

Council work session agenda

Tuesday, January 8, 2019

2:00 PM

Metro Regional Center, Council Chamber

2:00 Call to Order and Roll Call

2:05 Chief Operating Officer Communication

Work Session Topics:

2:10 Discuss Council Policy Priorities for 2022-2024 Regional Flexible Funds Allocation [18-5132](#)

Presenter(s): Margi Bradway, Metro
Dan Kaempff, Metro
Ted Leybold, Metro

Attachments: [Work Session Worksheet](#)
[Memo: 2021-24 MTIP and 2021-24 RFFA](#)
[Memo: 2022-24 RFFA Policy Framework Recommendation](#)
[2019-21 RFFA Timeline Draft](#)

3:10 Break

3:25 2019 Legislative Agenda [18-5133](#)

Presenter(s): Randy Tucker, Metro

Attachments: [Work Session Worksheet](#)
[Resolution No. 19-4954](#)
[Exhibit A: Priorities](#)
[Exhibit B: Principles](#)
[Climate Legislation 2019](#)
[Equitable Housing 2019](#)
[Land Use 2019](#)
[OGIC Framework Data 2019](#)
[Ride-hailing 2019](#)
[Transportation Projects 2019](#)
[Willamette Falls Locks 2019](#)

4:25 Councilor Communication

4:35 Adjourn

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ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬស្នើសុំទទួលបានកាតព្វកិច្ចរើសអើងសូមចូលទស្សនាការបោះពុម្ព www.oregonmetro.gov/civilrights។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឱ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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Discuss Council Policy Priorities for 2022-2024 Regional Flexible Funds Allocation

Work Session Topics

Metro Council Work Session
Tuesday, January 8, 2019
Metro Regional Center, Council Chamber

METRO COUNCIL

Work Session Worksheet

PRESENTATION DATE: January 8, 2019

LENGTH: 60 minutes

PRESENTATION TITLE: Discuss Council Policy Priorities for 2022-2024 Regional Flexible Funds Allocation

DEPARTMENT: Planning & Development

PRESENTER(S): Margi Bradway, x. 1635, margi.bradway@oregonmetro.gov
Ted Leybold, x. 1759, ted.leybold@oregonmetro.gov
Dan Kaempff, x.7559, daniel.kaempff@oregonmetro.gov

WORK SESSION PURPOSE & DESIRED OUTCOMES

- Purpose: Provide Council with background information for the upcoming updates of the Metropolitan Transportation Improvement Program (MTIP) and the Regional Flexible Funds Allocation (RFFA).
- Outcome: Staff is requesting input and policy direction from Council at the outset of these policy and funding allocation processes.

TOPIC BACKGROUND & FRAMING THE WORK SESSION DISCUSSION

The MTIP and RFFA are two federally required processes that demonstrate how the region is implementing the policy goals and objectives defined in the Regional Transportation Plan (RTP).

The MTIP is the policy document that describes how the four agencies in the region which directly receive federal transportation funding are selecting projects and working together to ensure a coordinated approach to achieve the region's vision and goals for the transportation system. The MTIP is comprised of three major components: the transportation funding allocations administered by the state department of transportation (ODOT), transit agencies (SMART and TriMet), and the metropolitan planning organization (Metro).

The identification and selection of projects receiving the federal funding allocated to Metro on behalf of the entire Portland region is known as the Regional Flexible Funds Allocation (RFFA). The flexible funds are an element of the funds programmed within the MTIP. The Metro region is preparing to prioritize transportation projects and program activities to receive regional flexible funds available in the federal fiscal years 2022 through 2024.

In 2019, JPACT and Metro Council will undertake two processes: to consider and develop the MTIP policy, and to select projects to be funded through the RFFA. This work session is intended to provide Council with an overview of these processes and policy questions to be considered, and to gather Council direction on how the 2021-2024 MTIP and 2022-2024 RFFA are to reflect regional policy.

QUESTIONS FOR COUNCIL CONSIDERATION

- How does Council wish to use recommendations from the previous Council as they consider 2021-2024 MTIP/RFFA policy direction?
- What is Council's direction on how the region should implement the 2018 RTP policy, goals and objectives through the updated MTIP and RFFA?

PACKET MATERIALS

- Would legislation be required for Council action ☐ Yes ☒ No
- If yes, is draft legislation attached? ☐ Yes ☐ No
- What other materials are you presenting today? Slide deck only

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: December 21, 2018
To: Metro Council
From: Dan Kaempff, Principal Transportation Planner
Subject: 2021-2024 Metropolitan Transportation Improvement Program and 2022-24 Regional Flexible Funds Allocation

As part of the Planning and Development's work plan for 2019, Metro will update the Metropolitan Transportation Improvement Program (MTIP), and select projects through the Regional Flexible Funds Allocation (RFFA).

As Metro is the federally designated Metropolitan Planning Organization (MPO), we are required to conduct these processes periodically in order to demonstrate compliance with the policies and objectives set forth in the Regional Transportation Plan (RTP), and to maintain our ability to receive and spend federal transportation funding in the region. JPACT and Council must select and adopt a package of projects through the RFFA by January, 2020 in order to meet state and federal deadlines for development of the State Transportation Improvement Program (STIP).

Council has received a memo (dated December 6, 2018) intended to reflect input received from the preceding Metro Council regarding the 2022-24 Regional Flexible Funds Allocation (RFFA) and to provide information to the incoming Council which may be useful in their RFFA policy discussions and decisions.

In the January 8, 2019 Council work session, staff will present an overview of the MTIP and RFFA purposes, processes, and timeline the recent 2018 RTP policy direction, and ask Council for their input and direction on MTIP and RFFA policies.

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: December 6, 2018
To: Metro Council
Cc: Elissa Gertler, Ted Leybold
From: Margi Bradway, Deputy Director of Planning and Development
Dan Kaempff, Principal Transportation Planner
Subject: 2022-24 Regional Flexible Funds Allocation – Recommendation to the 2019 Metro Council

This memo is intended to reflect input received from the Metro Council in 2018 regarding the 2022-24 Regional Flexible Funds Allocation (RFFA) and to provide information and advice to the Metro Council regarding the decision they will make in 2019 on the RFFA policy framework.

Background

During the summer of 2018, staff conducted a series of meetings with individual Council members to discuss and receive their initial input on policy direction regarding the upcoming RFFA. These meetings consisted of an overview of the 2019-21 RFFA process and outcomes, as well as discussion of the current Regional Transportation Plan (RTP) process and the policy direction emerging from that process. At a Council Work Session held on September 6, staff briefed Council on the timeline and process for the 2022-24 RFFA and reviewed the existing RFFA policy framework. At that time, Council President Hughes deferred to take an official Council action on the 2022-24 RFFA policy framework. He also recommended that this Council advise the future Metro Council who will make the final RFFA allocation decisions in 2019. At the work session, Council discussed what input relative to the RFFA they might wish to communicate to the subsequent Council.

Based on their discussion, staff has compiled the following four primary points that the current Metro Council wants to convey to the incoming Council for their review and consideration:

1. The 2018 Regional Transportation Plan (RTP) should serve as the policy framework for the 2022-24 RFFA.

After three years of extensive input from the public, community and business leaders and jurisdictional partners, the 2018 RTP will be considered for adoption by the Metro Council on December 6, 2018. As required under federal law, previous RFFA policy frameworks have been aligned closely with RTP goals and objectives. In this cycle, the timing of Council's RTP adoption aligns perfectly with the beginning of a new RFFA allocation process.

Development of the 2018 RTP was shaped by extensive public and stakeholder engagement, analysis and discussion among policymakers of the region's key priorities – transportation equity with a focus on race and income, safety, Climate Smart Strategy implementation, travel options and addressing congestion. The RTP's goals serve as the broad direction and expectation of what each investment in the system should aim to achieve, but additional focus and attention should be paid to the RTP policy priorities.

As such, these priorities should be the focus of investments the region makes using Regional Flexible Funds to advance implementation of the RTP investment strategy. Furthermore, this approach is affirmed by federal regulations that require consistency between the RTP and federal investments in the region.

2. The priorities identified in the 2018 RTP should serve as guidance in investing Regional Flexible Funds:

- i. **Equity**– eliminate transportation-related disparities and barriers experienced by historically marginalized communities, particularly communities of color and people with low income
- ii. **Safety** – eliminate fatal and severe injury crashes for all modes of travel, with a focus on high injury corridors
- iii. **Climate** – make investments that reduce greenhouse gas emissions and advance implementation of the Climate Smart Strategy
- iv. **Congestion Relief** – help people and goods reach their destinations safely, reliably and efficiently by investing in travel information, technologies, travel options¹, and other strategies to manage use and optimize performance of the transportation system

3. Keep the existing two-step RFFA Framework.

The existing two-step RFFA framework supports investment in these policy objectives. Step 1 supports regional-scale investments in project development, transit capital, demand and system management, transit-oriented development and regional planning. Step 2 invests in local communities by investing project development and capital projects. This long-standing approach of appropriating RFFA funds has proven to be a winning formula: balancing the need for of regional, strategic investments in Step 1 with local, community-driven investments in Step 2.

4. Keep the 75/25 Split in Step 2.

Since a 2011 decision by JPACT and Metro Council, Step 2 funding for local capital projects have been divided between these two target areas with 75 percent of the available funds designated for active transportation projects and the remaining 25 percent for freight mobility projects. Council supports continuation of these target areas in recognition of their importance in achieving RTP policy goals and objectives. Given that Regional Flexible Funds represent less than 3 percent of all funds in the Metro area, Metro Council believes this approach appropriately applies funds to projects that are not funded with other means. The 75/25 split also supports and implements the outcomes identified in the 2019 RTP, including equity, mitigating climate change, safety and congestion relief.

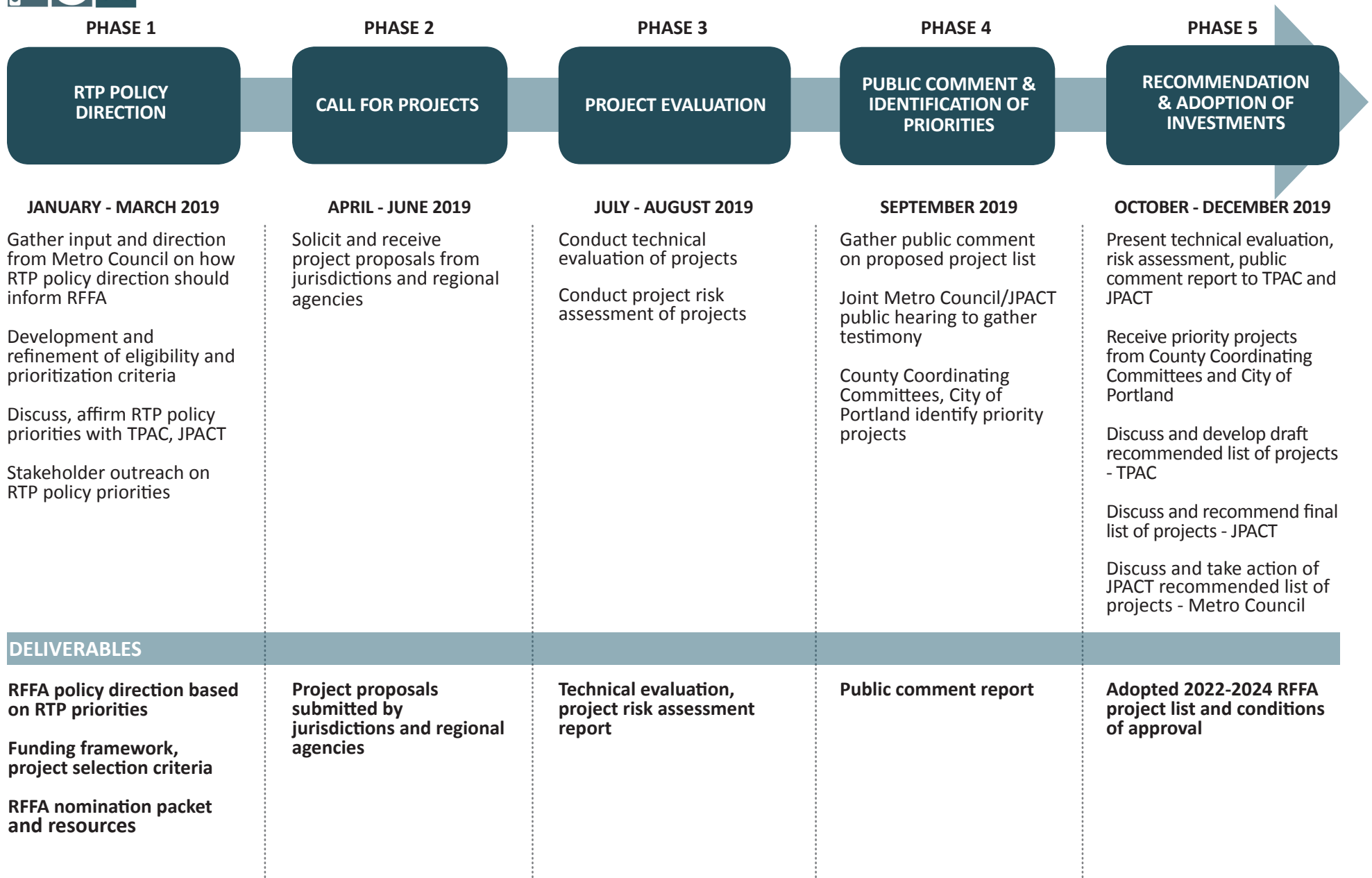
The Metro Council recognizes that the new Metro Council will deliberate and discuss their policy position regarding the RFFA when their term begins next January. This memo is offered with the intent to be helpful and share the current Metro Council’s collective experience in assisting their successors’ deliberations and decisions.

¹ “Travel options” means to expand transit service frequency, reliability and coverage, and complete biking and walking network gaps to reduce drive alone trips and vehicle miles traveled.



2022-2024 REGIONAL FLEXIBLE FUND ALLOCATION

Policy Update and Implementation Timeline



2019 Legislative Agenda

Work Session Topics

Metro Council Work Session
Tuesday, January 8, 2019
Metro Regional Center, Council Chamber

METRO COUNCIL

Work Session Worksheet

PRESENTATION DATE: January 8, 2019 **TIME:** 2:00 PM **LENGTH:** 60 minutes

PRESENTATION TITLE: 2019 State Legislative Agenda

DEPARTMENT: Government Affairs and Policy Development

PRESENTER(S): Randy Tucker, (503) 797-1512, randy.tucker@oregonmetro.gov

WORK SESSION PURPOSE & DESIRED OUTCOMES

- **Purpose:** This work session is the third opportunity to discuss the Metro Council's objectives for the 2019 legislative session, but the first for new members of the Council. Proposed legislative principles and concepts will be presented.
- **Outcome:** The Council may wish to discuss specific legislative concepts or principles or direct staff to develop additional concepts.

TOPIC BACKGROUND & FRAMING THE WORK SESSION DISCUSSION

Preparations are under way for the 2019 legislative session, which convenes in January and will run for approximately five months. The Council provided direction to staff on the following potential legislative issues at its October 2, 2018 and October 30, 2018 work sessions:

- Household hazardous waste product stewardship
- Product stewardship for mattresses and pharmaceutical drugs
- Clean diesel
- Columbia River levees
- Brownfield cleanup and redevelopment
- Disaster debris management sites
- Industrial site readiness
- Qualification-based selection
- Tax Supervising and Conservation Commission budget
- Automated vehicles
- Jurisdictional transfer of state highways
- Conservation tax deferral

Issues to be addressed in this work session:

- Funding for major transportation projects
- Affordable housing
- Land use
- Willamette Falls locks

- Ride-hailing
- Climate
- State repository for geographic framework data

Before each session, the Council endorses a set of Legislative Principles to guide staff responses to issues that may arise. Staff is proposing one clarifying edit to the principles that were adopted for the 2018 session.

QUESTIONS FOR COUNCIL CONSIDERATION

- Does the Council wish to endorse the concepts to be presented today?
- Are there other topics on which the Council would like to adopt legislative positions?
- Does the Council wish to make changes to the Legislative Principles that guide the actions of staff on issues that may arise during the 2019 session?

PACKET MATERIALS

- Would legislation be required for Council action ☒ Yes ☐ No
- If yes, is draft legislation attached? ☒ Yes ☐ No
- What other materials are you presenting today? Legislative issue sheets, proposed legislative priorities and principles

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING AN)	RESOLUTION NO. 19-4954
AGENDA FOR THE 2019 OREGON)	
LEGISLATIVE SESSION)	Introduced by Council President Lynn
)	Peterson
)	

WHEREAS, Metro has an interest in bills before the 2019 Oregon Legislature; and

WHEREAS, the Metro Council and Metro staff will represent Metro's interest during the upcoming legislative session; and

WHEREAS, the Metro Council wishes to establish a united position on important legislative proposals and provide direction to its staff in order to represent the will of the agency; and

WHEREAS, the attached Exhibit "A" of this resolution lists specific expected and potential 2019 issues that are of concern to Metro and the metropolitan region and gives guidance to staff on the Metro Council's position on these issues; and

WHEREAS, the attached Exhibit "B" states the Metro Council's principles regarding categories of potential legislation in order to provide guidance to staff in representing Metro; now therefore

BE IT RESOLVED that the Metro Council hereby directs the Metro Chief Operating Officer, the Metro Attorney, and Metro staff to communicate the agency's position on a variety of legislative proposals to the 2019 Oregon Legislature consistent with Exhibits "A" and "B" attached hereto.

ADOPTED by the Metro Council this _____ day of January, 2019.

Lynn Peterson, Council President

Approved as to Form:

Nathan Sykes, Metro Attorney

Exhibit A to Resolution 19-4954**METRO COUNCIL LEGISLATIVE PRIORITIES
2019 Legislative Session****TOP PRIORITY ITEMS**

- **Climate:** Support legislation to create a “cap and invest” system to reduce greenhouse gas emissions and incentivize investment in clean energy. Seek specific provisions that support implementation of the Portland region’s Climate Smart Strategy to reduce transportation-related greenhouse gas emissions. Seek opportunities to support other climate-related investments related to Metro’s other areas of responsibility.
- **Household hazardous waste:** Establish a program based on producer responsibility and product stewardship principles to manage household hazardous waste.
- **Affordable housing:** Support legislation increasing state housing funding, improving tenant protections, and providing additional tools and authority to local governments to address housing supply and affordability.
- **Urban growth management:** Ensure that the Legislature establishes the policy framework and process for local land use decisions and respects the authority of local governments, including Metro, to make specific decisions on local land use matters. Oppose efforts to legislatively determine specific land use designations in the region.
- **Transportation projects:** Provide funding to support project development and eventual construction of Southwest Corridor and I-205 projects.
- **Brownfield cleanup and redevelopment:** Establish a state brownfield cleanup tax credit and support recapitalization of the state’s Brownfields Redevelopment Fund.

OTHER ITEMS

- **Columbia River levees:** Support legislation to consolidate drainage districts and provide funding to support recertification of Columbia River levees.
- **Industrial site readiness:** Provide funding to implement statute authorizing loans to make land inside urban growth boundaries available for industrial development and job creation through infrastructure investment, brownfield cleanup, land aggregation, and other means. Support statutory changes to make statute clearer and easier to implement.
- **Product stewardship:** Support legislation creating programs for managing discarded pharmaceutical drugs and mattresses based on producer responsibility and product stewardship principles.
- **Jurisdictional transfer:** Advance efforts to identify candidate highways for jurisdictional transfer and provide funds to facilitate transfers.

Exhibit A to Resolution 19-4954

- **Emerging transportation technologies:** Ensure that legislation establishing statewide policy frameworks for ride-hailing companies and automated vehicles do not unreasonably limit local government authority or access to data needed for sound transportation management and planning.
- **Geographic data:** Support legislation to create and fund central state repository for standardized geographic “framework” data.
- **Willamette Falls Locks:** Support funding to repair and reopen the Locks and transfer ownership to the Department of State Lands.
- **Air quality:** Establish requirements and incentives to reduce diesel particulate emissions, increase the use of clean diesel engines, and reduce diesel engine idling.
- **Tax Supervising and Conservation Commission:** Increase the cap and growth factor for the TSCC’s budget.
- **Qualification-based selection:** Establish an alternative approach to contracting for certain categories of professional services that enables a contracting agency to consider price as a factor before selecting a contractor.

METRO COUNCIL ~~2018~~ 2019 LEGISLATIVE PRINCIPLES¹

LOCAL AUTHORITY

1. **Pre-emption:** With respect to issues related to solid waste management, land use, transportation planning and other matters of regional concern, Metro's authority should not be pre-empted or eroded.
2. **Funding:** To ensure a prosperous economy, a clean and healthy environment, and a high quality of life for all of their citizens, Metro and the region's counties, cities, and other service providers must have the financial resources to provide sustainable, quality public services. Accordingly, the Legislature should remove existing restrictions on local and regional revenue-raising authority and avoid enacting new limitations or pre-emptions, and all state mandates should be accompanied by funding.

EQUITY

3. **Racial Diversity, Equity and Inclusion:** Metro envisions a region and state where a person's race, ethnicity or zip code does not predict their future prospects and where all residents can enjoy economic opportunity and quality of life. Metro therefore supports legislation that acknowledges past discrimination, addresses current disparities and promotes inclusion in public programs, services, facilities and policies.

LAND USE AND URBAN GROWTH MANAGEMENT:

4. **Local Authority:** The Legislature should take no actions that reduce or compromise Metro's land use and urban growth management authority.
5. **Oregon's Land Use System:** Oregon's land use planning system provides an important foundation for the prosperity, sustainability and livability of our region; this system reflects the values of Oregonians and enjoys strong public support.² The Legislature should exercise restraint and care when considering changes to Oregon's land use system.
6. **Successful Communities:** Metro supports legislation that facilitates the achievement of the six desired outcomes for successful communities that have been agreed upon by the region: vibrant, walkable communities; economic competitiveness and prosperity; safe and reliable transportation choices; leadership in minimizing contributions to global warming; clean air, clean water and healthy ecosystems; and equitable distribution of the burdens and benefits of growth and change.³
7. **Local Land Use Decisions:** Management of the urban growth boundary is a complex undertaking that involves extensive analysis, public input, and a balancing of many factors. Urban growth management decisions have profound impacts not just on land at the boundary, but on communities within the boundary and on farms and other rural lands outside the boundary. For these reasons, the Legislature should establish the process and policy framework for local land use decisions and should affirm the authority of local governments, including Metro, to make specific decisions on local land use matters.
8. **Efficiency:** Land within the urban growth boundary should be used efficiently before the boundary is expanded.⁴
9. **Need:** The UGB should not be expanded in the absence of demonstrated need.⁵
10. **Affordable Housing:** Metro supports efforts to ensure that housing choices are available to people of all incomes in every community in our region, and to reduce the number of

households that must spend more than 50 percent of their income on housing plus transportation.⁶

11. **Transportation:** Land use and transportation planning should be coordinated so land uses do not undermine the efficiency and reliability of the transportation system and transportation investments do not lead to unintended or inefficient land uses.⁷
12. **Annexation:** Cities are the preferred governing structure for providing public services to urban areas, and Metro supports reforms that will facilitate, or reduce barriers to, orderly annexation and incorporation.
13. **Rules/Statutes:** Administrative rules should not be adopted into statute.
14. **Non-Regulatory Tools:** State efforts at regulatory streamlining should include funding to support development of non-regulatory tools for achieving desired land use outcomes.⁸
15. **Fiscal Responsibility:** Funding to support urban development should be generated at least in part by fees on those who directly benefit from that development.

SOLID WASTE:

16. **Product Stewardship:** Metro supports efforts to minimize ~~the~~ health, safety, environmental, economic and social risks associated with consumer products and packaging throughout all ~~lifecycle~~ stages of a product's life cycle and its packaging, and believes that the producer of the product has the greatest ability, and therefore the greatest responsibility, to minimize those adverse impacts. Product stewardship is an approach to environmental management providing that whoever designs, produces, sells or uses a product takes responsibility for minimizing the product's environmental impact throughout all stages of the product's life cycle. This is a market-based approach whereby the life-cycle costs of a product are internalized into its price rather than being forced onto the general public. This approach also provides an incentive for manufacturers to design and produce their goods in a way that minimizes lifecycle management costs. Accordingly, Metro supports legislation to establish product stewardship programs for products where such an approach is feasible and appropriate.

TRANSPORTATION:

17. **Transportation Governance:** The Legislature should take no actions that reduce or compromise Metro's or JPACT's authority in the areas of transportation policy and funding.
18. **Transportation Funding:** Providing adequate funding for all transportation modes that move people and freight supports economic prosperity, community livability, public health and environmental quality. For these reasons, Metro supports an increase in overall transportation funding, investments in a safe and balanced multimodal transportation system that addresses the needs of all users, and flexibility in the system to provide for local solutions to transportation problems.

PARKS AND NATURAL AREAS:

19. **Parks and Natural Areas:** Our region has invested heavily in protecting water quality and wildlife habitat and providing residents with access to nature and outdoor activity. Parks and natural areas are regional assets that support public health, environmental quality, strong property values and economic prosperity. For these reasons, Metro supports measures to increase local and regional authority to raise revenues to support parks and natural areas and

to increase the level of state funding distributed to local governments for acquisition, capital improvements, and park operations.

SUSTAINABILITY:

- 20. Climate Change:** Metro supports efforts to combat and adapt to climate change and to meet the state's goals for reducing greenhouse gas emissions. Metro and its regional partners are committed to the Climate Smart Strategy, which includes actions needed to achieve state targets for reducing greenhouse gas emissions from transportation. The state should provide financial support for implementation of the Climate Smart Strategy.
- 21. Species Conservation:** Metro supports efforts to protect and restore wildlife habitat, to recover threatened and endangered species, and to create a better future for wildlife, both in Oregon and globally.
- 22. Conservation Education:** Metro supports efforts to provide stable and reliable funding to conservation education.

ECONOMIC PROSPERITY:

- 23. Infrastructure Finance:** Metro supports measures, including funding or revenue measures, which facilitate state, regional or local investments in the public structures needed to accommodate population and economic growth in a way that helps the region achieve its six desired outcomes for successful communities.
- 24. Metro Venues:** Because the Oregon Convention Center, Expo Center, Portland's Centers for the Arts and Oregon Zoo are assets that contribute millions of dollars to the state and regional economies, Metro supports legislative measures that facilitate the success of these venues in attracting visitors and enhancing the quality of their experiences.

AGENCY OPERATIONS:

- 25. Firearms and Public Facilities:** Metro supports legislation that increases Metro's authority to regulate the carrying of firearms on Metro properties and public venues, and opposes legislation that limits or reduces that authority.
- 26. Disaster Preparedness:** Metro supports legislative efforts to improve community disaster preparedness and resilience, with the goal of enabling the Portland region to provide for the immediate needs of its residents and businesses after a catastrophic event and facilitating the region's short- and long-term recovery.

¹ Unless otherwise noted, endnotes refer to applicable policy statements in Metro's Regional Framework Plan (RFP).

² See <http://oregonvaluesproject.org/findings/top-findings/> (specifically item 5, Natural Resource Protections for Future Generations)

³ RFP Chapter 1 (Land Use).

⁴ RFP Policy 1.1 (Compact Urban Form).

⁵ RFP Policy 1.9 (Urban Growth Boundary).

⁶ RFP Policy 1.3 (Housing Choices and Opportunities).

⁷ RFP Policy 1.3.13 (Housing Choices and Opportunities); Transportation Goal 1 (Foster Vibrant Communities and Efficient Urban Form).

⁸ RFP Policy 1.1 (Compact Urban Form); Policy 1.2 (Centers, Corridors, Station Communities and Main Streets).

DRAFT

METRO
2019 LEGISLATIVE ISSUE IDENTIFICATION

Department: GAPD

Date: December 6, 2018

Person completing form: Randy Tucker

Phone: x1512

ISSUE: 2019 Climate legislation

BACKGROUND: The 2018 Legislature developed ambitious legislation to reduce greenhouse gas emissions in Oregon through a so-called “cap and invest” program. While the legislation did not pass in the short 2018 session, legislative leaders have signaled their commitment to passing it in 2019 by establishing a Joint Committee on Carbon Reduction chaired by the Senate President and the Speaker of the House during the legislative interim.

It is anticipated that a 2019 climate bill will closely resemble “Clean Energy Jobs” legislation introduced in 2018, which would have updated the climate goals the Legislature established in 2007 and converted them to actual “limits.” The 2007 goals call for reductions of greenhouse gas emissions below 1990 levels of 10% by 2020 and 75% by 2050. The 2018 legislation established a “goal” of 20% reduction below 1990 emission levels by 2025 and “limits” on emissions of 45% below 1990 levels by 2035 and 80% by 2050.

The primary mechanism of this legislation would be a hard cap on emissions that would decline over time to comply with the limits above, combined with “allowances” for each ton of carbon dioxide emissions (or equivalent) allowed under the cap. Most of these allowances would be sold in a state-run auction, while others would be given away to help industries that compete with unregulated businesses outside Oregon to transition to clean energy. Regulated businesses would have to periodically verify that they held enough allowances to cover their emissions.

The intended outcomes of this system would be that businesses would have an incentive to reduce their emissions in order to reduce the number of allowances they need to buy, and would therefore seek the lowest-cost ways of reducing their emissions. Businesses that reduce their emissions would be able to sell surplus allowances on the open market. The cost of the allowances, which would rise over time as the number of allowances declined, would make clean energy more competitive; drive increased investment in energy efficiency, zero-emission vehicles and clean energy sources; and spur investments in clean-tech businesses.

The proposed legislation would cover emissions from transportation, residential and commercial use of electricity and natural gas, solid waste, and large industrial processes. Auction proceeds would be used to invest in projects that further reduce emissions and support the transition to a clean energy economy; to support investments to help communities adapt to climate change; to provide assistance to low-income households, rural communities and small businesses; to support job transitions for affected workers; to prevent price volatility and minimize impacts on utility rates; and for other related purposes.

RECOMMENDATION: The region's six desired outcomes for successful communities, which have been adopted into the Metro Council's legislative principles, include regional leadership on climate change. While the details of this legislation are still being developed, staff offers the provisional recommendation that Metro should support this concept while continuing to monitor its substance and progress. Staff has two more specific recommendations:

Transportation: Like gas taxes and vehicle registration fees, proceeds from allowances purchased by suppliers of transportation fuels are likely to be constitutionally dedicated to expenditures within the road right-of-way.¹ However, they must still be spent in ways that carry out the primary objectives of the bill: reducing greenhouse gas emissions and promoting adaptation and resilience in Oregon communities in response to climate change. Other language in the 2018 bill required that preference be given to transportation investments that result in the greatest reductions in GHG emissions.

The 2009 Jobs and Transportation Act directed Metro to develop and implement a plan to reduce GHG emissions from transportation consistent with the state's climate goals. In collaboration with regional partners, Metro developed and adopted the Climate Smart Strategy to meet this requirement; this strategy has been approved by the Land Conservation and Development Commission. However, even considering the road, transit, bicycle and pedestrian improvements that will be supported by the 2017 transportation package, the region still needs significant funding to fully implement the Climate Smart Strategy. An appropriate portion of auction proceeds from a cap and invest bill should be allocated to the region for this purpose. (Any other MPO with a state-approved GHG reduction plan should be similarly eligible.)

Waste: While including GHG emissions from waste in a cap and invest program will impose additional costs on the solid waste system, internalizing environmental costs is generally good practice, especially when the costs are linked to behaviors that can be modified or avoided. If the solid waste industry is required to obtain allowances to account for its GHG emissions, the costs of those allowances could be included in rate setting and would provide an incentive for reducing waste generation or otherwise reducing emissions, similar to the other sectors covered by the legislation. Staff recommends that Metro support this climate legislation irrespective of whether waste is subject to its requirements.

However, a list of large emitters of GHGs developed by the Oregon Department of Environmental Quality (DEQ) includes the closed St. Johns Landfill. Requiring a closed landfill to purchase allowances to account for its GHG emissions is problematic since emissions cannot be further reduced through waste reduction. Staff investigation suggests that the DEQ's assessment of emissions from St. Johns is based on generic information and fails to take into account the extensive measures taken to capture and eliminate those emissions; actual

¹ While some legal questions have been raised as to whether auction proceeds are actually subject to this requirement, legislators are operating under the assumption that the constitutional dedication applies and exploring a range of uses that would be eligible for investment under that assumption.

emissions seem to fall well below the threshold in the legislation that would require Metro to purchase allowances for the landfill. However, in 2018, staff secured amendment language exempting closed landfills operating in compliance with their DEQ closure permits from having to purchase allowances. Metro should support including similar language in a 2019 bill.

LEGISLATIVE HISTORY: As noted above, the Legislature created greenhouse gas emissions reduction targets in HB 3543 (2007). “Cap and invest” legislation was introduced in 2016 but was set aside at the time in favor of the so-called “coal to clean” bill that phased out electricity derived from coal. Late in the 2017 session, over 30 co-sponsors introduced SB 1070, a “marker bill” that represented the starting point for discussion of 2018 legislation. Four working groups met in the fall of 2017 to flesh out that legislation, which was then introduced as HB 4001 and SB 1507 in the short 2018 session. Metro staff successfully advocated for language to be included in these bills to address the transportation- and landfill-related issues described above. However, leadership decided at the end of the session to create a joint committee to continue working on climate legislation over the interim and bring back a bill in the longer 2019 session.

OTHER INTERESTED PARTIES: Because this legislation will have impacts across the entire state economy, it is being watched closely by a very broad range of interests.

IMPACT IF PROPOSED ACTION OCCURS: Impacts of such legislation are likely to be wide-ranging and hard to predict with precision. However, based on related programs in other areas, it is anticipated that this legislation will stimulate investments in energy efficiency and accelerate the transition to cleaner sources of energy. It could provide critical funds for regional investments that support implementation of the Climate Smart Strategy by reducing greenhouse gas emissions from the transportation system. Depending on specifics, this legislation could also create opportunities to support other Metro activities that reduce climate impacts.

METRO
2019 LEGISLATIVE ISSUE IDENTIFICATION

Department: GAPD / Planning and Development

Date: November 26, 2018

Person completing form: Randy Tucker/Jes Larson

Phone: x1512

ISSUE: Equitable Housing

BACKGROUND: While housing costs at the upper end of the market have stabilized after a multi-year run-up, costs at the lower end of the market continue to rise faster than incomes in the Portland metropolitan region. For obvious reasons, this disproportionately impacts renters and low-income households, many of whom face challenges of rising rents and no-cause evictions. Unable to maintain stable rental housing, these households remain at risk of displacement as they are left to navigate a tight rental market with very low vacancy rates.

In 2015, Metro's Equitable Housing program developed a strategic framework for creating and preserving housing affordability and housing choice. The framework consists of four elements, which together represent a balanced approach to equitable housing:

1. **Increase and diversify market-rate housing:** Eliminate regulatory barriers and create incentives for diverse market-rate housing.
2. **Leverage growth for affordability:** Encourage private developers to contribute to affordable housing.
3. **Maximize and optimize resources:** Increase flexible funding and pursue coordinated investment strategies to expand the region's supply of regulated affordable housing.
4. **Mitigate displacement and stabilize communities:** Pursue community-informed strategies to mitigate displacement; ensure safe and healthy rental housing; and bridge the homeownership gap for lower-income groups, including communities of color.

The Oregon Housing Alliance, of which Metro is a member, is developing its legislative agenda, and the 2019 Legislature is expected to pursue another round of housing legislation. Likely policy proposals include providing additional protections for renters, increasing the supply of "missing middle" housing, and ensuring that local governments take actions to address local and regional housing needs. Other anticipated proposals would provide financial support or tax incentives for affordable housing development and preservation. Legislation limiting the deductibility of mortgage interest may also be introduced.

RECOMMENDATION: Staff recommends support for a range of state policy and funding tools that are likely to be the subject of 2019 legislation on equitable housing. Anticipated legislative proposals that support the Equitable Housing Initiative's strategies include:

1. **Provide funding and incentives to build and preserve affordable housing.** One expected proposal would provide a capital gains tax exemption upon the sale of

multifamily buildings for permanent use as affordable housing. This proposal would support implementation of Metro's affordable housing bond measure.

2. **Authorize strong tenant protections against no-cause evictions.** Eliminate no-cause evictions in favor of a just-cause eviction standard that would only allow landlords to evict a tenant for reasons set out in law, such as nonpayment of rent or other lease violations, or for "no fault" reasons such as a landlord moving in.
3. **Authorize stronger protections against rent increases.** Oregon state law prohibits local governments from passing any ordinances that regulate rents. This proposal would allow local governments to pass their own rent stabilization ordinances. (A possible alternative proposal would establish a statewide rent stabilization policy.)
4. **Reduce barriers to condominium development.** Condos are a relatively affordable, land-efficient home ownership option, but condo development in Oregon has essentially ceased, in part due to concerns having to do with liability for construction defects. Various parties are working to develop a broadly supported proposal that can encourage condo development.
5. **Encourage development of "missing middle" housing.** This proposal would require local governments to change their zoning code to allow duplexes, triplexes, quads and cottage clusters in single-family zones.
6. **Enable local governments to waive certain zoning and building code requirements to support emergency shelters, small houses, or huts for homeless camps** when a local government declares a state of emergency for housing/homelessness.
7. **Provide funding for ongoing operations and supportive services** to serve people with lower incomes and higher needs. This will also support implementation of Metro's bond measure.
8. **Limit the mortgage interest deduction** and use additional resources for affordable housing.

LEGISLATIVE HISTORY: Since 2016, the Legislature has increasingly focused on housing affordability, enacting a series of bills to protect tenants from displacement, address racial disparities in home ownership, and facilitate and fund housing development and preservation.

- **SB 1533 (2016)** lifted the pre-emption on local inclusionary zoning that had been passed in 1999, while imposing certain conditions regarding the use of inclusionary zoning.¹
- **HB 4143 (2016)** created new renter protections, prohibiting rent hikes in the first year of a month-to-month tenancy and requiring 90-day notice for subsequent rent increases.
- **SB 1051 (2017)** included several provisions to facilitate the development of affordable housing and "missing middle" housing, including accessory dwelling units (ADUs): shorter permitting deadlines for affordable housing construction, a requirement that communities allow ADUs in single family zones, broader requirements for clear and objective standards, prohibitions on density limitations below zoned density, etc.

¹ SB 1533 also authorized cities and counties, but not Metro, to impose a construction excise tax for affordable housing, and lifted the sunset on the pre-emption that prevents Metro from changing or increasing its existing CET.

- **HB 3012 (2017)** authorized the construction of new homes in rural residential areas (outside UGBs) on parcels that already have a “historic home” built between 1850 and 1945, if the historic home is converted to an ADU.
- **HJR 201 (2018)** referred to the voters Measure 102, a constitutional change allowing local governments to use bond proceeds to build or acquire affordable housing in partnership with nongovernmental entities like businesses and nonprofit organizations. (Oregon voters approved Measure 102 in November 2018.)
- **HB 4007 (2018)** increased the state’s document recording fee from \$20 to \$60, which will raise approximately \$90 million per biennium for affordable housing.
- **HB 4006 (2018)** includes various provisions intended to ascertain and reduce the number of severely rent-burdened households in cities with populations over 10,000.
- **HB 4010 (2018)** created a task force to examine racial disparities in home ownership.

OTHER INTERESTED PARTIES:

Since its founding in 2003, the Oregon Housing Alliance has had a string of successes in enacting policy changes and in raising significant new state funding for affordable housing. In addition to the Housing Alliance and its member organizations and local governments, other interested parties include the Oregon Home Builders Association, Oregon Association of Realtors, Multifamily NW, and other industry groups.

IMPACT IF PROPOSED ACTION OCCURS:

- Prevent displacement of renters due to no-cause evictions or sudden or extreme rent increases.
- Facilitate acquisition of affordable units to implement Metro housing bond measure.
- Increase supply of “missing middle” housing.
- Facilitate development of condominiums.
- Provide funding for operations and supportive services, thereby supporting successful implementation of Metro housing bond measure.
- Enable local governments to act quickly to site emergency shelter and homeless facilities when local leaders determine that housing/homelessness has reached a state of emergency.

METRO
2019 LEGISLATIVE ISSUE IDENTIFICATION

Department: Planning and Development

Date: 5 December 2018

Person completing form: Randy Tucker

Phone: x1512

ISSUE: Land Use and Urban Growth Management

BACKGROUND: Legislation has been pursued in every session since 2014 to redraw the Portland region's urban growth boundary, change the location of urban and rural reserves, or otherwise intervene in the regional land use process. While those efforts have been unsuccessful, they have created uncertainty about the integrity of the system and fed a misconception that specific local land use designations are proper subjects of state legislation.

As of this writing, staff is not aware of specific efforts to pass legislation along these lines in 2019, but anticipates that something is likely to arise.¹

RECOMMENDATION: Prior to the 2014 session, the Council adopted a principle that declares, in relevant part: "the Legislature should establish the process and policy framework for local land use decisions and should affirm the authority of local governments, including Metro, to make specific decisions on local land use matters." Based on this principle, which the Council has reaffirmed annually since it was first adopted, Metro should continue to strongly oppose any effort to legislatively modify the urban growth boundary, the urban and rural reserves, or the underlying zoning of any specific piece of land, while continuing to consider possible improvements to the region's growth management process and policies.

LEGISLATIVE HISTORY: SB 1011 (2007) created the process under which Metro and the Counties agreed on reserve designations in 2010. Shortly after the Court of Appeals rejected part of that agreement in February of 2014, the Legislature passed HB 4078 to establish urban and rural reserves in Washington County. HB 4078 also prohibited the creation of more urban reserves in any county until 75% of the current urban reserves in that county have been brought into the UGB. The following year, HB 2047 corrected technical errors in HB 4078 while avoiding changes that had not been agreed to in the "grand bargain." In 2015, 2016 and 2017, legislation was introduced which would have intervened in the regional reserves process in various ways and in various places around the region. However, none of those bills passed.

Meanwhile, after the Metro Council's 2015 urban growth management decision, in which the Council did not expand the UGB, Metro convened an Urban Growth Readiness Task Force to

¹ Of particular note was a bill pursued in 2018 by the City of Hillsboro to legislatively bring a significant piece of rural reserves into urban reserves. Metro strongly opposed that legislation but staff have engaged in a subsequent dialogue with Hillsboro staff to explore possible areas of agreement.

explore possible improvements to the urban growth management process. The result was HB 2095 (2017), a consensus bill authorizing UGB expansions midway through a six-year growth management cycle if a city requests an expansion and has plans for development and infrastructure finance.

OTHER INTERESTED PARTIES: Cities and counties; development-related business groups; specific landowners; farmers; land use advocates.

IMPACT IF PROPOSED ACTION OCCURS: Depends on specific legislation.

METRO
2019 LEGISLATIVE ISSUE IDENTIFICATION

Department: Research Center

Date: November 13, 2018

Person completing form: Jeff Frkonja

Phone: x1897

ISSUE: Oregon Geographic Information Council (OGIC) Framework Data

BACKGROUND: Metro is a pioneer in the preparation of standardized data at the regional scale for use in public sector planning, programming, and policy-making. Metro's Research Center (RC) created and has for years sustained the Regional Land Information System (RLIS), which provides data to support critical Metro functions such as Urban Growth Boundary decisions, the Regional Transportation Plan, and various operations including solid waste flow management. The State of Oregon has sought for some time to emulate Metro's example by creating a "framework data" repository at the state scale. The data in this repository would be similar to Metro's RLIS in content and would span the entirety of Oregon.

Framework data includes fundamentals such as where streets, rail lines, and other transport assets are located; the boundaries and characteristics of taxlots; jurisdictional and legislative district boundaries; and other data essential for supporting public decision-making. Making statewide framework data available through a central repository in a standardized format would allow state agencies to provide consistent services statewide (e.g. ensuring that school districts know their student populations accurately and that emergency service providers know how to get to people in need quickly and efficiently). Unfortunately, Oregon does not now have complete and standard framework data statewide. The main obstacles include lack of technical resources (e.g., local staff capacity and the means to create data and maintain it) and lack of institutional resources at all levels of government for collecting, standardizing, and aggregating the data to regional and state geographies.

The Legislature created the Oregon Geographic Information Council (OGIC) as a governor-appointed body of experts to help ensure that framework data are created, sustained, and governed appropriately.¹ OGIC makes recommendations regarding framework data to the Legislature every long (odd numbered year) session.

To realize its mandate, OGIC is recommending a 2019 legislative concept that would adequately program for and fund framework data creation, management and storage in a central state repository. It proposes that the state increase funding to support the programs needed to achieve that goal, with oversight provided by OGIC and state staff per current law. OGIC's programmatic recommendation is to target framework data program activities and funding at the selected levels of government (including city, county, special district, region, and state agency) where they can do the most good. OGIC's preliminary proposal, pending legislative

¹ Metro's RC Director Jeff Frkonja represents regional interests on OGIC and is currently serving as OGIC chair.

feedback, is to generate the required funds by tapping existing state-administered fees (where the programs supported by those fees utilize framework data).

RECOMMENDATION: Support OGIC’s framework data legislative concept, which would return benefits to Metro and to the jurisdictions within Metro’s boundary.

To support this effort, Metro staff and Councilors should also work to

- Improve awareness of the value of framework data among local government partners in the Portland region;
- Make local leaders aware of the framework data legislative concept, including that the proposal would create new *state* revenues, much of which would be spent at the local level;
- Encourage local leaders to offer support for the framework data legislative concept.

LEGISLATIVE HISTORY: OGIC was created in a somewhat different form more than a decade ago. During the 2016 session one legislator introduced a bill that would have required all public bodies to share data, but in Metro’s view (a view shared by most cities and counties), the 2016 bill was deeply flawed in that it failed to resource the needs and provide solid governance. Local and regional pushback resulted in the Legislature withdrawing the bill in favor of creating a working group to extensively revise it. Metro played a key role in that working group and helped produce a bill (HB 2906) that received almost universal support and became law during the 2017 session. That bill reconstituted OGIC, enlarged OGIC’s data and budgetary governance roles to better target resource needs, and enlarged OGIC’s representation to include more local voices. The 2019 framework data legislative concept is the work of the “new OGIC.”

OTHER INTERESTED PARTIES: All counties, cities, and special districts within Metro and statewide would benefit from seeing the framework recommendation realized and are affected by state law and programs concerning framework data.

IMPACT IF PROPOSED ACTION OCCURS:

- More money for framework data creation, management, and sharing will be available to all levels of government in Oregon, including Metro;
- Areas of the state previously lacking some or all framework data would have resources to create that data;
- The Legislature would be able to enact its objective of requiring that all public bodies share framework data with each other (but not to the public or private firms) free of charge.

METRO
2019 LEGISLATIVE ISSUE IDENTIFICATION

Department: Planning and Development

Date: 28 November 2018

Person completing form: Eliot Rose

Phone: x1825

ISSUE: Ride-hailing

BACKGROUND: Ride-hailing services (also known as transportation network companies, or TNCs) use apps to connect passengers with drivers who provide rides in their personal vehicles. Two ride-hailing companies, Uber and Lyft, currently offer service throughout the Portland region. Use of ride-hailing has grown rapidly, both nationally and in the region. Uber and Lyft began serving the region in 2015, and in 2017 they provided over ten million rides in the City of Portland. People in other areas of the region regularly use ride-hailing services for weekend trips and trips to the airport. Uber and Lyft currently dominate the U.S. ride-hailing market, but several other companies are poised to begin operating ride-hailing services in the near future.

Ride-hailing has the potential to expand transportation choices in suburban areas, complement transit service, increase carpooling by offering shared trips, and reduce vehicle miles traveled and car ownership. However, most of the available evidence finds that in practice, ride-hailing services are making the transportation system more inequitable, less safe, and more congested. Ride-hailing services increase vehicle travel¹ and compete with public transportation because they tend to focus on serving areas that are congested and already enjoy a variety of transportation choices.² People of color face longer wait times and increased likelihood of cancelled rides, and few ride-hailing vehicles are accessible to people with disabilities. Drivers, who are often people with low incomes, do not receive benefits and have recently been subject to significant wage cuts. Companies have not shared data on driver safety, but it is increasingly clear that by adding more cars to the road ride-hailing increases collisions,³ and that companies do not always enforce their own safety policies.⁴

¹ The most comprehensive study to date of the impacts of ride-hailing found that it likely increases VMT. R. Clewlow and G. Mishra, Disruptive Transportation: The Adoption, Utilization, and Impacts of Ride-Hailing in the United States, University of California, Davis Institute of Transportation Studies, October 2017. http://usa.streetsblog.org/wp-content/uploads/sites/5/2017/10/2017_UCD-ITS-RR-17-07.pdf

² Depending on the city studied, 47 to 61 percent of ride-hailing trips would have otherwise been made by transit, carpooling, bicycling, or walking – or not made at all – whereas between seven and 39 percent of trips would have been made by driving. S. Shaheen, Keynote address, University of Oregon Urbanism Next conference, Portland, OR, March 5, 2018.

³ J. Barrios, et. al., The Cost of Convenience: Ridesharing and Traffic Fatalities. University of Chicago Stigler Center for the Study of the Economy and the State, October 2018. <https://research.chicagobooth.edu/-/media/research/stigler/pdfs/workingpapers/27thecostofconvenience.pdf?la=en&hash=A15B1513F98D7A17B9E37F78DD2EBDC4C6338BFA>

⁴ For example, in 2017 the California Public Utilities Commission found over 150 instances in the course of a single year where Uber failed to follow up on drunken-driving complaints in spite of its zero-tolerance policy for impaired driving. Reuters, Uber may face \$1 million fine over California drunken-driving complaints, CNBC, April 13

Local governments traditionally have the authority to address these concerns by regulating ride-hailing and other for-hire transportation services. They also have the necessary capacity and experience, since the majority of ride-hailing trips serve large cities. In our region, the City of Portland and the Port of Portland regulate ride-hailing services within their jurisdictions. Both require companies to conduct background checks on drivers, require that vehicles meet safety requirements, and report traffic violations by drivers. The City of Portland also collects a fee on each ride that goes toward providing wheelchair-accessible service and has a zero-tolerance discrimination policy. The Regional Transportation Plan calls on Metro and its partners to develop regionally consistent policies for ride-hailing.

Ride-hailing companies have consistently sought to avoid local oversight. For example, in 2014 Uber developed software that prevented code enforcement officers from hailing rides in cities where they were operating illegally, including Portland, which had not yet issued permission for Uber to begin service. More recently, ride-hailing companies have turned to state legislation to pre-empt local regulations. Oregon is currently one of the only U.S. states without statewide ride-hailing regulation. All state ride-hailing laws pre-empt at least some local regulatory authority, with a few exemptions for major cities with pre-existing regulations. The representative of one of the ride-hailing companies serving on the Oregon Automated Vehicle Task Force has already announced the industry's intent to advocate for pre-emptive state ride-hailing legislation in Oregon during the 2019 session.⁵ (Ride-hailing companies are likely to be among the first to deploy AVs.)

RECOMMENDATION: Oppose legislation that pre-empts local authority to regulate ride-hailing services.

It makes sense for the state to regulate certain aspects of ride-hailing services, such as basic requirements for vehicles (e.g., safety equipment, vehicle identification) or drivers (e.g., eligibility, background checks, insurance requirements, non-discrimination). However, any state legislation should maintain local authority to adopt additional regulations including but not limited to service equity requirements, minimum wages, and safety requirements, and to charge fees to manage congestion or cover administrative costs. Ride-hailing services are concentrated in major cities, and local governments are in a better position to respond to riders' and drivers' concerns. Local governments should also have access to data on ride-hailing trips within their jurisdictions at a sufficient level of detail to support enforcement of regulations. One example of a non-preemptive approach to state ride-hailing legislation comes from Washington State, which sets insurance requirements for ride-hailing at the state level but leaves other aspects of regulation up to local jurisdictions.

2017, <https://www.cnbc.com/2017/04/13/uber-may-face-1-million-dollar-fine-over-california-drunken-driving-complaints.html>

⁵ See Uber's comment letter in Appendix B (p. 35 of the digital PDF): <https://www.oregon.gov/ODOT/Get-Involved/Documents/AVTF-2018-report-final.pdf>

LEGISLATIVE HISTORY: House Bill 3246, which would have established state oversight of ride-hailing services and pre-empted local regulation of these services, was introduced but not adopted during the 2017 session. The industry is expected to pursue similar legislation in 2019.

OTHER INTERESTED PARTIES: Metro's public agency partners the City of Portland and Port of Portland have ride-hailing regulations in place that could be overturned by pre-emptive statewide laws. More broadly, the League of Cities, labor groups, and advocates for communities of color, and drivers opposed HB 3246 in 2017, while industry, anti-drunk driving advocates, and residents of areas where ride-hailing service was then unavailable supported it.

IMPACT IF PROPOSED ACTION OCCURS: Metro and its public agency partners maintain authority to collect data from companies on how ride-hailing is impacting congestion, emissions, safety, and the economy in the Portland region, and to regulate ride-hailing services in a way that supports our regional goals and creates consistency across jurisdictions..

METRO
2019 LEGISLATIVE ISSUE IDENTIFICATION

Department: GAPD

Date: December 8, 2018

Person completing form: Randy Tucker

Phone: x1512

ISSUE: Transportation project funding

BACKGROUND: The 2017 Legislature passed House Bill 2017, an ambitious and multifaceted transportation funding and policy package that moved Oregon and the Portland region forward in many ways. Among other things, the package:

- Raised significant new revenue for road construction and maintenance
- Directed funding specifically to major projects in the Portland region to relieve congestion at specific highway bottlenecks
- Provided (for the first time) significant and ongoing state support for transit operations
- Created a new revenue source to permanently fund the Connect Oregon multimodal program
- Funded rebates for purchases of electric vehicles
- Provided new funding for Safe Routes to Schools
- Directed the Oregon Department of Transportation (ODOT) to develop a proposal for managing travel demand through congestion pricing on I-5 and I-205 from their junction in the southern part of the region to the Columbia River.

The Portland region will benefit greatly over time from the passage of HB 2017. However, certain key priorities the region agreed to pursue going into the 2017 session were not included in the final package. Among those priorities were funding for improvements on I-205 and funding to advance the Southwest Corridor light rail project. There are efforts under way to move both of these projects forward in the 2019 session.

Southwest Corridor: TriMet has requested, and the Governor's recommended budget includes, \$25 million in lottery backed bonds for the Southwest Corridor Light Rail Project. This allocation will provide the necessary funding to get the project through Final Design and to the Full Funding Grant Agreement stage with the Federal Transit Administration. TriMet is planning an additional request for the 2021 session, but the details of that request will depend on what is included in an anticipated 2020 regional ballot measure.

I-205: The region requested funding in 2017 to address three major highway bottlenecks: I-5 in the Rose Quarter, OR-217 in Washington County, and I-205 in Clackamas County. The Legislature funded the I-5 and OR-217 projects but not I-205. Instead, HB 2017 required ODOT to submit a Cost-to-Complete report that was delivered to the Joint Committee on Transportation in January 2018. The Legislature also attached a budget note to ODOT's 2017-

2019 biennial budget (HB 5045) that directed ODOT to ensure an ongoing commitment to fully fund congestion relief on I-205, including the segment between Stafford Road and Oregon 99E.

The Stafford Road-Oregon 99E project involves repair/replacement of the Abernethy Bridge and widening I-205 to three lanes in each direction. Total cost of the two elements of this project is estimated at up to \$500 million; ODOT estimates that each year of delay adds significantly to the cost. Certain legislators have suggested that the project can be funded through tolling, which is not realistic either financially or with respect to timing, since tolling will not be implemented for many years even under the best case scenario.

The Oregon Transportation Commission recently provided \$17,100,000 to the I-205 Stafford Road-Oregon 99E project, which, combined with previously identified funding of \$30,400,000, will allow the preliminary engineering, right of way and utility relocation work to be completed in preparation for the construction phase to begin once funding is identified. This action is in alignment with HB 2017.

West Linn is coordinating an effort, unanimously supported by the Clackamas County Coordinating Committee (C4), to secure base funding for implementation of the I-205 project elements either together or in phases. Draft legislation would provide \$250 million for construction/renovation/seismic improvements to the Abernethy Bridge and \$100 million to begin the construction process for improvements between the bridge and Stafford Road.

RECOMMENDATION: Support efforts to provide legislative support for the Southwest Corridor and I-205 projects.

LEGISLATIVE HISTORY: As noted above, neither of these projects was funded in HB 2017. In 2007, the Legislature authorized \$250 million in lottery bonds to support construction of the Portland-Milwaukie light rail project.

OTHER INTERESTED PARTIES: Regional agencies (TriMet, Port of Portland, Metro) and the cities and counties of the region have all supported funding these projects as part of a comprehensive regional transportation investment strategy and the region unanimously urged the Legislature to include these projects in the 2017 transportation package.

IMPACT IF PROPOSED ACTION OCCURS: On Southwest Corridor, this funding would enable Metro and TriMet to continue project development on the current timetable and set the stage for subsequent funding requests from the region's voters and from the federal government. On I-205, this funding would not only enable project development to continue, but also remove I-205 from the discussion of a regional transportation bond measure.

METRO
2019 LEGISLATIVE ISSUE IDENTIFICATION

Department: COO

Date: December 11, 2018

Person completing form: Andy Cotugno

Phone: 503-334-5286

ISSUE: Willamette Falls Locks

BACKGROUND: The Willamette Falls Locks were built in 1873 and purchased by the US Army Corps of Engineers in 1915. The Locks played a very significant role in supporting the growth of Oregon's agriculture and timber economies by providing a means of low-cost access to world markets. With the listing of the spotted owl and salmonid species as endangered, traffic through the Locks dropped dramatically leading to disinvestment by the Corps and closure for life-safety concerns in 2011.

In 2017-18, the Corps completed a "Disposition Study" to determine their long-term interest in the Locks. Through that process, the Corps has concluded there is no further federal interest in owning the locks due the lack of nationally significant economic benefit, and has called for their disposal to a non-Corps entity. As documented in the Disposition Study, the Corps' preferred method of disposal is to transfer the facility to an entity that intends to make repairs and reopen the Locks to river travel. Before that can happen, the Corps intends to seismically reinforce the upper gates which function as a continuation of the Willamette Falls dam structure, which is used to power the PGE hydroelectric dam. This will protect the Corps' interest in habitat restoration upstream, which would be in jeopardy in the event of a seismic failure. If no transferee is identified, the Corps' alternate plan is to permanently decommission the facility by replacing the upper gates with a concrete bulkhead, remove all of the mechanical and hydraulic equipment, pin the gates open and dispose of the facility "as-is" through the General Services Administration.

In 2015, the Oregon Legislature adopted SB 131 establishing a Task Force to address the significance of the Locks. That Task Force reported back to the 2017 Oregon Legislature about the importance of repairing and reopening the Locks to the public. This led to the adoption of SB 256 establishing a Commission to develop an approach to transfer the Locks out of the hands of the Corps to another existing or new entity to enable repairs and a return to public service. That Commission was appointed by Governor Brown and is now deliberating toward a recommendation.

In 2017, a coalition of local governments (including Metro) and private sector partners contracted for an economic study to determine the state and regional benefits of repairing and reopening of the Locks. That report can be found here: <http://orsolutions.org/wp-content/uploads/2018/07/WFL-Economic-Benefits-Final-Report-2018-0404.pdf>

As reported in that document, the benefits that are highly likely to occur and that can be readily quantified in economic terms are expected to be 2-5 times greater than the cumulative cost to repair and operate the Locks over a 30-year period. In addition, unquantified and more speculative benefits will simply add to the level of benefit that will be realized.

RECOMMENDATION: Work with local partners to:

1. Seek a funding contribution from the 2019 Oregon Legislature to enable the repair and reopening of the Locks. LC 2876 has been drafted to provide a lottery bond appropriation in an amount to be determined (but likely about \$12.8 million).
2. Seek assistance from the 2019 Oregon Legislature in establishing a governance structure for the entity to take ownership of, repair and operate the Locks. LC 2332 has been drafted authorizing the Department of State Lands to acquire and restore the Locks to an operational state.

LEGISLATIVE HISTORY:

- **1870** – The Oregon Legislature provided \$200,000, an approximate one-third contribution, to the Willamette Falls Locks and Canal Company for construction of the Locks. In addition, the Legislature set maximum rates that could be charged for passage through the Locks. The Locks opened as a private business in 1873.
- **1912** – After years of complaints about the exorbitant toll to pass through the Locks, the Oregon Legislature appropriated \$300,000 for an approximate one-half share to the Corps of Engineers to facilitate the Corps' acquisition and expansion as a "free passage" public facility.
- **2006** – Designation of the Locks as an Oregon Solutions project led to a series of repairs and intermittent closings and reopenings while they were still in the possession of the Corps of Engineers, until closure in 2011.
- **2015** – SB 131 adopted by the Oregon Legislature to address the state and local significance of the Locks.
- **2015** – Designated as an Oregon Solutions project in support of the 2016 Locks Task Force established by SB 131 and the 2018 Locks Commission established by SB 256.
- **2016** - \$500,000 appropriated by the Oregon Legislature; \$100,000 used toward the Economic Benefit Study and \$400,000 toward due diligence and engineering assessment in support of the 2018 Locks Commission.
- **2017** – SB 256 adopted by the Oregon Legislature to consider engineering, governance, funding, public outreach and state and federal advocacy leading to transfer of the Locks out of the hands of the Corps and to facilitate the repair and reopening of the Locks.
- **2017** – The FY 2017-2019 state budget includes funding to support Oregon Solutions facilitation of the Locks Commission deliberations as well as legal support from the Department of Justice.

OTHER INTERESTED PARTIES: Numerous governments and non-governmental organizations have gone on record in support of repairing and reopening the Locks to the public:

<ul style="list-style-type: none"> • Clackamas County • Multnomah County • Marion County • Polk County • Linn County • Milwaukie • Oregon City • Portland • West Linn • Wilsonville • Gladstone • Tualatin • Canby • Roseburg • Salem • Eugene • Independence • Confederated Tribes of Grand Ronde 	<ul style="list-style-type: none"> • Associated Oregon Counties • Columbia River Yachting Association • Willamette Falls Heritage Foundation • Willamette Falls Heritage Area Coalition • Clackamas County Historical Society • Clackamas County Heritage Council • Clackamas County Tourism Board • Clackamas County Business Alliance • Lake Oswego Preservation Society • Portland General Electric • National Trust for Historic Preservation • Oregon City Business Alliance • Willamette River Keepers • Portland Spirit • eNRG Kayaking • Pacific Northwest Waterways Association • Restore Oregon • Wilsonville Concrete Products • WyEast Expeditions
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IMPACT IF PROPOSED ACTION OCCURS: Action by the Legislature is one part of a complex set of actions required to repair and reopen the Locks. Legislation would help to identify or establish the implementing entity and provide much needed repair funding. Further action will be required including disposition by the Corps of Engineers, establishment of the implementing entity, contracting for repairs and establishment of an on-going funding source for operations.

Materials following this page were distributed at the meeting.