

ORDINANCE No. 185801

Authorize the addition of Eastside Streetcar Close the Loop improvements to the Portland-Milwaukie Light Rail Project as a City betterment, and execute the Design and Construction Funding Agreement with TriMet (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In 1988, the City of Portland Central City Plan created a vision for an “Internal Transit Loop,” which would create a public transportation system that connects in a continuous loop the west and east sides of the City of Portland over the Willamette River. Since then, the City and Metro and TriMet have been cooperatively pursuing the vision of completing this transit loop.
2. TriMet is constructing the Portland-Milwaukie Light Rail Transit Project, a 7.3-mile alignment extending from Portland State University, through the South Waterfront District, across the River, through Southeast Portland, City of Milwaukie, and ending in unincorporated Clackamas County. The Project includes a new bridge across the Willamette River for use by transit vehicles, buses, cyclists, and pedestrians.
3. The design of the bridge and its connections anticipates and allows for use by the Streetcar network. Adding Streetcar to the bridge will “close the loop” across the Willamette River by providing the necessary infrastructure on the southeast and southwest sides of the River to operate a complete route circling the central city.
4. TriMet has supported the Close the Loop Streetcar effort by incorporating the necessary track and civil elements that fall within the Project operating envelope on both sides of the River. In cooperation with Metro, the City, and PSI, the Project’s National Environmental Policy Act documentation reflects the addition of Close the Loop.
5. The City of Portland has been diligently pursuing funding for The Close the Loop Project while supporting the design and funding for the PMLRT project and has anticipated Close the Loop to be added to the PMLRT Project as a betterment. On July 20 2011 Council authorized Ordinance 184756 adopting the Innovation Quadrant Transportation System Development Charge Overlay District and included the Close the Loop Streetcar as a project eligible for \$5.4 Million in funding.
6. On May 22, 2012, TriMet received a Full Funding Grant Agreement from the Federal Transit Administration (“FTA”) for the PMLRT Project, which agreement authorizes full construction of the Project.
7. On September 22, 2012, the City began service on the Streetcar Loop Extension from SW Market Street to the Oregon Museum of Science and Industry (“OMSI”). This service

provides the northerly Streetcar Loop crossing of the River and provides service to the eastside of Portland in preparation for full loop service.

8. The Eastside Streetcar Close the Loop Betterment Project will be completed by TriMet as a betterment to the City through the Portland-Milwaukie Light Rail Transit Project. The project will modify trackway, electrification, signals and other elements of the Portland Streetcar system to connect Streetcar to the LRT trackway on the Portland-Milwaukie Light Rail Bridge (LRT Bridge) across the Willamette River enabling the Portland Streetcar CL line to operate East and Westside service in a loop between the LRT Bridge on the south and the Broadway Bridge on the north.
9. TriMet is prepared to begin construction of the Eastside Streetcar Close the Loop Betterment Project scope elements as soon as the full City funding has been committed, in writing. TriMet needs this commitment from the City by Jan 1 2013 in order to meet project construction schedule.
10. The City is still finalizing its financing for the Eastside Streetcar Close the Loop Betterment Project, including pursuing federal funding. This pursuit is anticipated to continue into calendar year 2013 before it is finalized.
11. TriMet has submitted a request for a Letter Of No Prejudice (LONP) including Pre-Award Authority for FTA approval. This authorization will allow construction activities associated with the Eastside Streetcar Close the Loop Betterment Project planned for early 2013 to be eligible for future federal grant funding.
12. The project is fully designed to be incorporated into the PMLRT project design and construction packages. The total project cost is \$3,887,578.
13. The City will provide the Initial Local Match Contribution required by any granting agency for the Eastside Streetcar Close the Loop Betterment Project by December 31, 2013. That Initial Local Match Contribution is currently estimated to be \$1,943,789 (50% of the total cost) but could change based on grant requirements.
14. If no additional funds are committed for the Eastside Streetcar Close the Loop Betterment Project scope elements by December 31 2014, the City shall pay a Final Reimbursement to TriMet for any remaining costs, up to a combined total Initial Local Match Contribution and Final Reimbursement of \$3,887,578.
15. The Eastside Streetcar Close the Loop Betterment Project is part of an approximately \$6.8 million dollar Close the Loop package of improvements that also includes the Stephens Turnback and Automatic Train Stop Safety Upgrade Equipment system pursued separately by the City. With the anticipated federal grant participation, the total City commitment to all Close the Loop project elements will be less than the \$5.4 million TSDC Overlay funding eligibility.

16. To ensure that there is adequate funding available to pay the full \$3,887,578 cost of the Eastside Close the Loop Betterment in the occurrence that no additional outside funds are secured, the City will not execute contracts for the purchase or installation of the Automatic Train Stop equipment until there is adequate assurance that Eastside Streetcar Close the Loop Betterment grant funding will be obtained.
17. The Bureau's level of confidence in the cost estimates for this project is high as contributions to TriMet will be lump sum and not subject to construction change orders.

NOW, THEREFORE, the Council directs:

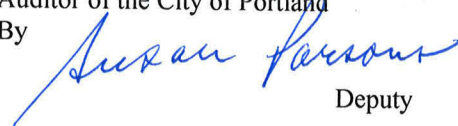
- a. The Commissioner in Charge and the Auditor are authorized to sign the Eastside Streetcar Close the Loop Betterment Design and Construction Funding Agreement, substantially in accordance with the agreement attached to the original of this ordinance and, by reference, made apart hereof.
- b. Staff to incorporate Eastside Streetcar Close the Loop Betterment Project scope into the PMLRT Project as a betterment and document its inclusion through an amendment to the existing Intergovernmental Agreement with TriMet for design and construction Management Services for the Portland-Milwaukie Light Rail Transit Project (Contract No. 30001514).
- c. The Mayor and the City Auditor are hereby authorized to draw and deliver checks when demand is presented and approved by proper authorities.

Passed by the Council, DEC 12 2012

Mayor Sam Adams
Prepared by: Art Pearce:slg
Date Prepared: November 15, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By


Deputy

108281

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Agenda No. **185801**
ORDINANCE NO. 185801
 Title

✓ Authorize the addition of Eastside Streetcar Close the Loop improvements to the Portland-Milwaukie Light Rail Project as a City of Portland betterment and execution of the Design and Construction Funding Agreement (Ordinance)
 with Trimet

INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS	CLERK USE: DATE FILED <u>NOV 30 2012</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams	LaVonne Griffin-Valade Auditor of the City of Portland ON BEHALF OF Mayor Adams
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other:	ACTION TAKEN: DEC 05 2012 PASSED TO SECOND READING DEC 12 2012 9:30 A.M.
Prepared by: Art Pearce:slg	
Date Prepared: November 15, 2012	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date December 5, 2012	
City Attorney Approval City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	

AGENDA TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>3:00</u> 1 of 34 Total amount of time needed: 30 min shared (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA		COMMISSIONERS VOTED AS FOLLOWS:	
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman		
4. Leonard	4. Leonard		
Adams	Adams	✓	