

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN PORTLAND PUBLIC SCHOOLS**  
**AND**  
**THE CITY OF PORTLAND**

This memorandum of understanding (MOU) is made and entered into on \_\_\_\_\_, by and between Portland Public School District No. 1J, Multnomah County, Oregon ("District") and The City of Portland ("City").

**PURPOSE**

The purpose of this MOU is to identify areas of agreement between the City and the District concerning the review, prioritization and implementation of transportation safety improvements concerning District schools.

**RECITALS**

- A. In 2009 the City initiated the Schools and Parks Conditional Use Code Refinement Project to address concerns regarding the regulation of schools and parks. Through this process the Planning Commission raised a concern about the adequacy of transportation infrastructure near schools with younger students. In addition to other recommendations, the Planning Commission recommended to the City Council that a Type III Conditional Use Review be required when grades K-5 are added to a school containing grades 6-8. The Planning Commission's intent of the requirement was to "allow for a public review of the safety of adding younger children to a school (and transportation system) designed for older students."

**Transportation Safety Goals**

- B. As many impediments and barriers to transportation safety occur in the public-right-of way, the District and City have a strong interest in identifying and addressing impediments to ensure the safety of District students and the surrounding community.
- C. Barriers to safe transportation may include needed physical improvements to eliminate safety hazards or lack of knowledge of alternative transportation options or routes.
- D. School administration, teachers, parents, and students are well positioned to identify transportation barriers because they live with the consequences of the barriers every day. Portland Bureau of Transportation staff possesses expertise related to the tools available to remove those barriers.
- E. Reducing the number of students brought to school in private vehicles mutually benefits the City, the District, and the community by decreasing traffic and parking congestion, reducing traffic and parking complaints, increasing efficiencies, reducing environmental impacts and creating safer traffic flow around schools.

## **District Wide Assessment of Transportation Safety**

- F. Most schools in Portland are in residential zones. As such, they are not allowed by right and are subject to the Zoning Code's Conditional Use Review process. Through the Review, the applicant must demonstrate that the transportation system can support the school uses, in addition to the existing uses in the area.
- G. The Conditional Use Review process provides a prescriptive approach to transportation safety improvements that can impose requirements through conditions of approval that are difficult for a resource-constrained public school district to meet. The evaluation of transportation adequacy on a case by case basis and solely through the City's Conditional Use Review process does not capture the relative need of transportation safety throughout the District. The District and City need an assessment of needed transportation improvements for all District schools that allows a prioritization of the relative need of improvements throughout the District, not just on a school-by-school basis provided by the conditional use review process.

## **Safe Routes to School Program**

- H. Portland SRTS Program is a partnership of the City of Portland, schools, neighborhoods, community organizations and agencies that advocates for and implements programs that make walking and biking around our neighborhoods and schools fun, easy, safe and healthy for all students and families while reducing our reliance on cars.
- I. SRTS has a proven track record of providing school communities with educational resources for improving the safety of commutes to and from school, as well as access to resources to make needed infrastructure improvements to the public right-of-way to improve safety. Use of the SRTS program to evaluate transportation and traffic safety for all District schools would provide a consistent assessment of where funding for transportation safety improvements should be targeted within the District.

## **Proposal**

- J. This MOU outlines the District's and the City's intent to use the City's existing Safe Routes to School (SRTS) program to prioritize needed transportation improvements district-wide. This proposal allows decisions of when and where to devote limited capital resources to transportation safety improvements to be based on an evaluation and prioritization of needed transportation improvements District wide. It also provides an alternative to requiring a Conditional Use Review for adding grades K-5 to a school that currently contains grades 6-8. This MOU does not replace any adopted Conditional Use Review requirements in the Zoning Code or any conditional use proposals, including conditions of approval, that have been approved and are currently effective.

## **PRELIMINARY AGREEMENT**

- 1. The City and District intent to use of the City's SRTS program as the primary mechanism to address student transportation safety concerns throughout the District may include:
  - a. Developing an intergovernmental agreement (IGA) between the District and the City to further refine the preliminary agreement set forth in this MOU.

- b. Seeking full funding and implementation of the City's SRTS program at all District schools containing any combination of grades K through 8 and the development of Safe Routes Engineering Strategy Reports (ESRs) and Continuous Service Plans (CSPs) or project lists at District high schools. More specifically:
    - i. SRTS has developed many ESRs and CSPs for schools that are part of the program. The studies are completed by the City's Bureau of Transportation with the help of staff, parents and students at each school. These studies identify desirable and/or necessary on and off-site infrastructure improvements to improve traffic and pedestrian safety around schools. The City's SRTS program would also assist in the development of ESRs and CSPs for District high schools. At the time of this MOU, a majority of District schools do not have completed Safe Routes ESRs. As of the date of this MOU, the District operates 72 elementary, K-8, and middle schools. Of those, 32 have completed CSPs of which 22 have completed ESRs.
  - c. Developing a Master Project List that annually prioritizes, on a district-wide basis, schools with the most needed transportation/traffic issues and identify funding for projects that would address these issues at those schools.
2. District and Bureau of Transportation staff intend to propose a process for developing the Master Project List to be presented to the Planning and Sustainability Commission for approval and/or amendment. The process for developing a Master Project List may include the following steps:
- a. District and City staff may conduct a non-ranked assessment of known, needed transportation improvement projects. This assessment would identify improvements within Safe Routes ESRs, as well as other projects known to the District and the City.
  - b. A joint District/City Advisory Committee may establish criteria by which to determine the most significant transportation improvements within the District.
  - c. District/City staff may use the criteria to develop a ranked/prioritized Master Project List of improvements for all District schools. The Master Project List would identify the order in which the most significant infrastructure projects within the District would be completed as funding is available. The Master Project List may include projects from existing ESRs as well as projects at schools awaiting reports. As additional ESRs are completed for schools in the District, the Master Project List may be updated and reprioritized to reflect the further refinement of district-wide projects. At a minimum, the City and District intend the Master Project List will be updated once a year.
  - d. Evaluation of transportation impacts by the City of Portland in the Conditional Use Review process may also allow the projects on the Master Project List to be placed as higher priorities as updated.
  - e. Placing the priority for the funding and development of ESRs and CSPs on schools that receive full modernization improvements through a voter-approved capital bond for the District as well as the five schools involved in the District's K-8 school conversion process that added some combination of grades K-5. ESRs developed

for the high schools involved in any District capital bond program may not use federal SRTS program funding unless there is future federal authorization to do so.

3. The ESRs and CSPs are intended to provide a mechanism by which the transportation criterion may be evaluated and addressed when the District applies for conditional use approval. The District may include the ESR and/or CSP as a primary resource in their Conditional Use Review application. The District and City intend to use the Engineering Strategy Report as a primary resources for determining whether the transportation system is capable of supporting the change that required the conditional use review as well as existing uses in the area (currently PCC 33.815.105.D.2).
4. The District and City intend that projects identified in ESRs and/or Continuous Service Plans for individual schools subject to Conditional Use Reviews could be used (through conditions of approval) to meet the approval criteria. The District and City recognize that funding to address transportation infrastructure improvements is a limited resource and should be devoted to addressing the most significant transportation infrastructure improvement needs District-wide.
5. Funding of projects by the District requires the projects to be eligible for authorized capital bond funding. Projects on the Master Project List may be used to satisfy transportation criteria of Conditional Use Reviews at individual schools. However, the City and District intend that the installation of the Master Project List project(s) to meet Conditional Use Review requirements will be based on the relative priority of the project within the District's overall list and funding availability. Projects will be funded on the basis of mutually agreed upon priorities district-wide.
6. The District and the City intend to lobby existing funding sources, including Oregon Department of Transportation (ODOT) and the Federal Highway Administration (FHWA) to increase the share of funding from the national program for Oregon/Portland and explore additional funding for the program through (but not limited to) Metro's Regional Transportation Plan and Metropolitan Transportation Improvement Program.
7. The City and District intend to fund infrastructure improvements identified in the Master Project List through funding available to the SRTS program, District contributions from future voter-approved capital bond programs and other available District funding as well as any available City resources, including urban renewal districts.

### **Rationale**

8. The development of the Master Project List through a partnership of the City and District using the City's SRTS program provides a comprehensive evaluation of transportation and traffic safety at all District schools.
9. A mutually agreed upon prioritization of transportation/traffic safety issues and projects throughout the District allows the District and City to better target and leverage funding for these projects.
10. Transportation safety should be addressed at all schools, not just when grades K-5 are added to a school. The evaluation of transportation safety at District schools should be an ongoing partnership between the District and City.

11. Maximizing the benefits of the SRTS program provides resources to address many of the transportation/traffic safety issues typically required as part of a Conditional Use Review, including many of the elements found in transportation demand management plans.

12. Proposed Joint Obligations:

- a. Use the City's SRTS program to jointly evaluate transportation and traffic safety at District schools.
- b. Understand the District's funding of transportation improvements, ESRs, and CSPs will come from future voter-approved capital bond programs.
- c. Understand that the implementation of the Intergovernmental Agreement (IGA) anticipated by this MOU is contingent on the passage of voter-approved capital bond program for the District.
- d. District and City intend to pursue obtaining and leveraging additional stable funding for the SRTS program.
- e. District and City intend to propose a process for developing a district-wide ranked Master Project List. The process will be presented to the Planning and Sustainability Commission
- f. District and City understand that future capital bond work conducted by the District will involve the modernization and rebuilding of some schools. Modernization of schools will involve existing buildings. Depending on the site characteristics, this may preclude the installation of transportation infrastructure improvements adjacent to existing buildings.
- g. District and City intend that the development of an IGA implementing this MOU would be for the duration of any voter approved capital bond program for the District with an automatic extension of the IGA provided both parties agree.
- h. District and City recognize that the City and the SRTS program have obligations to all of Portland's school districts. Outside of the District's capital bond funds, District and City intend that this agreement will not prioritize SRTS funding to Portland Public Schools to the detriment of service to Portland's other school districts.

13. Proposed City obligations:

- a. Evaluate the components of existing CSPs to determine how they could be modified to better address the transportation criteria of the Conditional Use Review requirements.
- b. Agree to use CSPs developed (and modified based on evaluation above) as part of the SRTS program to address the transportation criteria of Conditional Use Reviews and prioritize projects (both infrastructure and educational) within the CSPs that would meet conditional use criteria.

- c. Contingent upon voter approval of a capital bond program for the District, give funding priority to infrastructure projects identified in CSPs for those schools subject to Conditional Use Reviews.
- d. Contingent upon voter approval of a capital bond for the District, prioritize capital bond funding in support of District schools to meet conditional use review requirements through the installation of Master Project List projects. Federal SRTS funding would not be used to install Engineering Strategy Report projects identified to meet conditional use requirements for high schools unless there is federal authorization to do so.
- e. Leverage city resources, including urban renewal funding, to match contributions from future voter-approved capital bonds as part of an IGA related to transportation improvements.
- f. Actively seek additional funding for SRTS program through regional, state and federal transportation mechanisms.
- g. Design, construction and management of projects identified in the Master Project List prioritized through the IGA.
- h. Recommend City Council adoption of the schools portion of the Schools and Parks Conditional Use Code Refinement Project with the original staff (Bureau of Planning and Sustainability) proposal regarding grade level changes concurrent with the approval of this MOU. The City and District intend to move forward to develop an IGA to implement this MOU within four months of City Council adoption of the schools portion of the Schools and Parks Conditional Use Code Refinement Project.
- i. Contingent upon voter approval of a capital bond for the District, develop ESRs for five (5) mutually agreed upon, top priority District schools.

14. Proposed District Obligations:

- a. Contingent upon voter approval of a capital bond for the District, the District intends to provide \$5 million between May 2011 and May 2017 to fund transportation improvement projects identified in the Master Project List. District funding of the projects is contingent on project eligibility for capitalization as identified in the voter authorized capital bond. This \$5 million is intended to represent the District's financial obligation for transportation improvements over the life of the 6-year capital bond program
- b. District financial contributions to these projects will be administered by the District on a reimbursement basis to the City of Portland.
- c. Support individual schools in the follow-through of ESRs and/or CSPs and the creation of the Master Project List.
- d. Pursue the development and adoption of District policy promoting walking and biking to school.

- e. Support SRTS education and encouragement efforts including the walk and bike to school day designed to encourage and raise awareness of students and families to use safe, active transportation to get to and from school.
  - f. Allow voluntary classroom time for bicycle and pedestrian safety training through the SRTS program.
  - g. Promote SRTS educational programming via PPS Pulse and school newsletters.
  - h. Contribute a maximum of \$5,000 per high school toward the development of ESRs for those four schools receiving design or modernization work as part of the 2011 voter approved capital bond program for the District.
15. This MOU is not intended to and does not obligate any party to take any particular action and is not legally binding. The District and the City recognize this MOU is of mutual benefit to each party, and to the safety of PPS students. By executing this MOU, the District and the City intend to negotiate, in good faith, a fully binding Intergovernmental Agreement for the program of prioritized transportation projects outlined in this MOU..

BY:

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Sam Adams  
Mayor  
City of Portland

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Carole Smith  
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Portland Public Schools