

## **ORDINANCE No. 189463**

\*Accept a \$2 million grant from TriMet, authorize Intergovernmental Agreement for the Division Transit Project, and appropriate \$750,000 in FY 2018-19 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. TriMet is created and operated under ORS Chapter 267 and owns and operates the public mass transit system serving the tri-county area of Multnomah, Washington, and Clackamas counties. The City is a municipal corporation organized under the laws of the State of Oregon.
2. Pursuant to ORS Chapter 190, the Parties have the authority to enter into this Agreement.
3. Metro began planning for the Powell-Division Corridor in 2014 by convening a project Steering Committee and holding a series of public open houses and meetings.
4. On October 2, 2015, the Federal Transit Administration ("FTA") approved the Powell-Division Corridor Project for entry into Small Starts Project Development.
5. The committee of key stakeholders and community members approved the Powell-Division Corridor Project plan, formally known as the "Locally-Preferred Alternative," in November 2016.
6. On December 7, 2016, the Portland City Council approved Resolution No. 37254 adopting the Locally Preferred Alternative for the Powell Division Corridor Project and conditions of approval.
7. This Locally Preferred Alternative was unanimously approved by the City of Gresham, Metro Council, the Multnomah County Commission and the TriMet Board of Directors.
8. Powell-Division Corridor Project leadership was transferred from Metro to TriMet on December 20, 2016. The name of the Project was subsequently changed to the Division Transit Project ("Project") to reflect the preferred alignment.
9. On March 22, 2017, the FTA approved the Project for project justification warrants, limiting the project budget to less than \$175 million.
10. On August 15, 2018, the Portland City Council approved Ordinance No. 189116 authorizing execution of a financing agreement with TriMet to provide a portion of the total local match funding as required by the FTA.

11. The Project is currently defined as a 15-mile project to improve transit service in the Division Street corridor, consisting of Bus Rapid Transit (BRT) and up to forty enhanced BRT stations between Union Station in downtown Portland and Gresham. Approximately 11.2 miles of that alignment are within the City of Portland limits.
12. Final design is expected to be complete in 2019. The Project schedule is attached as the first exhibit in the IGA (Exhibit A). The starting point for the final design work is the Final 30% Refined design drawings and the City of Portland Resolution No. 37254 adopting the Locally Preferred Alternative, along with resolution's Exhibits. The starting point for the Construction phase is the 100% plans.
13. TriMet cannot construct or implement the Project without the use of City right-of-way or property. The City is willing to allow TriMet use of City right-of-way and property for the Project without being compensated for such use because the Project provides benefits to the public in the form of enhanced transit service.
14. The City of Portland and TriMet are committed to Vision Zero improvements in this corridor. The City has undertaken the Outer Division Multi-Modal Safety Project ("ODMMSP") and will be installing pedestrian and bicycle safety improvements including buffered bicycle lanes, raised center median, more streetlights and lower speed limits. TriMet and the City of Portland will work to coordinate these improvements with the vision zero improvements included in the Project.
15. The City of Portland and ODOT are coordinating on All Roads Transportation Safety (ARTS) and Highway Safety Improvement Program (HSIP) projects in the Project corridor. Located at 112<sup>th</sup>/Division Street, the ARTS project will rebuild the traffic signals at the intersection. An additional ARTS project will install intersection illumination on Division St. at 158<sup>th</sup> to 167<sup>th</sup>. At 125<sup>th</sup>/Division, the HSIP project will install a new traffic signal at the existing uncontrolled intersection. TriMet and the City of Portland will work to coordinate these projects with the Project.
16. City staff are also coordinating East Portland Access to Transit (EPAT) improvement projects in the Project corridor. Rapid Rectangular Flashing Beacon (RRFB) pedestrian crossing improvement projects are planned for 132<sup>nd</sup>/Division and 139<sup>th</sup>/Division. TriMet and the City of Portland will work to coordinate these improvement projects with the Project.
17. City of Portland staff time expended on the Project for Preliminary Engineering up to completion of 30% design drawings has been provided via in-kind match.
18. This agreement is for final design, construction, including testing and start-up, and close-out.

19. The City has a duty to the general public to provide safe and convenient streets and to protect itself from unreasonable financial burdens imposed by TriMet's use of the streets.
  20. The Project is, or will be, subject to budgetary limitations imposed by the FTA and Finance Agreements, and all terms and conditions of the FTA Small Starts Grant Agreement ("SSGA") will apply to this Agreement.
  21. The Parties have identified the following objectives with respect to the Project:
    - (a) Build the Project within budget and on-schedule;
    - (b) Demonstrate that bus rapid transit can be constructed in a cost-effective manner;
    - (c) Effectively coordinate separately funded yet related transportation improvement projects in the Project corridor, and
    - (d) Develop the best-qualified City-TriMet team for management of the Project.
  22. The Parties desire to enter into this Agreement to document each Party's understandings and agreements relating to services provided during the design, construction, testing and start-up, and close-out phases of the Project. The Parties understand that this Agreement will provide a starting point for future modifications or amendments to this Agreement that better define each Parties services related to construction, start-up, and close out phases of the Project once more details are known.
  23. Upon completion of Project construction, the Parties plan to enter into a Project maintenance agreement that will detail each Party's obligations with respect to maintenance of the facilities.
  24. The Bureau's level of confidence in the cost estimates for this project is High (the bureau has a high level of confidence that the cost estimates are accurate based on FTA Small Starts Funds guidelines and restrictions).
- NOW, THEREFORE, the Council directs:
- a. That the Commissioner-in-Charge is hereby authorized to accept on behalf of the City of Portland a grant from TriMet for the Division Transit Project in the amount of \$2.0M. Any increases to the grant amount must be approved by the City Council.
  - b. The Commissioner-in-Charge is hereby authorized to execute an IGA for the Division Transit Project in the amount of \$2,000,000.00 in a form similar to Exhibit A.

- c. The Commissioner-in-Charge is authorized to execute amendments to this IGA approved as to form by the City Attorney, provided the changes do no increase the City's financial risk.
- d. The grant appropriation shall amend the FY 2018/2019 budget as follows:

GRANTS FUND

Fund 217

Business Area – TR

Bureau Program Expenses - \$750,000.00

- e. The OMF Grants Office is authorized to perform all administrative matters in relation to the grant application, grant agreement or amendments, requests for reimbursement from the grantor, and to submit required online grant documents on the Commissioner-in-Charge's behalf.

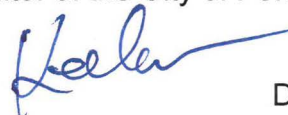
Section 2.

The Council declares that an emergency exists because a delay in executing this amendment could delay provision of services, with possible impact to initiation of construction and increased Project costs; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council

Passed by the Council, APR 17 2019

Commissioner Chloe Eudaly  
Prepared by: Caitlin Reff: CB  
Date Prepared: 3/18/2019

**Mary Hull Caballero**  
Auditor of the City of Portland  
By



Deputy

Agenda No.  
Ordinance NO. 189463  
Title

*million*  
✓ \*Accept a \$2.0M grant from Tri-County Metropolitan Transportation District of Oregon (TriMet), authorize Intergovernmental Agreement (IGA) for the Division Transit Project, and appropriate \$750,000 in FY 2018-19 (Ordinance)

INTRODUCED BY Commissioner/Auditor: <b>Chloe Eudaly</b>	CLERK USE: DATE FILED <u>APR 09 2019</u>
COMMISSIONER APPROVAL	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p> <p>ACTION TAKEN:</p>
Mayor—Finance & Administration – Wheeler	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Hardesty	
Position 4/Safety - Eudaly <i>CEE 4/11/19</i>	
BUREAU APPROVAL	
Bureau: PBOT Group: Capital Delivery Division Group Manager: Millicent Williams <i>MW</i> Director: Chris Warner <i>CW</i>	
Prepared by: Caitlin Reff; CB <i>CR</i> Supervisor: Teresa Boyle <i>TB</i> Date Prepared: March 18, 2019	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan <i>[Signature]</i> <i>3/25/19</i>	
Council Meeting Date April 17, 2019	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

Revised 8/2017

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Fish	2. Fish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Hardesty	3. Hardesty	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wheeler	Wheeler	<input checked="" type="checkbox"/>	<input type="checkbox"/>