



Metro  
600 NE Grand Ave.  
Portland, OR 97232-2736

## Council work session agenda

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**Tuesday, October 13, 2020**

**2:00 PM**

**<https://zoom.us/j/471155552> or  
**877-853-5257 (toll free)****

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Please note: To limit the spread of COVID-19, Metro Regional Center is now closed to the public.

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### **2:00 Call to Order and Roll Call**

#### **Work Session Topics:**

2:05 Legislative Agenda Update [20-5472](https://www.oregonmetro.gov/20-5472)

Presenter(s): Randy Tucker, Metro  
Anneliese Koehler, Metro

Attachments: [Work Session Worksheet](#)  
[EPR for PPP 2021](#)  
[Mattresses 2021](#)  
[EPR for HHW 2021](#)  
[Jurisdictional Transfer](#)  
[Ride-Hailing 2021](#)  
[OGIC Framework Data 2021](#)  
[Equitable Housing 2021](#)  
[Willamette Falls Locks 2021](#)

**2:50 Chief Operating Officer Communication**

**2:55 Councilor Communication**

**3:00 Adjourn**

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ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកម្មប្រតិបត្តិការរើសអើងសម្រាប់សេចក្តីណែនាំ [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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**Legislative Agenda Update**  
*Work Session Topics*

Metro Council Work Session  
Tuesday, October 13, 2020

## 2021 STATE LEGISLATIVE AGENDA

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Date: September 24, 2020  
Department: GAPD  
Meeting Date: October 13, 2020

Presenter(s) (if applicable): Randy Tucker  
and Anneliese Koehler  
Length: 45 minutes

Prepared by:  
Randy Tucker,  
[randy.tucker@oregonmetro.gov](mailto:randy.tucker@oregonmetro.gov)

Anneliese Koehler,  
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### ISSUE STATEMENT

This work session is the first opportunity to discuss the Metro Council's objectives for the 2021 Oregon legislative session. Proposed legislative priorities will be discussed; additional concepts, as well as proposed updates and additions to the Council's Legislative Principles, will be presented at a subsequent work session in November.

### ACTION REQUESTED

The Council may wish to discuss specific legislative concepts or principles or direct staff to develop additional concepts before adopting its legislative agenda prior to the start of the 2021 legislative session.

### POLICY QUESTION(S)

- Does the Council wish to confirm previous policy direction under which staff is currently operating with respect to issues that are likely to surface in 2021?
- Are there topics on which the Council would like to adopt legislative positions aside from those described here?
- Does the Council wish to make changes to previously adopted Legislative Principles that guide the actions of staff on issues that may arise during a legislative session?

### POLICY OPTIONS FOR COUNCIL TO CONSIDER

See issue sheets. Note that these are just some of the concepts we plan to present to the Council. More are coming at a subsequent work session in November.

### STAFF RECOMMENDATIONS

See individual issue sheets.

### STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Like so many things, COVID-19 has impacted the state legislative process. While we don't know exactly how the 2021 session will be impacted, we can say with certainty that it will look different than many prior long sessions. Over the last six months, the Legislature has conducted much of its business remotely and online. Legislative rules do require members to appear in person for certain processes like floor sessions and parts of committees, and

legislators have adapted their processes to accommodate those requirements while still striving to perform most of their duties virtually. All special sessions and legislative days since the start of COVID-19 have been conducted with lobbyists and members of the public prohibited from being in the Capitol building.

At this moment, we anticipate that much of the session will be focused on the pressing matters currently facing our state including COVID-19, police reform, wildfires, and budget balancing. The most recent revenue forecast was surprisingly upbeat, but budget challenges anticipated over the next couple of biennia suggest that the Legislature will be reluctant to make significant new investments.

While so much feels different, preparations are indeed under way for the session. Bill concepts are being discussed and circulated and people are meeting to advance policy priorities. Most of the priorities staff expects to propose for the 2021 session reflect well-established Council policy and/or legislative priorities that have previously been included in the Council's agenda. We have requested free-standing bills for a small number of those priorities and are monitoring various issues that already have legislative vehicles.

In addition to the issue preparation we undertake every session, we are working with our staff colleagues and external partners to more effectively integrate the consideration of racial equity into the development and implementation of Metro's legislative agenda.

## **BACKGROUND**

See issue sheets.

## **ATTACHMENTS**

Legislative issue sheets on:

- Extended producer responsibility (EPR) for packaging and paper products
- EPR for mattresses
- EPR for household hazardous waste
- State investment in state-owned highways
- Transportation network companies
- Geospatial framework data hub
- Equitable housing
- Willamette Falls Locks

[For work session:]

- Is legislation required for Council action?  Yes  No
- If yes, is draft legislation attached?  Yes  No
- What other materials are you presenting today? Legislative issue sheets

## METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION

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**Person completing form/Department:** Scott Klag and Pam Peck, WPES

**Date:** September 29, 2020

### **ISSUE: Producer Responsibility for Packaging and Paper Products (PPP)**

**BACKGROUND:** Oregon is a national leader when it comes to recycling. Oregonians value the environmental benefits of recycling and established state policies in the 1980s and 1990s that require communities to provide recycling opportunities for residents and businesses. This system worked well for many years, but our local recycling programs now face major challenges and increasing costs.

**Materials:** Oregon's recycling programs were developed when most products were manufactured in the United States and only a few items were packaged in plastic. Changes in what producers are putting on the market and therefore what ends in the recycling bin have created problems. These include the reduction in easily recyclable and marketable materials like newsprint, and the introduction of multi-material packaging that is difficult if not impossible to recycle.

**Contamination:** These changes in the market have been accompanied by increased contamination in household and business recycling bins. Our fragmented collection and processing system lacks the economic incentives to ensure clean materials. Contamination has devastating environmental and social impacts on overseas end market communities who have to deal with plastic trash and many have closed or restricted their markets in response.

Contamination and the demand for cleaner material have also resulted in a rapid rise in system costs. This has been particularly hard for communities that also pay to transport the materials they collect to distant processing facilities. Local governments across Oregon have had to raise solid waste rates and/or drop materials from their collection programs in response.

**Processing Facilities and Recycling Markets:** A long-term shift to foreign from domestic markets was upended first by the Chinese "Green Fence" policy (dating back to 2006), eventually leading to extremely severe current restrictions on imports known as the "Chinese Sword."<sup>i</sup> While the loss of foreign markets for recyclables presents an opportunity to rebuild domestic markets, our processing facilities need significant investments to modernize their processing equipment. Metro's "Innovation and Investment" grant program has helped, but is not a long term solution to the problem. Local governments have no control when it comes to how and where items are recycled. We cannot assure residents and businesses that materials are properly sorted and recycled responsibly, especially when they travel to markets outside the United States.

**DEQ's Recycling Steering Committee:** In response to the problems outlined above, the Department of Environmental Quality established a Recycling Steering Committee (RSC) to look

into updating and modernizing Oregon's recycling system. The RSC was comprised of representatives from local governments, waste and recycling hauling companies, recycling processing facilities, and others. The RSC provided an opportunity to inform stakeholders on issues and options that could go into modernizing Oregon's recycling system. At the outset, the DEQ communicated to the RSC that the DEQ, through the Governor's office, hoped to propose legislation to modernize the system in the 2021 legislative session.

The RSC process concluded on September 18 with a consensus proposal. The proposal represents the best efforts of the Committee to identify a set of concepts that those at the table could concur on. Most notably, the proposal would establish an Extended Producer Responsibility (EPR) system for packaging and paper products.

Elements of the EPR system outlined in the RSC proposal include a statewide list of materials to be collected; producer funding for education, contamination reduction and investments in processing facilities; and requirements that producers ensure all collected materials go to markets where they will be handled responsibly with both workers and the environment in mind. Additional elements include "truth in recycling" labeling requirements so consumers know products marketed as recyclable will in fact be recycled; requirements that all collected materials go to certified or permitted processors capable of outputting marketable materials with few contaminants; and provisions that address equity concerns such as living wages and a safe workplace for recycling system workers. Also notable are "upstream" provisions that take into account the life cycle impact of materials and will create incentives for producers to develop products that have fewer impacts.

**RECOMMENDATION:** Actively support legislation modernizing state and local recycling programs based on a producer responsibility approach. The DEQ is working with the Office of Legislative Counsel to develop a bill that reflects the concepts concurred on by the RSC. An additional EPR proposal by environmental organizations that focuses on issues such as plastic pollution is also expected. While the DEQ RSC process achieved considerable consensus, it was at a high level with many implementation details left to be determined. We expect a dialogue to take place over the next several months about more detailed legislative language.

**LEGISLATIVE HISTORY:** EPR for PPP has been widely adopted across the world including in Europe and Canada.<sup>ii</sup> States looking at EPR for PPP include Maine, New York and Washington. EPR for PPP legislation has also been introduced at the federal level. A producer responsibility program for PPP would build on the long legacy of Oregon's successful "Opportunity to Recycle Act" (1983). Producer responsibility programs in Oregon for electronic waste and paint have been very beneficial for Oregon residents. A program requiring take-back of medicines passed by the Legislature in 2019 will soon be operating.

**OTHER INTERESTED PARTIES:** Key parties with a high level of interest include local governments both individually and through the League of Oregon Cities (LOC) and the Association of Oregon Counties (AOC); persons and companies in the solid waste and recycling field both individually and through the Oregon Refuse and Recycling Association (ORRA) and the Association of

Oregon Recyclers (AOR). Producers to be affected by this proposal observed, but were not part of, the DEQ RSC consensus process. Environmental and public interest groups focused on the issue include Environment Oregon, Surfrider, Peak Plastics Foundation, Oceana and Willamette Riverkeeper.

**IMPACT IF PROPOSED ACTION OCCURS:**

- Provides a modernized, more sustainably managed and more financially sound state and regional recycling system that requires producers to share in responsible management of their products.
- Supports the Metro Council's legislative principles and the Regional Waste Plan's promotion of producer responsibility, including reducing the life cycle impacts of products and their packaging.
- Assists Metro in preserving natural resources and protecting the environment. The program will advance the development of covered products that have less environmental impacts including reduced GHG emissions.
- The program will provide advance greater equity in the provision of recycling services across the region and state and improve the working environment for those employed in the recycling industry.

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<sup>i</sup> <https://resource-recycling.com/recycling/2018/02/13/green-fence-red-alert-china-timeline/>

<sup>ii</sup> [Product Stewardship Institute Report on EPR for PPP](#)



## **METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION**

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**Person completing form/Department:** Scott Klag, WPES

**Date:** September 29, 2020

### **ISSUE: Extended Producer Responsibility for Mattresses**

**BACKGROUND:** Extended Producer Responsibility (EPR) legislation for mattresses will create jobs, recover materials that can be recycled into new products and divert mattresses from solid waste facilities, where they are difficult and dangerous to manage.

Mattresses are present in the waste stream in significant numbers and pose a problem for the solid waste system. Thousands of mattresses from the Metro region and across Oregon are discarded each year. These bulky, hard-to-handle items are difficult to process as garbage and can pose a safety hazard to solid waste workers. Metal springs in the mattresses can damage equipment at our solid waste facilities.

A stewardship program will create new jobs at facilities set up to recycle mattresses. Disassembling mattresses can provide permanent employment and training opportunities for populations that face significant barriers to employment, including a history of incarceration or homelessness.

Once disassembled, up to 85 percent of a typical mattress is recyclable. Materials such as metal, foam, cotton and wood can be used to make new products and prevent the harvesting of virgin materials.

This program will build on Oregon's legacy of establishing successful EPR programs such as those for bottles, leftover paint and discarded electronics. Manufacturers selling their products into the state will be required to belong to a stewardship organization. The stewardship organization will be required to achieve certain standards of convenience to ensure services are available to all Oregonians. Like the Oregon paint producer responsibility law, an assessment will be collected at the point of sale when a consumer purchases a mattress; there will be no charge to drop off for recycling. The state will approve the assessment to ensure it will cover, but not exceed, the cost of the program.

**RECOMMENDATION:** Support a statewide EPR for mattress legislation.

A statewide program would be more beneficial than a regional program as it offers greater coverage and potentially greater efficiencies than a regional one and would be overseen by the DEQ, which has developed expertise with these types of programs. However, if the state legislation does not pass, Metro would develop and implement a program at the regional level.

**LEGISLATIVE HISTORY:** The Oregon Legislature is set to again consider the creation of a state EPR program for mattresses in the 2021 session. Metro supported state legislation establishing a producer responsibility program for mattresses during both the 2019 and 2020 legislative sessions.

On January 30, 2020, the Metro Council passed Resolution 20-5069 in advance of the 2020 Oregon legislative session in support of mattress EPR legislation. At that time, while supporting the state bill, Councilors expressed interest in pursuing such legislation regionally if it failed to pass at the state level. `

At the 2020 legislative session a strong bill (HB 2772A) came out of committee and went to Ways and Means, and its chief sponsor expected it to pass. While most of the bill was developed in discussions with the main association of mattress manufacturers, the amended bill included an important provision, resisted by the manufacturers, that ensures DEQ's ability to enforce against producers who fail to comply. However, the collapse of the session meant that the bill died, along with almost every other bill.

Three other states (Connecticut, Rhode Island and California) have passed similar legislation and are successfully collecting and recycling hundreds of thousands of mattresses.

**OTHER INTERESTED PARTIES:** The Association of Oregon Recyclers (AOR) (composed of, among others, solid waste and recycling companies and local and state governments) supported the bill. BRING, a Eugene based reuse and recycling non-profit was strongly supportive. Other supportive parties include mattress recyclers and a local mattress retailer. As noted above, the main association of mattress manufacturers continues to oppose a key provision.

**IMPACT IF PROPOSED ACTION OCCURS:** An EPR program for mattresses will provide the following for the region:

- **Policy:** An EPR program for mattresses aligns with multiple goals and actions within the 2030 Regional Waste Plan.
- **Equity:** The legislation requires provision of free, convenient and accessible collection opportunities for any person in the state. The legislation will increase collection from multifamily residences, low-income communities and communities of color.
- **Operations:** The increased services will reduce the number of mattresses in the waste stream and improve safety conditions for workers at transfer stations. More convenient disposal options should also reduce illegal dumping of mattresses.
- **Employment:** Mattress recycling facilities that will be supported by this legislation can create permanent employment and training opportunities for populations that face significant barriers to employment, including a history of incarceration or homelessness.
- **Climate:** Significant reductions in greenhouse gases and energy use have been shown to result from reuse and recycling of mattress components.

## **METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION**

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**Person completing form/Department:** Scott Klag, Property & Environmental Services

**Date:** September 25, 2020

**ISSUE:** Producer Responsibility for Household Hazardous Waste

**BACKGROUND:** Household hazardous waste (HHW) is a term applied to products many of us have sitting in our garages, basements or other storage areas that need special handling and disposal. Examples include flammable products including solvents; home and garden products containing herbicides or pesticides; and highly corrosive or reactive products like oven cleaners and pool chemicals. If these products are not properly managed, they pose risks to children from poisonings, to solid waste workers on collection routes and at disposal facilities from chemical reactions or releases, and to the environment from spills or through other pathways.

State policy (ORS 459.411) finds that “it is in the interest of public health, safety and the environment” to provide safe and environmentally sound alternatives to disposing of such wastes in the solid waste stream or sewage facilities, and that individuals and small businesses should have more opportunities and options for collection of their hazardous wastes.

Across the state, local governments and the State of Oregon have developed and funded collection services to help their residents properly dispose of these wastes. However, resources are limited and not all wastes are being collected. The financial burden on solid waste ratepayers to provide these services is already significant; expanding service levels is not really an option. Some portions of the state have very little collection service.

Since 2015, Metro has actively pursued legislation to establish a statewide producer responsibility program for household hazardous waste (HHW). Between the 2015 and 2017 sessions, Metro convened a broad-based stakeholder process to discuss and improve this proposal. Under a producer responsibility program, the makers of products share in taking responsibility for their products’ leftovers to prevent harm to human health and to protect the environment. 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. Producer responsibility programs in Oregon for electronic waste and paint have been very beneficial for Oregon residents.

Metro and many other state and local governments have shown that providing convenient access to HHW services is an essential element of HHW collection. It is easy to buy these products and it should be convenient to properly dispose of them. A producer responsibility program for HHW will make it easier for people to do the right thing.

**RECOMMENDATION:** Advance legislation requiring producers who sell HHW products into the state to ensure there is a program for their products’ end-of-life collection and environmentally sound management. Covered products would include the more hazardous and toxic products that are most appropriately collected at DEQ permitted facilities and HHW collection events of the sort Metro provides. The legislation would not cover products that can be safely collected at retail locations (e.g., household batteries; compact fluorescent lamps), nor would it cover products

covered by other product stewardship programs (e.g., architectural paint, electronic devices, pharmaceuticals).

The legislation would establish collection convenience and performance standards for the stewardship programs, building on existing facility and collection services already being provided by local governments and the state. Unlike the paint program, there would not be a state “fee assessment” that may be visible on a consumer’s receipt; manufacturers’ costs under the program would be included like other costs of doing business in the price paid for the product by the consumer.

**LEGISLATIVE HISTORY:** The 2017 bill (HB 3105) was a revised version of a concept bill first presented to legislators for informational purposes during the 2015 session, and subsequently discussed with stakeholders. The 2017 bill passed out of its policy committee, and was sitting in Ways and Means at session’s end. The same thing happened with HB 4126 in 2018 and HB 2772 in 2019.

Oregon was the first state in the US to consider stewardship to cover HHW. Multiple programs like this are operating in Canada, including in British Columbia, Manitoba and Ontario.

**OTHER INTERESTED PARTIES:** Staff who run hazardous waste programs for other local governments in the state testified in support of this legislation each session. The bill also garnered the support of additional legislators as it moved forward. We will also re-engage with environmental and public health advocates and agencies to support the bill. While we have made some changes to the bill based on concerns expressed by a number of manufacturer and trade groups (e.g., American Chemistry Council, Oregonians for Food and Shelter, Consumer Specialty Products Association), those groups have continued to oppose.

**IMPACT IF PROPOSED ACTION OCCURS:** Existing producer responsibility legislation for the most common product brought to our HHW services – paint – is saving Metro ratepayers over \$1 million annually. Staff estimates that up to another \$2 million might be saved annually with a producer responsibility program that covers the broader range of other HHW products we receive at our facilities. Other impacts:

- Supports the Metro Council’s legislative principles and the Regional Solid Waste Management Plan’s promotion of product stewardship to shift responsibility for managing product costs and impacts “upstream” to manufacturers.
- Assists Metro in preserving natural resources and protecting the environment.
- Helps finance the cost of managing HHW at Metro facilities.
- Provides an opportunity to promote greater equity in the provision of HHW across the region and state.

## METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION

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**Person completing form/Department:** Randy Tucker, GAPD

**Date:** September 29, 2020

### **ISSUE: State investment in state-owned highways**

**BACKGROUND:** In many parts of Oregon, and specifically in the Portland region, ownership and management of streets, roads and highways reflect historical circumstances but do not always support current transportation needs, land uses and development patterns. Many state highways originally built as farm-to-market roads and designed and managed for throughput, intercity travel and freight movement serve today as local roads or main streets for cities that have grown up around them. These facilities now need to safely accommodate many different kinds of users than those for which they were originally designed: pedestrians, bicycles, buses, and passenger vehicles making short trips with lots of turning movements.

Because ODOT's mission focuses on intercity travel and freight movement rather than local travel, the state has not made the investments to bring these roads up to multimodal urban standards. In some cases actual or planned ODOT investments would actually work against the desires of the local community for which a state highway serves as its main street. Often referred to as "orphan highways," these roads end up failing to adequately support the needs and aspirations of the local community. They become a barrier to community livability and economic development, present safety hazards that put people at risk, and fall into disrepair because they are considered unimportant in the context of the state highway system. Moreover, because these facilities often serve low-income communities and communities of color, failure to address these deficits disproportionately harms those communities.

Because these roads now serve very different functions in very different communities from the ones in which they were built, one strategy is to align their ownership with their current context and function. In many cases this means transferring ownership from the state to a local government (usually a city). However, while this makes logical sense and is good policy, years of deferred maintenance and the cost of improving these facilities to urban standards – with the safety and multimodal elements that that entails – create a substantial financial liability that local governments are not prepared to assume. No city can afford to take on a huge liability like a road with poor pavement condition, major safety problems and inadequate facilities for bicycles, pedestrians and transit. A funding source is needed that will support improvements to these roads to the point that it is possible for the local community to consider assuming responsibility.

Metro, in consultation with ODOT, has contracted for a study of facilities across the region that might be promising candidates for jurisdictional transfer. This study (a draft of which is currently available for public comment) developed an analytical framework for evaluating specific facilities both on a technical level and with respect to the readiness of local governments to assume ownership under appropriate circumstances. A proposed ballot

measure to be considered by Metro voters in the 2020 general election would, if approved, fund investments in 17 key transportation corridors around the region, including some of the facilities identified in this study (portions of Tualatin Valley Highway/OR-8, 82<sup>nd</sup> Avenue/OR-213, Barbur Boulevard/OR-99W, McLoughlin Boulevard/OR-99E and Willamette Drive/OR-43) as well as Highways OR-217, OR-26 and OR-212.

**RECOMMENDATION:** Seek an annual allocation of \$50 million in state transportation funds for projects on state-owned facilities that have been identified in the proposed measure.

Support legislation that would strategically advance the prospect of jurisdictional transfers of key facilities in the Portland region. Such legislation should identify sources of funding that can be used to bring the most promising candidate facilities to a condition that would allow a local jurisdiction to accept a transfer and direct ODOT to develop technical, legal and financial tools that make transfers more efficient and accessible to local governments that wish to pursue them.

**LEGISLATIVE HISTORY:** In 2015, the Oregon Transportation Forum proposed the creation of a jurisdictional transfer account funded with a dedicated one-cent gas tax increase. That year, the Legislature allocated non-transportation funds for investments on outer Powell Boulevard (OR-26) that can support eventual transfer of that road to the City of Portland. In 2017, the transportation package included significant funding for investments on Highway 217. It also directed earmarked dollars to several roads around the state to prepare them for transfer (including one that would be transferred from county to state ownership), but there is no systematic or ongoing program or funding source to bring state highways in the region up to urban standards or to facilitate jurisdictional transfers. 2019 legislation (HB 2846) to further advance jurisdictional transfers did not pass.

**OTHER INTERESTED PARTIES:** Projects in the proposed ballot measure were identified through an 18-month community engagement process that included an advisory Task Force, community workshops and forums, public hearings and online surveys.

The Oregon Highway Plan (OHP) declares that it is state policy to consider jurisdictional transfers that rationalize and simplify management responsibilities, reflect the appropriate functional classification, and lead to increased efficiencies in the operation and maintenance of a particular roadway segment or corridor. In addition to ODOT and cities, local community groups have been highly engaged in these discussions around specific facilities like 82<sup>nd</sup> Ave.

**IMPACT IF PROPOSED ACTION OCCURS:** Investments will be made, including many in underserved communities, that improve pavement condition, safety, and multimodal accessibility for local residents. Local governments will be able to accept the ownership of roads in order to manage them appropriately for current community needs.

## METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION

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**Person completing form/Department:** Eliot Rose, Planning and Development

**Date:** 25 September 2020

**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 2019 they provided over twelve million rides in the City of Portland. At the onset of the COVID-19 pandemic, TNC trips fell by roughly 70 percent, but are now growing again as people resume traveling.

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 travel and compete with public transportation because they tend to focus on serving areas that are congested and already enjoy a variety of transportation choices. 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 companies have repeatedly cut driver pay over the past several years. 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, and that companies do not always enforce their own safety policies.

Local governments traditionally have the authority to address these concerns by regulating ride-hailing and other for-hire transportation services. 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 require companies to report major 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 that prioritize equity and improve transportation choices.

Metro's previous legislative efforts have focused mainly on preserving the authority of local governments to regulate and collect data from ride-hailing companies, but we expect that ride-hailing-related legislation could address a broader set of issues in 2021. Recently, Uber and Lyft have diversified, launching or acquiring bike/scooter share and delivery services, and have sought policy changes that benefit these new business lines. Meanwhile, states and cities

around the country have passed policies to provide better wages and conditions for ride-hailing drivers. Below we discuss potential focal points for ride-hailing legislation in 2021.

**Local pre-emption:** Ride-hailing companies have consistently sought to avoid local oversight and have often used state legislation to pre-empt local regulations of their basic operations. Oregon is currently one of roughly 10 U.S. states without statewide ride-hailing regulation. Ride-hailing companies pursued pre-emptive legislation during the 2017 and 2019 sessions (see below); while this legislation did not pass, similar legislation is expected in 2021.

**Data sharing:** One of the main goals of pre-emptive ride-hailing legislation has been to prevent local governments from requiring TNCs to share data that might be used to develop new policies or monitor compliance with existing ones. However, public agencies have been much more successful in collecting data from companies that operate shared bikes and scooters. Portland, Milwaukie, and other Oregon cities have used this data to track usage, monitor compliance, evaluate pilot programs, and develop new regulations. Metro is currently developing a platform for making data from shared bikes and scooters more widely available to enable public agencies to plan and implement new sharing systems. Uber and Lyft have supported legislation in other states that would limit local authority to regulate and gather data from bike/scooter share companies and may pursue similar legislation in Oregon in 2021.

**Delivery fees:** In 2020, due to the COVID-19 pandemic, demand for delivery services for food and other goods from services like Uber Eats, Postmates (which Uber purchased in 2020), GrubHub, Doordash and Caviar skyrocketed. Restaurant owners and advocates from Portland's Asian community raised concerns that the fees charged by these platforms, which typically range from 25-30 percent, are unreasonable and hurt their business. In response, the City of Portland (like several other U.S. cities) adopted an ordinance to temporarily cap the fees that third-party delivery platforms charge restaurants at 10 percent. In response, Uber added a \$3 surcharge to all Uber Eats orders in Portland. Uber and other delivery companies may propose limits on the ability of local governments to regulate delivery fees.

**Labor practices:** In 2019, California passed legislation requiring ride-hailing and other gig economy companies to reclassify drivers as employees, not contractors, thereby making them eligible for benefits and protections. Ride-hailing companies have fought the law in court, and have proposed a ballot initiative that would exempt their drivers from being treated as employees. To prevent similar changes in Oregon, ride-hailing companies may push for legislation that enshrines their drivers as contract workers.

**RECOMMENDATION:** Oppose legislation that pre-empts local authority to regulate ride-hailing services, collect data on ride-hailing and other services operated by ride-hailing companies, or impose fees on ride-hailing and other services operated by ride-hailing companies. Consider supporting legislation that improves the wages, benefits, and employment status of ride-hailing drivers.



It makes sense for the state to regulate certain aspects of ride-hailing and other emerging transportation 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.

**LEGISLATIVE HISTORY:** House Bill 3246, which would have established state oversight and pre-empted local regulation of ride-hailing services, was introduced but not adopted during the 2017 session. Two competing ride-hailing bills met a similar fate in 2019:

- HB 3023 was actively pushed by TNCs. It would have pre-empted local government regulation of TNCs and limited wheelchair accessibility fees, driver background checks, data collection, penalties for violations, and other best practices used by Portland and other cities to ensure that ride-hailing companies operate safely and equitably.
- HB 3379, which was drafted with participation from Portland and other cities, would have set minimum statewide ride-hailing requirements related to insurance, background checks, data sharing, and other issues, and allowed cities to exceed these requirements.

**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, as do Eugene and several other cities across Oregon. The League of Oregon Cities, labor groups, trial lawyers, advocates for transportation equity and communities of color, and ride-hailing drivers opposed HB 3246 in 2017 and HB 3023 in 2019, while ride-hailing companies, anti-drunk driving advocates, and residents of areas where ride-hailing service was then unavailable and who have been led to believe that statewide ride-hailing legislation will somehow address the economic factors that prevent companies from serving their communities supported it.

**IMPACT IF PROPOSED ACTION OCCURS:** Metro and its public agency partners maintain authority to regulate ride-hailing services in a way that supports our regional goals and creates consistency across jurisdictions, and to collect data from companies on how ride-hailing and other emerging transportation services are impacting congestion, emissions, safety, and the economy in the Portland region. Driving for a ride-hailing company becomes a path to career and economic advancement for lower-income workers.

## METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION

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**Person completing form/Department:** Jeff Frkonja, Research Center

**Date:** September 25, 2020

**ISSUE:** Creating a Statewide Repository for Geospatial 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 created and manages 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) to help ensure that framework data are created, sustained, and governed appropriately.<sup>1</sup> OGIC makes recommendations regarding framework data to the Legislature every long (odd numbered year) session.

To realize its mandate, OGIC is recommending a 2021 legislative concept that would adequately program for and fund framework data creation, management and storage in a central state repository, or hub. It proposes that the state provide \$2.89 million to support the programs needed to achieve that goal, with oversight provided by OGIC and state staff per current law. OGIC's preliminary proposal, pending legislative feedback, is to request state General Fund revenues to enlarge the state's geospatial data program housed under the Chief Data Officer.

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

After failing to secure funding for this effort in the 2019 session, OGIC is working to better communicate the benefits to end users of creating this data hub by focusing on four key needs:

- Wildfire response and recovery
- Workforce development and recovery
- Elections administration improvement
- COVID recovery

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

**LEGISLATIVE HISTORY:** OGIC was created in a somewhat different form more than a decade ago. In 2016 legislation was introduced that would have required all public bodies to share data, but Metro and most cities and counties felt the bill was deeply flawed in that it failed to resource the needs and provide solid governance. After that bill failed, the Legislature created a working group (on which Metro played a key role) that produced a bill (HB 2906) that received almost universal support and became law during the 2017 session. HB 2906 reconstituted OGIC, enlarged its data and budgetary governance roles to better target resource needs, and enlarged its representation to include more local voices. In 2019, the “new OGIC” unsuccessfully sought an appropriation to fund the work described above.

**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. In addition, “one stop shopping” for spatial data will benefit all state agencies and non-profits providing services such as workforce development and social programs.

**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 achieve 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;
- End users would be able to more easily access data to help address key public challenges, including emergency management and economic recovery;
- Metro’s own data production efforts will benefit from access to standardized, centralized state data.

## METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION

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**Person completing form/Department:** Anneliese Koehler, GAPD

**Date:** September 28, 2020

### **ISSUE: Equitable Housing**

**BACKGROUND:** In recent years, rent and housing prices have both increased dramatically in the Portland area. Residents continue to face unprecedented challenges caused by rising housing costs without adequate affordable housing options and supports for low-income households. This has only been compounded by economic and public health crises caused by the COVID-19 pandemic and a national reckoning with the longstanding effects of racism and white supremacy in housing policy.

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: increasing and diversifying market rate-housing, leveraging growth for affordability, maximizing and optimizing resources, and mitigating displacement and stabilizing communities. Together, they represent a balanced approach to equitable housing.

In 2018, Metro area voters approved a \$652.8 million affordable housing bond measure to create permanently affordable homes for seniors, working families, veterans and others who need them. In 2020, Metro area voters approved the nation's largest per capita investment in ending homelessness, with a regional supportive housing measure.

The Oregon Housing Alliance, of which Metro is a member, is developing its legislative agenda, and the 2021 Legislature is expected to pursue another round of housing legislation. Likely policy proposals include solutions to mitigate COVID and wildfires' housing impacts, continued rental and foreclosure moratoriums, and financial support, tax incentives and policy solutions for affordable housing development and preservation, homeless services and affordable homeownership opportunities.

**RECOMMENDATION:** Staff recommends support for a range of state policy and funding tools that are likely to be the subject of 2021 legislation on equitable housing. Anticipated legislative proposals that support the Equitable Housing Initiative's strategies include:

1. **Provide funding and policy changes that address housing issues resulting from COVID and wildfires** to lessen the impacts of the pandemic and natural disasters on housing insecurity.
2. **Provide funding and incentives to build and preserve affordable housing** to create and maintain housing for people that need it.
3. **Provide funding for ongoing operations and supportive services** to serve people with lower incomes and higher needs.

4. **Provide funding and advance policy change to enable more affordable home ownership opportunities** to help close the racial disparity homeownership gap.
5. **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.
6. **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.
7. **Limit the mortgage interest deduction** and use additional resources for affordable housing.
8. **Technical amendments to housing legislation passed in 2019.** Technical changes to HB 2003 are necessary to make the bill work as intended with respect to the roles and duties of Metro and Metro-area cities in relation to housing need analyses and housing production strategies.

**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.<sup>1</sup>
- **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.
- **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; Portland-area voters approved Metro’s affordable housing bond measure in the same election.)
- **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.

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<sup>1</sup> 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 4006 (2018)** included 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.
- **SB 608 (2019)** created new protections for renters against exorbitant rent increases and no-cause evictions.
- **HB 2001 (2019)** required most communities within Metro to allow duplexes, triplexes, quads and cottage clusters in areas zoned to allow single family dwellings. It also includes provisions that affect Metro’s calculations of housing capacity and housing need in future growth management decisions.
- **HB 2003 (2019)** required the state to develop a methodology for, and then to conduct, a one-time regional housing needs analysis for certain cities and Metro, and then requires cities to assess local housing needs and to develop strategies to meet those needs.<sup>2</sup>

**OTHER INTERESTED PARTIES:**

Since its founding in 2003, the Oregon Housing Alliance (of which Metro is a member) 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:**

- Mitigate negative housing impacts on renters and owners due to COVID and wildfires.
- Reduce racial disparities in housing.
- Facilitate acquisition of affordable units.
- Provide funding for operations and supportive services.
- 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.
- Facilitate development of condominiums.

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<sup>2</sup> As noted under “Recommendation,” technical errors in the drafting of this bill mean that changes are needed before it actually fulfills this intent for cities in Metro.

## **METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION**

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**Person completing form/Department:** Anneliese Koehler, GAPD

**Date:** September 22, 2020

### **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 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 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 Legislature about the importance of repairing and reopening the Locks to the public. The Legislature then passed SB 256, which established a Commission to develop an approach to transfer ownership of the Locks from the Corps to another entity to enable repairs and a return to public service.

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. The [study](#) found expected economic benefits 2-3 times greater than the cumulative cost to repair and operate the Locks over a 30 year period.

Additionally in 2017-18, the Corps completed a "Disposition Study" and concluded that there is no further federal interest in owning the Locks due the lack of nationally significant economic benefit, and called for their disposal to a non-Corps entity. 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. If no transferee is identified, the Corps' alternate plan is to permanently decommission the facility by replacing the upper gates with a concrete bulkhead.

In the 2019 and 2020 legislative sessions, the Willamette Falls Locks Commission and other partners including Metro pursued efforts to transfer ownership and secure funding to repair and reopen the Locks. Most recently, the Commission endorsed the formation of a public corporation to be the new owner of the Locks and oversee short-term repairs and long-term operations. In the 2020 session, a bipartisan bill authorizing this passed the House of Representatives unanimously but did not advance to a Senate vote due to the premature ending of session. Similarly, \$7.5 million in funding to support the Locks passed out of the Joint Ways and Means Committee, but the session collapsed prior to a chamber vote.

**RECOMMENDATION:** Support 2021 legislation establishing a public corporation to be the new owner of the Locks, and to oversee the repair, re-opening, and long-term ongoing operations of

the Locks. Continue to explore current and future funding opportunities for repair and re-opening costs.

**LEGISLATIVE HISTORY:** In 2006, the Locks were designated an Oregon Solutions project that led to a series of repairs and intermittent closings and reopenings while they were still in possession of the Army Corps of Engineers until their closure in 2011. In 2015, 2017 and 2019, the Legislature took successive steps towards transferring the Locks out of the hands of the Corps to another entity to facilitate its repair and reopening. This included studies, the creation of the Governor-appointed Willamette Falls Locks Commission to tackle the issue, and continued funding support. These efforts culminated in HB 4150 in 2020, which would have established the Willamette Falls Locks Authority as a public corporation to take ownership of the Locks and facilitate the necessary steps to reopening. However, the bill, as well as \$7.5 million in funding assistance, did not pass because of the premature ending of the session.

**OTHER INTERESTED PARTIES:** Numerous governments and non-governmental organizations have gone on record in support of repairing and reopening the Locks to the public including Clackamas, Multnomah, Marion, Polk and Linn Counties, Association of Oregon Counties, numerous cities ranging from Roseburg to Portland, the Confederated Tribes of the Grand Ronde, and a wide range of businesses and civic organizations.

**IMPACT IF PROPOSED ACTION OCCURS:** Action by the Legislature is a crucial step forward in a set of actions required to repair and reopen the Locks. Further action will be required including disposition by the Corps of Engineers, additional funding for repair, and establishment of an on-going funding source for operations.

Once the Locks are repaired and reopened, they would provide substantial public benefit including:

- **Disaster preparedness:** the Locks would serve as a critical transportation facility following large scale natural disasters like a Cascadia subduction zone earthquake.
- **Economic development:** the Locks would revitalize multiple cities' riverfront communities such as West Linn and Oregon City and spur possible tourism opportunities like river cruises.
- **Climate change:** The Locks would open up opportunities to barge commodities and reduce greenhouse gas emissions.