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191181

Emergency Ordinance

*Authorize Continuing Control Agreement with TriMet to operate and maintain the Portland-Milwaukie Light Rail Transit Project in the City right-of-way

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. On July 17, 2008, City Council adopted Resolution no. 36625 to adopt the South Corridor Phase II: Portland-Milwaukie Light Rail Project (Project) Locally Preferred Alternative and project conditions.
2. On May 22, 2012, TriMet entered into a Full Funding Grant Agreement with the FTA for acquisition, construction, operation, and maintenance of the Project.
3. Construction of the Project is complete. TriMet began revenue service in September 2015.
4. TriMet and its contractors were issued permits to construct certain portions of the Project in or above City streets in accordance with the Design and Construction Management Services Agreement (City Contract no. 30001514, Ordinance no. 183924) passed by Council on June 23, 2010.
5. As part of the Project, rail tracks and certain other structures have been constructed, operated, and maintained in the public right-of-way from downtown Portland to unincorporated Clackamas County, within the City's jurisdiction.
6. The City owns the public right-of-way that is crossed by portions of the Project alignment, and the City will be retaining the title interest in that property, but is willing to allow TriMet the permanent right to use such real property for construction, operation, and maintenance of the Project.

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

February 22, 2023

7. The FTA requires execution of an agreement between TriMet and the City to satisfy the continuing control requirements for the Project. Execution of this Continuing Control Agreement is a routine element of Project documentation.

NOW, THEREFORE, the Council directs:

- A. That the Commissioner-in-Charge is hereby authorized to enter into a Continuing Control Agreement with TriMet for the Portland-Milwaukee Light Rail Transit Project, in a form substantially similar to the contract attached to this Ordinance as Exhibit A.

Section 2. The Council declares that an emergency exists because a delay in executing this contract will prevent implementation of maintenance for these facilities; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A](#) 725.1 KB

 [Exhibit A - Ex. A](#) 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 by Council
February 22, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

- The Portland-Milwaukee Light Rail Project is in final close-out and TriMet and the City wish to execute a Continuing Control contract that will allow TriMet to continue operation and control of their facilities in public right-of-way constructed by the Project.

Financial and Budgetary Impacts

- This contract is to determine future asset control and operation of TriMet facilities along this completed project. There is no dollar amount or financial obligation associated with this contract.

- The capital project number for this project is T00731.
- There will be no update to the budget related to this contract.
- Construction is complete on the Portland-Milwaukie Light Rail Project. The Project opened for passenger service in September 2015, and The Gideon Overcrossing opened to the public in November 2020. The Project is in the final phase of close-out. The City and TriMet now desire to describe and agree to their respective maintenance responsibilities for facilities in public right-of-way constructed by the Project, which will take effect upon execution of this Agreement.

Community Impacts and Community Involvement

- This contract is administrative in nature and does not carry community impacts. Community outreach and involvement was conducted in earlier phases of this project.

Agenda Items

160 Consent Agenda in [February 22, 2023 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea