



190795

Emergency Ordinance

***Authorize Intergovernmental Agreement for Jurisdictional Transfer of Portions of 82nd Ave with Oregon Department of Transportation, accept \$80 million in American Rescue Plan Act funding for improvements, and appropriate \$615,000 in FY 2021-22**

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. 82nd Avenue (a portion of Highway 213) is part of the State highway system under the jurisdiction and control of the Oregon Transportation Commission as exercised through the Oregon Department of Transportation (ODOT). This highway also passes through the city of Portland (City) jurisdiction and serves as an arterial.
2. 82nd Avenue serves as an important street in the city of Portland for people walking, biking, taking transit and driving. It provides access to businesses, homes and institutions. Managing traffic operations in a multimodal, urban corridor is an area of expertise for the City with strong policy guidance from Comprehensive Plan policies 9.6 and 9.7, the transportation modal hierarchy.
3. Through HB 5006, the State of Oregon committed to \$150M in funding for state of good repair and safety improvements to 82nd Avenue in support of transferring the roadway. The City of Portland has committed \$35M in funding for improvements to the corridor.
4. The state's initial contribution of \$80,000,000 is American Recovery Plan Act (ARPA) funding and will be used to fund critical safety and maintenance projects as described in Exhibit B. This funding must be obligated by December 31, 2024 and expended by December 31,

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Transportation](#)

Contact

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Transportation Planning

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Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

April 28, 2022

Requested Start Time

2:00 pm

Time Requested

90 Minutes

2026.

5. The City will receive a second payment of \$70,000,000 from the Oregon Department of Transportation beginning as soon as 2026. The second payment will be in part unprogrammed Federal Highway Administration (FHWA) funds. PBOT will develop a Civic Corridor Plan in consultation with community members to program these funds to improve safety, asset condition, the movement of people and access to community destinations consistent with City transportation policy.
6. By the authority granted in ORS 366.395, ODOT may relinquish title to any of its property not needed for highway purposes to any other governmental body or political subdivision within the State of Oregon, subject to such restrictions, if any, imposed by deed or other legal instrument or otherwise imposed by the State; ODOT has expressed its desire to do so.
7. ODOT and City staff agree that a jurisdictional transfer of portions of NE and SE 82nd Avenue from NE Killingsworth Street to SE Clatsop Street to the City of Portland is consistent with both State and City policy. Having this section of road under the City's jurisdiction will allow the City greater influence over safety, maintenance and operations. ODOT will retain ownership of the 82nd Avenue structure over I-84 as well as the intersections of 82nd Avenue with NE Killingsworth Street, NE Webster Street and SE Powell Boulevard with this transfer.
8. The project numbers for this grant are T01170, T01179, T01183, T01216, T01217, and T01218. The grant number is TR000338.

NOW, THEREFORE, the Council directs:

- A. The Commissioner-in-Charge is hereby authorized to enter into an Intergovernmental Agreement for Jurisdictional Transfer of portions of NE and SE 82nd Avenue from NE Killingsworth Street to SE Clatsop Street with the Oregon Department of Transportation on behalf of the City of Portland, in a form substantially similar to Exhibit A attached to the original of this ordinance.
- B. The Commissioner-in-Charge is hereby authorized to accept on behalf of the City of Portland a grant from the Oregon Department of Transportation for capital projects on 82nd Avenue in the amount of \$80,000,000.
- C. The Commissioner-in-charge to execute an Intergovernmental Agreement in the amount of up to \$80,000,000 in a form

substantially similar to the contract attached as Exhibit B.

- D. The Commissioner-in-Charge is authorized to execute amendments, approved as to form by the City Attorney, to the scope of the services or the terms and conditions of this Agreement, provided the changes do not increase the City's financial risk by 20% or greater.

- E. The FY 2021-2022 budget is hereby amended as follows:
GRANTS FUND
Fund: 217
Business Area- TR00
Bureau Program Expenses \$615,000

- F. 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 delay would unnecessarily delay the City's ability to perform the activities authorized in the IGA; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A - As Amended](#) (10.1 Mb)

 [Exhibit B](#) (1.1 Mb)

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 as amended by Council
April 28, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (33.81 Kb)

Agenda Items

339 Time Certain in [April 27-28, 2022 Council Agenda](#)

Passed As Amended

Motion to reconsider the vote: Moved by Wheeler and seconded by Hardesty. (Y-4)

Motion to accept substitute Exhibit A: Moved by Hardesty and seconded by Wheeler. (Y-4)

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Absent

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea