

**How Freeways Became Railways, remarks by Dick Feeney,
PSU Class on Transportation, Prof. Rick Gustafson, October 6, 2010**

This is the story of how it really happened. How the Light Rail system became a reality. It is also the story of a peculiar group that made it happen. This is the story of Light rail and the Transportation Managers Advisory Committee (TMAC).

During the 70's, political bloodletting over transportation issues was a daily sport in the Portland area. It eroded the time of elected officials and wore out the patience of the public.

When TMAC came into being in 1981 METRO and JPACT were looking for a place to contain the fight so it didn't spill out unnecessarily into the public arena.

The new MPO with its two-tiered structure wanted an intelligently thought out agenda and list of strategic choices to discuss.

The Portland region had just emerged from a long and divisive fight over transportation politics that had wrecked as many political careers as it had made.

Freeway advocates were savaged as troglodytes and cavemen; the bumper sticker for 1978 read "TriMet Sucks!" And people said they shunned the bus, because of their fear that someone would try to touch them.

People who ran for public office had to declare for freeways or for transit, regardless of their real priorities.

The fight came to an end by withdrawing the Mt. Hood and I-505 freeways, and also by stopping the I-205 construction dead in its tracks and demanding its redesign.

What had enabled that to happen was the passage of the Land Conservation and Development Act, the election of environmentalists to state and local government posts, and the elevation of transit to the highest priority for transportation investments.

Most importantly as a result of the withdrawal of the freeways a gigantic sum of money, eventually over \$500 million, materialized into the so-called freeway withdrawal account.

The region planned to use these funds for alternatives to the Interstates.

But the brave new world of environmental and land use sensitive transportation projects also depended on large high capacity transit projects getting massive grants from the Federal government.

This was crucial, because it meant that the freeway withdrawal monies would not all be soaked into the high priority transit project.

They would be available for hundreds of small road projects that were important to the success of the new land use plans.

TriMet had been sent out to secure a general fund match from the State for the new Banfield project. But the keystone was TriMet's success in getting an \$ 89 million general fund letter of intent in the last day of the Carter Administration.

This was going to build the rail project, and although TriMet had first call on the withdrawal money, if the project needed it, the withdrawal money would build everything else.

Peace was at hand. The withdrawal money was there for everyone, and transit would get a huge grant to start a rail line.

But the Reagan administration was only a few days old in early January 1981 when it announced that it would not spend any money on any rail transit project anywhere in the nation.

They all stunk of too many Democrats and Eco-freaks. And by the way, no road earmarks.

Hauled before the Senate Appropriations Committee Secretary of Transportation Drew Lewis said rail was not cost effective, demanded too much tax support and generally didn't work.

He said we could spend the promised money on buses, but not on rail.

But confronted with the presence of freeway withdrawal money he conceded they were under local control.

If you want to spend your freeway withdrawal money on a rail project, I guess we can't stop you, he said.

Mayor Frank Ivancie appeared before the same committee, newly headed by our own Senator Hatfield, and the Mayor, in spite of a long history of supporting freeways, declared the region's road funding a dead duck.

"Better to take the bird in the hand than the two in the bush," he intoned, telling the Senator to go ahead and forget about the road projects because we weren't ready to build them anyhow, appropriate the money from the withdrawal account and get on with building a Light Rail Line.

Regional officials went nuts.

One said, "How can the Mayor go from being a freeway freak to a transit nut in the blink of an eye??!"

Phones started ringing all over the region. Thanks to the Mayor, TriMet was going to suck up all the money.

Agony and the gnashing of teeth. The peace was coming undone.

Then the phone rang on my desk and it was Susan Long from the Senator's Appropriations Committee staff:

"We are not going to solve this problem for you; get your act together, and we will get you money. But we are not going to restart that political fight."

The first meeting of what became TMAC convened at Viva Zapata's restaurant to give some revolutionary zeal to the situation, but was called out of outright fear by Rick Gustafson, the METRO executive, and Gerry Drummond, the TriMet Board chair.

All three counties came, the City, ODOT, METRO and TriMet. And we all stared at each other.

"We should hang together, or we shall all hang separately," many declared, trying to be Franklinesque statesmen.

How do we build this project, how do we get the money, who speaks for us in Washington and how do we keep everyone together?

And what do we do about roads?

Answers began to emerge:

TriMet would be the lead agency to seek the money.

We would keep together as a region and have one spokesperson in D.C.

The trouble was that nobody trusted anyone else.

And so, the Transportation Managers' Advisory committee (TMAC) was born.

What happened at TMAC was unique. There were no minutes. Decisions were made, but there were no votes.

Meetings were frequent, usually every two weeks, and for years at a stretch often weekly, at the same place and at the same time.

And it is always led by the TriMet Government Affairs executive, but it was neither created nor owned by one jurisdiction...

The larger jurisdictions were always there and many smaller ones as well. Year in and year out.

When ever I would go into a TMAC meeting it always felt a little bit like taking the controls of a jet plane.

And at the first regular meeting of TMAC in 1981 that jet plane was in a nose dive.

I got an earful of asides: "Don't trust that guy or that other guy over there. And that jerk is a lowlife who screws everyone.

And by the way, we don't trust you either.

Jurisdictions were still routinely going on their own to the Congressional delegation and asking for road earmarks.

Part of the TMAC crew was recruited to solicit Governor Atiyeh's help. He then wrote Hatfield and asked him not to make any decisions for the Portland area until the region had come together.

Atiyeh said he would indicate when that had happened and who the spokesman was. Until then, do nothing.

That meant no money!

Hatfield said that was a great idea. It was then up to us.

In short order, we hired former U.S. Representative Bob Duncan as our D.C. spokesperson. The decisions he carried would be the JPACT decisions. Every one of the major jurisdictions pledged to unite behind him.

Then we wrote the Governor saying we were pledged to stay together behind Duncan. He in turn wrote the Senator, and the Senator wrote back in effect saying, so be it.

Quickly Duncan's job became complicated. And the legislative strategy that emerged from the brand new TMAC was bold:

- First, take Drew Lewis at his word. Take the \$89 m and switch it over to buses instead of the rail project
- Second, anchor the rail project with the withdrawal funds
- Third, come back the next year and renew the transit grant request for as much as we could get
- Fourth, designate the freeway construction and the LRT construction as one project.

"Why," asked a puzzled Duncan, "do you want to pick a fight on the transit grant, when you have enough of the withdrawal money?"

“Because the Administration is wrong, and we need that money to build roads.”

“So,” he said, “We’ve become road lobbyists?”

And of course the answer was, yes. Duncan was afraid that we would be seen as trying to have our cake and eat it too.

And our response to that comment was and has always been:

“What the hell else would you do with cake?”

But Duncan was an easy convert, first of all he worked for us and second, he couldn’t stand the Reagan administration.

Inside of a year with his help and the strong support of Senator Hatfield Congress required the administration to cap the withdrawal money for the rail project, load it up with a new transit grant as well as reissue the Letter of Intent for buses.

That \$89 m long term bus grant became the largest in the nation and supplied TriMet with bus and bus facilities for ten years.

When money actually began to appear, the competition at TMAC became intense. But Senator Hatfield insisted that we not ask him to settle our quarrels. He knew that transportation politics could be like quicksand and had seen some political careers swallowed under.

The fights happened at TMAC, so they didn’t have to happen at JPACT. And wouldn’t happen in Congress. Most of the time, it was sober and professional. But from time to time there would be an outbreak of agony and unbridled aggression.

It’s a good thing we didn’t take minutes. Or some of them would read like this:

“The deputy director of transportation pissed off that Vancouver wasn’t going to be in the DEIS for Hillsboro took a swing at the TriMet representative, who ducked spilling his coffee in Richard Brandman’s lap who screamed...”

Or:

“The hollering from the next room where the Hillsboro representative had taken the project director became so intense that everyone stopped talking and had another sugar doughnut.”

Clackamas County would threaten not to come if there were no old fashioned glazed doughnuts and many wouldn’t come if there were no apple fritters.

I was nearly assassinated once when my health conscious assistant once brought melon rounds and fruit juice.

Much can be said about a reliable environment, at the same place, at the same time and with mostly the same people. And an open atmosphere with few rules. And the same damn doughnuts.

What has emerged from the TMAC crucible has been trust, partnership and focus.

TMAC is totally ad hoc. It’s a staff committee and presumably could disappear in a minute. The fact that it is still around is because it has helped create that trust, partnership and focus that has been important to the transportation consensus that JPACT has been keeping all these years.

Trust

Off the Record Consensus Making.

Because TMAC took no minutes and held no votes, agreement was by consensus.

There is nothing secret about TMAC, but its activities are not generally reported other than to say "work of a staff committee" and it has only shown up in print twice. Once when I retired and once in 1982 when Vic Rhodes and Bob Vanbrocklin couldn't help brag about something they pulled off that got us another \$49 million.

Credible technical information has been the single largest element contributing to a trustful environment at TMAC

TMAC has analyzed everything from opinion polling to project finances and has been credible, reliable and informative.

The superb technical work is due to the efforts of METRO and TriMet staffs, but it also has been due to the product of one individual – Steve Siegel and the singular contribution of TriMet, which has retained him to do the work.

Siegel has consistently produced highly refined analyses of choices and options on all the major rail projects, as well as assisting with state legislative policy choices.

Siegel's contribution has been gigantic.

Partnership

Much of the partnership that grew up from TMAC had to do with sharing risks and sharing resources.

It was common in the early years for TriMet or the City to pay for a technical person from ODOT or elsewhere outside their own jurisdiction to travel to D.C. to make the case for light rail.

David Lawrence, former deputy in Hillsboro used to lament that he didn't have "the infrastructure" to make all the necessary trip to D.C. to explain the Hillsboro extension.

TriMet willingly supplied the infrastructure at least once.

D.C. lobbyists don't come cheaply and no one agency had the budget for hiring former U.S. Representative Robert Duncan, the former chair of the House Appropriations Subcommittee on Transportation.

But together they all did. For nearly ten years the major agencies paid to support that effort. It later grew to jointly sponsored trips to D.C. for JPACT members and for other efforts like public opinion surveys and legislative research.

Back in the early 80's the TMAC partnership took a small risk that returned a huge payoff to the region with Congressional passage of its so-called Escalation Rollback Amendment in 1982.

The Interstate Withdrawal Account portion of the National Highway Trust fund had been growing at a rate equal to the National Construction Cost Index, but in late 1980 that index was in the double digits, enlarging the size of the account and causing Congressional worries.

When Congress called a halt to the escalation clause in 1982, the rates had started to fall, canceling millions of dollars of construction funding that had accumulated at the peak of the index in mid-1980.

The Region's solution was to ask Congress to "rollback" the cancellation of the index to the point where the index had generated the greatest increase in funding. That amounted to \$750 million nationwide and \$51 million for Oregon, \$49 million of which would go to the Region.

But how to convince Congress? The Region found two City of Portland staffers with the technical know-how and the persuasive ability to go to Washington D.C. for two months and live out of a hotel and push the notion through.

The region underwrote the cost of the two COP staffers, paying their transportation and hotel bills, after the City's funds ran out.

The risk was that everyone together would be out a few thousand dollars in travel and living expenses in order to get \$51 million. With Bob Duncan's help and the firm support of Senator Mark Hatfield, they succeeded.

The Banfield Transitway

When ODOT and TriMet determined that the construction of I-84 and the LRT rail line to Gresham would be done better as a joint project, they came upon the problem of highway and transit be funded differently.

For the highway portion moneys would come over years in small dribs and dabs according to a formula, but transit funding would be appropriated yearly in specific large amounts according to a contracted schedule over four years of construction.

To speed up the highway part, TMAC persuaded Congress to declare in legislation that the LRT construction and the I-84 rebuild would be designated a single project under federal law.

The Banfield Transitway came into legal existence and thereby qualified for discretionary appropriations for the highway side as well as for the transit side of the project.

But when the Full-Funding Grant Agreement (FFGA) came back from the federal transit agency for TriMet to sign, it contained nothing for highways.

To have the freeway so unceremoniously scuttled after much political work was like a body blow. Local officials were particularly furious because the contract came only days before the groundbreaking ceremony in which the Federal support was to be announced for the Banfield.

There was no time left for negotiations

So, with two day to go before groundbreaking, TriMet sent the contract back and said no deal.

Until the \$120 million for the highway was amended to the contract TriMet refused to sign. This was risky. For sure. It meant potentially saying good-bye to \$ 200 million in New Starts funding.

The feds balked, but with almost gleeful pressure from Sen. Hatfield's office, they finally agreed on the very day of the ceremony, and a single contract for what finally amounted to a project of \$321 million was approved.

And in an interesting twist, a good portion of the transit grant, about \$29 m, was designated for the actual freeway itself. After all, the whole thing was a transitway.

This story and the desire of everyone to maximize the amount of discretionary money coming to the region illustrates why a TriMet executive has presided over TMAC.

TriMet is the one jurisdiction eligible to receive major, even massive, amounts of discretionary, politically secured funds on a regular basis.

In spite of the sometimes success of road earmarks, almost constantly under fire from the Administration or some corner of Congress, Transit, not roads, gets the bulk of politically secured, capital construction earmarks.

And they need everyone's agreement and everyone's help and advice in getting it.

Since Transit is an eligible recipient of nearly all other transportation formula monies, such as Surface Transportation Funds and NHS money, it is very important for the overall funding picture that Transit wins on the political front.

When it loses, there is this great sucking sound.

TMAC has helped to provide focus over the years by providing the professional forum for sorting out the political strategies JPACT needed to adopt to pursue its priorities.

In the early 80's it was getting the Banfield going; in the late 80's it was securing new funding authorities and passing a state gas tax.

In the 90's it was the Westside project and the thorny politics of the South/North adventure.

In recent years it has become the first forum for the making of the appropriations and authorization requests list that is submitted each year to the Congressional delegation.

How we did it is still a bit of a puzzle, but what people brought and are still bringing to TMAC offer some clues. Here they are:

- Excellent professional and technical ability, although some acted as if they were idiots, "I'm just a country boy," Dave Williams, an ODOT planner, would say. Always a sign that ODOT was about to give you the shaft.
- Willingness to share professional know how and to bring others along.
- Fidelity to the ideological organizing principle of land use
- Fierce loyalty to one's own jurisdiction's aspirations
- Acknowledgment of what it means to be staff and how that's different than being an elected official, even though some would like to have been, should have been and in a few cases became such!
- Willingness and ability to deliver political support as well as to demand it.
- Willingness to spend the time to think a problem through until a solution was found that everyone could support. This meant long hours after work, copious quantities of beer, lots of Retsina at Demetri's Mediterranean Grill, working lunches, dinners out, stomach grinding breakfasts the next day with every manner of elected official, colleague, acolyte, and cupbearer in the decision process.

The point about beer and Retsina is less whimsical than it sounds, and it had a lot to do with building trust.

We would look at a problem and often declare that it was a "two beer problem" or that it would take a whole bottle of wine to get through it.

And we would go out and drink the beer and get to understand each other better, get to be friends, and learn to respect the pressure and problems we each faced.

A really tough problem would take two bottles of wine, and a massive issue would take a full dinner at Demetri's to sort it through.

I have in a file a placemat from Aldo's Italian Ristorante spotted with chicken cacciatore sauce upon which Andy Cotugno wrote the final funding plan for the Banfield project.

I have a similar file with a napkin from a pub near METRO upon which John Rosenberger and Tom Vanderzanden wrote the funding plan for the South/North project.

Aldo's is gone and the pub is no longer there, neither is Viva Zapata's for that matter, and Demetri's is no longer around, but you may still sometimes hear, "We need a Demetri's solution to this."

Besides party venues probably every jurisdiction has some place where those under the gun retreat to sort it out over food and drink.

And for TMAC Demetri's became such a place for numerous such meetings including the strategy to get the 1989 gas tax, in which nearly all of JPACT showed up a couple of weeks in a row and the more clandestine meetings ten year later that gave birth to the Interstate project.

I can't finish the TMAC story without telling you how fond I became of all the TMACers over the years; how much they all meant to me; how much meaning they gave to my life both professionally and personally.

There may be more important or smarter individual transportation professionals around somewhere but the TMACers are the greatest group of transportation professionals on the planet.

It may not be true anymore, but at one time I was told that TMAC was unique in the nation as an intergovernmental group of transportation officials scheming how to get funding from the federal government.

I have to tell you that I learned a great deal from TMAC. I guess not just how to come together to push through important projects or to wangle some money from the State or the Feds, but how to relate to people; what it means to respect someone else's problems and ideas, how important technical know how is and how genuine are community aspirations.

On my 60th birthday there was a trial run of the Westside trains to Hillsboro and at Hillsboro City Hall the transportation folks put up a big sign wishing me well. I still have that sign and it reminds me of some of the great times we had at TMAC as well as how difficult some of the tasks were.

And the tasks were really difficult sometimes. There often would be a wave of literally bowel-gripping terror come over us. The job was sometimes huge and the risks terrifying.

But over the years we learned a lot together. We learned to share risks if we were going to share money and we learned how to share a lot of money. Over a half a billion dollars in withdrawal funds, as much in Surface transportation funds, and how to find money that otherwise wasn't there. Maybe another \$ 1 billion or more.

And best of all we learned how to spend this money responsibly, and spend it we did and built hundreds of road projects and rail lines into all three counties.

At the outset of this adventure in about 1979 the head planner at the City told me, "There is no way you are going to spend all that withdrawal money. You will never get agreement on what to do before the authority to spend this money lapses."

Well, we proved him wrong.