

Agenda
Salem-Keizer Area Transportation Study (SKATS)

Policy Committee (PC)

This meeting is a ‘hybrid’ meeting: Staff and Committee members may choose to attend in person or remotely. The public may also attend in person or via your computer or smartphone (software install is required) or via a phone call. The information to join the meeting:

Join via computer: <https://zoom.us> or call: 1-253-215-8782

Passcode: **565843** Meeting ID: **837 4055 2773**

Direct link for this meeting: <https://us06web.zoom.us/j/83740552773?pwd=REdTcmVib3VRWkxhRjhNL3ppSG5Rdz09>

Meetings are being recorded in compliance with Oregon Public Records regulations. Meetings from April 2022 onward are available on the SKATS YouTube channel:

https://www.youtube.com/channel/UCtWMueICK0nJzyZ5_cMGNg

(or in YouTube, search for “SKATS Salem”)

If participation by phone or video conferencing is not an option, please contact our offices (at 503 588 6177) 24 hours in advance of the meeting. If you are having trouble connecting to the meeting, contact Theresa Whisenhunt (503 540 1630) twhisenhunt@mwvcog.org

Date: Tuesday, November 28, 2023
Time: 12:00 Noon
Place: Hybrid Meeting (100 High St. SE, Suite 200 Salem or Zoom)
Phone: (503) 588 6177
E-mail: mwvcog@mwvcog.org
Website: www.mwvcog.org

- A. Call to Order Cathy Clark**
- B. Approval of PC Minutes October 24, 2023 Cathy Clark**

The Mid-Willamette Valley Council of Governments is pleased to comply with the Americans with Disabilities Act (ADA). If you need special accommodations or translation services to attend this meeting, please contact Theresa Whisenhunt at (503) 540-1630 or send e-mail to twhisenhunt@mwvcog.org at least 72 hours prior to the meeting. *Hearing impaired please call Oregon Telecommunications Relay Service, 7-1-1.* Thank you.

C. Public Comment Cathy Clark

See **attached** letter from Friends of Marion County about the Cooperative Agreement and representation on the SKATS Policy Committee.

D. Amendments to the 2024-2029 TIP Steve Dobrinich

Background: There are four full amendments to the FFY 2024-29 Transportation Improvement Program (TIP) for the Policy Committee to review.

- Pringle Creek Path Connection (Salem) (Key # 23504) –Create new project approved as part of Oregon Community Paths program. Project funded through construction. \$6,686,727 total (\$6,000,000 federal; \$686,727 local match).
- OR-22 Pedestrian Overcrossing (Salem) (Key # 23518) –Create new project approved as part of Oregon Community Paths program. Refinement planning for an approximately 500 foot pedestrian overcrossing over OR-22 between Lancaster Dr. SE and Cordon Rd. \$300,000 total (\$269,190 federal; \$30,810 local match).
- OR22 Center St Bridge (Salem) (Key # 21705) –Move \$3 million of HB2017 discretionary funds from the construction phase to the preliminary engineering phase. Add three bridge locations to reflect updated project scope.
- Salem-Keizer Area MPO Planning SFY25 (Key # 21861) –Reduce total by \$390,058 (\$350,000 STBG; \$40,058 local match). The \$350,000 in federal funds will be used for a project in the TIP, to be determined at a later date.

Action

- Requested:
- (1) Adopt **Resolution 23-22 (attached)** to add Project Key # 23504 [Pringle Creek Path Connection (Salem)] to the SKATS FFY 2024-2029 Transportation Improvement Program.
 - (2) Adopt **Resolution 23-23 (attached)** to add Project Key # 23518 [OR-22 Pedestrian Overcrossing (Salem)] to the SKATS FFY 2024-2029 Transportation Improvement Program.
 - (3) Adopt **Resolution 23-24 (attached)** to move \$3,000,000 of HB 2017 discretionary funds from the construction phase to the preliminary engineering phase of Project Key # 21705 [OR22: Center St Bridge (Salem)] and add 3 bridge locations to reflect updated project scope.
 - (4) Adopt **Resolution 23-25 (attached)** to reduce total cost of Project Key # 21861 [Salem-Keizer Area MPO Planning SFY25] by \$390,058 (\$350,000 STBG; \$40,058 local match).

E. MPO Structure discussionMike Jaffe

Background: The 2020 Census made changes to the Salem urban area. As a result, federal transportation regulations require the inclusion of the city of Aumsville as part of the SKATS Metropolitan Planning Area. Federal regulations (23 CFR § 450.310) describe rules for the composition of the MPO, which are then implemented in the Cooperative Agreement between the Governor and units of general-purpose local governments in the SKATS area.

At their June, July, and August meetings, the Policy Committee discussed options for changing the membership and voting of the SKATS Policy Committee, as defined in the SKATS Cooperative Agreement. At the August SKATS meeting, Salem Councilor Trevor Phillips discussed the addition of a second representative for the city of Salem. Some PC members have also recommended a facilitator be engaged to help with the PC's discussion of this topic.

Enclosed in this agenda are the following **attachments**, some of which were provided at previous PC meetings this summer and two that are new. In particular, the committee is requested to review the enclosed August 22nd Policy Committee meeting minutes to refresh your memory of the last discussion by the Policy Committee on this issue.

- Current SKATS Cooperative Agreement (last amended in 2003)
- SKATS Policy Committee Bylaws
- SKATS Policy Committee meeting minutes (August 22, 2023) of Agenda Item F. MPO Composition and Cooperative Agreement
- August 14, 2023, memo to Policy Committee “SKATS MPO Structure: Questions and Answers”
- 23 CFR § 450.310 (Metropolitan planning organization designation and redesignation) plus USC 134 (d)(3) that in 2021 added subsection (D) of considerations for “equitable and proportional representation of the population” (*New*)
- Email from Jasmine Harris (FHWA-Oregon Division) regarding USC 134 (d)(3)(D) (*New*)
 - The FHWA-FTA Planning Rule – Notice of Proposed Rulemaking is scheduled for 5/24/2024 (From USDOT September 2023 Significant Rulemaking Report)

Action

Requested: Further discussion of the MPO membership and voting structure; discuss whether to engage a facilitator to help the committee.

F. TIP Modifications Steve Dobrinich

Background: Staff-approved modifications made to the SKATS TIP since the October Policy Committee meeting are summarized in the **attached** table. PC-approved amendments and adjustments are also included.

Action

Requested: Informational.

G. Other Business.....SKATS Staff

- Next Policy Committee Meeting – January 23, 2024
 - Review draft UPWP document
- Next TAC Meeting – December 12, 2023
- Planning Status update:

Project	Status	Completion
SKATS Metropolitan Transportation Safety Action Plan (MTSAP)	October/November: Consultant memo on Safety Emphasis Areas and Engineering solutions, including case study solutions for each Emphasis Area.	2024
Oregon Travel Study (nee Oregon Household Activity Survey (OHAS))	Phase 3 (Implementation) – Fall data collection ran from September into November, sending invitations to over 300,000 households in Oregon. To continue in Spring 2024.	Spring 2024 (data collection), Summer/Fall 2024 (data available for use in reports, etc.)
Update to the Turner TSP	Virtual open house for the TSP is open until December 1 st allowing for viewing ‘poster boards’, leaving comments on a map, and participating in a survey. https://www.turneroregontsp.com/	Fall 2024
Safe Routes to School	Ruby Bridges walk-to-school events held at 8 elementary school in the area, coordinated by MWVCOG staff	NA
Social Determinants of Health	Information requested on this topic provided to Director Sadie Carney	NA

H. Adjournment Cathy Clark

DRAFT

Minutes

Salem-Keizer Area Transportation Study (SKATS)
Policy Committee
October 24, 2023
100 High St. SE, Suite 200
Salem, OR
Noon

This was a Hybrid meeting: attendance was online via Zoom & in-person in the MWVCOG Conference room.

Policy Committee Members Present

Anna Henson, ODOT Region 2
Cathy Clark, 2023 Chair, Keizer Mayor
Lyle Mordhorst, 2023 Vice Chair, Polk County Board of Commissioners
Maria Hinojos-Pressey, Salem-Keizer School District¹
Sadie Carney, SAMTD Board of Directors
Trevor Phillips, Salem City Council

Policy Committee Members Absent

Kevin Cameron, Marion County Board of Commissioners
Steve Horning, Turner Mayor

Others Present

Brandon Williams, ODOT Region 2
Della Seney, City of Aumsville
Janelle Shanahan, Marion County Public Works
Jacqueline Green, NE Keizer Neighborhood Association
Julie Hanson, Salem Public Works
Kiki Dohman, SAMTD
Kim Sapunar, MWVCOG-SKATS
Mike Jaffe, MWVCOG-SKATS
Ray Jackson, MWVCOG-SKATS
Shofi Ull-Azum, SAMTD
Steve Dobrinich, MWVCOG-SKATS
Tammy Kunz, Keizer Community Diversity Engagement Committee
Theresa Whisenhunt, MWVCOG-SKATS

¹ Maria Hinojos-Pressey joined via Zoom after the vote for the minutes.

Agenda Item A. Call to Order

Chair Cathy Clark called the meeting to order at 12:02 p.m. Introductions, in person and online, were made. *(note: Steve Horning and Kevin Cameron had both advised the committee in advance that they would be absent at today's meeting).*

Agenda Item B. Approval of Minutes of September 26, 2023

Motion was made by Lyle Mordhorst, seconded by Trevor Phillips, to approve the minutes of the September 26, 2023, meeting. Those voting in favor of the motion were Anna Henson, Cathy Clark, Lyle Mordhorst, Sadie Carney, and Trevor Phillips. **The motion passed unanimously.**

Agenda Item C. Public Comment

There was no public comment.

Agenda Item D. Cherriots Commuter Options Strategic Plan

Kiki Dohman with Cherriots (SAMTD) presented the recently updated Strategic Plan for the Cherriots Commuter Options Program. The Cherriots Commuter Options Program projects are centered on employer outreach and community engagement to improve awareness and access to transportation options through safety education, training, and public outreach. Cherriots Commuter Options staff provided an overview of the program and the Strategic Plan².

FY23 priorities and outcomes for Cherriots Commuter Options Program:

- Foster active and multimodal safety education and outreach
- Grow Vanpool program
- Promote *Get There* database
- Improve access to transportation options
- Explore micro mobility options

SAMTD has a Group Pass Program; the target audience is employers. There is a commuter benefit and discounted rates on the monthly pass based on property taxes paid by the organizations (public/non-profit: \$5.60/employee/month and private/for profit: \$4.80/employee/month).

SAMTD has updated their marketing materials to simplify information into one booklet, focused on customizing the information. Also new to Cherriots is a safety video created in collaboration

² Cherriots Commuter Options FY 23 – Annual Report slide presentation may be found as agenda item D in the agenda packet.

with the Salem-Keizer Public Schools and the “Salem Station” at the Gilbert House Children’s Museum to promote mass transit use and safety.

The Vanpool Program is growing in the three-county area using 37 vans and currently servicing 219 commuters. Vehicles typically have five or more people.

SAMTD is promoting the *Get There Database*; a statewide tool used to connect commuters with carpools, van pools and other mass transit options. Users (currently 16k+) can plan and track their trips, be part of challenges, and earn prizes. The 2023’s *Get There Challenge* had 25 teams with 1,158 participants. Another perk to the program is the *Guaranteed Ride Home* program (AKA Emergency Ride Home Program); any employee in Polk, Marion, or Yamhill counties who use a transportation option other than driving to work alone are eligible for this program. In an emergency (i.e., your carpool driver went home sick), there is peace of mind you will have a ride to get where you need to go.

SAMTD developed a set of strategies for 2023-2026. The overall goal is to not only transform and elevate the program, but to also increase the access to all of Cherriots commuter options and resources by:

- Supporting the building of Cherriots into a mobility integrator
- Enhancing stops and transit centers
- Building new partnerships to enhance service, ridership, and land use/transit integration

The final priority is exploring micro mobility options. The top two programs are Bike Share and Scooter Share. SAMTD is meeting with interested community partners to define roles and commitments and exploring program models, implementation strategies, and funding opportunities. Chair Clark asked if e-bikes were being explored and Ms. Dohman stated “Nothing is off the table. That is definitely something we are considering and exploring.”

Director Carney shared with the committee that the SAMTD staff is working on getting the ridership numbers for the Youth Zero Program. Chair Clark suggested that SKPS could follow-up with any data they have for the Youth Zero Program regarding increased attendance and how the program has benefited the students. Director Hinojos-Pressey responded that she would check-in with school district staff. Director Carney shared further a conversation she had with the mayor of Independence on the success of their single trolley bus line in the city. They have reported more students able to make medical appointments on time, an increase in fulfilling internships, better access to jobs for employable teens, and having more access to shopping and businesses in the Monmouth/Independence area.

Agenda Item E. McGilchrist at 22nd Street -Additional Funding Request

Steve Dobrinich presented and reminded the committee that in March the SKATS Policy Committee approved the addition of \$4.5 million in local funds for the McGilchrist Street at 22nd Street intersection realignment project (Key# 21887). Local funds were added at that time

to help move the bid process forward with the understanding that the city of Salem would request additional federal funds after bids were received. The city of Salem is requesting \$3 million in SKATS federal funds for this project to reduce the local overmatch by \$3 million. The city intends to use overmatch savings for other work on the McGilchrist corridor.

Unprogrammed funds are being used to cover project cost increases as they arise. SKATS staff estimates the region has approximately \$9.3 million in unprogrammed MPO federal funds available through FFY 2027.³ This unprogrammed funding will be available in installments over the next four fiscal years. Estimated unprogrammed funds at the end of each year are carried forward to the following year.⁴ If the funding request is approved, SKATS will use advance construction or a combination of funds available from the delay of other projects.

Mr. Dobrinich reviewed details in *Table 2: Funding Balance*⁵ and moved on to discuss *Table 3: Overview of Projects Receiving Additional SKATS Funding (January 2018 through June 2023)*⁶. *Table 3* provides an overview of additional funding beyond the initial amount programmed. A total of \$22 million was added to projects (\$16.6 million federal; \$5.46 million local / ~75%; 25% respectively) during this time period.

*Table 4: Overview of Jurisdictions Receiving Additional SKATS Funding (January 2018 through June 2023)*⁷ was highlighted. Marion County has added \$13.16 million (59.92% of shared funds), Salem has added \$7.57 million (32.84% of shared funds), and Keizer has added \$1.38 million (7.24% of shared funds). Chair Clark noted that “Oregon does a magnificent job of meeting our grant obligations and spending our funds, keeping us eligible to receive funds from other states that fail to do so.” This puts Oregon and SKATS specifically in a position to receive re-distributed funds from USDOT and other states. “This is one reason why SKATS’s policy of ‘finish it’ is so important, because we deliver on our grant obligations,” Chair Clark continued. If SKATS did not follow this policy, millions of dollars in re-distributed funds would be lost; this year SKATS received just over \$1 million in re-distributed funds.

Commissioner Mordhorst asked what other projects the \$3 million will fund. He stated his understanding is that the ask for additional funding from SKATS is so that \$3 million may be moved to additional projects within the region. Julie Hanson (Salem Public Works) clarified that this overall project (McGilchrist from 12th to 25th Street) is somewhat confusing because there are multiple *phases* and the McGilchrist at 22nd Street is the current *phase*. SKATS has previously provided funding for the right-of-way phase for the entire section. Grant funding was secured through the RAISE program to support the full McGilchrist project, but costs have skyrocketed. The \$3 million that was put into the project to allow movement to the bid process is needed to complete the full project. If the additional \$3 million is not approved for the

³ Unprogrammed MPO federal funds illustrated in Table 1, page 1 of the memo included with agenda item E of the packet.

⁴ Annual funding amounts in the table are cumulative and should not be added together.

⁵ Appendix A (page 3) of the memo included with agenda item E of the packet.

⁶ Appendix B (page 4) of the memo included with agenda item E of the packet.

⁷ Appendix B (page 6) of the memo included with agenda item E of the packet.

current phase, \$3 million will still need to be added for the overall McGilchrist project. It is not moving \$3 million to a different project; it would be applied to final design and construction for the overall McGilchrist project and partnered with the RAISE funds, utility funding, stormwater funding, and other urban renewal funding.

Councilor Phillips asked for a change to the project description to add the *safety* aspect to the project coupled with “improve traffic flow.” Members did not object to making that change to the project documents; staff will amend the description.

Director Carney asked to clarify how the funds are distributed and where they come from. Do they come from federal DOT, through ODOT, and then to the different MPOs? Staff responded that there are five different *pots* of federal funding that SKATS has discretion over, there are other federal funds that stay with ODOT, go to rural areas outside MPO boundaries, or are distributed to transit agencies directly. Director Carney asked if we anticipate receiving requests from all the projects listed in the Table 2 Staff responded that hopefully there won’t be funding requests for all the projects and then we’ll have funding left over to start programming to new projects.

Councilor Phillips asked if Ms. Hanson would speak to how the city of Salem would fund the additional \$3 million that they are asking from SKATS if it was **not** approved. Ms. Hanson stated that it would be very difficult because the infrastructure bond funds are also going to be needed to complete the overall project. Although not impossible it would take a lot of “digging” and other projects on the infrastructure bond may not be completed. With increased costs and because this project has federal funds already in it, it is a good project to receive additional federal funds. The city does not want to add federal funds to a project that is already fully funded by the bond because then it federalizes the project. Efficiency of delivery of funds and meeting completion expectations is better served by keeping federal funds in the big project already using federal funds.

Motion was made by Trevor Phillips, seconded by Sadie Carney, to Adopt Resolution 23-21 adding \$3 million of unprogrammed federal funds to the McGilchrist at 22nd Street intersection realignment project (Key #21887) and removing \$3 million in local overmatch.

Those voting in favor of the motion were Anna Henson, Cathy Clark, Lyle Mordhorst, Maria Hinojos-Presssey, Sadie Carney, and Trevor Phillips. **The motion passed unanimously.**

Agenda Item F. SKATS Title VI Plan

Kim Sapunar presented that the Oregon Department of Transportation (ODOT) Office of Equity and Civil Rights (OECR) conducted a Title VI Review of the Salem Keizer Area Transportation Study (SKATS) MPO, including an onsite review with staff on August 1, 2023, with David Morrissey the Title VI/EJ/ADA Program Manager, and Jennifer Erickson, Civil Rights Programs Coordinator.

The Title VI plan and all associated materials were reviewed, and SKATS received ODOT's report on September 6, 2023, acknowledging full compliance with meaningful policies and practices in place for Title VI compliance. As SKATS' last Title VI Implementation Plan update was in 2019, ODOT requested that the MPO submit its next plan update by December 5, 2023. No written changes were suggested from ODOT's findings but, in the meeting, Mr. Morrissey verbally suggested that a change in terms from "gender" to "sex" be made; as "sex" is a federally protected class while "gender" is not.

The Title VI Plan has been updated, and the draft document is included in the agenda to the PC⁸. Additions of the most recent authorities (USDOT and Executive Order) and updated census demographics of the Salem-Keizer area along with updated TAC and PC member lists, RTSP to MTP, updated weblinks and dates have also been made. The complaint forms are being updated to make them more accessible, fillable, and easy to submit.

Director Carney pointed to the Executive Order 14096 and asked what changes that would bring down into administrative function. Ms. Sapunar responded that staff is waiting for further direction from FHWA; they will issue a directive for further implementation of the most recent executive order. The order concerns environmental justice so it was put into the document for completeness. The Biden administration has expanded on the original 1994 executive order from President Clinton but has not yet given recommendations on what enhancements to environmental justice is expected through FHWA.

Motion was made by Sadie Carney, seconded by Trevor Phillips, to Accept the SKATS Title VI 2023 Plan. Those voting in favor of the motion were Anna Henson, Cathy Clark, Lyle Mordhorst, Maria Hinojos-Pressey, Sadie Carney, and Trevor Phillips. **The motion passed unanimously.**

Agenda Item G. SKATS FY 2024 – 2025 Unified Planning Work Program Outline

Mike Jaffe presented. Staff have begun preparing the next SKATS Unified Planning Work Program (UPWP) for the period of July 2024 through June 2025. A proposed outline of the UPWP and the schedule for review by SKATS Committees, ODOT, and FHWA/FTA over the next several months was supplied to the PC for review⁹.

In November, staff will do more refinements of the activities. In December, staff will begin to prepare the new UPWP document and present the draft to the PC in January for feedback and review. The draft UPWP will be submitted to ODOT, FHWA and FTA at the end of January for their initial review, following a meeting with those state and federal agencies. Based on comments from ODOT, FHWA, and FTA, staff will revise the draft UPWP with a comment response log back to those agencies. In April, staff will present the final draft UPWP to the

⁸ Agenda item F of the packet contains the red-lined draft document.

⁹ Agenda item G of the packet.

Policy Committee for adoption. In May, SKATS transmits the adopted document to ODOT. Staff anticipates signing the funding agreements with ODOT in June.

Mr. Jaffe discussed the activities in the summary, starting with the management of the current SKATS 2024-2029 TIP; there will be meetings with local jurisdictions, planning for projects that need to be slipped and other coordination to ensure the TIP will be meeting its obligation targets. Staff will begin the process to develop the 2027-2032 SKATS TIP (with final adoption in May of 2026). Steve Dobrinich is compiling a timeline/schedule, including when local jurisdictions can submit pre-applications for the new TIP. Mr. Dobrinich is currently making the transition from spreadsheets to the new E-TIP software system that was developed for SKATS, Central Lane MPO, and the Portland Metro MPO.

Work on the Congested Management Process (CMP) and the SKATS Metropolitan Transportation Safety Action Plan (MTSAP) will continue. The MTSAP is projected to be adopted in the summer of 2024. Updates to the Public Participation Plan and Consultation Process are anticipated for adoption in November 2025. Staff will continue to track ODOT's engineering design work for Hwy OR22W/51 interchange, with informational updates to the PC.

Interagency assistance and coordination with transportation partners consists of: staff updating agreements with those partners, quarterly OMPOC and MPO/Transit meetings, meetings of the Oregon Modeling Statewide Collaborative and providing travel modeling services / data for studies as requested. Also included in interagency assistance is providing data and other assistance to the local jurisdictions, including updates for their local Transportation System Plans. Staff will continue updating the regional travel model, continue data collection, update federal performance measure targets as needed, follow the public participation plan, schedule and prepare materials for the monthly PC & TAC meetings, and complete other program management requirements.

Transit is in the process of updating their plans for their part of the 2024-25 UPWP. SKATS provides roughly \$120,000 of the federal 5303 planning funds to SAMTD for transit level planning; SKATS is the only Oregon MPO that shares those 5303 planning funds with their transit district. Those funds help with general program planning in coordination with local governments. Director Carney asked if Portland and Lane's MPOs hold on to all the transit planning money? The answer was yes; it isn't a large sum of money. SKATS recognizes that SAMTD is a large service provider and does a lot of planning work and prefers those with the expertise in Transit to do the planning. Mr. Jaffe has asked that SAMTD submit to him an updated list of work activities by November 1st.

Items from the long-range plan were not included in the current outline; it was updated in May and is done every four years. A formal update of the long-range plan will start in about 18 months.

Director Carney asked how our MPO's UPWP aligns with Lane, Bend, and others in the state regarding Interagency assistance and coordination. Mr. Jaffe has reviewed other MPOs' work

plans and although every work plan is different – there is no set template – when it comes to interagency, that is something in common with the MPOs. All are working with local governments on a regional and even sub-regional level planning work, all are working with ODOT on projects like modeling work and household surveys. The Director followed up by asking if any of the other MPOs coordinate with DEQ on decreasing pollution and emissions, and other environmental justice purposes – would that even be reasonable to do? Mr. Jaffe explained that our MPO is an air-quality, limited maintenance area. SKATS is required to do Air Quality Conformity Determination (AQCD) for the MTP and TIP. Before becoming a limited maintenance area, SKATS needed to do transportation modeling to show if emissions were decreasing as a result of the MTP and TIP, but that requirement was dropped when SKATS became a Limited Maintenance area. There is a representative from DEQ on the SKATS TAC.

Director Carney asked about the CMP (Congestion Management Process). She stated she was more concerned about bicycle and pedestrian safety than congestion; she asked if there was any consideration for speeding and flagging areas that are more dangerous for bicycle and pedestrian traffic. Mr. Jaffe commented that the CMP is a federal requirement for larger MPOs (over 200,000 population). SKATS has moderate issues with congestion and the funded programs and projects to ease congestion¹⁰. On the topic of safety, SKATS is working on a safety plan, setting goals and strategies for the region. The PC has agreed that safety is a top priority and instructs the TAC to score safety projects higher when submitted for the TIP. Safety overlaps in many of the plans – the Cordon Road Corridor Study is a good example. That study is trying to balance congestion mitigation with multimodal usage and increase safety for those using that corridor. Chair Clark noted that relieving congestion and increasing safety go hand in hand; as congestion is mitigated, the *speed-up-slow-down* accordion-style traffic lessens, traffic flows, and the rate of crashes is lower. Councilor Phillips agreed that safety is key and that posted speed limits in South Salem may be a factor in the crash rates seen in that area. As a council member of the city of Salem, he will continue his work on this issue to move the council in directing the Salem transportation plan to start that process. Chair Clark took the opportunity to state that SKATS does not determine the projects for the city of Salem, Salem tells SKATS which projects they want moved forward that are compliant with and eligible for federal funding. The regional jurisdictions TSPs prioritize their projects; she encouraged the councilor and the team with the city of Salem to continue working on planning and moving forward with prioritization.

Director Carney asked if this would be the only time this year to add data collection around social determinants of health so that SKATS may be able to see if investments in projects align with lower health outcomes in the communities. Ms. Sapunar responded that staff has been collecting data, ODOT has created a social equity index, and various other partners have gathered data in this field, including census data. On the federal level, part of the Justice 40 Initiative developed a nationwide prototype of impacted areas based on multiple health

¹⁰ Examples include annual funding for the Regional Traffic Control Center (hosted by city of Salem), funding of new signals and signal interconnect projects, and additional turn lanes at intersections to ease congestion, as well as funding of bicycle and pedestrian projects, bus shelters, new buses, and intelligent transit projects to make those modes more convenient, attractive, and safer for travelers.

factors. Finalization of that data is anticipated within the next four to six months. As SKATS is looking at future projects, this will add another layer of information for evaluating those projects and enhance the current environmental justice procedures. Mr. Jackson added that the Oregon Travel Study is tracking “loop trips” and how that is affecting overall health. As all the data is reviewed, staff will evaluate if it is productive to add; it is a broad topic and is approached in many ways.

Agenda Item H. TIP Modifications

Steve Dobrinich presented. The table includes staff-approved modifications (i.e., those not requiring an action by the Policy Committee) made to the SKATS TIP since the September 26, 2023, Policy Committee meeting. PC-approved amendments and adjustments are also included. The Battery Electric Bus Fleet and Electrification project was recently slipped to 2024 because of an anticipated lack of funding from FTA. The project is now obligated and moving back into 2023. The construction phases for the Salem’s Pedestrian Safety Improved Crossing Project and the Orchard Heights Rd NW: Snowbird to Westhaven are being slipped to 2025.

Agenda Item I. Other Business

- OMPOC rescheduled to November 3, 2023
- OTC Meeting – **Nov 9 PDX area 2023**
- Next TAC Meeting – **November 14, 2023**
- Next Policy Committee Meeting – **November 28, 2023**
- Highlights of current planning work in SKATS area and upcoming events in the area. Adding Aumsville to MPO Policy Committee; SKATS Cooperative Agreement and MPO Composition – scheduled for the November meeting allowing Mayor Hoy to attend.

Chair Cathy Clark adjourned the meeting at 2:00 p.m.

Agenda Item C

Public Comment

SKATS Policy Committee

November 28, 2023

Action Requested:
Informational



OFFICERS

Roger Kaye
President

Richard van Pelt
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Susan Watkins
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BOARD OF DIRECTORS

Laurel Hines
Carla Mikkelson
Linda Peterson
Kasia Quillinan

November 10, 2023

SKATS Policy Committee
MWV Council of Governments
100 High St., SE
Suite 200
Salem, OR 97301

RECEIVED
NOV 15 2023

MW WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS

Dear Chair Clark and Members of the Policy Committee,

I am writing on behalf of Friends of Marion County, a 501(c)3 independent non-profit organization dedicated to safeguarding the integrity of our community's vital resources, including farm and forestland, parks, and open spaces. Friends of Marion County is also an organization dedicated to rectifying discriminatory practices, policies, and their impacts on our community.

As recipients of federal funding and as a federally designated decision-making body, it is imperative that the policy committee adhere to the mandate outlined in 49 U.S.C. 5303, which requires the consideration of equitable and proportional representation for the MPO.

While the Cooperative Agreement and voting structure for the Policy Committee has seen amendments in the past, most notably in 2003 with the addition of the City of Turner, the agreement itself has not undergone comprehensive revision. The document stipulates a periodic update every five years, a practice that has regrettably been overlooked by the Policy Committee.

As stewards of our community's federal and state transportation funding, the Policy Committee must honor their commitment to uphold the documents you hold yourselves accountable to. The Cooperative Agreement demands an update.

Given the federal code referenced above, I am compelled to express my concern regarding the current voting structure for the Policy Committee. Regrettably, it falls short of being equitable or truly representative of the diverse population the MPO serves. This status quo perpetuates disparities rooted in historical inequities and neglects communities that have borne the brunt of past injustices. There exists a golden opportunity for positive change with the recent inclusion of Aumsville in the census designated urbanized area for the Salem MPO.

November 10, 2023

Page 2

For context, a single city council ward within the City of Salem boasts a population exceeding the combined populations of Turner, the portions of unincorporated Marion and Polk County within the MPO boundary, and the City of Aumsville combined. This stark demographic reality underscores the need for recalibration.

Given the critical importance of the SKATS Policy Committee in allocating transportation funding in our region, I urge you to consider the need for proportional and equitable representation on the committee.

Thank you.

Roger Kaye, Pres.
Friends of Marion County
P.O. Box 3274
Salem, OR 97302

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rkaye2@gmail.com

Agenda Item D

Amendments to the 2024-2029 TIP

SKATS Policy Committee

November 28, 2023

Action Requested:

- (1) Adopt Resolution 23-22 (attached) to add Project Key # 23504 [Pringle Creek Path Connection (Salem)] to the SKATS FFY 2024-2029 Transportation Improvement Program.
- (2) Adopt Resolution 23-23 (attached) to add Project Key # 23518 [OR-22 Pedestrian Overcrossing (Salem)] to the SKATS FFY 2024-2029 Transportation Improvement Program.
- (3) Adopt Resolution 23-24 (attached) to move \$3,000,000 of HB 2017 discretionary funds from the construction phase to the preliminary engineering phase of Project Key # 21705 [OR22: Center St Bridge (Salem)] and add 3 bridge locations to reflect updated project scope.
- (4) Adopt Resolution 23-25 (attached) to reduce total cost of Project Key # 21861 [Salem-Keizer Area MPO Planning SFY25] by \$390,058 (\$350,000 STBG; \$40,058 local match).

DRAFT Resolution 23-22

**Resolution Amending the Adopted Salem-Keizer Area Transportation Study (SKATS)
FY 2024-2029 Transportation Improvement Program (TIP)**

WHEREAS, the Salem-Keizer Area Transportation Study Policy Committee has been designated by the State of Oregon as the official Metropolitan Planning Organization (MPO) for the Salem Urbanized Area; and

WHEREAS, the Policy Committee is authorized by an intergovernmental Cooperative Agreement to adopt and adjust the Transportation Improvement Program; and

WHEREAS, it is the responsibility of the Policy Committee to identify transportation projects for inclusion in the SKATS Transportation Improvement Program; and

WHEREAS, the adopted SKATS Transportation Improvement Program needs to program federal transportation funds being spent in the urbanized area;

NOW THEREFORE, BE IT RESOLVED BY THE POLICY COMMITTEE OF THE SALEM-KEIZER AREA TRANSPORTATION STUDY:

THAT the proposed activities are consistent with the adopted MTP and affected local plans;

THAT the proposed amendment is consistent with the financial constraint provisions of federal requirements;

THAT the proposed amendment does not negatively impact regional air quality emissions;

THAT the project will help achieve the Oregon Department of Transportation performance measure targets;

THAT the proposed changes to the TIP are consistent with the management process established in the adopted TIP; and

THAT new Project Key Number 23504 [Pringle Creek Path Connection (Salem)] be added to the SKATS FFY 2024-2029 Transportation Improvement Program (TIP).

ADOPTED by the Policy Committee of the Salem-Keizer Area Transportation Study on the 28th day of November 2023.

Chair
Salem-Keizer Area Transportation Study
Policy Committee

DRAFT Resolution 23-23

**Resolution Amending the Adopted Salem-Keizer Area Transportation Study (SKATS)
FY 2024-2029 Transportation Improvement Program (TIP)**

WHEREAS, the Salem-Keizer Area Transportation Study Policy Committee has been designated by the State of Oregon as the official Metropolitan Planning Organization (MPO) for the Salem Urbanized Area; and

WHEREAS, the Policy Committee is authorized by an intergovernmental Cooperative Agreement to adopt and adjust the Transportation Improvement Program; and

WHEREAS, it is the responsibility of the Policy Committee to identify transportation projects for inclusion in the SKATS Transportation Improvement Program; and

WHEREAS, the adopted SKATS Transportation Improvement Program needs to program federal transportation funds being spent in the urbanized area;

NOW THEREFORE, BE IT RESOLVED BY THE POLICY COMMITTEE OF THE SALEM-KEIZER AREA TRANSPORTATION STUDY:

THAT the proposed activities are consistent with the adopted MTP and affected local plans;

THAT the proposed amendment is consistent with the financial constraint provisions of federal requirements;

THAT the proposed amendment does not negatively impact regional air quality emissions;

THAT the project will help achieve the Oregon Department of Transportation performance measure targets;

THAT the proposed changes to the TIP are consistent with the management process established in the adopted TIP; and

THAT new Project Key Number 23518 [OR-22 Pedestrian Overcrossing (Salem)] be added to the SKATS FFY 2024-2029 Transportation Improvement Program (TIP).

ADOPTED by the Policy Committee of the Salem-Keizer Area Transportation Study on the 28th day of November 2023.

Chair
Salem-Keizer Area Transportation Study
Policy Committee

DRAFT Resolution 23-24

**Resolution Amending the Adopted Salem-Keizer Area Transportation Study (SKATS)
FY 2024-2029 Transportation Improvement Program (TIP)**

WHEREAS, the Salem-Keizer Area Transportation Study Policy Committee has been designated by the State of Oregon as the official Metropolitan Planning Organization (MPO) for the Salem Urbanized Area; and

WHEREAS, the Policy Committee is authorized by an intergovernmental Cooperative Agreement to adopt and adjust the Transportation Improvement Program; and

WHEREAS, it is the responsibility of the Policy Committee to identify transportation projects for inclusion in the SKATS Transportation Improvement Program; and

WHEREAS, the adopted SKATS Transportation Improvement Program needs to program federal transportation funds being spent in the urbanized area;

NOW THEREFORE, BE IT RESOLVED BY THE POLICY COMMITTEE OF THE SALEM-KEIZER AREA TRANSPORTATION STUDY:

THAT the proposed activities are consistent with the adopted MTP and affected local plans;

THAT the proposed amendment is consistent with the financial constraint provisions of federal requirements;

THAT the proposed amendment does not negatively impact regional air quality emissions;

THAT the project will help achieve the Oregon Department of Transportation performance measure targets;

THAT the proposed changes to the TIP are consistent with the management process established in the adopted TIP; and

THAT for Project Key Number 21705 [OR22: Center St Bridge (Salem)], move \$3,000,000 of HB 2017 discretionary funds from the construction phase to the preliminary engineering phase and add 3 bridge locations to reflect updated project scope.

ADOPTED by the Policy Committee of the Salem-Keizer Area Transportation Study on the 28th day of November 2023.

Chair
Salem-Keizer Area Transportation Study
Policy Committee

DRAFT Resolution 23-25

**Resolution Amending the Adopted Salem-Keizer Area Transportation Study (SKATS)
FY 2024-2029 Transportation Improvement Program (TIP)**

WHEREAS, the Salem-Keizer Area Transportation Study Policy Committee has been designated by the State of Oregon as the official Metropolitan Planning Organization (MPO) for the Salem Urbanized Area; and

WHEREAS, the Policy Committee is authorized by an intergovernmental Cooperative Agreement to adopt and adjust the Transportation Improvement Program; and

WHEREAS, it is the responsibility of the Policy Committee to identify transportation projects for inclusion in the SKATS Transportation Improvement Program; and

WHEREAS, the adopted SKATS Transportation Improvement Program needs to program federal transportation funds being spent in the urbanized area;

NOW THEREFORE, BE IT RESOLVED BY THE POLICY COMMITTEE OF THE SALEM-KEIZER AREA TRANSPORTATION STUDY:

THAT the proposed activities are consistent with the adopted MTP and affected local plans;

THAT the proposed amendment is consistent with the financial constraint provisions of federal requirements;

THAT the proposed amendment does not negatively impact regional air quality emissions;

THAT the project will help achieve the Oregon Department of Transportation performance measure targets;

THAT the proposed changes to the TIP are consistent with the management process established in the adopted TIP; and

THAT the total cost of Project Key Number 21861 [Salem-Keizer Area MPO Planning SFY25], be reduced by \$390,058 (\$350,000 STBG; \$40,058 local match).

ADOPTED by the Policy Committee of the Salem-Keizer Area Transportation Study on the 28th day of November 2023.

Chair
Salem-Keizer Area Transportation Study
Policy Committee

SKATS Transportation Improvement Program (TIP)

Public Notification of Pending Amendment



Proposed TIP Amendment

Project Name: Pringle Creek Path Connection (Salem)

The public review period for this project is November 1, 2023, through noon on November 15, 2023.

As a Formal Amendment to the TIP, additional details about the project will be presented to SKATS' Policy Committee for approval on **November 28, 2023**, at noon at 100 High Street SE, Suite 200, Salem, Oregon (*hybrid meeting with virtual option available*).

Comments or concerns about this amendment should be submitted to Steve Dobrinich, via email at sdobrinich@mwvcog.org

This amendment may be revised to address comments received during the public comment period. The most recently amended TIP is available at the MWVCOG website at: <https://www.mwvcog.org/transportation/page/transportation-improvement-program>

Project Amendment Details

Amendment No.	23-22				
Project KN:	23504	Project Sponsor:	Salem	Total Project Cost:	\$6,686,727
Project Name:	Pringle Creek Path Connection (Salem)				
Purpose of amendment: Create new project approved as part of Oregon Community Paths program.					
Project Description: Construct missing segment of Pringle Creek Path along the north bank of Pringle Creek connecting existing Pringle Creek paths and Salem Civic Center to Riverfront Park and to paths that extend from there to Minto Island and west Salem. The path will improve access and safety for people walking and biking.					

SKATS Transportation Improvement Program (TIP)

Public Notification of Pending Amendment



Project information after amendment:

Name: Pringle Creek Path Connection (Salem)							Key: 23504	
Description: Construct missing segment of Pringle Creek Path along the north bank of Pringle Creek connecting existing Pringle Creek paths and Salem Civic Center to Riverfront Park and to paths that extend from there to Minto Island and west Salem. The path will improve access and safety for people walking and biking.								Region: 2
MPO: Salem/Keizer Area MPO			Air Quality Status:		Work Type: BIKPED			
Applicant: CITY OF SALEM			Exempt		Status: PROJECT SCHEDULED FOR CONSTRUCTION			
Location(s)-								
Mileposts	Length	Route	Highway			ACT		County(s)
						MID-WILLAMETTE VALLEY ACT		MARION
Current Project Estimate								
	Planning	Prelim. Engineering	Right of Way	Utility Relocation	Construction	Other	Project Total	
Year	2024		2025		2026			
Total		\$2,061,741		\$111,445		\$4,513,541	\$6,686,727	
Fund 1		TAP \$1,850,000	TAP	\$100,000		TAP \$4,050,000	\$6,000,000	
Match		\$211,741		\$11,445		\$463,541	\$686,727	
Fund 2								
Match								
Fund 3								
Match								
Footnote: Oregon Community Paths project, non-MPO TAP funds								
Most Recent Approved Amendment								
Amendment No:	23-22		MTIP Approval Date:		11/28/2023		STIP Approval Date:	
Requested Action:	Create new project. This project is funded by the Oregon Community Paths Program as approved by the Oregon Transportation Commission in July 2023.							

SKATS Transportation Improvement Program (TIP)

Public Notification of Pending Amendment



Proposed TIP Amendment

Project Name: OR-22 Pedestrian Overcrossing (Salem)

The public review period for this project is November 1, 2023, through noon on November 15, 2023.

As a Formal Amendment to the TIP, additional details about the project will be presented to SKATS' Policy Committee for approval on **November 28, 2023**, at noon at 100 High Street SE, Suite 200, Salem, Oregon (*hybrid meeting with virtual option available*).

Comments or concerns about this amendment should be submitted to Steve Dobrinich, via email at sdobrinich@mwvcog.org

This amendment may be revised to address comments received during the public comment period. The most recently amended TIP is available at the MWVCOG website at: <https://www.mwvcog.org/transportation/page/transportation-improvement-program>

Project Amendment Details

Amendment No.	23-23				
Project KN:	23518	Project Sponsor:	Salem	Total Project Cost:	\$300,000
Project Name:	OR-22 Pedestrian Overcrossing (Salem)				
Purpose of amendment: Create new project approved as part of Oregon Community Paths program.					
Project Description: Refinement planning for an approximately 500 foot pedestrian overcrossing over OR-22 between Lancaster Dr. SE and Cordon Rd. Overcrossing will improve access and safety for people walking and biking.					

SKATS Transportation Improvement Program (TIP)

Public Notification of Pending Amendment



Project information after amendment:

Name: OR-22 Pedestrian Overcrossing (Salem)						Key: 23518	
Description: Refinement planning for an approximately 500 foot pedestrian overcrossing over OR-22 between Lancaster Dr. SE and Cordon Rd. Overcrossing will improve access and safety for people walking and biking.							Region: 2
MPO: Salem/Keizer Area MPO		Air Quality Status: Exempt		Work Type: BIKPED		Status: FUNDED THROUGH PRELIMINARY ENGINEERING ONLY	
Applicant: CITY OF SALEM							
Location(s)-							
Mileposts	Length	Route	Highway	ACT	County(s)		
				MID-WILLAMETTE VALLEY ACT	MARION		
Current Project Estimate							
	Planning	Prelim. Engineering	Right of Way	Utility Relocation	Construction	Other	Project Total
Year	2024						
Total	\$300,000.00						\$300,000
Fund 1	TAP	\$269,190.00					\$269,190
Match		\$30,810.00					\$30,810
Fund 2							
Match							
Fund 3							
Match							
Footnote: Oregon Community Paths project, non-MPO TAP funds							
Most Recent Approved Amendment							
Amendment No:		23-23		MTIP Approval Date:		11/28/2023	
Requested Action:		Create new project. This project is funded by the Oregon Community Paths Program as approved by the Oregon Transportation Commission in July 2023.					

SKATS Transportation Improvement Program (TIP)

Public Notification of Pending Amendment



Proposed TIP Amendment

Project Name: OR22: Center St Bridge (Salem)

The public review period for this project is November 1, 2023, through noon on November 15, 2023.

As a Formal Amendment to the TIP, additional details about the project will be presented to SKATS' Policy Committee for approval on **November 28, 2023**, at noon at 100 High Street SE, Suite 200, Salem, Oregon (*hybrid meeting with virtual option available*).

Comments or concerns about this amendment should be submitted to Steve Dobrinich, via email at sdobrinich@mwvcog.org

This amendment may be revised to address comments received during the public comment period. The most recently amended TIP is available at the MWVCOG website at: <https://www.mwvcog.org/transportation/page/transportation-improvement-program>

Project Amendment Details

Amendment No.	23-24				
Project KN:	21705	Project Sponsor:	ODOT	Total Project Cost:	\$100,000,000
Project Name:	OR22: Center St Bridge (Salem)				
Purpose of amendment: Move \$3 million of HB2017 discretionary funds from the construction phase to the preliminary engineering phase. Add three bridge locations to reflect updated project scope.					
Project Description: Design and construct seismic retrofit improvements such that the bridge could survive a major seismic event and continue to provide a functioning crossing of the Willamette River.					

SKATS Transportation Improvement Program (TIP)

Public Notification of Pending Amendment



Project information before amendment:

Name: OR22: Center St Bridge (Salem)						Key: 21705	
Description: Design and construct seismic retrofit improvements such that the bridge could survive a major seismic event and continue to provide a functioning crossing of the Willamette River							Region: 2
MPO: Salem/Keizer Area MPO			Air Quality Status: Exempt		Work Type: BRIDGE		
Applicant: ODOT			Status: PROJECT FUNDED THROUGH FINAL PLANS				
Location(s)-							
Mileposts	Length	Route	Highway	ACT	County(s)		
25.90 to 25.90	0	OR-22	WILLAMINA-SALEM	MID-WILLAMETTE VALLEY ACT	POLK, MARION		
Current Project Estimate							
	Planning	Prelim. Engineering	Right of Way	Utility Relocation	Construction	Other	Project Total
Year	2021		2024		2025		
Total	\$10,000,000		\$3,242,600		\$86,757,400		\$100,000,000
Fund 1	NHPF	\$8,973,000	NHPF	\$2,909,585			\$11,882,585
Match		\$1,027,000		\$333,015		\$86,757,400	\$88,117,415
Footnote:							
Most Recent Approved Amendments							
Amendment No:		22-AA21		MTIP Approval Date:		12/22/2022	
Requested Action:		Slip right of way to begin in 2024.					

SKATS Transportation Improvement Program (TIP)

Public Notification of Pending Amendment



Project information after amendment:

Name: OR22: Center St Bridge (Salem)		Key: 21705	
Description	Design and construct seismic retrofit improvements such that the bridge could survive a major seismic event and continue to provide a functioning crossing of the Willamette River.		Region: 2
MPO:	Salem/Keizer Area MPO	Air Quality Status:	Work Type: BRIDGE
Applicant:	ODOT	Status:	Exempt PROJECT FUNDED THROUGH FINAL PLANS
Location(s)-			
Mileposts	Length	Route	Highway
25.90 to 25.90	0	OR-22	WILLAMINA-SALEM
		ACT	County(s)
		MID-WILLAMETTE VALLEY ACT	POLK, MARION
Current Project Estimate			
	Planning	Prelim. Engineering	Right of Way
Year		2021	2024
Total		\$13,000,000	\$3,242,600
Fund 1		NHPF \$11,664,900	NHPF \$2,909,585
Match		\$1,335,100	\$333,015
			Utility Relocation
			Construction
			Other
			Project Total
			\$100,000,000
			\$89,730,000
			\$10,270,000
Footnote:			
Most Recent Approved Amendments			
Amendment No:	23-24	MTIP Approval Date:	11/28/2023
Requested Action:	Move \$3 million of HB2017 discretionary funds from the construction phase to the preliminary engineering phase. Add three bridge locations to reflect updated project scope.		
Amendment No:	22-AA21	MTIP Approval Date:	12/22/2022
Requested Action:	Slip right of way to begin in 2024.		

Bridge Locations Added:

- Z4: West Ramp BR 22523
- Z5: East NB Ramp BR 22519
- Z6: East SB Ramp BR 00123G



From: [MWVCOG](#)
To: [Steve Dobrinich](#)
Subject: TIP Amendment - Center Street Bridge November 14 2023
Date: Tuesday, November 14, 2023 10:28:43 AM

External: Please report suspicious email to security@wesd.org

Name: Nick Fortey
Email: fortey.nick@gmail.com

Message: Steve, I am the transportation chair for the West Salem Neighborhood Association and had a question about the proposed TIP amendment : OR22 Center St Bridge (Salem) (Key # 21705) –Move \$3 million of HB2017 discretionary funds from the construction phase to the preliminary November 14, 2023 engineering phase. Add three bridge locations to reflect updated project scope. Maybe this will come out in discussion today but hope you can add insight - does this mean some aspects of the seismic work will be more extensive/expensive (thus the shift in funds?). We are obviously interested in ensuring the seismic retrofit work proceeds and wanted to get a better sense of scope or schedule changes. Thanks Nick Fortey
WSNA Transportation Chair

From: [Karen Sjogren](#)
To: [Steve Dobrinich](#)
Subject: Proposed amendments
Date: Thursday, November 2, 2023 3:50:01 PM

External: Please report suspicious email to security@wesd.org

As a public comment I would like to voice my support for all three of these projects. I live in West Salem and travel over the Center Street bridge almost daily by car; obviously the seismic retrofit is personally important to me! I walk in Riverfront Park and over to Minto Brown frequently and drive to the main library; I am very excited about the Pringle Creek path which will allow me to walk to the library from Riverfront rather than driving. It will also afford a better look at the creek and I like the development plans for the pathway. I also support the pedestrian bridge over Highway 22 in an area that needs to be safer for pedestrians (maybe a few critters will use it too). I'm glad the local agencies have been able to get considerable federal funding for these very worthwhile projects. Please acknowledge your receipt of my comments.

SKATS Transportation Improvement Program (TIP)

Public Notification of Pending Amendment



Proposed TIP Amendment

Project Name: Salem-Keizer area MPO planning SFY25

The public review period for this project is November 14, 2023, through noon on November 28, 2023.

As a Formal Amendment to the TIP, additional details about the project will be presented to SKATS' Policy Committee for approval on **November 28, 2023**, at noon at 100 High Street SE, Suite 200, Salem, Oregon (*hybrid meeting with virtual option available*).

Comments or concerns about this amendment should be submitted to Steve Dobrinich, via email at sdobrinich@mwvcog.org

This amendment may be revised to address comments received during the public comment period. The most recently amended TIP is available at the MWVCOG website at: <https://www.mwvcog.org/transportation/page/transportation-improvement-program>

Project Amendment Details

Amendment No.	23-25				
Project KN:	21861	Project Sponsor:	SKATS	Total Project Cost:	\$1,243,019.51
Project Name:	Salem-Keizer area MPO planning SFY25				
Purpose of amendment: Reduce total by \$390,058 (\$350,000 STBG; \$40,058 local match). The \$350,000 in federal funds will be applied to a project in the TIP to be determined at a later date.					
Project Description: SKATS MPO planning funds for Federal fiscal year 2024. Projects will be selected in the future through the MPO process.					

SKATS Transportation Improvement Program (TIP)

Public Notification of Pending Amendment



Project information before amendment:

Name: Salem-Keizer area MPO planning SFY25							Key: 21861
Description: SKATS MPO planning funds for Federal fiscal year 2024. Projects will be selected in the future through the MPO process.							Region: 2
MPO: Salem/Keizer Area MPO		Air Quality Status: Exempt		Work Type: PLANNG			
Applicant: SKATS		Status: PLANNING ACTIVITY					
Location(s)-							
Mileposts	Length	Route	Highway	ACT	County(s)		
				MID-WILLAMETTE VALLEY ACT	MARION, POLK		
Current Project Estimate							
Year	Planning	Prelim. Engineering	Right of Way	Utility Relocation	Construction	Other	Project Total
2024							
Total	\$1,633,078						\$1,633,078
Fund 1 STBG-U	\$750,000						\$750,000
Match	\$85,841						\$85,841
Fund 2 PL	\$545,991.21						\$545,991.21
Match	\$62,491.14						\$62,491.14
Fund 3 PL-5303	\$169,370.00						\$169,370.00
Match	\$19,385.16						\$19,385.16
Footnote: MPO funds limited to \$750,000							
Most Recent Approved Amendment							
Amendment No:	23-AA12	MTIP Approval Date:		5/17/2023	STIP Approval Date:		
Requested Action:	Reduce project costs to match UPWP. Funding reduction of \$20,109.65 in PL funds is part of the e-TIP payment (22674).						

SKATS Transportation Improvement Program (TIP)

Public Notification of Pending Amendment



Project information after amendment:

Name: Salem-Keizer area MPO planning SFY25						Key: 21861	
Description: SKATS MPO planning funds for Federal fiscal year 2024. Projects will be selected in the future through the MPO process.							Region: 2
MPO: Salem/Keizer Area MPO			Air Quality Status:	Work Type: PLANNG			
Applicant: SKATS			Exempt	Status: PLANNING ACTIVITY			
Location(s)-							
Mileposts	Length	Route	Highway	ACT	County(s)		
				MID-WILLAMETTE VALLEY ACT	MARION, POLK		
Current Project Estimate							
	Planning	Prelim. Engineering	Right of Way	Utility Relocation	Construction	Other	Project Total
Year	2024						
Total	\$1,243,020						\$1,243,019.51
Fund 1	STBG-U	\$400,000					\$400,000
Match		\$45,782					\$45,782
Fund 2	PL	\$545,991.21					\$545,991.21
Match		\$62,491.14					\$62,491.14
Fund 3	PL-5303	\$169,370.00					\$169,370.00
Match		\$19,385.16					\$19,385.16
Footnote: MPO funds limited to \$400,000							
Most Recent Approved Amendment							
Amendment No:	23-25		MTIP Approval Date:	11/13/2023		STIP Approval Date:	
Requested Action:	Reduce total by \$390,058 (350,000 STBG; \$40,058 local match). The \$350,000 in federal funds will be applied to a project in the TIP to be determined at a later date.						
Amendment No:	23-AA12		MTIP Approval Date:	5/17/2023		STIP Approval Date:	
Requested Action:	Reduce project costs to match UPWP. Funding reduction of \$20,109.65 in PL funds is part of the e-TIP payment (22674).						

Agenda Item E

MPO Structure Discussion

SKATS Policy Committee

November 28, 2023

Action Requested:

Further discussion of the MPO membership and voting structure; discuss whether to engage a facilitator to help the committee.

Appendix A

COOPERATIVE AGREEMENT

DUTIES AND RESPONSIBILITIES FOR COOPERATIVELY CARRYING OUT TRANSPORTATION PLANNING AND PROGRAMMING

THIS AGREEMENT made and entered into this 6th day of April 1987 by and between the State of Oregon by and through its Department of Transportation, hereinafter called "STATE", Mid Willamette Valley Council of Governments, hereinafter called "COG", City of Salem, hereinafter called "SALEM", City of Keizer, hereinafter called "KEIZER", Marion County and Polk County, hereinafter called "MARION" and "POLK", and the Salem Area Transit District, hereinafter called "DISTRICT" all of which are referred to collectively as "PARTIES".

W I T N E S S E T H

WHEREAS, the Highway Act of 1973 set forth requirements for Transportation Planning and provided funds for this purpose to Metropolitan Areas of 50,000 population or more to carry out a continuous, comprehensive and cooperative (3C) transportation planning process; and

WHEREAS, STATE, COG, SALEM, KEIZER, MARION, POLK and TRANSIT DISTRICT participate in the "3C" process in the Salem/Keizer Metropolitan Area; and

WHEREAS, the PARTIES desire to update, clarify, and streamline the process;

NOW, THEREFORE, the PARTIES hereto do mutually agree as follows:

Section A. The COG will provide administrative services and, along with STATE, carry out the technical responsibilities for the transportation planning process.

Section B. The Council of Governments shall retain the sole responsibility for acceptance of all contracts, grants and gifts for transportation planning in the Salem area, and all fiscal and financial responsibility therefore. The Director of the COG shall select and supervise the transportation planning coordinator and staff assigned to the transportation planning process.

Section C. The Salem Area Transportation Study (SATS) Coordinating Committee will be renamed the Salem/Keizer Area Transportation Study (SKATS) Policy Committee. Voting membership on the SKATS Policy Committee shall consist of:

1. One member, Marion County Board of Commissioners
2. One member, Polk County Board of Commissioners
3. One member, City of Salem City Council
4. One member, City of Keizer City Council
5. One member, Salem Area Mass Transit District Board of Directors
6. One member, Oregon Department of Transportation
7. One member, School District 24J Board

Section D. The SKATS Policy Committee is responsible for developing Bylaws, operating procedures, transportation plans, transportation improvement programs, and work programs, and to take other actions necessary to carry out the transportation planning process.

Section E. The SKATS Policy Committee shall use the following process in adopting the Transportation Plan and Transportation Improvement Program:

- 1) If the Policy Committee approves the document with a unanimous vote of the Policy Committee members attending a meeting as described in Section F., then the document is adopted.
- 2) If the Policy Committee approves the document with less than a unanimous vote (as described in Section F.) then the document shall be referred to the governing bodies of Marion, Polk, Salem, Keizer, and the District for endorsement. All five jurisdictions must endorse the document for it to be considered adopted. If all five jurisdictions do not endorse the document, they shall individually or through the Policy Committee develop a mutually acceptable proposal which will then be adopted in accordance with paragraphs 1 and 2 of this Section.

A graphic representation of this adoption process is presented in Attachment A.

Section F. The unanimous vote of the Policy Committee members required in Section E. shall meet the following requirements:

- 1) All of the members in attendance must vote in favor of the action.
- 2) All of the members must have been notified of the meeting time, date, and place.

- 3) All of the members must have been notified that the issue was on the meeting agenda prior to the meeting.

Section G. The SKATS Policy Committee has the authority to take final action on all other matters pertaining to the transportation planning process.

Section H. Transportation Planning documents such as the Transportation Plan and the Transportation Improvement Program which have been prepared, adopted, and are currently in effect, will remain in effect until the SKATS Policy Committee adopts new, updated, or revised versions of the documents.

Section I. The SKATS Policy Committee shall review this agreement on or before January, 1992 and every five years thereafter and recommend revisions as desired to the PARTIES. This agreement will remain in effect until revised or replaced by the PARTIES.

Section J. This Agreement supersedes all previous agreements among the respective parties covering the same subject, particularly the Agreement of October 30, 1980 among the State, COG, Salem, Marion, Polk and District; and the October 14, 1980 Joint Resolution between COG and the SATS Coordinating Committee.

IN WITNESS WHEREOF, STATE, COG, SALEM, KEIZER, MARION, POLK and DISTRICT have caused this Agreement to be executed in their respective names by their authorized representatives as of the day set out above.

This Agreement was approved by the Oregon Transportation Commission on March 20, 1987, at which time the Director, Oregon Department of Transportation, was authorized and directed to sign said Agreement for and on behalf of the Commission. Said authority is set forth in Volume 14, Page _____, Minute Book of the Oregon Transportation Commission.

APPROVED AS TO FORM:

James L. Seavers
Assistant Attorney General
and Counsel State of Oregon

John P. Fien
City Attorney

William J. [Signature]
City Attorney

Robert [Signature]
Legal Counsel 3-25-87

Michael P. [Signature]
Legal Counsel 9.29.87

Edward L. Clark, Jr.
Legal Counsel

[Signature]
Legal Counsel

[Signature]
Director, Oregon Department of Transportation

CITY OF KEIZER

By: [Signature]
Mayor

ATTEST: [Signature]
City Recorder

CITY OF SALEM

By: [Signature]
Mayor

ATTEST: [Signature] 4/27/87
City Recorder

COUNTY OF MARION

[Signature]
Chairman

[Signature]
Commissioner

[Signature]
Commissioner

COUNTY OF FOLK

[Signature]
Chairman

[Signature]
Commissioner

[Signature]
Commissioner

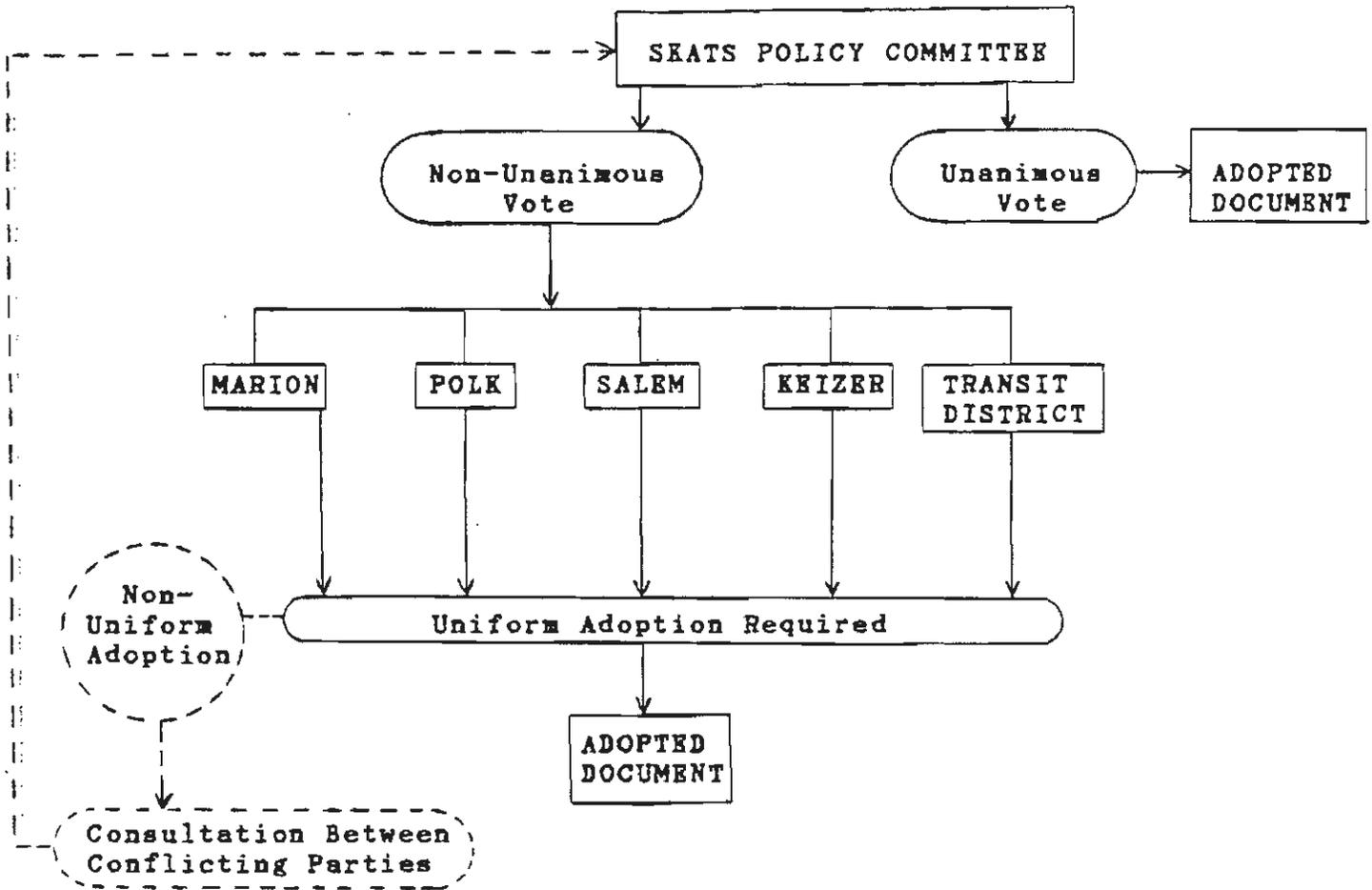
SALEM AREA TRANSIT DISTRICT
BOARD OF DIRECTORS

[Signature]
President

MID WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS

[Signature]
Chairman

ADOPTION PROCESS
FOR TRANSPORTATION PLAN AND
TRANSPORTATION IMPROVEMENT PROGRAM



NEIL GOLDSCHMIDT
GOVERNOR



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310-1347

RECEIVED

MAY 13 1987

MID WILLAMETTE VALLEY
COUNCIL of GOVERNMENTS

May 8, 1987

Mid-Willamette Valley
Council of Governments
400 Senator Building
220 High Street NE
Salem, OR 97301-3683

Dear Council:

The cities of Salem and Keizer and the counties of Polk and Marion, along with the Salem Area Transit District and the Oregon Transportation Commission, have agreed that the Metropolitan Planning Organization for the Salem-Keizer urbanized area should be the Salem-Keizer Area Transportation Study Policy Committee. I concur with the designation of the new Metropolitan Planning Organization.

The Mid-Willamette Council of Governments will carry out the administrative responsibilities for the new Metropolitan Planning Organization. Funds used to carry out the transportation planning process will be funneled through the Council of Governments and expended under the direction of the Salem-Keizer Area Transportation Study Policy Committee.

Sincerely,



Neil Goldschmidt
Governor

NG:dkc
1175A

**AMENDMENT NO. 1
to the
COOPERATIVE AGREEMENT**

**DUTIES AND RESPONSIBILITIES FOR COOPERATIVELY
CARRYING OUT TRANSPORTATION PLANNING AND PROGRAMMING**

THE STATE OF OREGON, by and through its Department of Transportation, THE MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS, THE CITY OF SALEM, THE CITY OF KEIZER, MARION COUNTY, POLK COUNTY, and THE SALEM AREA MASS TRANSIT DISTRICT (referred to collectively as "PARTIES") entered into a cooperative agreement for duties and responsibilities for cooperatively carrying out transportation planning and programming. This Agreement was approved by the Oregon Transportation Commission on March 20, 1987, at which time the Director, Oregon Department of Transportation, was authorized and directed to sign the Agreement for and on behalf of the Commission.

It has now been determined by the "PARTIES" that the agreement referenced above, while remaining in full force and effect, shall be amended by this Amendment No. 1 to add THE CITY OF TURNER as a voting member on the Salem-Keizer Area Transportation Study (SKATS) Policy Committee.

Therefore, the Cooperative Agreement shall be amended as follows:

Section C of the Cooperative Agreement shall be amended to add subsection 8 to read as follows:

Section C. The Salem Area Transportation Study (SATS) Coordinating Committee will be renamed the Salem/Keizer Area Transportation Study (SKATS) Policy Committee. Voting membership on the SKATS Policy Committee shall consist of:

1. One member, Marion County Board of Commissioners
2. One member, Polk County Board of Commissioners
3. One member, City of Salem City Council
4. One member, City of Keizer City Council
5. One member, Salem Area Mass Transit, District Board of Directors

6. One member, Oregon Department of Transportation
7. One member, School District 24J Board
8. One member, City of Turner City Council

This agreement shall be effective on the date all required signatures are obtained.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be signed in their respective names by their duly authorized representatives as of the dates set forth below.

The Oregon Transportation Commission on January 16, 2002, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

SIGNATURE PAGE TO FOLLOW

On January 31, 2002, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director grants authority to the Deputy Directors, Division Managers, Chief of Staff, Technical Services Manager/Chief Engineer, Branch and Region Managers for their respective Branch or Region, to approve and execute agreements up to \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program, other system plans approved by the Commission such as the Traffic Safety Performance Plan, or in a line item in the approved biennial budget.

APPROVED AS TO FORM:

Dale K. Johnson
Assistant Attorney General

Date 9/30/03

Larry Greenleaf
Deputy Director, Oregon Department
of Transportation, Transportation
Development Division
Date 10-6-03

F. Brantley
City Attorney

Date 6-26-03

CITY OF KEIZER:

Frederick Christopher
By: Mayor
Frank Davis
ATTEST: City Recorder
Date 6-17-03

Jh
City Attorney

Date 6/14/03

CITY OF SALEM:

Janet Taylor
By: Mayor
Jean Ley
ATTEST: City Recorder
Date 6-12-03

Joan Belger
City Attorney

Date 7/16/2003

CITY OF TURNER:

Jan A. [Signature]
By: Mayor
ATTEST: City Recorder
Date _____

Approved as to form

Keggy Mitchell
County Contracts Coordinator 8/15/03

Miscellaneous Contracts and Agreements

No. 20,523

COUNTY OF MARION:

Patricia Mulse
By: Chairman
Michael R. Pugh
Commissioner
Janet Paul
Commissioner
Date 8/27/03

Eric Allen Stroninger
Legal Counsel

Date 20 August 2003

COUNTY OF POLK:

Tom Rethley
By: Chairman
Michael R. Pugh
Commissioner
Tom Rethley
Commissioner
Date _____

Tom Rethley
Legal Counsel

Date 5/12/03

SALEM AREA TRANSIT DISTRICT
BOARD OF DIRECTORS:

Leard Chapman
President
Date 5/22/03

Janet Paul
Legal Counsel

Date 5/27/03

MID-WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS

D. A. Meltzer
Executive Director
Date 9/8/03

Salem-Keizer Area Transportation Study Policy Committee

BYLAWS

Article I

Name

This Committee, established by an Intergovernmental Cooperative Agreement entered into on April 6, 1987, shall be called the SKATS Policy Committee and is the designated Metropolitan Planning Organization (MPO) for the Salem-Keizer Urban Area. This agreement was amended October 6, 2003.

Article II

Purpose

The SKATS Policy Committee is the policy committee of the Salem-Keizer Area Transportation Study. The purpose of the Policy Committee is to identify transportation policies, issues, and needs which are areawide in scope; and to plan and recommend actions in areas of intergovernmental concern. It is the SKATS Policy Committee's responsibility to insure that transportation decisions are consistent with areawide goals and objectives.

The Policy Committee will be supported by advisory committees as the Policy Committee deems appropriate.

The responsibilities of the SKATS Policy Committee are to:

1. Provide policy direction in the development of the areawide transportation plans and work programs.
2. Recommend transportation plans, policies, programs, and priorities to the participating units of government for their adoption as appropriate.
3. Help member agencies coordinate their respective implementation programs.
4. Serve as the forum for joint, cooperative discussion and decision-making.
5. Prepare, update, and adopt the Regional Transportation Systems Plan (RTSP).
6. Annually prepare and adopt a Unified Planning Work Program (UPWP).
7. Prepare and adopt the Transportation Improvement Program (TIP).

8. Prepare other administrative documents that may be required to carry out the transportation planning process.
9. Adoption of documents will be in accordance with the processes outlined in the April 6, 1987 Cooperative Agreement, *as amended*.

Article III

Organization

- A. The SKATS Policy Committee shall consist of eight members appointed by their governmental unit as identified in the Cooperative Agreement. These are:
 1. One member, Marion County Board of Commissioners
 2. One member, Polk County Board of Commissioners
 3. One member, City of Salem City Council
 4. One member, City of Keizer City Council
 5. One member, School District 24J Board
 6. One member, Salem Area Mass Transit District Board of Directors
 7. One member, Oregon Department of Transportation
 8. One member, City of Turner City Council
- B. A quorum shall consist of not less than four (4) voting members.
- C. There shall be held annually at the first meeting of the calendar year, election of officers, consisting of Chairperson and Vice-Chairperson.
- D. The Chairperson of the SKATS Policy Committee shall conduct all meetings of the Policy Committee and appoint subcommittees as required and specify assignments and deadlines of subcommittee reports.
- E. The Vice-Chairperson of the SKATS Policy Committee shall conduct meetings of the Policy Committee in the absence of the Chairperson. In the absence of the both the Chairperson and the Vice Chairperson, the Chair will delegate another member of the committee to conduct that particular meeting prior to the meeting date.
- F. The Chairpersons of all SKATS Advisory Committees and a representative of the Marion, Polk, Salem, Turner, and Keizer Planning Commissions are encouraged to participate (in a non-voting capacity) in Policy Committee meetings.
- G. The jurisdiction of a regular voting member, who is unable to attend a Committee

meeting is encouraged to send another representative who meets the criteria in Article IIIA.

Article IV

Meetings

Regular meetings shall be held monthly. The local newspaper must receive notification of meetings at least 24 hours prior to any meeting.

Written minutes will be taken at each meeting. Parliamentary Procedure as defined in Robert's Rules of Order Newly Revised will be followed and the Oregon Open Meetings Law (ORS 192.610 to 192.690) requirements will be adhered to at all times. The Chairperson shall enter into discussions and vote, the same as any other voting member.

In an emergency, telephone polls/votes may be conducted in lieu of a meeting with approval of the Chairperson. Votes will be formalized at the next meeting.

Article V

Amendments To The Bylaws

The Bylaws may be amended at any regular meeting of the SKATS Policy Committee, provided that written notice of, and the proposed amendment is mailed to each member of the committee not less than five days prior to such meeting.

Adopted: SKATS PC - 5/27/87
Amended: SKATS PC - 5/16/91
Amended: SKATS PC - 11/26/02
Amended: SKATS PC - 11/25/03

Minutes

Salem-Keizer Area Transportation Study (SKATS)
Policy Committee
August 22, 2023
100 High St. SE, Suite 200
Salem, OR
Noon

This was a Hybrid meeting: attendance was online via Zoom & in-person in the MWVCOG Conference room.

Policy Committee Members Present

Brandon Williams, ODOT Region 2 - Alternate for Anna Henson
Cathy Clark, 2023 Chair, Keizer Mayor
Kevin Cameron, Marion County Board of Commissioners
Lyle Mordhorst, 2023 Vice Chair, Polk County Board of Commissioners¹
Maria Hinojos-Pressey, Salem-Keizer School District²
Sadie Carney, SAMTD Board of Directors
Steve Horning, Turner Mayor
Trevor Phillips, Salem City Council

Policy Committee Members Absent

Anna Henson, ODOT Region 2

Others Present

Carl Lund, Marion County Public Works
Della Seney, Aumsville City Council
Jacqueline Green, NE Keizer Neighborhood Association
Janelle Shanahan, Marion County Public Works
Julie Warncke, Salem Public Works
Lori Moore, MWVCOG-SKATS
Mike Jaffe, MWVCOG-SKATS
Ray Jackson, MWVCOG-SKATS
Steve Dobrinich, MWVCOG-SKATS
Tammy Kunz, NE Keizer Neighborhood Association
Tammy Saldivar, Traffic Safety Bikeways Pedestrian Committee
Theresa Whisenhunt, MWVCOG-SKATS

¹ Commissioner Mordhorst arrived at 12:09pm, just prior to the vote on item D.

² Ms. Hinojos-Pressey arrived at 12:18pm, during the presentation of item E.

Agenda Item F. MPO Composition and Cooperative Agreement

At the June Policy Committee meeting, Mike Jaffe provided information about the change to the Salem Urban Area as a result of the 2020 Decennial Census. Due to this expansion, the city of Aumsville will be added to the SKATS Metropolitan Planning Area. Also discussed was adding Aumsville as a SKATS Policy Committee member. Staff reviewed the current SKATS Cooperative Agreement and its amendment in 2003 to add city of Turner; the SKATS Policy Committee Bylaws; and research by staff on the composition of other MPOs in Oregon and a few other states.

During the June and July PC meetings, members had questions about who should be signatories of the Cooperative Agreement, and the inclusion of school districts and tribal governments on MPOs. To respond to these questions and others, Mr. Jaffe developed a “Questions and Answers” memo that was discussed.⁸

The primary actions to take because of the 2020 Census and expansion of the Salem urban area to include Aumsville were outlined. Mr. Jaffe explained the difference between Federal Aid Urban Boundaries (FAUB) and Metropolitan Planning Area (MPA) boundaries, along with respective timelines for adoption. Updating of the FAUB has a hard deadline for submission to ODOT of September 1st, and submitting changes to the MPA boundary is due by December 29, 2026. However, there is no deadline for adding Aumsville to the SKATS Policy Committee and that is entirely up to the Policy Committee to decide.

Federal regulations⁹ regarding MPO designation was discussed. The federal regulations state that the Cooperative Agreement is “between the Governor and the general-purpose local governments that together represent at least 75 percent of the affected population” within the MPA boundary. Mr. Jaffe explained that due to the “at least 75 percent” provision of federal law and regulations, MPOs aren’t required to have every general-purpose local government within the MPA be signatories in a Cooperative Agreement (CA). In the case of SKATS, the populations of the four largest jurisdictions (Salem, Keizer, and Marion and Polk counties) comprise 99% of the SKATS planning area population. Turner’s population is 1 percent of the SKATS area population. However, there is no restriction to having additional general-purpose local governments (above the 75% threshold) within the MPO be signatories to the CA. SKATS set the precedent of adding the city of Turner to the SKATS CA (in 2003) when the Salem urbanized area expanded to include Turner after the 2000 Census.

Mr. Jaffe addressed additional questions and answers from the memo:

“Why is Salem Keizer Public Schools a voting member of SKATS PC but not a signatory to the current SKATS CA?” When the current 1987 Cooperative Agreement went to the Governor, the school district wasn’t required to be a signatory because they are not a general-purpose

⁸ MPO questions and answers may be found as item F in the August agenda packet.

⁹ (3 CFR 450.310)

government and not involved in the continuing, comprehensive, and cooperative transportation planning process of general-purpose governments (cities and counties). However, since the school district had been included on the area's transportation coordinating committees since 1972, and being a large, localized transportation provider in the MPO, they were kept as a voting member for the 1987 Cooperative Agreement.

“Should Cascade School District also be included in SKATS?” Staff shared that none of the other Oregon MPOs include a school district representative on their Boards. Staff displayed a map showing the relatively small overlap between the Cascade School District and the current SKATS planning boundary.

“Can Tribal Governments be a member of an MPO?” A 2017¹⁰ national survey on the composition of MPO Boards found that 4 percent of MPO Policy Boards include a seat for a tribal government. From the report: “There are isolated examples of school boards, tribal governments, colleges or universities, private sector representatives, and military installations serving on MPO boards.” The federal statutes and regulations don't directly address the connection between MPO Boards and Tribal Governments, however, federal regulations¹¹ state that the *“designation or selection of officials or representatives... shall be determined by the MPO according to the bylaws or enabling statute of the organization”*, giving MPOs additional latitude beyond the federal requirements for board composition. Within the SKATS MPO boundary, the tribal governments own some land, but they are not of significant size, nor are there tribal government seats within the MPO boundary.¹²

Mr. Jaffe next reviewed the Cooperative Agreement's voting process. There are only two instances where a unanimous vote is required; to adopt the Metropolitan Transportation Plan (MTP) and Transportation Improvement Plan (TIP). In cases of a non-unanimous vote for either document, the secondary process in the Cooperative Agreement refers the MTP or TIP to the governing bodies of five SKATS members (i.e., Marion, Polk, Salem, Keizer, and the Transit District) and all five jurisdictions/agencies must endorse the MTP or TIP for it to be considered adopted. If all five jurisdictions don't endorse, then the five jurisdictions shall develop a “mutually acceptable proposal” that goes through the adoption process one more time.¹³ All other voting by the Policy Committee is done following Robert's Rules (as specified in the SKATS Bylaws) and voting is done by majority vote.

¹⁰ MPO Staffing and Organizational Structures, USDOT/FHWA, October 2017.

¹¹ 23 CFR 450.310 (d)(3)

¹² It is worth noting: SKATS does consultation with the tribal governments as per the “SKATS Consultation Process for use During the Development of the SKATS RTSP and TIP”, adopted by the SKATS Policy Committee on December 12, 2017, and Revised: May 25, 2021.

¹³ A flow-chart explaining may be found within the SKATS Cooperative Agreement.

Mr. Jaffe presented a table of three options for adding the city of Aumsville to the SKATS PC:

1. Amend the SKATS bylaws only to add Aumsville as a voting member.¹⁴ This option is not recommended because the SKATS Cooperative Agreement (CA) lists its voting membership (and doesn't include Aumsville) so adding Aumsville as a voting member would create a contradiction between the two documents that might raise some issues in the future.
2. Amend the Cooperative Agreement and the SKATS bylaws to add Aumsville as a voting member (This is identical to what was done to add Turner in 2003)
3. Amend the Cooperative Agreement and the SKATS bylaws to add Aumsville as a voting member, plus potentially make other changes to the CA and bylaws such as number of representatives per jurisdiction or changes to the adoption process for the Metropolitan Transportation Plan or Transportation Improvement Plan.¹⁵

Options	Process & Result	Redesignation by Governor needed
1. Amend SKATS Bylaws to add Aumsville as member	<ul style="list-style-type: none"> • Changes to Bylaws can be done at any SKATS PC meeting, with due notice • Would results in <u>contradiction in "list of members"</u> between Bylaws and Cooperative Agreement, (unless Aumsville added as non-voting member) 	No
2. Amend SKATS Cooperative Agreement (CA) to add Aumsville as a member	<ul style="list-style-type: none"> • Create Amendment #2 to CA • Get all parties to sign • Still need to update the Bylaws • Result is similar to addition of Turner to SKATS 	No

¹⁴ The Cooperative Agreement requires signatures of all the required parties, while amendment to the Bylaws can occur "at any regular meeting of the SKATS Policy Committee, provided that written notice of, and the proposed amendment is mailed to each member of the committee not less than five days prior to such meeting."

¹⁵ Changes that constitute "a substantial change on proportions of voting members" or "a substantial change in decision-making authority or responsibility of the MPO, or in decision-making procedures established under MPO by-laws" would require an official redesignation of the MPO by the Governor.

3. Amend CA to add Aumsville, and make other changes to representation and/or adoption process	<ul style="list-style-type: none"> • Modify the CA through a process decided by the Policy Committee (facilitated or not facilitated process). • Update to Bylaws 	Yes, if there is a <u>substantial change</u> in proportion of voting members, decision-making authority, or procedures
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Chair Clark polled the committee to narrow down the options for discussion. The Committee decided to focus the discussion on options 2 and 3, dropping Option 1. Option 3 would mean additional discussion/facilitation depending on if/how the Policy Committee may want to change the voting structure, and later on redesignation of the MPO by the Governor.

There was discussion by Chair Clark and Aumsville Councilor Della Seney regarding the model used for representation on MWACT, where Aumsville is the “corridor representative” for the cities along Highway 22 East, and she communicates with the other cities along the corridor. Councilor Della Seney said at times it can be difficult to reach the other cities, but she makes sure if there’s anything about Highway 22 East, she brings that to MWACT. Chair Clark mentioned that if, in the future, cities such as Stayton or Sublimity continue to grow, they might be added to SKATS planning area by 2030. Chair Clark said these small cities could use a model similar to MWACT and this could be written in the Cooperative Agreement and the Bylaws.

Commissioner Cameron likes Option #2 and said this SKATS group has been very representative of the needs of this communities, from Salem to Keizer to east Salem. “This is the opportunity to bring Aumsville in, keep it going, and we don’t have to spend a lot of time figuring anything else.”

Mayor Horning (Turner) agreed with Commissioner Cameron and said adding Aumsville makes sense to him, and that adding small cities like Turner to SKATS has set a precedent. Since it’s been working fine for 20 years, it sets a precedent for other small towns.

Councilor Phillips said Salem prefers option 3. He referred to Chair Clark’s comments about future expansions of the MPO and are important to consider. Phillips said that Salem believes “the time is now to address some of the perception of disproportionality”. Salem the general-purpose government that has 60-63% of the [SKATS] population. He said that in his years as an alternate or member representing Salem, he hasn’t seen the current structure of the committee affecting any past votes or having an extra vote impacting any upcoming votes. But as the biggest, general-purpose government, “Salem has some concerns about adding Aumsville without going through a facilitated process and looking at how we can bring our voice to the table. Because as one, unpaid volunteer... representing close to 180,000 people, it is hard for me as one person to bring the complexity of our [Salem’s] voice to this process.” He said in his discussion with Salem Mayor Hoy, “the city would be interested in adding another vote from the city of Salem.” “Which I don’t think would change anything. I don’t want that to weaken my

argument for what I am trying to see. I think having another full member from Salem --if we had someone from ward 8 or ward 5 -- this is a big city now and there are concerns that I cannot track as well as the [council] member from ward 3. There are a lot of projects in ward 3, so it makes sense that I am here. But that's just 1/8th of what our city has to offer." He concluded that Salem feels strongly about going through a facilitated process.

Chair Clark informed the committee that there is a precedent that has been set with another collaborative organization. She explained how the Mid-Willamette Valley Homeless Alliance has structured their board. When that board was formed, Salem and Marion County were allowed two representative and all the other signatories have one. This was done to bring additional voices to the table due to the more complex jurisdictions, not because of a voting issue or vote count. She has discussed the issue with Councilor Phillips and the city of Salem; she voiced how having two representatives from the more complex jurisdictions has been successful in that organization.

Commissioner Mordhorst spoke about the history of the committee and the successful collaboration of the jurisdictions. He feels everyone having an equal vote and having projects that stand on their own has been the key to the success. He noted how Salem is the hub of the MPO and everyone around the Salem area has worked to be supportive of the city. "Even though some of us live outside of Salem, we are still part of Salem." Everyone having an equal vote results in a committee "with the least amount of disagreement, because we are all equal."

Director Carney spoke about the duties of the PC to review the CA every 5 years and make revisions as needed. She acknowledges that, although the UPWP contains a review of the CA as part of the plan, the PC has not taken the time as a committee to explicitly review the CA, nor has it been updated in 20 years plus, other than to add the city of Turner. She feels the committee needs to follow through with the actions that are set forth in the documents being used for guidance.

Director Hinojos-Pressey voiced her support for Councilor Phillip's and the city of Salem's request for a facilitated process. She did notice from the research provided by staff that some of the other MPO agreements do not have weighted voting for every vote. She noted that there are times [in the MPO's procedures] when there wasn't consensus or unanimity only then a weighted vote would be triggered. She feels that is an option to explore as part of the process.

In an effort to move the discussion along and direct staff about next steps, Chair Clark asked if there was any additional information needed by the committee to understand options 2 or 3. Councilor Phillips asked if a majority of the committee decided to move forward with option 2, what would happen if the city of Salem decided not to sign the cooperative agreement? He said he did not want to make this choice today and wanted more time. He reiterated that he feels the best way to move forward is to go through a facilitated process.

Mayor Horning said Salem's request for a second member might open the door for other members on the committee (e.g., the counties or SAMTD) asking for additional representation,

and asked what might happen 10 years from now by setting this precedent. Director Hinojos-Pressey put forward that only the general-purpose governments are being considered for additional members on the SKATS Policy Committee, not the special districts; Chair Clark agreed with Director Hinojos-Pressey.

Commissioner Cameron talk about how he also represents the interests of the city of Salem as well as the rest of the Marion County. He wants to make sure that the city of Salem gets their projects done as well as the rest of Marion County. He feels the committee has moved forward with a unique cooperation that benefits all the jurisdictions, in particular cooperating as an MPO to complete projects, no matter which jurisdiction. “We work together, and I don’t see that changing. I heard the councilor [Phillips] say he doesn’t see that changing. So, if it’s not going to change, I don’t know why we need to go through this process. If you’re right about that – that this isn’t going to change -- then let’s just move forward and have everyone in this room work together like they have in the past.” He feels that this group is looking at the broader picture. He represents not only Marion County residents but also residents in the cities of Salem, Turner, Aumsville, and Keizer. He is in favor of option 2.

Regarding Councilor Phillips question, Mike Jaffe responded that if Salem decided not to sign a new agreement that added Aumsville to the MPO, the fact that Salem is not a party to the agreement would constitute a substantial change of the MPO; substantial changes to the existing agreement would require redesignation by the Governor. But the Governor would have to reject that new Cooperative agreement because the new agreement wouldn’t include the largest incorporated city by population (i.e., Salem) as well as the “75% rule”, as required by the federal regulations. As a result, the existing Cooperative Agreement from 2003 would remain in effect as the acting agreement.

Chair Clark posed to the committee the option of adding Aumsville to the MPO now and calendar to have the conversation about the other two issues; she noted that would mean the CA does not have to remain static for the next 20 years. If it is the choice of the PC to continue to address the other two issues (adding a second Salem seat and the unanimous vote), while bringing Aumsville on board, that can be done on the committee’s own timeline without denying Aumsville access to being part of the committee.

Mr. Jaffe said there are several ways Aumsville can be added: by making a change to the bylaws and add Aumsville as a voting member – but which will cause a contradiction between the CA and the bylaws -- or adding Aumsville to the bylaws as a non-voting member so they may be part of the discussion. However, changing the CA to Aumsville would require the city of Salem to be on board with those changes. He also added that it is possible to create a CA that would fit how the various jurisdictions want to be represented and how they want to vote. You could have a CA that gave two seats to Salem; either both seats vote, or they have one vote between the two of them, but both are members have a voice at the table in discussions. “If you can imagine it, we can develop it; but it’s up to everyone to figure out what works best for the region.”

Councilor Phillips asked for clarification: that the committee is only looking at the general-purpose governments; and in terms of the 75% population provision for the Cooperative Agreement how are the counties' population (i.e., the unincorporated parts of Marion and Polk within SKATS) counted in those calculations? The Councilor said that as far as this body, he thinks the counties are primarily representing the areas outside the city limits. The Councilor went on to say that as we are adding a new member to the MPO, it makes intuitive sense to ask these questions now and review the issues and go through a facilitated process at a minimum. He is unsure if his "simplistic approach" of adding Aumsville and a second vote for Salem is the best way to do it; therefore, using the time to go through a facilitated process is best way to go forward in this situation. Councilor Phillips said that he's not looking to making changes to the unanimous vote for the MTP and TIP. But as a big city, the city is strongly advocating for option 3's facilitated process. Salem is fine with adding Aumsville as a non-voting member in the short term and glad to have them join, but not at the expense of going through a facilitated process, so Salem is not ready to support option 2 at this point.

Chair Clark attempted to poll the committee whether the PC supports adding Aumsville through the CA and the Bylaws as a voting member and signatory. Councilor Phillips said that it was eventually going to happen but said "he has concerns about the 'hows' and 'whens'." Director Carney mentioned the idea of having a rotating seat for smaller cities, and she thought that could be another way of addressing the issue of proportionality in representation, as raised by Salem. "In support of the city of Salem and their desire for a facilitated process and a robust conversation around this, I would say that I can perhaps see how that would not be forgone with a facilitated process." She reminded the committee the transit district is in strong favor of that facilitated process for the reasons Councilor Phillips is pointing out: "to arrive at a more adequately representative and equitable voting structure for the PC."

In regard to Councilor Phillips' question about what part of the county's population should be counted, Mr. Jaffe said the general interpretation is it would be the county's population outside of the city limits, otherwise they would duplicate the population inside the city limits. Director Hinojos-Pressey noted that a previous document emailed to the committee outlined the population for the city of Salem, Marion county and Polk county¹⁶.

Director Carney mentioned that when projects are submitted for consideration for SKATS funding, the projects in Salem come from Salem city planning staff and Keizer project come from Keizer planning staff. She believes this lends itself to Councilor Phillips' interpretation of representation.

Councilor Phillips clarified that at no time has the city of Salem suggested a deviation in the priority of completing current projects. His intention in this process is to aid and improve his ability to represent the city of Salem – representing 180,000 people -- by adding knowledgeable voices to the discussions, which he says would be very beneficial for a variety of reasons.

¹⁶ A separate memo from Mike Jaffe to the Policy Committee in the September 2023 meeting agenda packet contains the population per jurisdiction in the SKATS area and their percentages.



Memorandum

Date: August 14, 2023
To: SKATS Policy Committee (PC) Members
From: Mike Jaffe, Transportation Planning Dire
Re: **SKATS MPO Structure: Questions and Answers**

Background:

As part of the 2020 Census, the Salem Urban Area (formerly referred as the Salem Urbanized Area) was expanded to include the city of Aumsville. The following Questions and Answers are related to the process of incorporating Aumsville into the SKATS MPO boundary and adding an Aumsville representative to the SKATS Policy Committee. In addition:

- This memo does not cover questions regarding modifying the number of representatives/seats/votes per SKATS Policy Committee member.
- The second half of this memo includes information researched by staff about school districts and tribal governments as members of an MPO.

Q1. What are the primary actions to take as a result of the 2020 Census and expansion of the Salem urban area to include Aumsville?

Answer: There are two distinct actions:

1. The federal aid urban boundaries (**FAUB**) and SKATS' Metropolitan Planning Area (**MPA**) must be updated to include Aumsville and other changes. See question #2 about deadlines for these boundary submittals.
2. Determine the options for adding Aumsville to the SKATS MPO Policy Committee. **There is no deadline for adding Aumsville to the Policy Committee. The Policy Committee can take as much time as needed.**

Q2. What is the difference between Federal aid urban boundaries (FAUB) and Metropolitan Planning Area (MPA) boundaries, and do they have different timelines for when they must be adopted?

Answer:

Federal urban aid boundaries (FAUBs) are established for several reasons but for transportation the main purpose is to designate the classification of roads that are inside the FAUB as “urban” and roads outside the FAUB as “rural”. **Due Date:** FAUBs are required to be submitted to states by September 1, 2023, and they pass them on to FHWA for final approval by the end of the year.

Metropolitan Planning Area (MPA) boundaries federal requirements are as follows (23 CFR [450.312](#)):

- *At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan.*
- *The MPO (in cooperation with the State and public transportation operator(s)) shall review the MPA boundaries after each Census to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area(s), and shall adjust them as necessary. As appropriate, additional adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, improves access to modal systems, and promotes efficient overall transportation investment strategies.*
- *Following MPA boundary approval by the MPO and the Governor, the MPA boundary descriptions shall be provided for informational purposes to the FHWA and the FTA.*
- *The MPA boundaries of existing MPOs should be updated no later than the next scheduled MTP update after October 1, 2023 (which for SKATS would be May 2027), or within 4 years of the designation of the 2020 urbanized area boundary (i.e., December 29, 2026), whichever occurs first¹*

¹ https://www.fhwa.dot.gov/planning/census_issues/urbanized_areas_and_mpo_tma/fag/page04.cfm

Due Date: The SKATS MPA boundary is not due until December 29, 2026, however staff will likely complete this work over the next 3-6 months.²

Q3. Does the SKATS Cooperative Agreement need to be amended in order to add the City of Aumsville to the SKATS Policy Committee?

Answer: While it's not a requirement that every general-purpose local government is included in a Cooperative Agreement, typical practice is that these agreements (with a few exceptions) include all the general-purpose local governments within the MPO.

Addition details:

1. According to federal regulations (23 CFR 450.310), MPO designation is made by agreement "between the Governor and the general-purpose local governments that together represent at least 75 percent of the affected population...or in accordance with procedures established by applicable State or local law."³
2. Based on the "at least 75 percent" provision of federal law and regulations, MPOs aren't required to have every general-purpose local government within the MPO planning area be included as signatories in a **Cooperative Agreement (CA)**⁴. However, the agreements (except for Portland Metro's) reviewed by SKATS staff show that typically all general-purpose local government within an MPO boundary are included as signatories to the agreement and most are included on their MPO Boards, although some may share a "rotating seat."
3. Of the four Oregon MPO agreements that staff has reviewed⁵, all the local general-purpose governments are signatories to the agreement designating the MPO and all local general-purpose governments are voting members on their Boards.
4. The populations of four largest jurisdictions in SKATS (Salem, Keizer, and Marion and Polk counties within the SKATS planning area) comprise 99% of the SKATS planning area population. Turner's population is 1 percent of the SKATS area

² After the 2010 Census urban areas were listed in the federal register in March 2012, it took Portland Metro over two years to submitting its MPA boundary to state and federal agencies. (See Metro's self-certification)

³ 23 CFR 450.310 (b)

⁴ MPOs use different names for these agreements. SKATS calls it a "Cooperative Agreement", Bend uses "Intergovernmental Cooperative Agreement", Washington MPOs use "Interlocal Agreement"

⁵ Agreements for the Albany, Corvallis, Bend, and Middle Rogue (Grants Pass) MPOs. Agreements for Central Lane and Rogue Valley were not available, but we do have their MPO Bylaws.

population. However, there is no restriction to having additional general-purpose local governments (above the 75% threshold) within the MPO be signatories to the CA. SKATS set the precedent of adding the city of Turner to the SKATS CA (in 2003) when the Salem urbanized area expanded to include Turner after the 2000 Census

Q4. Instead of adding Aumsville to the SKATS Cooperative Agreement, could Aumsville (or other representatives) be added to the SKATS Policy Committee by amending only the SKATS Bylaws?

Answer: MPOs can use their bylaws to specify the membership of an MPO Policy Board, and the list of members can include representatives beyond those that signed the Cooperative Agreement. This might include smaller cities that are not signatories to the Cooperative Agreement, representatives of other agencies that operate major modes of transportation (e.g., airport authorities, ports), major employers, etc. However, “a substantial change on proportions of voting members” or “a substantial change in decision-making authority or responsibility of the MPO, or in decision-making procedures established under MPO by-laws” would require a redesignation of the MPO. Another issue is having the CA and bylaws be inconsistent with each other if Aumsville is only added as voting member in the Bylaws.

Additional details:

1. Federal regulations specify that “*Designation or selection of official or representatives [under paragraph (d)(1) of this section] shall be determined according to the bylaws or enabling statute of the organization.*”⁶
2. Designating MPO Board members via their bylaws provides MPOs the flexibility to add other representatives (beyond the signatories of the CA) to a MPO Policy Board. It also allows the MPO to modify their membership without having to amend the CA or the MPO (potentially) needing to be redesignated by the Governor⁷, subject to other federal regulations. As an example, the CA of a large MPO could specify that seats on the MPO Board rotate among a subset of local governments (such as the smaller cities in the MPO). The Bylaws can then specify which cities are included in the “small city seat rotation”, how frequently the position is rotated, etc. The Spokane MPO has a rotating seat currently shared by five small towns. Metro’s transportation board (the 17 member JPACT) includes representatives from one

⁶ 23 CFR 450.310 (d) (3) (i)

⁷ Redesignation is subject to regulations in 23 CFR 450.310

large city and one smaller city per county⁸ and also has members from Port of Portland, Department of Environmental Quality, and three members from State of Washington.

3. Bylaws and/or Cooperative Agreements also allows MPOs to specify representatives that are not from general purpose local governments. The Spokane MPO's Interlocal Agreement includes a seat for the Spokane International Airport Board, a representative of a major employer, qualifying Tribal Governments, and a representative of the rail industry. A 2017 FHWA survey⁹ of 279 MPOs found that MPO Policy Boards include representatives from a variety of agencies (toll authorities, school boards, aviation, or seaport authority, etc.) as well as colleges or universities, private sector representative, and tribal governments¹⁰.
4. Adding Aumsville to the SKATS Policy Committee by adding them to the CA and/or the Bylaws - as long as there is not a substantial change in the proportion of voting members or a substantial change to the decision-making authority, responsibility or procedures¹¹ - would not require an official redesignation of the MPO by the Governor. 23 CRF 450.310 (l)(2) says this about changes not requiring a redesignation: *"Adding members to the MPO that represent new units of general-purpose local government resulting from the expansion of the metropolitan planning area."*
5. Returning to the original question, while it may be possible to add a smaller city like Aumsville to the SKATS Policy Committee by only amending the SKATS Policy Committee Bylaws¹² and not updating the SKATS Cooperative Agreement, that is probably not the correct way to do it, for these reasons:
 - The CAs from other small and medium size MPOs that staff reviewed include all the general purposed governments in the MPO area as signatories.

⁸ For each county, one city representative serves as the member and the other as the alternate member. For example, the current JPACT has a seat for "the cities of Washington County", and the city member is currently the Mayor of Hillsboro, and the alternate is the Mayor of Cornelias. But there is only one vote allowed from the "Washington city seat".

⁹ MPO Staffing and Organizational Structures, USDOT/FHWA, October 2017

¹⁰ See bar chart in response to Question 8 of this memo.

¹¹ 23 CFR 450.310, section (j) specify the "substantial changes" that trigger a redesignation.

¹² It should be noted that amending the Cooperative Agreement requires signatures of all the required parties, while amendment to the Bylaws can occur "at any regular meeting of the SKATS Policy Committee, provided that written notice of, and the proposed amendment is mailed to each member of the committee not less than five days prior to such meeting."

- SKATS set the precedent in 2003 when the SKATS CA was amended, adding city of Turner as a signatory and a voting member.
- The SKATS CA lists its voting membership. If the list of voting members in the CA is different than the list of voting members in the Bylaws, this contradiction might raise some issues in the future.

Q5. What other information should the Policy Committee consider when deciding about adding Aumsville to the Cooperative Agreement as a voting member?

Answer: In general, adding Aumsville as a voting member to the Cooperative Agreement could make unanimous votes a little more difficult. There is a process for referring the MTP or TIP to the governing bodies of five SKATS members (i.e., Marion, Polk, Salem, Keizer, and the Transit District). The details below also describe who is a signatory to the current CA.

Additional details:

1. Section E of the Cooperative Agreement (CA) describes the SKATS Policy Committee process for adopting the Transportation Plan (MTP) and Transportation Improvement Plan (TIP). In general, if there is a meeting to adopt these plans and there is a unanimous vote of the members in attendance in favor of adoption, then the document (MTP or TIP) is adopted. Over the years, the SKATS Policy Committee has been able to adopt its Transportation Plans and Transportation Improvement Programs with a unanimous vote of the Policy Committee, per Sections E and F of the Cooperative Agreement .
2. In cases of a non-unanimous vote to adopt a plan, there is a secondary process described in Section E.2 of the CA, although in staff’s memory this process hasn’t been needed. The secondary process for adoption includes referral of the MTP or TIP and endorsement by the **governing bodies of Marion, Polk, Salem, Keizer, and the Transit District**, and all five jurisdictions/agencies must endorse the Plan or TIP for it to be considered adopted.¹³ It should be noted that for this secondary process, the city of Turner and the School District and ODOT are not part of the referral/endorsement process. Should the city Aumsville be included in the CA, it is likely that they would also not be included in this secondary process unless changes are made to the CA.
3. The 1987 SKATS CA was signed by **Salem, Keizer, Marion, and Polk counties** (the general-purpose local governments representing at least 75 percent of the affected

¹³ If all five jurisdictions don’t endorse, then the five jurisdictions shall develop a “mutually acceptable proposal” that goes through the adoption process. The Cooperative Agreement includes a flowchart to illustrate this process.

population). Other signatories to the CA are **ODOT** and **Salem Area Transit District** (which are not general-purpose local governments) and both are voting members. The **“School District 24J Board”** is included as voting member but they are not a signatory of the CA. MWVCOG was a signatory as the administrative agent, but MWVCOG is not a voting member. (total signatories = 7) (total voting members = 7)

4. In 2003, the SKATS Cooperative Agreement was amended to add Turner as a voting member of the MPO Policy Committee and Tuner was added as a signatory. (total signatories = 8) (total voting members = 8). The SKATS Bylaws (also amended in 2003) repeats the list of voting members.

Q6. Why is the Salem Kiezer School District a voting member of the SKATS Policy Committee but not a signatory to the current SKATS Cooperative Agreement?

Answer: When the current 1987 Cooperative Agreement went to the Governor, the school district wasn’t required to be a signatory because they are not a general-purpose government and also not involved in the continuing, comprehensive, and cooperative” (“3C”) transportation planning process of general-purpose governments (cities and counties). However, since the School district had been included on the area’s transportation coordinating committees since 1972, they were kept as a voting member.

Additional details:

Staff reviewed a file of documents from the 1970s and 1980s to create a summary (below) of Salem area cooperative planning agreements over the years, with a focus of how the Salem School District 24J was included in successive transportation planning agreements for the Salem area.

- In 1970, an agreement was signed by MWVCOG, ODOT, City of Salem, Marion County and Polk County to provide a Coordinating Committee for “ a cooperative, continuing transportation study for the Salem Area.”
- By 1972, the COG’s Coordinating Committee - which consisted of the full membership of the MWVCOG (27 members) - was considered “somewhat unwieldy and time consuming for a majority of the MWVCOG members”. As a remedy, in 1972 the COG Board and Coordinating Committee by a Joint Resolution established the “*Salem Area Transportation Study (SATS) Coordinating Committee*”. SATS initially had 8 members, including one member from the **Salem School District 24J**, and all members were designated as full voting members.

- In 1974, Governor McCall designated the MWVCOG as the metropolitan planning agency to carry out the federal transportation planning provisions. Federal funding was provided to MWVCOG, Lane COG, and the Columbia Region Association of Governments.
- 1977 – Memo stating that the 1972 resolution establishing SATS was in need of review.
- 1980 Cooperative Agreement. Recognizes that the MWVCOG Board of Directors is the designated Metropolitan Planning Organization. Refers to Marion County, Polk County, **Salem School District 24J**, Salem Area Transit District, and ODOT as the “principal governing jurisdictions of this area”. The parties of the Cooperative Agreement agree to continue the cooperative transportation program. Signatories of the 1980 Cooperative Agreement were: ODOT, City of Salem, Marion County, Polk County, and the Salem Area Transit District. This 1980 agreement did not directly specify “voting members”. **Salem School District 24J was not a signatory to this agreement, most likely because the School District is not involved directly in the “continuing, comprehensive, and cooperative” (“3C”) transportation planning process like the COG, ODOT, city of Salem, and the two counties. However, as a member of SATS since 1972, the School District was kept on the MPO Board.**
- 1983 update to Federal Regulations Section 450 notes that “Designation of a metropolitan planning organization shall be made by agreement among the units of general-purpose local government and the governor.” Note: school districts are not considered “general purpose local governments.”
- The 1984 Bylaws for SATS listed eight voting members (including the **Salem School District 24J**) and two non-voting members.
- 1987 SATS memo (Subject: Restructuring of the SATS Process) included this proposal that was universally supported by the SATS Coordinating Committee and the MWVCOG staff.
 - Designate the MWVCOG as the Administrative Agent
 - Create a seven-member Salem/Keizer Area Transportation (SKATS) Policy Committee to replace the SATS Coordinating Committee (note: includes one member from **Salem School District 24J**)
 - Define a streamlined process to adopting the Transportation Plan and Transportation Improvement Program (TIP)
 - Recommending having the SKATS Policy Committee designated as the MPO.

- 1987 Cooperative Agreement , which on page 1 says “ Whereas STATE, COG, SALEM, KEIZER, MARION, POLK and TRANSIT DISTRICT participate in the 3C process in the Salem/Keizer Metropolitan area”. All of the above parties are signatories. The **School District** is not a signatory but is listed as a voting member.
- May 1987 letter from Governor Goldschmidt that concurring with the designation of the Salem-Keizer Area Transportation Study Policy Committee as the new MPO for the area. Funds will be provided through the MWVCOG.
- 2003 – Cooperative Agreement amended to add Turner as a voting member. **School District** remains a voting member but not a signatory.
- 2014: Moving Ahead for Progress in the 21st Century Act (MAP-21) modified federal regulations by required representation by **providers of public transportation** in each metropolitan planning organization (MPO) that serves a transportation management area (TMA) no later than October 1, 2014¹⁴. FHWA guidance for implementing this MAP-21 change was silent about including school districts on MPO boards. Current regulations say an MPO shall include “officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by provides of public transportation”

In summary, the School District is not required to be a signatory to the Cooperative Agreement because it is not a general-purpose government and --while it does provide transportation services for students -- the School District is not a provider of public transportation¹⁵. The School district remains on the Policy Committee due to its long history of being on the COG, SATS, and SKATS Policy Committees for the last 50 years.

Q7. Should the Cascade School District also be included in SKATS?

Answer: The Salem-Keizer School 24J District has been a member of a Salem area transportation committee since 1972. However, including school districts on MPO boards is rare in the U.S. overall. A 2017 survey¹⁶ on the composition of MPO Boards found that only 3%

¹⁴ [Policy Guidance on Metropolitan Planning Organization \(MPO\) Representation](#), FHWA & FTA, 6/2/2014 An MPO area with a population over 200,000 is a TMA.

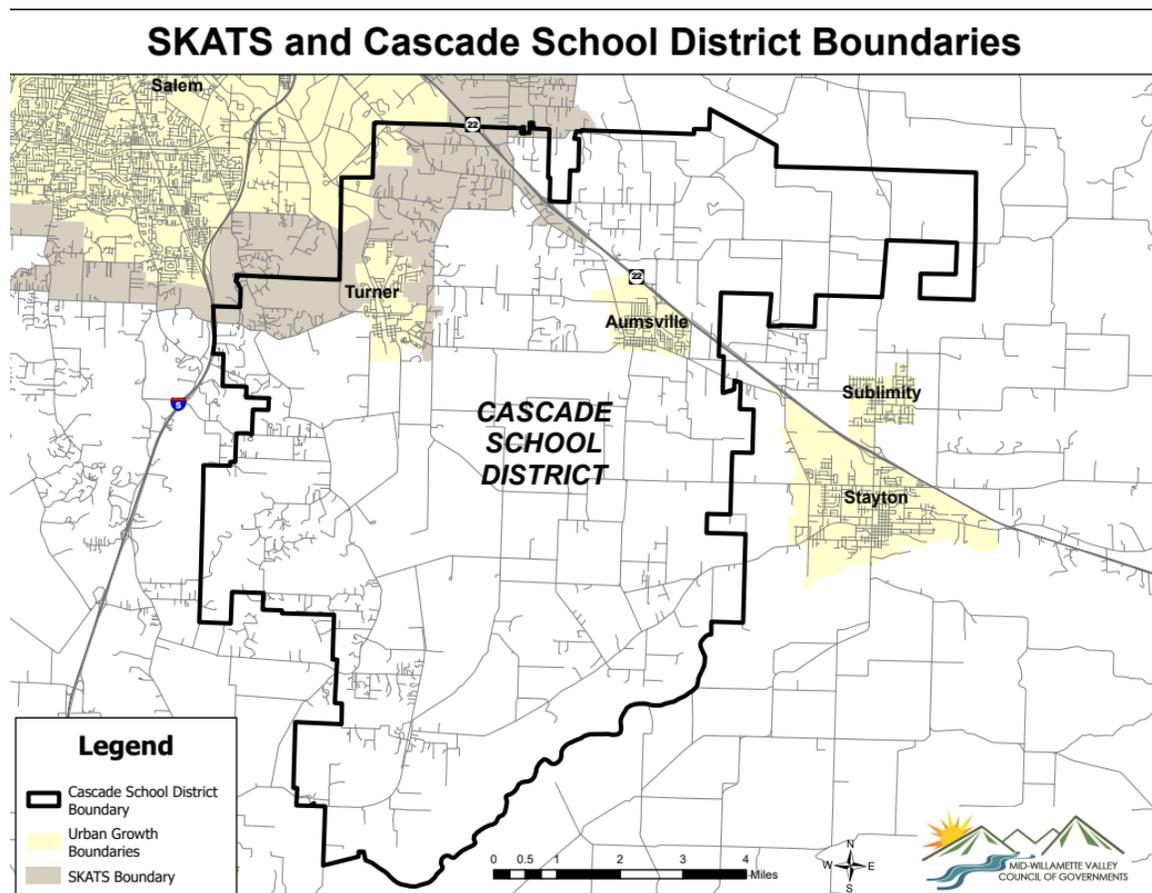
¹⁵ From [FTA's Interpretations of Definitions](#): Public transportation service means the operation of a vehicle that provides general or special service to the public on a regular and continuing basis consistent with 49 U.S.C. Chapter 53. “Public transportation [service]” has replaced the obsolete term, “mass transportation [service]. The FTA has interpreted this term to include any transportation service provided using vehicles purchased with FTA capital assistance.

¹⁶ MPO Staffing and Organizational Structures, USDOT/FHWA, October 2017 (see table 2-5)

of MPO Policy Boards include a seat for a school district. None of the other Oregon MPOs include a school district representative on their Boards. In the Central Lane MPO area there are three school districts (Eugene, Springfield, and Bethel), however there is not a school district representative on either the MPO Policy Board or the staff-level MPO technical committee.

In addition, there is only a small overlap between the Cascade School District and the current SKATS planning boundary. See that **attached** map. The SKATS boundary is currently being revised to include the city of Aumsville and some adjoining areas. There are other areas of the SKATS boundary that will likely be expanded or reduced when that work is completed.

If the Cascade School district was added to SKATS Policy Committee, it could be added as a non-voting member and that probably would not require that the MPO be redesignated by the Governor; we would need some legal review if this was being considered.



Q8. Can Tribal Governments be members of an MPO?

1. A 2017 survey¹⁷ on the composition of MPO Boards found that 4% of MPO Policy Boards include a seat for a tribal government. From the report: “There are isolated examples of school boards, **tribal governments**, colleges or universities, private sector representatives, and military installations serving on MPO boards.”

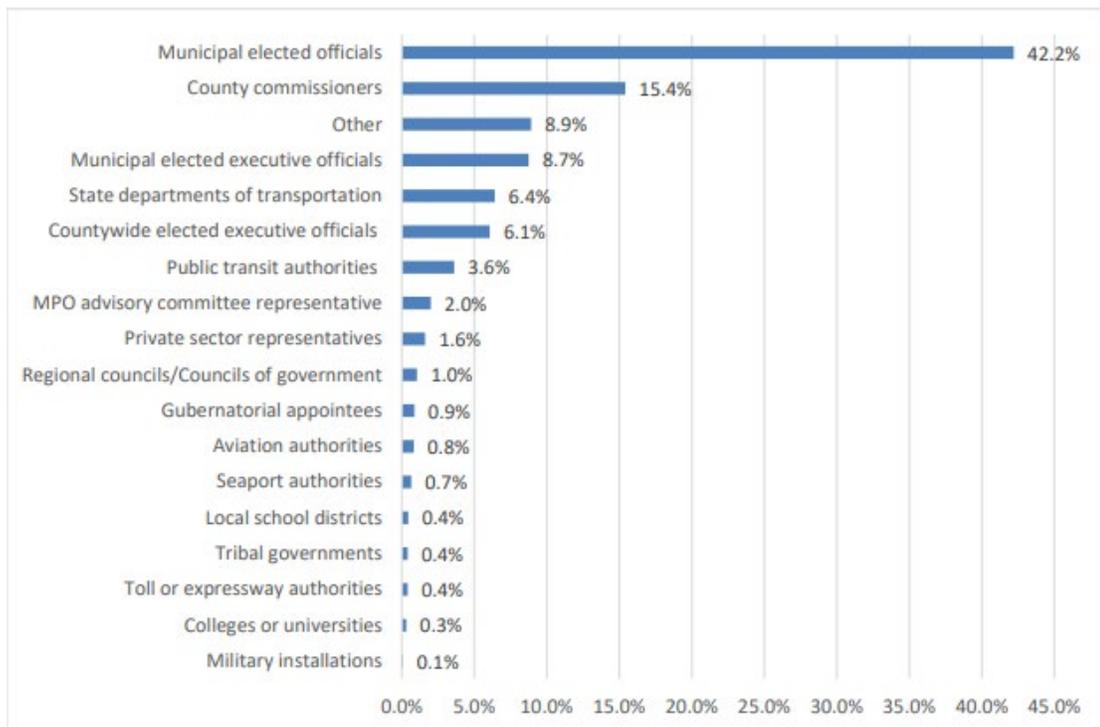


Figure 2-2 Aggregate Percent of All Reporting MPO Board Seats

2. The federal statutes and regulations don’t directly address the connection between MPO Boards and Tribal Governments. However, federal regulations (450.301 (3)) say that the designation or selection of officials or representatives shall be determined by the MPO “...according to the Bylaws or enabling statute of the organization”, which gives MPOs additional latitude beyond the federal requirements for Board composition specified in other parts of 450.310.
3. Washington State has statutes¹⁸ that proscribe the establishment of regional transportation planning organizations (RTPO) throughout the state¹⁹. Washington

¹⁷ MPO Staffing and Organizational Structures, USDOT/FHWA, October 2017 (see table 2-2)

¹⁸ 47.80 RCW – Regional Transportation Planning Organizations

appropriates state funds to RTPOs. A change to their statute in 2019 says that in order for RTPOs to be eligible for these state funds, RTPOs “must provide a reasonable opportunity for voting membership to federally recognized tribes that hold reservation or trust lands within the planning area of the regional transportation planning organization.”²⁰

4. Staff contacted the Spokane’s RTPO, who said there are trust lands of the two tribal members (Kalispel Tribe and Spokane Tribe) but no population of the tribes inside the RTPO. The two tribes were each added as voting members²¹ to the RTPO in 2021 and 2022. The tribes are not included in the interlocal agreement signed by the other agencies in the RTPO, but are invited by separate memorandum of agreements (MOA).
5. SKATS does consultation with the tribal governments as per the **“SKATS Consultation Process for use During the Development of the SKATS RTSP and TIP”**, adopted by the SKATS Policy Committee on December 12, 2017, and Revised: May 25, 2021
6. Additional research and legal review may be needed on this topic.

¹⁹ RTPOs must encompass at least one complete county. In urbanized areas, the regional transportation planning organization is the same as the MPO designated for federal transportation planning purposes

²⁰ RCW 47.80.050 (2)

²¹ See Interlocal Agreement for the Spokane Regional Transportation Council, signed by parties in 2021.

This content is from the eCFR and is authoritative but unofficial.

Title 23 –Highways

Chapter I –Federal Highway Administration, Department of Transportation

Subchapter E –Planning and Research

Part 450 –Planning Assistance and Standards

Subpart C –Metropolitan Transportation Planning and Programming

Authority: 23 U.S.C. 134 and 135; 42 U.S.C. 7410 *et seq.*; 49 U.S.C. 5303 and 5304; 49 CFR 1.85 and 1.90.

Source: 81 FR 34135, May 27, 2016, unless otherwise noted.

§ 450.310 Metropolitan planning organization designation and redesignation.

- (a) To carry out the metropolitan transportation planning process under this subpart, an MPO shall be designated for each urbanized area with a population of more than 50,000 individuals (as determined by the Bureau of the Census).
- (b) MPO designation shall be made by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.
- (c) The FHWA and the FTA shall identify as a TMA each urbanized area with a population of over 200,000 individuals, as defined by the Bureau of the Census. The FHWA and the FTA shall also designate any urbanized area as a TMA on the request of the Governor and the MPO designated for that area.
- (d) TMA structure:
 - (1) Not later than October 1, 2014, each metropolitan planning organization that serves a designated TMA shall consist of:
 - (i) Local elected officials;
 - (ii) Officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and
 - (iii) Appropriate State officials.
 - (2) An MPO may be restructured to meet the requirements of this paragraph (d) without undertaking a redesignation.
 - (3) **Representation.**
 - (i) Designation or selection of officials or representatives under paragraph (d)(1) of this section shall be determined by the MPO according to the bylaws or enabling statute of the organization.
 - (ii) Subject to the bylaws or enabling statute of the MPO, a representative of a provider of public transportation may also serve as a representative of a local municipality.
 - (iii) An official described in paragraph (d)(1)(ii) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (d)(1) of this section.

- (4) Nothing in this section shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities—
 - (i) To develop the plans and TIPs for adoption by an MPO; and
 - (ii) To develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.
- (e) To the extent possible, only one MPO shall be designated for each urbanized area or group of contiguous urbanized areas. More than one MPO may be designated to serve an urbanized area only if the Governor(s) and the existing MPO, if applicable, determine that the size and complexity of the urbanized area make designation of more than one MPO appropriate. In those cases where two or more MPOs serve the same urbanized area, the MPOs shall establish official, written agreements that clearly identify areas of coordination, and the division of transportation planning responsibilities among the MPOs.
- (f) Nothing in this subpart shall be deemed to prohibit an MPO from using the staff resources of other agencies, non-profit organizations, or contractors to carry out selected elements of the metropolitan transportation planning process.
- (g) An MPO designation shall remain in effect until an official redesignation has been made in accordance with this section.
- (h) An existing MPO may be redesignated only by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).
- (i) For the purposes of redesignation, units of general purpose local government may be defined as elected officials from each unit of general purpose local government located within the metropolitan planning area served by the existing MPO.
- (j) Redesignation of an MPO (in accordance with the provisions of this section) is required whenever the existing MPO proposes to make:
 - (1) A substantial change in the proportion of voting members on the existing MPO representing the largest incorporated city, other units of general purpose local government served by the MPO, and the State(s); or
 - (2) A substantial change in the decisionmaking authority or responsibility of the MPO, or in decisionmaking procedures established under MPO by-laws.
- (k) Redesignation of an MPO serving a multistate metropolitan planning area requires agreement between the Governors of each State served by the existing MPO and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).
- (l) The following changes to an MPO do not require a redesignation (as long as they do not trigger a substantial change as described in paragraph (j) of this section):
 - (1) The identification of a new urbanized area (as determined by the Bureau of the Census) within an existing metropolitan planning area;
 - (2) Adding members to the MPO that represent new units of general purpose local government resulting from expansion of the metropolitan planning area;

- (3) Adding members to satisfy the specific membership requirements described in paragraph (d) of this section for an MPO that serves a TMA; or
 - (4) Periodic rotation of members representing units of general-purpose local government, as established under MPO by-laws.
- (m) Each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate MPOs shall, to the extent practicable, provide coordinated transportation planning for the entire MPA. The consent of Congress is granted to any two or more States to:
- (1) Enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under 23 U.S.C. 134 and 49 U.S.C. 5303 as the activities pertain to interstate areas and localities within the States; and
 - (2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

[81 FR 34135, May 27, 2016, as amended at 81 FR 93470, Dec. 20, 2016; 82 FR 56543, Nov. 29, 2017]

23 U.S. Code § 134 - Metropolitan transportation planning

(3) Representation.—

(A) In general.—

Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

(B) Public transportation representative.—

Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

(C) Powers of certain officials.—

An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2).

(D) Considerations.—

In designating officials or representatives under paragraph (2) for the first time, subject to the bylaws or enabling statute of the metropolitan planning organization, the metropolitan planning organization shall consider the equitable and proportional representation of the population of the metropolitan planning area.

Note: section (D) added to 23 USC via the 'Infrastructure Investment and Jobs Act', Public Law 117-58, Nov. 15, 2021

From: [Harris, Jasmine \(FHWA\)](#)
To: [Jaffe, Mike](#)
Cc: [Sapunar, Kim](#); [Steve Dobrinich](#); [Jackson, Ray](#); [Laura Conroy](#)
Subject: RE: 23 USC 134 v 23 CFR 450.3xx
Date: Thursday, October 12, 2023 10:53:07 AM
Attachments: [image001.png](#)

Hi Mike,

I am not sure if this is helpful as I know you were looking for something more definitive, but please let me know if you have any follow-up questions.

"The updated provision in [23 U.S.C. 134\(d\)\(3\)\(D\)](#) is on the books and in effect now. This provision will also be included in the Notice of Proposed Rulemaking (NPRM) for the upcoming update to [23 CFR Part 450](#). Through that NPRM, FHWA and FTA will invite the public to comment on this provision and other updates to the planning regulations. At this point in the rulemaking process, I'm not in a position to get ahead of the NPRM, but I can share with you this publicly available [report](#) that the House Committee on Transportation and Infrastructure put together to accompany the Infrastructure Investment and Jobs Act (IIJA). Here is a snippet:

(D) Equitable and proportional representation.--

(i) In general.--In designating officials or representatives under paragraph (2), the metropolitan planning organization shall ensure the equitable and proportional representation of the population of the metropolitan planning area.
(ii) Savings clause.--Nothing in this paragraph shall require a metropolitan planning organization in existence on the date of enactment of this subparagraph to be restructured.
(iii) Redesignation.--Notwithstanding clause (ii), the requirements of this paragraph shall apply to any metropolitan planning organization redesignated under paragraph (6).

I will also say that in the conversations I've had with FHWA Division Offices, FTA Regional Offices, State DOTs, MPOs, and transit agencies during TMA Certification Reviews, I've heard a lot of discussion about geographic representation, proportional membership, proportional voting, and other voting structures and decisionmaking procedures. Please encourage your planning partners to comment on the NPRM when it is published (hopefully soon, fingers crossed)."

Until the regulations are updated (23 CFR 450 and 420), I am expecting there will be more discussions on the interpretation of equitable and proportional representation. Potentially guidance etc.....

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SEPTEMBER 2023 SIGNIFICANT RULEMAKING REPORT.v.3

31. Statewide and Nonmetropolitan and Metropolitan Transportation Planning

Popular Title: The FHWA-FTA Planning Rule

RIN 2125-AF98

Stage: NPRM

Abstract: This joint rulemaking would amend the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) regulations for Statewide and Nonmetropolitan and Metropolitan Transportation Planning and Programming at 23 CFR Part 450. This rulemaking would: implement relevant requirements of the Infrastructure Investment and Jobs Act (Pub. L. 117-58, also known as the "Bipartisan Infrastructure Law"); consider allowing additional flexibility in the development and content of the Transportation Improvement Program/Statewide Transportation Improvement Program (TIP/STIP); and consider other revisions, including updates to the planning factors and plan requirements and changes to improve the transportation planning process.

Dates for NPRM:

Action	Publication Date(s)	FR Cite
NPRM	05/24/2024	

References.

<https://www.reginfo.gov/public/do/agencyRuleList>

<https://www.transportation.gov/regulations/september-2023-significant-rulemaking-report>

<https://www.transportation.gov/regulations/report-on-significant-rulemakings>

<https://www.transportation.gov/regulations/rulemaking-process#notices>

Agenda Item F

TIP Modifications

SKATS Policy Committee

November 28, 2023

Action Requested:

Informational

SKATS TIP Modifications (Since October 2023)										
	Date	Key Number	Project Name	Project Sponsor	MTIP Modification Number	Total Project Cost Before	Total Project Cost After	CMAQ-U, STBG-U, TAP-U, CRP Funds Before	CMAQ-U, STBG-U, TAP-U, CRP Funds After	Description of Modification
1	10/24/2023	21887	McGilchrist Street SE at 22nd Street SE (Salem)	Salem	23-21	\$10,025,000	\$10,025,000	\$4,284,608	\$7,284,608	Add \$3 million of unprogrammed federal funds. Remove \$3 million in local overmatch to be used on other sections of McGilchrist corridor project.
2	10/31/2023	20741	Verda Ln: Dearborn Av to Ascot Lane (Keizer)	Keizer	23-AA45	\$4,859,703	\$4,859,703	\$4,144,653	\$4,144,653	Slip construction phase from 2024 to 2025 to match project timeline.
3	11/8/2023	22046	Oregon Transportation Network - SAMTD FFY23 5310 (STBG)	ODOT Transit	23-AA46	\$1,188,378	\$1,091,407	\$0	\$0	Reduce project cost by \$96,971 to match FTA allocation/grant amount. Update project name to include funding type "5310 (STBG)" indicating STBG funds are being flexed to FTA 5310.
4	11/14/2023	21899, 22730	SAMTD Fixed Route Vehicle Replacement FY 2025	SAMTD	23-AA47	\$3,600,000	\$3,600,000	\$3,230,280	\$3,230,280	Combine two projects. Add funds from K21899 to K22730. Advance project to 2025. Update project name and description to more accurately match outcome.
5	11/14/2023	21895	State St: 4106 State St to 46th Ave	Marion Co.	23-AA48	\$7,765,340	\$7,765,340	\$6,967,840	\$6,967,840	Slip Right of Way phase to 2025.
6	11/14/2023	21304	Connecticut Ave: Macleay Rd to Rickey St	Marion Co.	23-AA49	\$1,889,864	\$1,889,864	\$1,556,065	\$1,556,065	Slip construction phase to 2025. Reduce STBG-U by \$600,000, increase Carbon Reduction funds by \$600,000.
7	11/20/2023	21890	Commercial St SE: Vista St to Ratcliff Dr (Salem)	Salem	23-AA50	\$5,557,125	\$5,557,125	\$4,986,408	\$4,986,408	Slip Right of Way phase to 2025. Add \$1,950,000 in STBG-U funds to construction phase. Reduce CMAQ funds by \$1,550,000 and TA-U funds by \$400,000 . Change will allow CMAQ and TA-U spending on other projects without overdrawing available balance in 2026.