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191284

Emergency Ordinance

***Amend contract with Oregon Department of Transportation to incorporate Right of Way Services during construction for the Portland Safety Projects - All Roads Transportation Safety Project (amend Contract 30006914)**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Bureau of Transportation (PBOT) serves as the lead agency for the City of Portland (City) on the Portland Safety Projects, All Roads Transportation Safety (ARTS) Project. Other City bureaus in concert with PBOT including but not limited to, the bureaus of Development Services, Environmental Services, Parks and Recreation, Planning and Sustainability, and the Portland Water Bureau.
2. On July 13, 2019, by Ordinance No. 189562, City Council authorized execution of an Intergovernmental Agreement (IGA) for design and construction management services for the Project. The IGA documents understandings and agreements relating to services being provided between Oregon Department of Transportation and the City.
3. City of Portland is responsible for delivering the Safety project ("Project") under supplemental project Agreement Number 32760 executed on 7/2019 ("Project Agreement") attached hereto as Exhibit C and by this reference made a part hereof.
4. This Agreement covers a subset of the work set forth in the Project Agreement; therefore, the Project Agreement describes the general scope and funding for the right of way activities carried out under this Agreement. This Agreement further defines the roles and responsibilities of the Parties regarding real property to be used as part of the right of way for the Project, and further refines the details of the scope and funding for these right of way activities.

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Transportation](#)

Contact

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date
May 24, 2023


5. As of the Effective Date of this Agreement, there are no local public agencies ("LPAs") certified to independently administer federal-aid projects for right of way services. State is ultimately responsible for the certification and oversight of all right of way activities under this Agreement.
6. Under such authority, to accomplish the objectives in the project agreement, Agency agrees to perform the right of way Services shown in Exhibit A - Special Provisions ("Services"), attached hereto and by this reference made a part hereof.
7. The Parties agree to comply with the terms of this Agreement and the applicable terms of the agreement in performing the Services. In the event of a direct conflict, the terms of the Project Agreement will control over any conflicting provision in this Agreement.
8. The funding and payment for the Services are set forth in the Project Agreement. This Agreement commits no additional funding for the Services.

NOW, THEREFORE, the Council directs:

- A. That the Commissioner-in-Charge is hereby authorized to execute Amendment No. 1 to the Intergovernmental Agreement with the Oregon Department of Transportation to incorporate the Right of Way Services for the Portland Safety Projects; All Roads Transportation Safety (ARTS) Project, in a form similar to the contract attached as Exhibit A.

Section 2. The Council declares that an emergency exists because a delay would unnecessarily delay the City's ability to perform the activities authorized by the grant; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2023/exhbit-a-30006914-pdxsafety_rowsa-amendment-1.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2023/exhbit-a-30006914-pdxsafety_rowsa-amendment-1.pdf) 3.19 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

May 24, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

- This ordinance will authorize an amendment to an existing Intergovernmental Agreement (IGA) between the City of Portland (PBOT) and the Oregon Department of Transportation to include Right of Way Services during design and construction of the Portland Safety Projects, All Roads Transportation Safety (ARTS) Project.
- Under this agreement, PBOT serves as the lead agency for this project and is responsible for the successful delivery of this project.
- This amendment intends to cover a subset of the work set forth in the Project Agreement; therefore, the Project Agreement describes the general scope and funding for the right of way activities carried out under this Agreement. This Agreement specifically defines the roles and responsibilities of the Parties regarding real property to be used as part of the right of way for the Project, and further refines the details of the scope and funding for these right of way activities.
- This will represent the first amendment to the IGA in order to reflect work required in the right-of-way and additional services required to be provided by City staff.
- This is a routine business request to execute an amendment to an existing IGA. There are no known parties who would be interested in or object to this action. It makes no changes to City policies.

Financial and Budgetary Impacts

- Project No. is T00888 and Grant No. is TR000288
- The project is included in the FY 2022-23 Adopted Budget and five-year forecast.
- No adjustments to appropriation are requested as a part of this ordinance.

Community Impacts and Community Involvement

- Improving safety and convenience for cyclists and pedestrians has long been a priority of Vision Zero throughout high crash corridors around East Portland.
- This proposal benefits East Portland by upgrading intersections and introducing safety improvements that will reduce fatalities and serious injuries.

- These projects were designed to reduce crashes and fatalities, make it easier to cross streets, access transit, increase illumination, and improve safe access to parks and schools.
- In addition to providing citywide benefits, this project prioritizes funding on East Portland streets with the highest concentration of crashes and high levels of diversity.
- Most recent outreach indicates a growing consensus of support for the funding priorities identified in the project list from numerous safety, neighborhood, and business groups.

100% Renewable Goal

N/A.

Budget Office Financial Impact Analysis

This action makes a non-budgetary amendment to the existing contract with ODOT and has no fiscal impact.

Agenda Items

407 Consent Agenda in [May 24, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/5/24)
(<https://www.portland.gov/council/agenda/2023/5/24>)

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea