identified and supported with assumptions that establish that they are reasonable. **Recommendation 8**: As part of the next MTP update, RTC should expand their analysis of emerging transportation technologies to include the potential long-term impacts of shared, autonomous, and/or connected vehicles on future travel demand.	**Response to Recommendation 8:** Addressing the analysis and inclusion of emerging transportation technologies is included in the 2024 RTP Accessibility & Mobility and Sustainability & Resiliency goals and objectives, *Chapter 3,* and action strategies *Chapter 6.* Future versions of the RTP will address the needs identified in the 2024 RTP.
Congestion Management Process	None	
Transportation Improvement Program	None	
MPO Self-Certification	None	
Public Participation	**Recommendation 9**: RTC should add an ADA nondiscrimination statement (similar to the Title VI statement) to the inside cover of the Public Participation Plan, ending the statement with the existing information regarding how to obtain materials in alternative formats. **Recommendation 10**: RTC should continue to review its methods of public outreach/participation, and make changes as necessary to ensure that communications with the public includes equal access for	**Response to Recommendation 9:** RTC has developed an ADA nondiscrimination statement that is in English, Spanish, Russian, Chinese, and Vietnamese, which will be used in the front of all documents. It details how to obtain materials at no cost. **Response to Recommendation 10:** The Public Participation Plan was updated in 2024 and reflects the ongoing need to ensure that RTC's public outreach process is accessible to underserved populations. An example of how RTC engages populations who may not have internet access was the distribution of paper surveys to transit riders and at

	traditionally underserved populations, and recognizes that not all populations have internet access. **Recommendation 11**: RTC should clearly document the process for selecting underrepresented populations and community-based organizations to be invited to public participation events and decision making points.	libraries for the most recent update of the Human Services Transportation Plan. **Response to Recommendation 11:** RTC developed equity assessment and spatial analysis methodology, which was endorsed by the Board of Directors in 2024. This methodology is used to identify (based on data available) areas on which to focus public outreach and engagement. The Equity Focus Area map is also used in the RTC grant selection criteria processes. (Equity Methodology: Staff Report, Methods report , Equity Focus Areas map) To supplement the methodology and approach, RTC is participating on and/or engaged in various multiagency Equity Advisory Groups (see response to Recommendation 4). Direct participation and monitoring of these groups' activities foster networking and trust/relationship building, which refines RTC's outreach methods. Likewise, with the help of local and regional partners, RTC has a database of organizations that are in identified equity focus areas or help to support underrepresented populations. The database also includes the names of individuals who are interested in participating in engagement opportunities.
	Recommendation 12: RTC should retitle the Title VI Complaint form to more accurately reflect the range of complaints that may be filed using this form (e.g., Discrimination Complaint Form), consistent with a previous recommendation in the 2017 Certification Review. In addition, RTC should update the complaint procedures to add, under No. 4 (the	**Response to Recommendation 12:** Three separate complaint forms have been created: form for Title VI FHWA complaints, form for Title VI FTA complaints, and an ADA complaint form. The complaint procedures have been updated to WSDOT and FTA template language.

	section pertaining to dismissal of a complaint), "The complaint was not filed within the 180-day time limit."	
	Recommendation 13: RTC should consider providing a more prominent language link on its website.	**Response to Recommendation 13:** Individual language pages have been added in Spanish, Russian, Chinese, and Vietnamese that have the translated Title VI notice, complaint form, and procedures.
	Recommendation 14: RTC should revise the Title VI Assurances contained in its Title VI Plan to more accurately reflect the USDOT Title VI Assurances template. WSDOT Title VI staff should be consulted in updating the Title VI Plan to include detail on data collection and equity analyses. RTC should also refer to FTA's Title VI Circular (C 4702.1B), specifically Chapters III and VI, as appropriate.	**Response to Recommendation 14:** The Title VI Assurances have been updated using the template provided by WSDOT.
	Recommendation 15: RTC should update its 2018 ADA Self Evaluation & Program Access Plan to address feedback from FHWA that will be provided to RTC's ADA Coordinator under separate cover. RTC should post its updated ADA Self-Evaluation & Process Access Plan to its website for public information.	**Response to Recommendation 15:** ADA Self-Evaluation and Program Access Plan has been updated per the feedback provided in 2021, as well as feedback provided by WSDOT staff in a 2024 document review. The document has been posted to RTC's website.

Report prepared by:
FHWA Oregon Division
530 Center St NE, Suite 420
Salem, OR 97301
Phone: 503.399.5749

FHWA Washington Division 711 Capitol Way, Suite 501
Olympia, Washington 98501
Phone: 360.753.9480

Federal Transit Administration Region 10
915 Second Ave, Suite 3142
Seattle, WA 98174-1002
Phone: 206.220.7954

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