

**Southwest Washington Regional Transportation Council  
Board of Directors  
October 1, 2013, Meeting Minutes**

**I. Call to Order and Roll Call of Members**

The Southwest Washington Regional Transportation Council Board of Directors Meeting was called to order by Chair Bill Ganley on Tuesday, October 1, 2013, at 4 p.m. at the Clark County Public Service Center Sixth Floor Training Room, 1300 Franklin Street, Vancouver, Washington. The meeting was recorded by CVTV. Chair Ganley noted that they have received a letter from the City of Vancouver stating that Larry Smith would be representing the City at the meeting instead of Jeanne Stewart. Attendance follows.

Voting Board Members Present:

Nancy Baker, Port of Vancouver Commissioner  
Jack Burkman, Vancouver Council Member  
Shirley Craddick, Metro Councilor  
Bill Ganley, Battle Ground Council Member  
Bart Gernhart, WSDOT Alternate  
Jeff Hamm, C-TRAN Executive Director  
David Madore, Clark County Commissioner  
Tom Mielke, Clark County Commissioner  
Larry J. Smith, Vancouver Council Alternate  
Melissa Smith, Camas Council Member  
Steve Stuart, Clark County Commissioner  
Jason Tell, ODOT Region One Manager

Voting Board Members Absent:

Doug McKenzie, Skamania Co. Commissioner  
David Poucher, White Salmon Mayor  
Don Wagner, WSDOT Regional Administrator

Nonvoting Board Members Present:

Don Benton, Senator 17<sup>th</sup> District  
Paul Harris, Representative 17<sup>th</sup> District  
Ed Orcutt, Representative 20<sup>th</sup> District  
Liz Pike, Representative 18<sup>th</sup> District

Nonvoting Board Members Absent:

Curtis King, Senator 14<sup>th</sup> District  
Norm Johnson, Representative 14<sup>th</sup> District  
Charles Ross, Representative 14<sup>th</sup> District  
Monica Stonier, Representative 17<sup>th</sup> District  
Ann Rivers, Senator 18<sup>th</sup> District  
Brandon Vick, Representative 18<sup>th</sup> District  
John Braun, Senator 20<sup>th</sup> District  
Richard DeBolt, Representative 20<sup>th</sup> District  
Annette Cleveland, Senator 49<sup>th</sup> District  
Jim Moeller, Representative 49<sup>th</sup> District  
Sharon Wylie, Representative 49<sup>th</sup> District

Guests Present:

Pat Anderson, Citizen  
Katy Brooks, Port of Vancouver  
Nan C. Brooks, Citizen  
Carolyn Crain, Citizen  
Sandra Day, City of Ridgefield  
Frank Decker, Citizen  
Micheline Doan, Citizen  
Linda Doty, Citizen  
Donna Dummann, Citizen  
Chuck Green, C-TRAN  
Paul Greenlee, Washougal Council Member  
Lynn Halsey, C-TRAN  
Jim Karlock, Citizen  
Chris Malone, City of Vancouver  
Anne McEnery-Ogle, Vancouver Neighborhood Assoc.  
Paul Montague, Identity Clark County  
Sharon Nasset, Citizen  
Ron Onslow, Ridgefield Mayor  
Kelly Parker, Greater Vancouver Chamber  
Debbie Peterson, Citizen  
Matt Ransom, City of Vancouver  
Scott Sawyer, City of Battle Ground  
Steve Schulte, Clark County  
Peter Silliman, Citizen  
Ray Shank, WSDOT  
Jeanne Stewart, Vancouver Council Member  
Jeff Swanson, Clark County  
Ron Swaren, Citizen  
Margaret Tweet, Citizen  
Tad Winiecki, Citizen

Staff Present:

Lynda David, Senior Transportation Planner  
Mark Harrington, Senior Transportation Planner  
Bob Hart, Transportation Section Supervisor  
Dean Lookingbill, Transportation Director  
Dale Robins, Senior Transportation Planner  
Lare Watters, RTC Legal Counsel  
Diane Workman, Administrative Assistant

**II. Approval of September 3, 2013, Meeting Minutes**

NANCY BAKER MOVED FOR APPROVAL OF THE SEPTEMBER 3, 2013, MEETING MINUTES. THE MOTION WAS SECONDED BY STEVE STUART AND UNANIMOUSLY APPROVED.

**III. Citizen Communications***Public Comment on the 2014-2017 Metropolitan Transportation Improvement Program*

Carolyn Crain from Vancouver, WA said she does not approve of the BRT, LRT, or any portion of the CRC project. She also felt the MOU that was entered into with Metro in May of 2012 was wrong.

Sharon Nasset from Portland, OR thanked the RTC for looking at the BRT. She said the bus rapid transit on Fourth Plain is not the way to meet the goals of serving the citizens in that area. She said the BRT will take away bus stops and access. She felt BRT would not necessarily give better service, and she suggested a different way to provide service.

Jeanne Stewart, Vancouver City Council Member, referred to the MTIP. She said a couple weeks ago at City Council Jack Burkman notified the Council that this would be coming back to the RTC Board for a vote, and that what the City had identified as priorities in the past was what the Council Members were to follow for the purposes of moving the MTIP forward. Ms. Stewart read a brief memo that she sent to the Mayor and Council. "The Regional Transportation Council meeting today will include an agenda item to move bus rapid transit development forward as a priority in the region. In May 2012, a majority of Council Members approved a resolution approving a Locally Approved Alternative to move BRT forward and to support that project at the RTC. Subsequent to that Council decision, in November 2012 a ballot measure to approve funds for BRT maintenance and operation was put on a ballot to citizens. The outcome of that vote was 56 % of the voters said no to funding BRT. As an elected official, my job is to represent the interest of the citizens, and I am unwilling to disregard the outcome of that ballot measure which was a majority of citizens indicating they did not support the funding." Ms. Stewart said she was notifying the Mayor that she would not support that today at RTC.

Margaret Tweet from Camas, WA said she wanted to reiterate the point that Jeanne Stewart had said. She said voters rejected both light rail and BRT funding, and she doesn't know why it is moving forward. She felt the bus system is working fine as it is and felt that information was misrepresented. She objected with moving forward with the BRT project.

*Public Comment*

Ron Swaren from Portland, OR said in regard to Clark County's transportation needs, he thinks they need to look to Snohomish County, Washington. It had two grants providing very high capacity buses (110 passengers) and it is already underway working. Mr. Swaren said several Canadian cities are opting for high capacity transit using double decker buses. Mr. Swaren said a lot of the transportation project costs and infrastructure improvements have been affected in this area about earthquakes and seismic upgrades. He said there is an official US Geological survey report begun by the Washington State University that examines the earthquake risk in the Northwest. The Report said that the greatest risk area is around Brookings. Mr. Swaren felt that there was hysteria about earthquakes in the area and unneeded work and money spent to accommodate the possible event. When talking about the CRC, Mr. Swaren said they need to

look to the experts and say that over exaggerated concern about seismic risk is not valid. Mr. Swaren also spoke of Portland's vision of a bicycling community where transportation policies are based upon bicycle usage. He said the policy should not be based on recreational purposes. With the rainy weather, the bicycle usage on the Metro Trail drops greatly.

Tad Winiecki from Vancouver, WA referred to small vehicles versus large vehicles. If you look at oil transport, the biggest vehicles are the super tankers, yet on a smaller scale there are railroads and trucks, on down to pipelines. The pipelines have a much smaller processor. If you want to cross a river, it takes only a suspension bridge that carries only pipe. In looking at people transport, the biggest vehicles are the cruise ships, on down to buses, and smaller cars, motorcycles, and elevators, moving sidewalks, and bicycles. Small vehicles are more economical than large vehicles as long as you don't have to pay an operator.

Jim Karlock from Portland, OR referred to an agreement between TriMet and C-TRAN for operations and maintenance of the CRC light rail project. He referenced a clause referring to breach of contract and questioned how anyone could sign the document.

Donna Dummann from Vancouver, WA said she has neighbors that might be affected by the changes if they go forward with the CRC project. She said that worries her because they will lose their homes. Ms. Dummann said she thought they voted against light rail, and it is still being addressed. She said she is still hoping for another bridge, and that we have too few bridges in this area already.

Frank Decker from Vancouver, WA said he is looking for people who will stand up and represent the citizens of Clark County. He said the CRC is nonsense, and the voters have been left out of the process. Mr. Decker said it is either that if light rail was given to the voters, it would fail miserably or the elected officials just don't care what the voters want or need. Mr. Decker said he felt there was much data that points to failure, and that the project will leave our children and grandchildren with insurmountable debt and destroy our economy. He said we need to stand up against the elected officials.

Paul Montague with Identity Clark County thanked the members of the C-TRAN Board who voted in favor of an agreement with TriMet at last Thursday's meeting. Knowing that they would face the stiff opposition, they took a courageous step in moving this community forward. Mr. Montague said this is about jobs. Not just about jobs that will come during the construction of the Columbia River Crossing. This is about permanent jobs that would be created per an economic development study that was released earlier this year. He said it is around 4,000 permanent jobs bringing about \$231 million in annual wages each year. He said it is also hours of time savings which is important to businesses, freight, and shippers. Mr. Montague said it is not just the Columbia River Crossing, and not just light rail. It is about what we do to support the members of our community that count on mass transit to get to work or school, and shop. Two studies were recently released. One of the studies looked at five years of property sales. The study showed that properties near mass transit lines regardless if it is light rail, bus, or bus rapid transit, fared 41% better on their investment returns than properties further away. The second study looked at real estate investment around mass transit lines. It determined in the case of Portland that the Blue Line from Gresham to Hillsboro fared the best investment return of any line in the country. It also stated that bus rapid transit on a dollar-per-dollar basis actually did

better than the Blue Line, but it is a good investment. If we invest in light rail and bus rapid transit, we will fare better as a community.

Kelly Parker with Greater Vancouver Chamber of Commerce said she was the first girl in her family to graduate from college. She said she comes from a blue collar family, so when tolling is discussed, it is a serious conversation. She said she has a 21 year old son who works on the other side of the river near the airport and cannot afford much. Her husband is a steel worker who crosses the river at 4:30 a.m. every morning. Ms. Parker said in their household, tolls are a real discussion. While there is discussion about being as high as \$8, she said she believed that from the Chamber's perspective and from the community's perspective that we will put a great deal of energy and passion into making sure that these tolls are variable - that there is some kind of time on it, that it is project specific, and that we can afford to make this investment in this project. Ms. Parker said this will never be an easy decision or an easy change for our economy, but she said she did believe when she hears that since the Thursday night C-TRAN vote, they have had three companies call the Chamber. She said they are not even the Economic Development Council. Three companies called the Chamber wanting to speculate and wanting to set up meetings to talk about the gearing up for the construction process that is ahead. Ms. Kelly said they don't normally get those calls. She said they will do whatever they can to make this positive. For the five homeowners that do live near McLoughlin, they will make sure that everything is fair. Ms. Kelly said she wished that C-TRAN had been able to put forth a cleaner ballot measure that said do you support light rail, do you want light rail or do you want bus rapid transit. That was not the question that was given to voters. It was do you want to raise your sales tax. It was not a clear indication. The companies that have called the last two days recognize the opportunity, and it will help our economy move forward.

Carolyn Crain from Vancouver, WA referred to a letter from Bob Ferguson. She said the bus rapid transit was always planned to connect with light rail. Ms. Crain said at the September meeting, there was discussion of the Metropolitan Transportation Plan and the lane miles of congestion given a 2035 slower growth forecast scenario. She also noted the high cost if all of the projects listed were built. Ms. Crain asked how the City could afford light rail when they don't have money to cover the streets. Ms. Crain asked when the C-TRAN contract was written.

Sharon Nasset from Portland, OR said there is no timing reason to have a vote on the transit today. She said they should wait to take action until after the November vote by the people. Sharon Nasset questioned why the RTC had Oregon representatives at their table who could vote and Washington legislators who could not vote. She also referred to RTC's role in the CRC project.

Margaret Tweet from Camas, WA said the proposition that was before the voters last year was to raise the sales tax to fund the C-TRAN share of the maintenance and operation costs of the Columbia River Crossing project light rail extension between the Expo Center and Clark College park and ride and to fund the capital share and operations and maintenance costs of the Fourth Plain bus rapid transit. Both modes were addressed and both are high capacity transit. Ms. Tweet said she believed that this still does require a vote of the people. She said voters rejected both light rail and bus rapid transit funding saying that light rail is much more costly than a bus. Ms. Tweet referred to an article in the Willamette Week saying the traffic projections on the CRC are not correct, and there are fewer crossing today than 2005. There is currently a bus

system that crosses the river, and Ms. Tweet said there is no reason to justify the cost of the CRC project at this time.

Debbie Peterson from Vancouver, WA referred to Honolulu who has a light rail project that is currently going in. The former Mayor said this project is either going to cause us to have to raise taxes or else the city is going to have to file bankruptcy. Ms. Peterson said that will be Vancouver in five years claiming overestimated revenue and ridership and underestimated building costs. Ms. Peterson said TriMet will control the tolls and Vancouver will have nothing to say. Ms. Peterson also stated that she felt that C-TRAN did not abide by the rules.

Chair Ganley noted that Representative Paul Harris, Representative Ed Orcutt, Representative Liz Pike, and ODOT Region one Manager Jason Tell had arrived at the beginning of Citizen Communications.

#### **IV. Consent Agenda**

##### **A. October Claims**

MELISSA SMITH MOVED FOR APPROVAL OF THE CONSENT AGENDA OCTOBER CLAIMS. THE MOTION WAS SECONDED BY JEFF HAMM AND UNANIMOUSLY APPROVED.

#### **V. FY 2014 Unified Planning Work Program Amendment: Human Services Transportation Plan Update, Resolution 10-13-20**

Lynda David referred to the Resolution included in the meeting packet. She said the FY 2014 Unified Planning Work Program (UPWP) was adopted by the RTC Board earlier this year on June 4. In this UPWP, work to update the Human Services Transportation Plan was anticipated with a brief description offered under the Metropolitan Transportation Plan UPWP work element.

RTC was recently notified by Washington State Department of Transportation that we are to receive \$80,000 in Federal Transit Administration funds to update the Human Services Transportation Plan for the region. Regular update of the Human Services Transportation Plan is a federal requirement.

The \$80,000 is RTC's share of statewide-allocated FTA funds for the Plan update. WSDOT is also expecting RTC to use the funds to continue participation in planning for Human Services Transportation needs after the Human Services Transportation Plan update is adopted next year.

Ms. David noted that regions must have a Human Services Transportation Plan in place to identify transportation needs and potential solutions for people with disabilities, seniors, with low incomes and rural residents who have no transportation. RTC's Human Services Transportation Plan covers the three-county Regional Transportation Planning Organization region including Clark, Skamania, and Klickitat Counties.

Action to amend the Unified Planning Work Program is now being sought through adoption of Resolution 10-13-20 to formally incorporate the \$80,000 in funding and to include a separate Human Services Transportation Plan element describing the work to be carried out. This work element description was attached to the Resolution. Adoption of the Resolution will allow RTC's Director to enter into an agreement with WSDOT to allow for the receipt of the \$80,000 in FTA funds to carry out the work.

Jack Burkman said this means that there is no money coming from RTC and that this work is 100% covered by the FTA. Ms. David said that was correct.

JACK BURKMAN MOVED FOR APPROVAL OF RESOLUTION 10-13-20. THE MOTION WAS SECONDED BY LARRY SMITH AND UNANIMOUSLY APPROVED.

**VI. Fourth Plain Bus Rapid Transit, Resolution 10-13-21, Clark County Commissioner David Madore**

Chair Ganley said this agenda item is from Commissioner Madore from his request at the September meeting. Commissioner Madore said this resolution would request that the RTC Board consider the outcome of the November 2013 Fourth Plain BRT advisory vote before acting upon a proposal to construct the project.

DAVID MADORE MOVED FOR APPROVAL OF RESOLUTION 10-13-21. THE MOTION WAS SECONDED BY TOM MIELKE.

Tom Mielke said this goes back to honoring the vote of the people and not rushing to do this. He said over 56% voted against the maintenance and operation of the light rail and BRT. Commissioner Mielke said his concern is that they would be using dollars that were to be used for the operation of the C-TRAN bus service not for BRT. He said he thought they had time to wait until after the November vote and to bring this back in December to address.

Jack Burkman said his understanding was that the C-TRAN Board of Directors took the action of moving the BRT forward and by a majority vote passed a policy that said they want to move ahead for funding. This resolution is an end-run around that body's majority position, and he said he doesn't think that is something that RTC should support. Mr. Burkman said he would not want that to occur with the City of Vancouver if the City took a majority position of moving ahead for that organization and to have RTC say no we disagree and we are going to do something different after the fact. Mr. Burkman said good points were discussed by the C-TRAN Board, and they made that recommendation to stay in the MTIP and move ahead and felt that RTC should honor that.

Steve Stuart said this resolution says we would wait until after the November vote before acting on a proposal to construct BRT. Commissioner Stuart said he assumed that meant including it in the MTIP. Commissioner Stuart asked when the MTIP was due. Dean Lookingbill said it is before the Board for action today, and RTC turns it into WSDOT. The TIPs are all pulled together across the state by the end of the year and money is made eligible at the beginning of the year. Also, those recipients must enter into a contract for that money as well. Commissioner Stuart asked if they could take action on the MTIP in December. Mr. Lookingbill said they would not have funds available on January 1 if they waited to take action. None of the money for this region (\$13.2 million in the regional allocation as well as all of the federal WSDOT projects) would be available for any of the projects. If we don't turn it in today, we miss that cycle. It would be several months before they could amend our projects back in. Commissioner Stuart asked if they took the BRT CMAQ funds out of the MTIP today, can the MTIP be amended and if so when?

Mr. Lookingbill said if the funds are going to be available to C-TRAN, you would still want to take action to select that project. If you take action to pull that project out, then that project is no longer eligible for this year's funding cycle. If you were to select that project, but postpone the

funding decision, then yes you could amend it. That is a decision that says we will still have it be a part of this selection of program of projects decision, but will postpone the availability of funds.

Commissioner Stuart said this means that we have time to have it on the list, but then push the funding discussion until later. The presented resolution is just asking for the review of the vote that the County Commissioners have put forward. Commissioner Stuart said with regards to the majority of the C-TRAN Board, he said the Commissioners don't always agree on things sometimes, but he said they all respect and represent individuality in representing voters of this county. That difference of opinion adds to their ability to serve. He said he does not feel that he has to vote with his commissioners because of a majority decision they have taken previously, because they all answer only to the people. That is appropriate. He said he was in favor of the motion.

Jeff Hamm said the C-TRAN Board had voted previously to advance the project and to submit this CMAQ grant application as part of the project. Mr. Hamm said he will be abstaining because this particular discussion has not been had at the C-TRAN Board regarding delay pursuant to the ballot measure.

Jason Tell said the timing of this item has been discussed. He said the resolution that is currently asking for adoption is asking consideration of the vote before substantial funds are spent to construct bus rapid transit. Mr. Tell asked if substantial funds are being proposed to be spent on construction of BRT in the MTIP, which is the next agenda item, and what is listed in the MTIP? Mr. Lookingbill said the application that is in the MTIP is CMAQ money and it is not for construction. It is to complete the project development, the engineering phase of the project. It is not a construction set of dollars.

Jason Tell said if we move the MTIP forward today, it doesn't include substantial funds to construct bus rapid transit. It does allow moving forward with an application which could lead to the result of being able to get construction money.

Commissioner Madore pointed out footnote 1 on the resolution which states "It is understood that "advisory means that the vote results are not binding on the RTC Board. The Board members do not guarantee that they will act in accordance with the election results. The Board may adopt a policy that is opposite to the majority vote of the people." Commissioner Madore said this resolution does not vote for or against light rail or bus rapid transit. He said this Board should follow the policy that they have set.

Council Member Burkman asked Mr. Lookingbill if the presented resolution passes, will that result in the CMAQ fund application being held up. Mr. Lookingbill said it would depend on exactly what action the Board takes on the next agenda item. If the funds are pulled from that CMAQ project, that would be viewed as taking the project away. C-TRAN would be able to apply next year. Mr. Burkman asked only of this resolution's action. Mr. Lookingbill said this resolution refers to "a proposal to construct bus rapid transit" and the MTIP action is not an action to construct. Mr. Burkman said if this resolution was to pass, what is the outcome, the effect. Mr. Lookingbill said that is dependent upon the interpretation of the Board. The resolution refers to construction; the MTIP action is not about construction. Mr. Burkman asked

RTC Legal Counsel, Lare Watters, regarding the resolution before them, what is the result if that is passed.

Mr. Watters said he has not had an opportunity to study all of the documents, but he understood as Mr. Lookingbill just now clarified exactly what that was. Mr. Burkman said what he heard was that there was really no effect. If there is no building occurring in a near timeframe and the resolution refers to “no construction may occur,” it was unclear what the purpose of the resolution was.

Commissioner Madore said the purpose of the resolution is to welcome, consider, and courteously regard the vote of the people. That is what the intent is. Even though it may not have a mechanical connection to something that’s technically tied to specific funding, the intent is to inform this Board so we can respect the voters. It is not meaningless.

Jason Tell said he had a follow-up question. He said it is clear that the MTIP includes just development money and not construction money. If it goes forward and is adopted and an application is successful, and construction money was received, would the MTIP have to be amended at that point to add the construction phase at some time in the future? Mr. Lookingbill said yes, that would depend on a number of factors, but that would be one. Mr. Lookingbill also reminded members that should they go forward with the MTIP amendment and the funding of the CMAQ money for the project, that money becomes available on January 1, but the C-TRAN Board will still take a contract action to accept that money. All of that will happen after the November vote.

Council Member Larry Smith asked if the resolution was from the three Commissioners or a resolution from one Commissioner. He said since he was an alternate and hadn’t been there, he was curious how the resolution came forward. Steve Stuart said the resolutions were approved by all three Commissioners to put the vote on the ballot, and that is what the presented resolution before this Board is referencing; it is mirroring resolutions passed by the three Commissioners to put the advisory before the people and get information back from them on these issues.

Commissioner Madore said he understood that there were some bylaws and some state laws that apply to this Board as to who is qualified to vote on Washington only issues. He said this is a Washington only issue, and he asked Senator Benton to address that.

Senator Benton said as a matter of record, Senate Bill 5245 passed in the 2003 Regular Session clearly states when voting on matters solely affecting Washington State, a Regional Transportation Planning Organization must attain a majority vote on the Washington residents only. In other words, he said the ODOT and Metro representatives are not authorized to vote on this matter.

Mr. Lookingbill said this issue has come before the Board in previous times. He said previous Legal Counsel, Bronson Potter’s interpretation was that that statute calls for two votes, but the statute does not call for the elimination or the removal of the Oregon voter on the RTC. It calls for two votes; first a full majority of the voting Board must support the motion, and if the Board has agreed that it is in fact a Washington only action, then a majority of the Washington only voters would then have to support it. It doesn’t speak to the exclusion of the Oregon vote. It is not clear how you decide if it is a Washington vote or not. The Bus rapid transit has about 1/3 of its ridership that is going across the river.

Senator Benton said he has respect for Mr. Potter, but he doesn't think he is a judge and doesn't think he knows how to interpret the intent of the Legislature. Senator Benton said he was one of eight sponsors of this legislation, and said he thought he was in the position to know what the intent of the Legislature was when it was passed. He said clearly this law was passed because the Washington State Legislature does not believe that folks that don't live here should be voting on matters that affect people who do. If bus rapid transit would extend across into Oregon, that would be different. Senator Benton said it is to be implemented on Fourth Plain and that is in Washington.

Council Member Burkman asked if this is considered a regional system. Mr. Hamm said if the CRC project does proceed, the BRT is considered a feeder line to that mass transit line.

Commissioner Madore said being that this resolution has precisely to do with respecting the voters and even though there may be Board members that can vote on this Board that are not elected by the people, he said as a matter of courtesy if those members who are not elected and not accountable to the people in Clark County would voluntarily allow only those representatives who are elected to vote on this issue. Commissioner Madore said if you are not elected and not accountable, you have a right to do so I expect as long as it follows the laws brought here by the Senator.

Chair Ganley clarified the interpretation of the Washington only vote from Mr. Potter.

Senator Benton said this resolution pertains specifically to a ballot measure that is in Clark County. It cannot be argued that it affects anyone other than citizens in Clark County.

Chair Ganley said they would have a roll call vote for Washington Members noting Jason Tell and Shirley Craddick.

Jason Tell said he was waiting to hear what the determination is for voting. Every Metropolitan Planning Organization in the country is set up with elected and non-elected members. Every one that is a bi-state organization, has bi-state members. That is a very common situation, and he did not know how others felt about the issue of elected or not. That is sort of inherent in function. He said they are here as a member, and they are going to follow the rules of the group. Mr. Tell said if you tell him we are all going to take a vote, then he will take a vote. If your determination is that he can't take a vote, then he won't take a vote.

Shirley Craddick said she agreed with Mr. Tell. She said they are here and have the ability to vote according to the Bylaws of RTC just as those members that represent you on JPACT also have the ability to vote on the issues that are before JPACT. In addition to that, she said today she hears that if this resolution is defeated, there is still opportunity for C-TRAN to address it in November after the vote. Councilor Craddick said the dollars that are in the MTIP are not for construction, but are for development. She said there are still opportunities at a later date.

Chair Ganley asked Mr. Watters for his opinion regarding the vote. Mr. Watters said for the last five years, the advice of their office has been incorporated into this memo from Mr. Bronson Potter. He said it is clear that his view is that there would be two votes. Mr. Watters said he thought that the point that was made earlier today to that solely affecting Washington is a very good one. He said from his review of the documents that the solely affecting Washington position in this particular matter is the one that should control the voting on this matter, and

therefore, he said he believed that Mr. Madore's request is one in good faith, an attempt to just find comity and cooperation through voluntary action. On the other hand, if members don't want to voluntarily abstain, he said he would maintain as a final point that this is in fact solely affecting Washington for the reasons previously stated. He said he is comfortable with that conclusion today. Chair Ganley said there would be one vote.

Jason Tell asked for clarification if that meant he could vote or not vote. Mr. Watters said the "solely affecting Washington" part of this discussion is open to interpretation, and we have recognized that. In this particular vote today, he said as previously stated is the best position, and that is that this matter of Mr. Madore's is solely affecting Washington. Therefore, you have a choice or this body can rule that you in fact would not be voting on this particular matter. Mr. Tell asked that if this group votes first to decide if they have the right to vote on this or do we all vote and then decide if it is Washington only.

Senator Benton said that it is legal opinion that this solely affects Washington State. Chair Ganley said this will be a vote for only those representatives from the state of Washington, elected or non-elected.

Jack Burkman said he will not be voting in support of the resolution. The resolution has a lot of whereas and clauses with other things that are not clearly understood.

Bart Gernhart said the resolution that they are voting on is resolution 10-13-21. In that it says we want to consider the Clark County Resolution 2013-07-19, which is to provide guidance to the Clark County Commissioners on what to do in case the voters vote one way or another. This is not whether or not the voters are supporting or opposing light rail, but if they did it provides them guidance. This is to postpone action until after the vote. This is not about whether or not they support or reject, which is resolution 2013-07-20. Mr. Gernhart asked if the intent was to include both 07-19 and 07-20.

Commissioner Madore said it is a countywide vote. The intent is to inform this body. He said this is to consider the people. Mr. Gernhart asked if this is to tell the Commissioners what they should do and not their opinion on the specific project that is in the MTIP. Mr. Madore said it is to inform the Commissioners and it also informs everyone else, including this board. Mr. Gernhart said his point is that 07-19 is only to guide the Commissioners on what to do in the future, not specifically yes or no on bus rapid transit. There is a difference between the two; 07-20 is the one that appears to have an opinion.

Commissioner Madore explained why there were two resolutions. He said the issues that the jurisdiction of the Clark County Commissioners normally does not include light rail and bus rapid transit kinds of issues. This was the only means to get the intent of the voters.

Chair Ganley asked for a roll call vote of the Washington representatives only.

THE MOTION FAILED 5 – 4 WITH BAKER, BURKMAN, L. SMITH, M. SMITH, AND GERNHART VOTING NO, GANLEY, MADORE, MIELKE, AND STUART VOTING YES, AND JEFF HAMM ABSTAINING.

**VII. 2014-2017 Metropolitan Transportation Improvement Program, Resolution 10-13-22**

Dale Robins referred to the resolution included in the meeting packet and noted the draft Metropolitan Transportation Improvement Program (TIP) document distributed to Members. As the Metropolitan Planning Organization for the Clark County region, RTC is required to develop a TIP. The TIP is a four-year program of regionally significant transportation projects. The TIP shows how priority projects from the long-range plan can be funded over the next four years. RTC has responsibility for selecting projects for three federal transportation programs: STP, CMAQ, and TAP programs. In addition, the TIP includes the programming of other regionally significant projects selected at the state and federal level.

For the TIP, projects are selected by the RTC Board using a competitive process that utilizes selection criteria. Federal regulations require that TIP's be developed through a competitive process. The overall TIP development process has been approved by the RTC Board.

All regions, including MPOs, must adopt a TIP by October 15 in order for those projects to be included in the State Transportation Improvement Program. The TIP represents an agency's intent to implement a specific project and the anticipated flow of funds. Funds for projects programmed in the 2014-2017 TIP will not be available until January 2014. In order to utilize federal funds, an agency would need to take an additional action usually in the form of a grant agreement.

Commissioner Stuart asked when referring to "an agency would need to take additional action," which agency that would be. Mr. Robins said every agency would have to take additional action. If the County had a road project, they would have to sign a local agency agreement in order to receive money for that road project. Commissioner Stuart said for the Bus Rapid Transit project to receive CMAQ funds, C-TRAN would have to take further action, but not the RTC and asked if that was correct. Mr. Robins said that was correct; this is the only action that RTC takes.

Mr. Robins said the TIP uses a three step selection process. At the September 3 meeting, the Board completed the first two steps, with the concurrence of the ranking of projects. Mr. Robins noted that page two of the resolution lists the projects ranking approved last month. There was one change from what was approved last month. Clark County has withdrawn their 94<sup>th</sup> Avenue project from further consideration.

Adoption of this resolution will complete the final step and result in approval of the full TIP document, including the selection of additional STP and CMAQ projects. RTAC has reviewed the project selection and programming step and is recommending that the RTC Board approve the recommendation included in the resolution.

Mr. Robins noted that attached to the resolution are pages listing a summary of the projects programmed in the TIP. Those projects recommended for selection today are shaded and mostly programmed in years 2016 and 2017. The full TIP document provided to Members provides more detailed information.

The project selection process is completed by matching the project ranking to the available funding. Mr. Robins began to quickly review the STP and CMAQ projects that have been recommended for selection by RTAC in their ranked order.

Under the STP-Urban funding program, RTAC is recommending that the City of Vancouver receive \$3 million for the construction of 18<sup>th</sup> Street to a five lane arterial. RTAC is also recommending that Clark County receive \$1.5 million for the construction of 119<sup>th</sup> Street.

Given the short amount of time, Chair Ganley said the list was provided and it was not necessary to go through each project. He asked for any specific questions.

Commissioner Stuart provided clarification of the 94<sup>th</sup> Avenue, Padden to 99<sup>th</sup> Street project being taken off the list. He said what that does is it allows Clark County to complete the NE 78<sup>th</sup> Street to NE 47<sup>th</sup> Avenue intersection, which is ready now and they want to move forward with it and this gives them the complete funding. They can come back next year for 94<sup>th</sup> Avenue.

Jack Burkman asked how far down the list of STP-Urban projects was able to be funded. They were able to fund 1 through 6.

Mr. Robins said as the Board will remember, WSDOT has placed additional responsibility on MPO's to meet federal obligation targets, or federal funds could be lost. RTAC is recommending conditions on a couple projects to help ensure that the region meets the obligation policy.

Both the 18<sup>th</sup> Street and Pioneer Street Rail Overpass projects are recommended for selection, but neither project can be programmed until they demonstrate full funding of their construction phase. RTAC is recommending that the 18<sup>th</sup> Street project would need to develop a financial plan by December 2014 and obligate construction funds by August 1, 2016. The Pioneer Street Rail Overpass would need to develop a financial plan by September 30, 2014, and obligation of construction funds by August 1, 2016. If these projects cannot meet either deadline, the funds will be withdrawn. If STP-Rural funds are withdrawn from the Pioneer Street Overpass project, the funds will be reallocated for the construction of the La Center roundabout and Clark County's Carty Road project.

Jack Burkman referred to the City of Vancouver's 18<sup>th</sup> Street project and said he understood that the City is in a position to make that happen and asked if that is what was heard at RTAC. Mr. Robins said yes, they are working to make that happen. They don't currently have a financial plan, but they are working to make that over the next year.

Commissioner Madore referred to the Bus Rapid Transit listed under CMAQ Project Evaluation and CMAQ Project Selection. He asked if it was consistent with the adopted policy of this Board to put this project forward, and has this project fulfilled all of the requirements and commitments made? Mr. Lookingbill said yes. Commissioner Madore asked if there were no conditions on that project by this Board to have voter approval of bus rapid transit. Mr. Lookingbill said that is his understanding.

Commissioner Madore said C-TRAN has put this project forward to us and not met the obligation to the voters. He said there is a conflict.

DAVID MADORE MOTIONED TO REMOVE THE BUS RAPID TRANSIT FROM THE MTIP LIST UNTIL THEY HEAR FROM THE VOTERS. TOM MIELKE SECONDED THE MOTION.

Jeff Hamm said as the Executive Director of C-TRAN, he disagreed with the characterization of the C-TRAN Board's action and the requirement of a vote. Commissioner Madore said the objective question is did C-TRAN act consistently to uphold their adopted policies when they moved to advance this project to the RTC Board? Mr. Hamm said absolutely. Commissioner Madore asked if there was another C-TRAN representative that agreed with that answer. Larry Smith said absolutely.

Commissioner Mielke said he didn't agree, adding that 81.104 said it must go back to the vote of the people. Funding was voted down.

Commissioner Stuart said the motion is to remove BRT from the list. He asked functionally, what that does. Mr. Lookingbill said that would withdraw the project for funding consideration this year for CMAQ funds. It would move it to next year's process. Commissioner Stuart said he would be in favor of the motion, but he clarified that the policy that C-TRAN adopted with regards to any means for funding going to the voters said specifically "any means to fund the CRC light rail shall go to affected voters." It did not speak to bus rapid transit. With regards to 81.104, Commissioner Stuart said they got a clear opinion from the Attorney General's office that said if you are trying to use 81.104 dollars, which there are a lot of different methods but sales tax was the chosen method that we had, then you must go to the voters to get those dollars. If you want to use some other funds, some other way to fund the system, there is no such requirement to go to the voters. Commissioner Stuart said 81.104 is a specific funding methodology, and that is it.

Commissioner Mielke said he thought the vote was for both light rail and BRT. Commissioner Stuart said the C-TRAN policy was not BRT. That was specifically on the CRC Locally Preferred Alternative.

Commissioner Madore said that rather than specifying light rail, it specified high capacity transit. The light rail and bus rapid transit according to the High Capacity Transit Expert Review Panel was to review bus rapid transit.

Jack Burkman asked the C-TRAN Executive Director if the C-TRAN Board voted to move forward with the CMAQ application for funding for Bus Rapid Transit on Fourth Plain. Mr. Hamm said yes, with a 6 – 3 vote.

Ed Orcutt referred to the opinion letter from the Attorney General's Office. He said it is his understanding that this organization is a joint regional policy committee. Mr. Lookingbill clarified that the letter speaks to two kinds of policy committees to help formulate the high capacity transit, a joint policy committee and a regional policy committee. In the case of C-TRAN, they are the regional policy committee, not the joint policy committee. Representative Orcutt said C-TRAN is taking part in this organization. Mr. Lookingbill said the letter is speaking to the policy committee that C-TRAN formed to go through the process for identifying the finance plan and project. It is not referring to RTC. Representative Orcutt said the letter refers to "requires only transit agencies that participate in a joint regional policy committee to obtain voter approval." Mr. Lookingbill said C-TRAN participated in forming the committee. Mr. Orcutt said that C-TRAN participates here at RTC. Mr. Lookingbill said it is not talking about RTC.

Jeff Hamm said that C-TRAN formally set up a regional policy committee pursuant to 81.104. It designated itself; it could have designated RTC, but it did not. It designated itself plus a representative of WSDOT. That was the regional policy committee that the statute refers to in the Attorney General's opinion letter.

JACK BURKMAN CALLED FOR THE QUESTION.

COMMISSIONER MADORE RESTATED THE MOTION TO REMOVE THE BUS RAPID TRANSIT ITEM FROM THE MTIP LIST UNTIL THEY HAVE A VOTE OF THE PEOPLE.

Commissioner Stuart said that he was wrong in saying that it only said light rail. He said for C-TRAN it does say "any means chosen to finance operations of the HCT component of the CRC project shall be submitted to impacted C-TRAN voters for approval." The CRC HCT component is light rail, and that is where the confusion of LRT versus HCT. It does refer to the HCT component of the CRC.

Commissioner Madore said there were several resolutions that were involved, and said Commissioner Stuart is referring to the light rail resolution for the CRC. There are also resolutions that apply to the bus rapid transit.

Chair Ganley said there is a motion along with a call for the vote, a roll call vote.

There was question as to whether or not this was a Washington only issue. The MTIP is a metropolitan program for the region. David Madore said it is removing a Clark County item. Jack Burkman said this motion modifies a regional document. Jason Tell said he worked for a number of years on federal legislation and policy. He said one of the prime functions of a Metropolitan Planning Organization and the federal direction that they have as a group is to adopt a long range plan and to adopt the MTIP, which is the capital budget that is to support that plan. Mr. Lookingbill said it is about a regional transportation system that affects the whole bi-state region, whereas the last motion was clearly about a Clark County only vote. Mr. Watters said what Mr. Lookingbill explained is a major difference between the two votes. Based on that the result is different and therefore, everyone who is allowed to vote who is present should indeed vote. It is not solely affecting Washington as was the prior vote.

THE MOTION FAILED 8 - 4 WITH BAKER, BURKMAN, CRADDICK, GERNHART, HAMM, L. SMITH, M. SMITH, AND TELL VOTING NO AND GANLEY, MADORE, MIELKE, AND STUART VOTING YES.

Commissioner Madore began a motion to delay this adoption because this can be submitted before the end of the year and still hear the vote. Commissioner Madore said that time had run out, and the three Commissioners needed to leave the meeting for their 6:00 p.m. hearing.

DAVID MADORE MOTIONED TO POSTPONE THE MEETING SO THE COMMISSIONERS COULD BE PRESENT TO ADDRESS THE CLARK COUNTY ISSUES UNTIL THE NEXT MEETING. TOM MIELKE SECONDED THE MOTION.

Jack Burkman said there will still be quorum with the three Commissioners gone. Mr. Lookingbill said there are no more action items on the agenda. Jack Burkman said the only action item is to approve the MTIP.

THERE WAS A CALL FOR THE QUESTION. THE MOTION FAILED.

JACK BURKMAN MOVED TO APPROVE THE MTIP AS PRESENTED BEFORE THEM. MELISSA SMITH SECONDED THE MOTION.

Commissioner Stuart asked if this was brought back to the next meeting, if it could be submitted and still be eligible for the funding. Mr. Lookingbill said WSDOT says no. Commissioner Stuart said we would be risking a lot of projects. Dale Robins said if not approved today, no funding would be available for all projects in January.

THERE WAS A CALL FOR THE QUESTION AND A ROLL CALL VOTE.

THE MOTION PASSES 9 - 3 WITH BAKER, BURKMAN, CRADDICK, GERNHART, HAMM, L. SMITH, M. SMITH, STUART, AND TELL VOTING YES AND GANLEY, MADORE, AND MIELKE VOTING NO.

Commissioner Madore handed out a resolution for consideration at the next Board meeting. He asked that all read the resolution that addresses RCW 81.104 prior to the meeting.

Chair Ganley said the Commissioners have left the meeting, and there are still more agenda items. They will move agenda items VIII, IX, and X to the November meeting.

**VIII. I-205 Corridor Study Update**

**IX. RTC's Public Participation Plan Update: Regulatory Basis and Process**

**X. Clark County Transportation Concurrency Program**

**XI. Other Business**

From the Director

Mr. Lookingbill noted the location for the State Transportation Revenue Package Listening Tour has changed. The meeting is Monday October 7, 2013, 6:00 – 9:00 p.m. at WSDOT SW Region.

Mr. Lookingbill noted C-TRAN Board Composition Review Committee October 8, 2013, at 4:00 p.m. and Board of Directors meeting at 5:30 p.m. at Vancouver Community Library. JPACT meets Thursday, October 10, 2013, at Metro at 7:30 a.m.

The next RTC Board meeting will be held on Tuesday, November 5, 2013, at 4:00 p.m.

The meeting was adjourned at 6:00 p.m.

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William J. Ganley, Board of Directors Chair