

Memo

Date: November 7, 2023
To: Joint Policy Advisory Committee on Transportation (JPACT) and interested parties
From: Kim Ellis, AICP, RTP Project Manager
Subject: Metro Staff Responses to Questions Raised About the MPAC Recommendation on the Regional Mobility Pricing Project

PURPOSE

This memo documents Metro staff responses to questions raised about the Metro Policy Advisory Committee (MPAC) recommendation on the I-5 and I-205 Regional Mobility Pricing Project (RMPP).

BACKGROUND

On October 25, MPAC recommended the RMPP (RTP Project #12304) be split into two phases, retaining only the preliminary engineering (PE) phase in the RTP Constrained project list and moving the construction-related phases (RW, UR, CN and OT) to the RTP Strategic project list. The MPAC recommendation reflected a desire to ensure RTP pricing policies and the local and regional tolling concerns are adequately addressed before the construction phase is included in the RTP Constrained project list.

On November 3, the Transportation Policy Alternatives Committee (TPAC) forwarded the MPAC recommendation for RMPP to the Joint Policy Advisory Committee on Transportation (JPACT) with a request for Metro and ODOT staff to provide as much information as possible to inform the upcoming JPACT decision on November 16 and the Metro Council decision on November 30.

QUESTIONS RAISED TO DATE

Questions received from partners and Metro Councilors are bolded with Metro staff responses below.

1. Is there precedent for an advisory body, like MPAC, to remove a project from the project list in the RTP?

- While MPAC did not recommend removing the project from the RTP, it is fully within the authority of policymakers to make such a recommendation. Instead, MPAC recommended splitting the RMPP into two phases – a preliminary engineering (PE) phase in the RTP Constrained project list and a construction phase in the RTP Strategic project list to ensure the local and regional tolling concerns are adequately addressed before the construction phase is included in the RTP Constrained project list.
- This appears to be the first time a policy committee or the Metro Council has revisited a specific project as part of an RTP update. Individual jurisdictions have revisited specific projects and made refinements as part of an RTP update.

2. Does only having PE in the RTP constrained project list limit the ability to model the impacts of the project for the climate analysis? Would this impact the modeling and climate results?

- Air quality impacts (including climate) are modeled when projects have both PE and right-of-way (ROW) phases included in the RTP Constrained project list. The RMPP project may have ROW included within the PE phase. Metro staff has requested that ODOT clarify whether ROW is included within the PE phase.
- Metro would need to rerun the 2023 RTP modeling and analysis to know the specific impacts on system performance and climate.
- Metro expects to continue to meet the targets because the 2023 RTP climate analysis assumed the full set of state-led Statewide Transportation Strategy pricing related actions that were assumed by the State when our region's climate targets were set. The adopted statewide targets assume congestion pricing and other pricing strategies beyond the RMPP, Interstate Bridge Replacement (IBR) and I-205 Toll Project included in the draft 2023 RTP.
- As a regular part of an update to the RTP, Metro will complete a final model run and analysis that reflects the final list of constrained and strategic projects that are adopted by JPACT and Council in the 2023 RTP. The final analysis will include the high-level project list assessment and full system performance analysis, including an updated climate analysis, and become the region's basis for local, regional and state transportation planning in the greater Portland area.

3. Are there impacts to federal funding, project schedule and budget that this additional requirement would create?

- ODOT would need to request an RTP amendment to move the project's construction phase from the RTP Strategic project list to the RTP Constrained project list, or propose the construction phase be added to the RTP Constrained list as part of the 2028 RTP update.
- An amendment to the RTP follows a similar adoption process to an RTP update. While RTP amendments typically take 4-6 months to complete, the I-205 Toll Project amendment adopted in 2022 took nearly 8 months from the initial ODOT request to final action by JPACT and the Metro Council due to concerns about the project. The amendment process includes a review of the request and supporting documentation by Metro staff for consistency with the RTP, and conducting a 45-day public comment period in advance of adoption by JPACT and the Metro Council by ordinance. The amendment legislation would be accompanied by findings that demonstrate consistency with:
 - regional goals, objectives and policies;
 - statewide planning goals;
 - federal fiscal constraint requirements; and
 - Metro's adopted Public Engagement Guide and RTP amendment procedures.

- Metro has not yet had an opportunity to fully evaluate the potential impacts, if any, on federal funding, the project schedule or budget. Below is what is known at this time, recognizing that ODOT staff may have additional information:
 - The 2024-27 State Transportation Improvement Program (STIP) includes illustrative programming of the PE phase to be transparent about ODOT's intent to formally amend the 2024-27 Metropolitan Transportation Improvement Program (MTIP) and 2024-27 STIP to program funding for the PE phase of the project once the 2023 RTP is adopted by JPACT and the Metro Council. MTIP and STIP amendments to fund the project beyond the PE phase could not be processed until the future phases are amended into the RTP.
 - RMPP is preparing to begin an Environmental Assessment (EA) as defined by NEPA and is working with federal agencies and local partners to identify a Proposed Action to evaluate in the EA. Based on the EA, ODOT and federal agencies will determine that either the project has no significant impact and issue a FONSI (Finding of No Significant Impact), or that the environmental impacts of the project will be significant and an Environmental Impact Statement (EIS) must be prepared. A recent update at the Regional Tolling Advisory Committee (RTAC) noted the RMPP EA is anticipated to be published for public comment by the end of 2024. ODOT can speak to the timing for completion of the EA.
 - Some form of Federal approval is needed for the project to be implemented. Federal approval typically occurs at the conclusion of the NEPA process. If a FONSI is issued, ODOT will need to complete a Cooperative Agreement with U.S. Department of Transportation/FHWA for congestion pricing implementation under the Value Pricing Pilot Program or recently created Congestion Relief Program. Based on Metro's understanding of the NEPA process, Federal approval could not be issued until the full project is amended into the RTP constrained list. ODOT can speak to the anticipated approval process.

4. When is the final Metro Council decision to adopt the 2023 RTP update? What happens if the JPACT and MPAC recommendations that come to Council are different?

- Council's final action is scheduled for November 30. Council options at that time are to either:
 - Approve JPACT's recommendation as recommended by JPACT, or
 - Send back the recommendation to JPACT with a recommendation for change prior to Council approval.
- If Council does not approve JPACT's recommendation on November 30, the RTP will lapse on December 6, 2023.
- MPAC must provide a recommendation to the Metro Council, but their recommendation is not binding on the Metro Council decision on November 30.