

SOUTH/NORTH LIGHT RAIL TRANSIT PROJECT
STEERING COMMITTEE AGREEMENT

THIS AGREEMENT is entered into this 3rd day of June, 1998, by Metro, Oregon Department of Transportation (ODOT), Tri-County Metropolitan Transportation District of Oregon (Tri-Met), Clackamas and Multnomah counties, political subdivisions of the State of Oregon, and the cities of Milwaukie and Portland, incorporated municipalities of the State of Oregon.

WHEREAS, the existing South/North Light Rail Transit Project steering committee (hereinafter LPS steering committee) of policymakers from participating jurisdictions representing areas for Phase I and Phase II was established for the federal Locally Preferred Strategy process in the Evaluation Methods Report of May 20, 1996, to assure coordination on the federally required Draft Environmental Impact Study of a South/North Light Rail Project; and

WHEREAS, the Oregon Legislature enacted Oregon Laws 1996, Chapter 12 ("the Act") establishing mandatory state procedures for siting the South North MAX Light Rail Project by the use of a regional "land use final order" (LUFO) to be adopted by the Metro Council; and

WHEREAS, Section 4 of the Act requires the Land Conservation and Development Commission (LCDC) to establish criteria to be used by the Metro Council in making decisions in the land use final order on the light rail route, stations, lots and maintenance facilities, and the highway improvements for the project; and

WHEREAS, the LCDC held a public hearing on May 30, 1996 and adopted the region's proposed South/North Land Use Criteria, attached as Exhibit A, as the Criteria for use by the South/North Project; and

WHEREAS, Section 1(21) of the Act requires the establishment of a Steering Committee (hereinafter LUFO Steering Committee) for Phase I ("the Project") and Phase II ("the Project Extension") of the South North MAX Light Rail Project, to be comprised at least of representatives of Tri-Met, ODOT, and elected officials of the affected local governments and Metro, whose specific membership and manner of function are to be determined by intergovernmental agreement between Metro, Tri-Met, ODOT and the affected local governments for the Project or Project Extension; and

WHEREAS, Section 6(1)(a) of the Act requires the LUFO Steering Committee to make recommendations to Tri-Met as to the light rail route, stations, lots and maintenance facilities, and the highway improvements for the Project, including their locations, prior to the time Tri-Met applies to Metro for approval of a LUFO for the Project; and

WHEREAS, Section 11(1) and (2) of the Act requires a Steering Committee intergovernmental agreement identified in Section 1(21) to contain provisions to determine how any measures or improvements of the Project would be deferred or deleted if deferral or deletion is required as a condition of executing a Full Fund Grant Agreement or due to insufficient funds to fully execute the approved Full Funding Grant Agreement; and

WHEREAS, Section 8(3) of the Act requires that a Steering Committee intergovernmental agreement identified in Section 1(21) contain provisions by which the LUFO Steering Committee may determine whether locally-imposed development approval conditions are unreasonable or unnecessary or would prevent implementation of a land use final order; and

WHEREAS, participating jurisdictions representing areas for both Phase I and Phase II have been cooperating to study High Capacity Transit Studies under an organizational and oversight structure originally established in Metro Resolution No. 90-1179 and IRC Resolution No. 89-11-03, and amended in Metro Resolution No. 92-1549 and IRC Resolution No. 1-92-2; and

WHEREAS, upon completion of the Draft Environmental Impact Statement, a notice is published in the Federal Register to allow a minimum 45-day comment period, which includes a public hearing; and

WHEREAS, upon review of the public comments at the Project Managers Group, Citizen Advisory Committee and Downtown Oversight Committee, a federally required Locally Preferred Strategy will be recommended to the LPS steering committee, JPACT and the Metro Council for adoption of the federally required Locally Preferred Strategy; and

WHEREAS, Phase I of the South/North MAX Light Rail Project was defined in the Phase I South/North Corridor Project Locally Preferred Alternative Report to include light rail route, stations, lots and maintenance facilities for a project from Clackamas Town Center to Vancouver; and

WHEREAS, Project Extensions are being studied from Clackamas Town Center to Oregon City; and

WHEREAS, additional environmental study of Phase I will be done in the federally required Final Environmental Impact Statement (EIS); and

WHEREAS, federal approval of the Phase I Project for funding will be in the federally required Full Funding Grant Agreement, which may add or delete Project components; now, therefore,

METRO, TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRI-MET), CLACKAMAS AND MULTNOMAH COUNTIES, CITIES OF MILWAUKIE AND PORTLAND AND OREGON DEPARTMENT OF TRANSPORTATION (ODOT), AGREE AS FOLLOWS:

I. Affected Local Governments

For Phase I (the Project), Multnomah and Clackamas are the counties and Portland and Milwaukie are the cities in Oregon within which the light rail route, stations, lots and maintenance facilities and any highway improvements will be located. The LUFO Steering Committee for Phase I shall be comprised of one representative each from these affected local governments, and one representative each from Tri-Met, ODOT and Metro. The representatives of Metro, Milwaukie, Portland, Clackamas County and Multnomah County shall each be elected officials of those jurisdictions.

II. LUFO Steering Committee Membership

Consistent with the Act, Metro, Tri-Met, ODOT, Multnomah and Clackamas counties and the cities of Portland and Milwaukie shall be voting members of the LUFO Steering Committee for Phase I (the Project). The LUFO Steering Committee shall include other local governments and agencies represented on the LPS steering committee of all Phase I and Phase II participating jurisdictions as non-voting, ex officio members in the consideration of the recommendations to Tri-Met.

III. Phase I Recommendations

A. The LUFO Steering Committee shall forward recommendations to Tri-Met on the light rail route, stations, lots and maintenance facilities, and any highway improvements for the Project, including their locations, to be included in a land use final order. The recommendations shall be submitted to Tri-Met prior to the time Tri-Met applies to the Metro Council for approval of a land use final order for the Project.

B. If the Metro Council refers an application back to Tri-Met consistent with the Act, the LUFO Steering Committee may consider and recommend to Tri-Met any proposed revisions to the Phase I Project.

C. If the Metro Council refers an application back to Tri-Met consistent with the Act, Tri-Met shall request the views of the LUFO Steering Committee as to proposed revisions to its application if, in its judgment, time and circumstances reasonably permit.

IV. Manner of Function

A. Metro shall staff the LUFO Steering Committee through the time of publication of the Final Environmental Impact Statement for the Project. Thereafter, Tri-Met shall staff the LUFO Steering Committee.

B. Phase I Recommendations

1. Each voting member of the LUFO Steering Committee shall have one vote on Phase I recommendations to Tri-Met. A Phase I recommendation shall be forwarded to Tri-Met only upon an affirmative vote of a majority of voting members.

2. All members of the LPS steering committee that are not voting members of the LUFO Steering Committee may participate as non-voting, ex officio members in the consideration of the Phase I recommendation to Tri-Met by the LUFO Steering Committee.

V. Separate Phase I Intergovernmental Agreement


Upon adoption of a Phase I land use final order, the parties agree to begin development of a separate Phase I Intergovernmental Agreement to implement Sections 8(3), 11(1) and 11(2) of the Act.

VI. Amendments to Intergovernmental Agreement

The terms of this Agreement may be amended or supplemented by unanimous agreement of the parties to this Agreement. Any amendments or supplements shall be in writing, shall refer specifically to this Agreement, and shall be executed by the parties.

VII. Phase II Intergovernmental Agreement

The parties shall enter into a separate Intergovernmental Agreement for Phase II (the Project Extension). The Agreement shall be in accordance with Oregon Laws 1996, Chapter 12, and shall include additional affected parties as defined by the Act. The parties agree to exercise good faith efforts to enter into such agreement prior to the completion of a Draft Environmental Impact Statement for the Phase II Project Extension.



(Signature for Metro)
Mike Burton, Exec. Officer

(Print Name and Title)
May 27, 1998

(Date)

Judie Hammerstad
(Signature for Clackamas County)
Judie Hammerstad, Clackamas Cty. Chair
(Print Name and Title)
May 28, 1998
(Date)

Beverly Stein
(Signature for Multnomah County)
Beverly Stein, Multnomah County Chair
(Print Name and Title)
May 27, 1998
(Date)

Carolyn Tomei
(Signature for City of Milwaukie)
Carolyn Tomei, Mayor
(Print Name and Title)
May 29, 1998
(Date)

Charlie Hales
(Signature for City of Portland)
Charlie Hales, Commissioner
(Print Name and Title)
5/28/98
(Date)

(Approved as to Form) **APPROVED AS TO FORM**

Jeffrey L. Rogers ^{KSL}

CITY ATTORNEY

Kay Van Sickle
(Signature for Oregon Department of
Transportation (ODOT))
KAY VAN SICKLE
REGION 1 MANAGER
(Print Name and Title)
6/3/98
(Date)

Robert Stacey
(Signature for Tri-County Metropolitan
Transportation District of Oregon (Tri-Met))
Robert Stacey
Exec. Director, Policy & Planning
(Print Name and Title)
5/26/98
(Date)

Attachments:

- Exhibit A: Adopted South/North Land Use Criteria
- Exhibit B: HB 3478

APPROVED AS TO LEGAL SUFFICIENCY:

Dean M. Phillips

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REVIEWED

By Matthew J. Ryan
MULTNOMAH COUNTY COUNSEL