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190692

Emergency Ordinance

***Authorize Intergovernmental Agreement with Oregon Department of Transportation to construct pedestrian improvements on SW Capitol Highway between SW Barbur Blvd and SW Taylors Ferry Rd**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. SW Capitol Highway and SW Taylors Ferry Road are streets under the jurisdiction of the City of Portland maintained by the Portland Bureau of Transportation (PBOT);
2. SW Barbur Boulevard (Oregon Highway 99W) is a roadway under the jurisdiction of the State of Oregon Department of Transportation (ODOT);
3. ODOT has procured a contractor to construct a concrete sidewalk and bikeway along the east side of SW Capitol Highway between SW Barbur Boulevard and SW Taylors Ferry Road, and a pedestrian plaza at the northeast corner of SW Capitol Highway and SW Barbur Boulevard, as part of ODOT's Barbur Crossroads Safety Project;
4. The proposed pedestrian improvements on SW Capitol Highway between SW Barbur Boulevard and SW Taylors Ferry Road are improvements requested by PBOT and are not eligible for the ODOT All Roads Transportation Safety (ARTS) funding that ODOT is otherwise using to construct the Barbur Crossroads Safety Project;
5. PBOT's Fixing Our Streets program, funded by a ten-cent gas tax approved by Portland voters in May 2016 and again in May 2020, includes a funding line item entitled, "ODOT Partnership: Match Safety Grants," with available balance;
6. PBOT's Transportation System Development Charge (TSDC) program includes a funding line item entitled, "West Portland Connected Centers Project" with available balance and eligibility for projects that increase person travel capacity in the West Portland Town Center including new sidewalks and pedestrian plazas;

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Transportation](#)

Prepared by

Steven Szigethy

Date Prepared

December 22, 2021

Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

February 2, 2022

7. On October 12, 2021 PBOT's internal Capital Investment Committee approved a supplemental allocation of the Fixing Our Streets "ODOT Partnership: Match Safety Grants" funding line item that, when combined with previously approved allocations of Fixing Our Streets and TSDC, is sufficient to provide \$209,000 in City funding toward ODOT's Barbur Crossroads Safety Project; and
8. The Bureau's level of confidence in the cost estimate for this project is high because ODOT accepted a bid from a construction contractor and shared the cost information with PBOT.

NOW, THEREFORE, the Council directs:

- A. The Commissioner-in-Charge is hereby authorized to execute an Intergovernmental Agreement (IGA) in a form similar to Exhibit A under which PBOT will provide funding to ODOT in the amount of two hundred and nine thousand dollars (\$209,000) for the construction of pedestrian improvements on SW Capitol Highway between SW Barbur Boulevard and SW Taylors Ferry Road.
- B. The Director of PBOT may execute amendments to the IGA if such changes, in the opinion of the Director in consultation with General Counsel, do not materially change the City's obligations or risks; and
- C. The Office of Management & Finance Grants Management Division is authorized to perform all administrative matters in relation to the IGA on behalf of the Director of PBOT.

Section 2. The Council declares that an emergency exists because ODOT has procured a construction contractor and is ready to begin construction on the pedestrian improvements described herein; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A](#) (1013.28 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
February 2, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (31.65 Kb)

Budget Office Financial Impact Analysis

This legislation asks to authorize an Intergovernmental Agreement between Portland's Bureau of Transportation (PBOT) and the Oregon Department of Transportation (ODOT) for the construction of pedestrian improvements. ODOT has agreed to construct a concrete sidewalk and bikeway, and a pedestrian plaza through ODOT's Barbur Crossroads Safety Project. Since the proposed pedestrian improvements are not eligible for the ODOT All Roads Transportation Safety (ARTS) funding that ODOT is using to construct other elements of the project, the Portland Bureau of Transportation (PBOT) has agreed to provide \$209,000 in local funding to cover the cost of the pedestrian improvements on SW Capitol Highway.

Total cost of the project is \$238,978, which includes approximately \$29,978 for PBOT staff time. The cost of the ODOT project elements funded by PBOT is \$209,000. The two agencies agreed through the Intergovernmental Agreement (IGA) that ODOT must cover any project element costs over and above \$209,000.

City funding for the IGA has been budgeted in the Capital Improvement Program (CIP). PBOT's internal Capital Investment Committee has already approved full funding for this IGA. Any adjustments to the Bureau's FY 2022 Adopted Budget will be addressed in the Spring Budget Monitoring Process (BMP).

This proposed legislation will result in community impacts.

Agenda Items

70 Consent Agenda in [February 1-2, 2022 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea