

## 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  
Meeting ID: 837 4055 2773  
Passcode: 565843

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/UCtWMuelCK0nJzyZ5\\_cMGNg](https://www.youtube.com/channel/UCtWMuelCK0nJzyZ5_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](mailto:twhisenhunt@mwvcog.org)

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**Date:** Tuesday, September 26, 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](mailto:mwvcog@mwvcog.org)  
**Website:** [www.mwvcog.org](http://www.mwvcog.org)

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**A. Call to Order ..... Cathy Clark**

**B. Approval of PC Minutes August 22, 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 Lori Moore at (503) 540-1609 or send e-mail to [lomoore@mwvcog.org](mailto:lomoore@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**

**D. Cordon / Kuebler Road Study .....  
Janelle Shanahan (MC), Lacy Brown (DKS), Anthony Gamallo (DKS, nee Salem)**

Background: The Cordon/Kuebler Study took place from early 2022 to July 2023 to develop a multimodal corridor plan and associated access management strategy for the corridor starting at Hazelgreen Road at Portland Road/OR 99E to Cordon Road, south to Kuebler Boulevard at 36th. Marion County and the city of Salem have jurisdiction over roads along the corridor. The presentation will provide an overview of the study and the results.

At the time of the mailing, the final document was not available online. It will be available on the project's website:

<http://www.cordoncorridorstudy.com/>

Action

Requested: Informational.

**E. SKATS MPO Policy Committee Structure Discussion .....Mike Jaffe**

Background: This will continue the discussion from the August meeting on the topic of the SKATS Policy Committee's structure. From the August discussion, the main options can be summarized as follows:

1. Adding Aumsville as a non-voting member via an amendment to the Bylaws, so they have a voice in the discussion in the short term. Change Aumsville to a voting member after Salem's representation on the Policy Committee is resolved.
2. Amending the Cooperated Agreement and Bylaws to add the city of Aumsville as a voting member.
3. Same as #2 but also add a second seat for City of Salem as a non-voting member.
4. Same as #2 but also add a second seat for City of Salem as a voting member.
5. Starting a facilitated process to discuss the above options, plus other potential changes to the Cooperative Agreement and Bylaws.

These options came from the discussion during the August meeting. See the August 22, 2023, Policy Committee meeting minutes for a detailed description of this discussion.

Enclosed are the following:

- A memo of the above options.

- A memo with answers to two questions raised during the August meeting: on the calculations for the 75% of population needed for a revised Cooperative Agreement; and what would happen if Salem did not sign a revised Cooperative Agreement.
- The active Cooperative Agreement, amended in 2003 to add the city of Turner.
- The current SKATS Bylaws, amended in 2003.
- The federal regulations regarding the agreement between the Governor and the units of general-purpose governments (sections b and h); composition of MPO Committees (section d), and the provisions regarding when redesignation of an MPO is required (section j) or not required (section l).

Action

Requested: Discussion of these options with the objective of reaching a consensus, so the Policy Committee may direct staff on next steps.

**F. TIP Modifications ..... Steve Dobrinich**

Background: Staff-approved modifications made to the SKATS TIP since the August 22, 2023, 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**

- OTC Meeting – **November 9<sup>th</sup> NE Portland area, December 11<sup>th</sup> Virtual only**
- Next Policy Committee Meeting – **October 24, 2023**
  - McGilchrist at 22<sup>nd</sup> Intersection Amendment for adoption
  - Presentation on Cherriots Transportation Options Strategic Plan
- Next TAC Meeting – **October 10, 2023**
- Planning Status update

Project	Status	Completion
SKATS Metropolitan Transportation Safety Action Plan (MTSAP)	Steering Committee met July 13th – Working on Goals; Consultant narrowing the list of locations for developing safety recommendations; work started on systemic crash pattern	2024

Oregon Travel Study (nee Oregon Household Activity Survey (OHAS))	Phase 3 (Implementation) - Full survey started in September. To continue into Spring 2024.	Winter 2024 (SKATS), Spring 2024 (Statewide)
Update to the Turner TSP	Work order with consultant has been signed, and data gathering has started.	2024
Adding Aumsville to MPO Policy Committee; SKATS Cooperative Agreement and MPO Composition	Robust discussion in August and continuing in September.	TBD

**H. Adjournment ..... Cathy Clark**

**DRAFT**  
**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 Commissioners<sup>1</sup>  
Maria Hinojos-Pressey, Salem-Keizer School District<sup>2</sup>  
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

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

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

## **Agenda Item A. Call to Order**

Chair Cathy Clark called the meeting to order at 12:03p.m. Introductions, in person and online, were made.

## **Agenda Item B. Approval of Minutes of July 25, 2023**

**Motion was made by Trevor Phillips, seconded by Sadie Carney, to approve the minutes of the July 25, 2023, meeting.** Those voting in favor of the motion were Brandon Williams, Kevin Cameron, Sadie Carney, Cathy Clark, Steve Horning, and Trevor Phillips. **The motion passed unanimously.**

## **Agenda Item C. Public Comment**

There was no public comments.

## **Agenda Item D. Add New Projects to SKATS 2021-2026 TIP**

Steve Dobrinich presented that the Salem Area Mass Transit District (SAMTD) received a Low-or-No Emissions 5339c grant from the Federal Transit Administration (FTA) for the purchase of battery-electric buses and charging equipment to replace aging diesel vehicles. This project will support the district's transition to a zero-emission fleet, enhance system safety, lower operational costs, and reduce maintenance.<sup>3</sup> Total project cost is \$7,748,358 (\$6,586,104 federal; \$1,162,254 local match). No SKATS discretionary funds are included as part of this project. The public review period for this project was held from August 8 until noon August 22, 2023. The SKATS Technical Advisory Committee (TAC) voted to recommend that the PC add the 5339c grant funds to the TIP at their August 8th meeting. Having no public comment, Mr. Dobrinich requested the PC adopt the proposed resolution.<sup>4</sup>

**Motion was made by Kevin Cameron, seconded by Sadie Carney, to approve Resolution 23-20 amending the SKATS FY 2021-2026 TIP to add project key number 23488 SAMTD Low or NO Emission Bus and Charging Infrastructure Purchase.** Those voting in favor of the motion were Kevin Cameron, Sadie Carney, Cathy Clark, Brandon Williams, Steve Horning, Lyle Mordhorst, and Trevor Phillips. **The motion passed unanimously.**

## **Agenda Item E. SKATS Federal Aid Urban Boundary Revision**

The Federal Aid Urban Boundary (FAUB) is updated every 10 years after the U.S. Decennial Census to reflect the areas delineated as an "urban area" based upon the U.S. Census Bureau's national methodology. FAUBs are generally intended to distinguish between areas that are 'urban' and those that are 'rural'.

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<sup>3</sup> SAMTD recently had 10 electric buses funded by previous Low and No-Emissions grants delivered to the Del Webb facility. Ten more buses will be ordered in the near future.

<sup>4</sup> Draft Resolution 23-20 may be found as item D in the agenda packet.

At the July PC meeting, SKATS staff provided an overview of the process and the locations that are being considered for adjustment. Discussion with the SKATS Technical Advisory Committee (TAC) on *how* and *where* adjustments should be made and what the resulting FAUB looks like, took place at the July and August TAC meetings. Discussion started with a proposed FAUB drafted by consultants hired by ODOT to facilitate the process statewide. After review and discussion by the TAC, SKATS staff has produced a separate FAUB proposal following the guidance provided by the TAC and initial feedback from the Policy Committee at their July meeting.

This included:

- When an Urban Growth Boundary (UGB) is larger than the Census delineated Urban Area, the FAUB will extend to the UGB. Examples include in west and south Salem, southwest Turner, and south and west Aumsville.
- Connecting the separate Census delineated Urban Areas into one contiguous area should minimize the amount of land that is outside a UGB. If possible, the connection should be made along the major road only.

Mr. Jackson presented a series of maps showing the Urban Area and the proposed adjustments resulting in the draft 2020 FAUB.<sup>5</sup> To aid in understanding the proposals, Mr. Jackson submitted a discussion of the proposed modifications to accompany each map (as the printed maps are not zoomable).<sup>6</sup>

Commissioner Cameron asked Mr. Jackson to give a brief definition of the FAUB and how it impacts the future:

- The FAUB will be used for the next ten years (until the next Decennial Census) to designate what roadways within the FAUB are eligible for federal funding.
- Based on the Federal Functional Classification (FFC) of the roads *inside* the boundary, urban minor collector and above, may receive federal highway funding; local streets may not. *Outside* the FAUB, local streets and rural minor collectors may not receive federal highway funding; while major collectors and above may.

Chair Clark asked that each jurisdiction representative present their comments, questions, or approval for all areas affected:

- Marion County – Kevin Cameron – has reviewed the proposed changes and approves as presented.
- SAMTD – Sadie Carney - has reviewed the proposed changes and has no comments.
- City of Salem – Trevor Phillips – has reviewed the proposed changes and approves as presented.

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<sup>5</sup> Maps may be found on beginning on page 6 of item E in the agenda packet.

<sup>6</sup> Proposed modifications, justifications and discussion may be found beginning on page 2 of item E in the agenda packet.

- City of Turner – Steve Horning – has reviewed the proposed changes and approves as presented. Mayor Horning asked staff if Turner needed to report new roads that do not show on the map? SKATS staff responded that issue has been addressed with City of Turner staff.
- ODOT – Brandon Williams - has reviewed the proposed changes and has no comments.
- Polk County – Lyle Mordhorst - has reviewed the proposed changes and approves as presented.
- SKPS – Maria Hinojosa-Pressey - has reviewed the proposed changes and has no comments.
- City of Aumsville – Della Seney - has reviewed the proposed changes and approves as presented.
- City of Keizer – Cathy Clark - has reviewed the proposed changes and approves as presented. Mayor Clark asked for clarification on the proposed changes along the river. Mr. Jackson explained that the UGB goes down the middle of the river and although the Census defined the urban area to *not* include the river, staff has included to the middle of the river for consistency of including UGB area.

Director Carney asked for clarification on Map 10 of the proposed modifications, justifications, and discussion – Salem Minto Brown Island and SW – in doing roadway improvements to this area, would it include hardscaping and stormwater management in this flood-prone area, increasing project costs? Mr. Jackson stated that included within the FAUB, the design standards for the roads would only apply to minor collectors and above. All the roads that would be within the Minto Brown Island Park would be local streets<sup>7</sup>.

Brandon Williams pointed to figure 8-2, voicing concern that the Brooks interchange is not included in the proposed FAUB. Mr. Jackson confirmed that the interchange is included; it is just hard to see on the printed maps. It was also confirmed that the entirety of Brooklake Road and the intersection at Huff Avenue is included.

**Motion was made by Trevor Phillips, seconded by Lyle Mordhorst, to approve the revised SKATS Federal Aid Urban Boundary and direct staff to provide the information to ODOT.**

Those voting in favor of the motion were Kevin Cameron, Sadie Carney, Cathy Clark, Brandon Williams, Steve Horning, Lyle Mordhorst, Maria Hinojos-Pressey, and Trevor Phillips. **The motion passed unanimously.**

The 2020 FAUB will be submitted to ODOT for review by September 1, 2023. Review by ODOT will conclude by December 29, 2023, when ODOT submits all the FAUBs in the state to the Federal Highway Administration (FHWA) for final review and acceptance. Mr. Jackson will bring an update to the PC at the end of the year with any changes made by ODOT or FHWA.

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<sup>7</sup> Or considered as access roads.



## **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.<sup>8</sup>

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 1<sup>st</sup>, 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 regulations<sup>9</sup> 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

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

<sup>9</sup> (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 2017<sup>10</sup> 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 regulations<sup>11</sup> 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.<sup>12</sup>

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.<sup>13</sup> 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.

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

<sup>11</sup> 23 CFR 450.310 (d)(3)

<sup>12</sup> 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.

<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup>

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

<sup>14</sup> 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."

<sup>15</sup> 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 <b>CA</b> to add Aumsville, and make other changes to representation and/or adoption process	<ul style="list-style-type: none"> <li>• Modify the CA through a process decided by the Policy Committee (facilitated or not facilitated process).</li> <li>• Update to Bylaws</li> </ul>	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 1/8<sup>th</sup> 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 county<sup>16</sup>.

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.

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<sup>16</sup> 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.

Adding a vote for Aumsville and a second vote for Salem – with the number of voting members going from eight to ten – that extra voice would help us be more effective without becoming unwieldy as a committee.

Commissioner Mordhorst outlined his view of the voting structure to the committee. He sees that city of Salem has a vote; Salem-Keizer School District located and operating in Salem has a vote; SAMTD also located and operating in Salem has a vote, plus the Commissioner for Marion County is a Salem vote; he views Salem having four people being involved in the “Salem group”. Where the city of Turner has one vote and a commissioner which makes two; in the same view Keizer has four. The smaller communities, when they come in, are in danger of never being heard, and that’s the challenge when talking weighted votes. He is interested to hear the opinion of the TAC on this matter.

Chair Clark said in her 17 years on SKATS, she can’t think of a time in the past where a vote was an issue. The projects are well-vetted when they presented to the Policy Committee. The voting issue is secondary to allowing Salem a second voice at the table and said a second Salem councilor can be added now, to participate fully, without changing the vote numbers. Chair Mordhorst said he could support that.

Mike Jaffe said that in his view, the Cooperative Agreement could be left with Salem having one voting member, and the Bylaws modified to say that Salem has one voting member and one non-voting member.

Chair Clark posed to the committee that there are really two issues being discussed: bringing in another general-purpose government (city of Aumsville) and adding voices and perspectives from our most complex general-purpose government (city of Salem). An option is to change to the bylaws where the city of Salem shall appoint two members to the PC allowing the opportunity to engage in conversation, hear perspectives of and more deeply understand, the complex needs of the city of Salem, in the committee’s deliberative process. She feels adding another vote (for Salem) would change nothing but hearing from two elected representatives for Salem would be very enlightening and would deepen the conversations and deliberations.

Councilor Phillips stated he was not prepared to answer the question and needed to meet with Mayor Hoy and city staff. He still wants to continue to pursue a facilitated process in terms of new membership. He appreciates the suggestion but wants time to vet it with others in Salem.

Chair Clark ask that the committee table this matter for further discussion in September. This was agreed to by the committee.



## **Agenda Item G.        TIP Modifications**

Steve Dobrinich reviewed the Staff-approved modifications made to the SKATS TIP since the July 25, 2023, Policy Committee meeting. The modifications are summarized in a table also showing PC approved amendments and adjustments.<sup>17</sup> Five of the modifications were administrative amendments that were staff level decisions, and the cancelation of the Mill Street SE rail crossing project was approved by PC at the July meeting. There was one public comment on the Hilfiker Ln SE at Commercial St SE project<sup>18</sup>; it was not specific to the amendment itself but related to general design of the project and orientation towards encouraging motor vehicle travel (induced demand).

## **Agenda Item H.        Other Business**

Upcoming meetings with dates were announced:

- OTC Meeting – **Sep 14 Eugene / Nov 9 PDX area 2023**
- Next Policy Committee Meeting – **September 26, 2023**
- Next TAC Meeting – **September 12, 2023**

Planning status update:

- Cordon/Kuebler Corridor Study and Management Plan: A presentation to SKATS PC is tentatively scheduled for September.
- SKATS Metropolitan Transportation Safety Action Plan (MTSAP): Steering Committee met July 13th; Working on Goals; Consultant narrowing the list of locations for developing safety recommendations; work started on systemic crash pattern. Completion in 2024.
- Oregon Travel Study (new Oregon Household Activity Survey (OHAS)): Phase 3 (Implementation) – pilot surveys completed and being reviewed before consultant does full survey in Fall 2023 and Spring 2024. Mr. Jaffe asked the members to encourage participation in their jurisdictions.
- Update to the Turner TSP work order with consultant has been signed, and data gathering is starting. Completion in 2024.
- Adding Aumsville to MPO Policy Committee; SKATS Cooperative Agreement and MPO Composition: Additional information provided at August PC meeting. List of potential facilitators prepared if needed. There is no deadline for completion.

Chair Cathy Clark adjourned the meeting at 2:01p.m.

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<sup>17</sup> Table may be found as item G in the agenda packet.

<sup>18</sup> The email string comment may be found beginning on page 2 of item G in the agenda packet.

# **Agenda Item E**

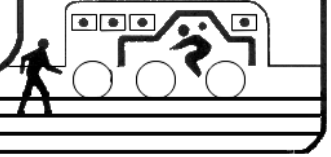
## **SKATS MPO Policy Committee Structure Discussion**

SKATS Policy Committee

September 26, 2023

### **Action Requested:**

Discussion of these options with the objective of reaching a consensus, so the Policy Committee may direct staff on next steps.



# Memorandum

**Date:** September 1, 2023  
**To:** SKATS Policy Committee (PC) Members  
**From:** Mike Jaffe, Transportation Planning Director  
**Re:** Continued Discussion on MPO Structure

At the August SKATS Policy Committee, staff provided a memo in a Question-and-Answer format for questions asked by PC members in June and July. Staff also provided the following table of three options as a starting point for discussion by the Committee at their August meeting.

Options	Process & Result	Redesignation by Governor needed
1. Amend SKATS Bylaws to add Aumsville as voting member	<ul style="list-style-type: none"> <li>Changes to Bylaws can be done at any SKATS PC meeting, with due notice</li> <li>Would results in <u>contradiction in “list of members”</u> between Bylaws and Cooperative Agreement, (unless Aumsville added as non-voting member)</li> </ul>	No
2. Amend SKATS Cooperative Agreement (CA) to add Aumsville as a member	<ul style="list-style-type: none"> <li>Create Amendment #2 to CA</li> <li>Get all parties to sign</li> <li>Still need to update the Bylaws</li> <li>Result is similar to the addition of Turner to SKATS in 2003</li> </ul>	No

3. Amend CA to add Aumsville, and make other changes to representation and/or adoption process	<ul style="list-style-type: none"> <li>• Modify the CA through a process decided by the Policy Committee (facilitated or not facilitated process).</li> <li>• Update to Bylaws</li> </ul>	Yes, if there is a <u>substantial change</u> in proportion of voting members, decision-making authority or procedures
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The staff presentation and Policy Committee discussion lasted 85 minutes and a detailed summary is provided in the August meeting minutes. The committee decided to drop option 1 (adding Aumsville as a voting member in Bylaws only) from future consideration. However, the committee had different views about adding Aumsville to the Cooperative Agreement and about providing a second seat for Salem as either a voting or non-voting member of the Policy Committee.

After considerable discussion, the committee's options going forward can be summarized as follows:

1. Adding Aumsville as a non-voting member via an amendment to the Bylaws, so they have a voice in the discussion in the short term. Change Aumsville to a voting member after Salem's representation on the Policy Committee is resolved.
2. Amending the Cooperated Agreement and Bylaws to add the city of Aumsville as a voting member.
3. Same as #2 but also add a second seat for City of Salem as a non-voting member.
4. Same as #2 but also add a second seat for City of Salem as a voting member.
5. Starting a facilitated process to discuss the above options, plus other potential changes to the Cooperative Agreement and Bylaws.

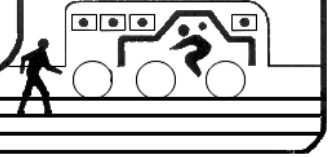
The Policy Committee should discuss these choices and see if the members can come to a consensus, so they may direct staff on next steps.

At the moment, there does not seem to be any desire to change the process described in the current Cooperative Agreement for a unanimous vote by the Policy Committee for adopting the MTP and TIP, and retaining the process of going to the boards of the five major parties (City of Salem, City of Keizer, Marion County, Polk County, and the Transit District) in case there is not a unanimous vote of the Policy Committee for the MTP and TIP.

No matter which choice is eventually made for the Cooperative Agreement, staff recommends that the Policy Committee make time in the near future (or as part of the facilitated process) to review and make necessary and desired updates to the SKATS Policy Committee Bylaws.

Also enclosed in this agenda packet are:

- A memo (dated 9/1/23) from Transportation Planning Director Mike Jaffe on two questions asked during the August SKATS Policy Committee.
- The active Cooperative Agreement, amended in 2003 to add the city of Turner
- The current SKATS Bylaws, amended in 2003
- The federal regulations regarding the agreement between Governor and the units of general purpose governments (sections b and h); composition of MPO Committees (section d), and the provisions regarding when redesignation of an MPO is required (section j) or not required (section l).



# Memorandum

**Date:** September 1, 2023  
**To:** SKATS Policy Committee (PC) Members  
**From:** Mike Jaffe, Transportation Planning Director  
**Re:** Questions on MPO Structure from August PC meeting

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During the discussion of MPO Structure and the SKATS Cooperative Agreement at their August meeting, there were two questions raised by Policy Committee members. This memo provides answers and related information to those questions.

**Q1. When counting population (for the 75% of population requirement), are the populations of the cities counted as part of the county's population?**

**Answer:** The population of the cities should not be included in the county's population, as part of the determination general purpose local governments representing "75 percent of the existing metropolitan planning area population".

SKATS staff contacted staff at the Oregon Division of the Federal Highway Administration, who passed the question to a FHWA headquarters' Census specialist, who response was: "the Salem-Keizer Area Transportation Study should determine the county's population outside the city limits separate from the city's population."

More information:

- Federal regulation (450.310 (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.**)"* Bold added for emphasis.

- The table below is the 2020 populations of the cities and unincorporated portions of the two counties within the SKATS metropolitan planning area boundary. The total SKATS area had a 2020 population of 271,737 persons, with Salem containing 65% of the SKATS population.

Area	2020 Pop.	% of SKATS area
City of Turner	2,454	1%
City of Keizer	39,309	14%
City of Salem	175,535	65%
Marion County*	50,594	19%
Polk County*	3,845	1%
<b>Total SKATS area</b>	<b>271,737</b>	<b>100%</b>

City of Aumsville	4,252	n/a
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\*Includes population both inside and outside the Salem-Keizer UGBs

- As a reference, below is the SKATS area population divided by the two counties.

Area	2020 Pop.	% of SKATS area
Polk County	33,241	12%
Marion County	238,496	88%
<b>Total SKATS area</b>	<b>271,737</b>	<b>100%</b>

**Q2. What would happen if Salem decided not to sign a new or revised Cooperative Agreement for the SKATS MPO area.**

**Answer:** The city of Salem is the largest incorporated city in the SKATS MPO area, with 65 percent of the population of the metropolitan planning area (MPA). As noted in question 1, federal regulations require that MPO redesignation be between “*the Governor and units of general-purpose local governments that 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)*”. Without Salem, the other general purpose local governments sum up to only 35 percent of the MPA’s population. Therefore, a new Cooperative Agreement cannot be sent to the Governor for redesignating the SKATS MPO without Salem being a party to the new agreement. Until there is a revised Cooperative Agreement, the existing Cooperative Agreement would remain in place.

More information:

- As described in the memo to the Policy Committee in the August agenda packet, there are amendments that can be made to the existing Cooperative Agreement without requiring redesignation by the Governor, such as adding a city due to MPA expansion. However, an amended Cooperative Agreement that left out Salem wouldn't meet the 75 percent requirement nor the requirement of including the largest incorporated city, based on population.
- If a substantial change is proposed for the Cooperative Agreement (such as a substantial change in the proportion of voting members or a substantial change in decision-making authority or responsibility or decision-making procedures under MPO by-laws), redesignation of the MPO by the Governor would be required. (see subsection (j) copied below).
- Until SKATS has either amended the current Cooperative Agreement (with all parties signed) or a new Cooperative Agreement (all parties signed plus a letter from the Governor redesignating the SKATS MPO), the current Cooperative Agreement would remain in place. (Reference (450.310 (g)): "*An MPO designation shall remain in effect until an official redesignation has been made in accordance with this section.*")

**From: 23 CFR 450.310**

- (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 decision-making authority or responsibility of the MPO, or in decision-making procedures established under MPO by-laws.



## Detailed 2020 Population by Jurisdiction and County

Updated: 8/31/2023			
Sources			
Appendix A in Adopted SKATS 2050 Metropolitan Transportation Plan			
H:\transport\RTSP2023\Draft Chapters\Appendix A - Pop and Employment.docx (tables A-7 & A-11)			
US Census			
<b>SKATS 2020 Population Summaries</b>			
Area and Data sources, split by county and UGB	2020 Pop.	% of SKATS area	<b>Salem UGB population, by county</b>
<a href="#">City of Keizer (Census) &amp; table A-11</a>	39,309	14%	Salem UGB (table A-7) <b>217,514</b>
City of Salem (in Marion County) Census	146,139	54%	East Salem (Marion County) (Table A-7) 186,146
City of Salem (in Polk County) Census	29,396	11%	West Salem (Polk County) (Table A-7) 31,368
Marion County inside UGB (Census, table A-7)	40,007	15%	
Polk County inside UGB (Census, table A-7)	1,972	1%	
<b>Total Salem-Keizer UGB (A-11)</b>	<b>256,823</b>		
City of Turner (A-3)	2,454	1%	<b>Salem 2020 pop by county (Lesley's email, 8/29/23)</b>
Marion Co. (outside UGB, inside SKATS*) (A-11)	10,587	4%	City of Salem (Marion County) 146,139
Polk Co. (outside UGB, inside SKATS*) (A-11)	1,873	1%	City of Salem (Polk County) 29,396
<b>Total SKATS area (A-11)</b>	<b>271,737</b>	<b>100%</b>	<b>Total City of Salem 175,535</b>
City of Aumsville (Census)	4,252	n/a	<a href="#">City of Salem - (Census)</a> 175,535
* based on 2010 SKATS MPA boundary, which will be updated in 2024			
2020 Population Summary by General-Purpose Governments			
Area	2020 Pop.	% of SKATS area	
City of Turner	2,454	1%	
City of Keizer	39,309	14%	
City of Salem	175,535	65%	
Marion County	50,594	19%	
Polk County	3,845	1%	
<b>Total SKATS area</b>	<b>271,737</b>	<b>100%</b>	
City of Aumsville	4,252	n/a	

**From:** Hegewald, Lesley  
<LHegewald@mwvcog.org>  
**Sent:** Tuesday, August 29, 2023 11:03 AM  
**To:** Jaffe, Mike <MJaffe@mwvcog.org>  
**Subject:** Salem Pop Data

The decennial count for the total city is 175,535. Here is the breakdown by county:

Marion: 146,139  
Polk: 29,396

## 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. Lien  
City Attorney

William J. Fyfe  
City Attorney

Robert C. Brown  
Legal Counsel 3-25-87

Michael E. Weying  
Legal Counsel 4.29.87

Edward L. Clark, Jr.  
Legal Counsel

BBB  
Legal Counsel

Robert E. Ottumano  
Director, Oregon Department of  
Transportation

CITY OF KEIZER

By: Robert L. Smith  
Mayor

ATTEST: Brian Darby  
City Recorder

CITY OF SALEM

By: Lisa D. Miller  
Mayor

ATTEST: Ramona Hudson 4/27/87  
City Recorder

COUNTY OF MARION

Frankie  
Chairman

Commissioner

Commissioner

COUNTY OF FOLK

Chairman

Commissioner

Commissioner

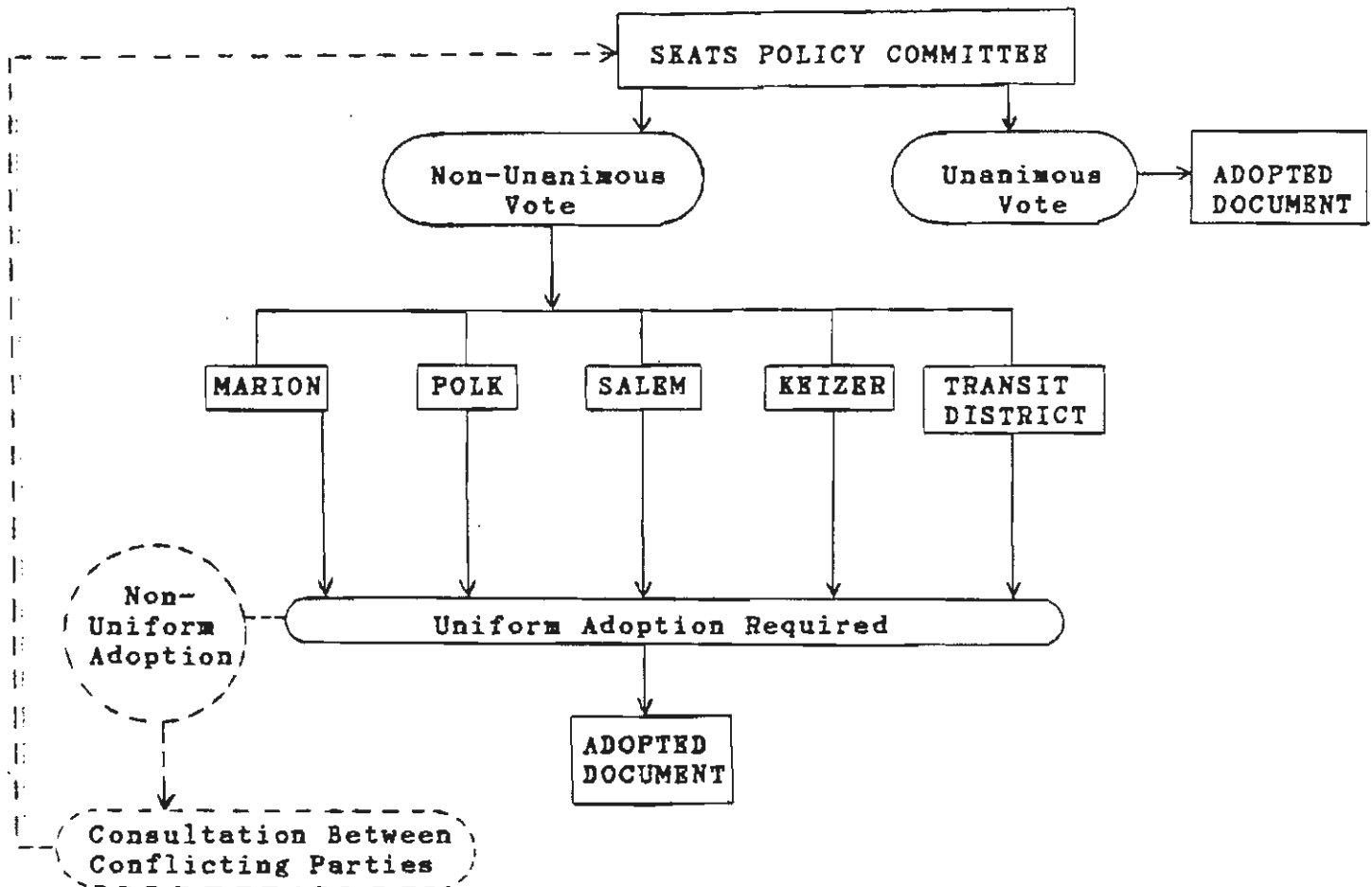
SALEM AREA TRANSIT DISTRICT  
BOARD OF DIRECTORS

Signe Peterson  
President

MID WILLAMETTE VALLEY  
COUNCIL OF GOVERNMENTS

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.

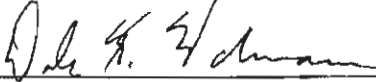
**IN WITNESS WHEREOF** the parties hereto have caused this Agreement to be signed in their respective names by their duly authorized representatives as of the dates set forth below.

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.

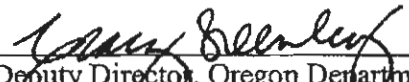
SIGNATURE PAGE TO FOLLOW

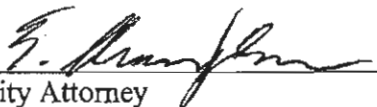
On January 31, 2002, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director grants authority to the Deputy Directors, Division Managers, Chief of Staff, Technical Services Manager/Chief Engineer, Branch and Region Managers for their respective 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.

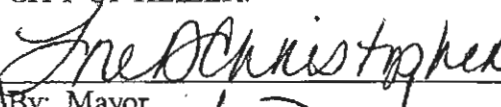
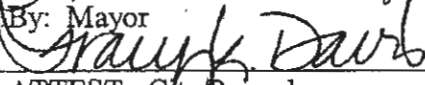
APPROVED AS TO FORM:


  
Assistant Attorney General


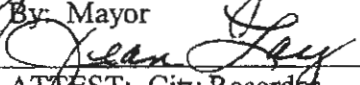
Date 9/30/03

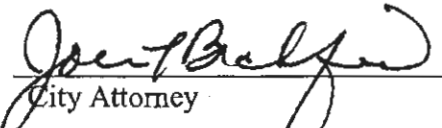
  
Deputy Director, Oregon Department  
of Transportation, Transportation  
Development Division  
Date 10-6-03

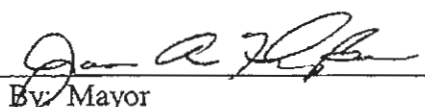
  
City Attorney  
Date 6-26-03

CITY OF KEIZER:  
  
By: Mayor  
  
ATTEST: City Recorder  
Date 6-17-03

  
City Attorney  
Date 6/14/03

CITY OF SALEM:  
  
By: Mayor  
  
ATTEST: City Recorder  
Date 6-12-03

  
City Attorney  
Date 7/16/2003

CITY OF TURNER:  
  
By: Mayor  
ATTEST: City Recorder  
Date \_\_\_\_\_

Approved as to form

Regan Mitchell  
County Contracts Coordinator 8/15/03

Miscellaneous Contracts and Agreements  
No. 20,523

COUNTY OF MARION:

Donna Stronach  
Legal Counsel

Date 20 August 2003

Patricia Mulse  
By: Chairman  
Michael R. Rife  
Commissioner  
James R. Rife  
Commissioner  
Date 8/27/03

COUNTY OF POLK:

Donna Stronach  
Legal Counsel

Date 5/12/03

Tom Rethen  
By: Chairman  
Michael R. Rife  
Commissioner  
Tom Rethen  
Commissioner  
Date \_\_\_\_\_

SALEM AREA TRANSIT DISTRICT  
BOARD OF DIRECTORS:

James R. Rife  
Legal Counsel  
Date 5/22/03

Seayd Chapman  
President  
Date 5/22/03

MID-WILLAMETTE VALLEY  
COUNCIL OF GOVERNMENTS

Donna Stronach  
Executive Director  
Date 7/8/03

# **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**

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

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## 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]

# **Agenda Item F**

## **TIP Modifications**

SKATS Policy Committee

September 26, 2023

Action Requested:

Informational Item.

	2021-2026 SKATS TIP Modifications (Since August 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	8/22/2023	23488	SAMTD Low or No Emission Bus and Charging Infrastructure Purchase	SAMTD	23-20	\$0	\$7,748,358	\$0	\$0	Add new project to 2024-29 TIP. \$7,748,358 total (\$6,586,104 federal; \$1,162,254 match) 5339c funding to purchase battery-electric buses and charging equipment to replace aging diesel vehicles, supporting a transition to a zero-emission fleet. The project will enhance the safety of SAMTD's transit system, improve connectivity, lower operational costs and reduce maintenance.
2	8/29/2023	20773	Transit Urban (5339) Formula Program 2020 SKT	SAMTD	23-AA26	\$889,504	\$889,504	\$0	\$0	Advance CN and OTH phases from FFY2024 to FFY2023
3	8/31/2023	23478	SAMTD Battery Electric Charging Infrastructure	SAMTD	23-AA27	\$952,534	\$952,534	\$0	\$0	Slip PE phase from FFY2023 to FFY2024
4	8/31/2023	22029	Oregon Transportation Network - SAMTD FFY22	ODOT Transit	23-AA28	\$1,188,378	\$1,188,378	\$0	\$0	Slip the project to start in federal fiscal year 2024.
5	9/11/2023	23488	SAMTD Low or No Emission Charging Infrastructure and Bus(es)	SAMTD	23-AA29	\$7,748,358	\$7,748,358	\$0	\$0	Change name to "SAMTD Low or No Emission Charging Infrastructure and Bus(es)" as requested by FTA to improve clarity.
6	9/14/2023	21902	Transit Urban (5307) Formula Capital Projects 2021 SKT	SAMTD	23-AA30	\$1,587,833	\$1,587,833	\$0	\$0	Slip OTH phase to FFY24
7	9/14/2023	21903	Transit Urban (5307) Formula Capital Projects 2022 SKT	SAMTD	23-AA31	\$2,171,819	\$2,171,819	\$0	\$0	Slip OTH phase to FFY24
8	9/14/2023	21907	Transit Urban (5339) Formula Program 2022 SKT	SAMTD	23-AA32	\$585,916	\$585,916	\$0	\$0	Slip OTH phase to FFY24
9	9/14/2023	21908	Transit Urban (5307) Formula Capital ADA PM 2023 SKT	SAMTD	23-AA33	\$3,939,315	\$3,939,315	\$0	\$0	Slip OTH phase to FFY24
10	9/14/2023	21909	Transit Urban (5307) Formula Capital Projects 2023 SKT	SAMTD	23-AA34	\$2,467,410	\$2,467,410	\$0	\$0	Slip OTH phase to FFY24
11	9/14/2023	21910	Transit Urban (5307) Formula-Operating 2023 SKT	SAMTD	23-AA35	\$2,891,240	\$2,891,240	\$0	\$0	Slip OTH phase to FFY24
12	9/14/2023	21911	Transit Urban (5310) Formula Program 2023 SKT	SAMTD	23-AA36	\$317,500	\$317,500	\$0	\$0	Slip OTH phase to FFY24
13	9/14/2023	21912	Transit Urban (5339) Formula Program 2023 SKT	SAMTD	23-AA37	\$1,082,500	\$1,082,500	\$0	\$0	Slip OTH phase to FFY24
14	9/14/2023	22356	South Salem Multi-Modal Transit Facility	SAMTD	23-AA38	\$3,628,191	\$3,628,191	\$0	\$0	Slip RW phase to FFY24
15	9/14/2023	23417	Battery Electric Bus Fleet and Electrification 2022 SAMTD	SAMTD	23-AA39	\$7,428,134	\$7,428,134	\$0	\$0	Slip PE phase & OTH phase to FFY24
16	9/14/2023	19929	I-5: Kuebler Blvd to Delaney Rd widening	ODOT	23-AA40	\$46,574,677	\$46,574,677	\$0	\$0	Slip CN phase to FFY24 (Community Workforce Agreement has not been signed so phase cannot be obligated)
17	9/14/2023	22359	FY 20-22 Vehicle Replacement - SAMTD	SAMTD	23-AA41	\$800,000	\$800,000	\$0	\$0	Slip the Other phase to start in federal fiscal year 2024.