

Amendment Number 5
PORTLAND STREETCAR FUNDING AGREEMENT
BETWEEN
TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON
AND
CITY OF PORTLAND
No. 51529
Adopted April 19, 2001

This Amendment, dated this _____ of _____, 2012, is made and entered into by and between the Tri-County Metropolitan Transportation District of Oregon (TriMet) and the City of Portland (City).

RECITALS:

On April 19, 2001, the City and TriMet entered into the Portland Streetcar Funding Agreement (Funding Agreement) for operations of the Portland Streetcar, subsequently amended to provide additional resources for the RiverPlace, Gibbs, and Lowell Extensions and to extend the term of the Funding Agreement to June 30, 2012.

On April 19, 2001, the City and TriMet entered into the Portland Streetcar Personnel Agreement (Personnel Agreement), subsequently amended to extend the term of the Personnel Agreement to June 30, 2012.

On May 2, 2001, the City and TriMet entered into the Portland Streetcar Other Services Agreement (Other Services Agreement). This agreement was subsequently amended to clarify operating and maintenance procedures and responsibilities. It was again amended to extend the term of the Other Services Agreement to June 30, 2012.

The City and TriMet are working together to execute during Summer 2012 a Master Agreement setting forth their collaborative relationship in Streetcar service and system development, accompanied by an Operating Agreement which will update and succeed the 2001 Funding, Personnel and Other Services agreements, and which will reflect expanded Streetcar Loop project service beginning September 2012.

In order to provide for uninterrupted operations of Portland Streetcar until the new Master Agreement and Operating Agreement are approved, the City and TriMet wish to execute this Amendment 5 to the Portland Streetcar Funding Agreement, to extend the term of the 2001 Funding Agreement by two months, to August 31, 2012.

Payment during the extension will be \$248,275.90 each month, which reflects TriMet's FY 11-12 funding commitment adjusted for inflation as measured by the CPI index for Portland All Urban Consumers.

AMENDMENTS:

The referenced sections below are amended as follows:

- 1. Term. The term of this Agreement shall extend to August 31, 2012.
- 2. TriMet Obligations
 - 2.1 Payment

For July and August 2012, TriMet shall make two equal monthly payments to the City in the amount of \$248,275.90.

ALL OTHER PROVISIONS OF THIS AGREEMENT CONTINUE AS SET FORTH.

APPROVALS:

CITY OF PORTLAND

TRIMET

By: _____
Sam Adams
Mayor

By: Neil McFarlane
Neil McFarlane
General Manager

By: _____
LaVonne Griffin-Valade
City Auditor

Approved as to Form:

APPROVED AS TO FORM

By: James H. Van Dyke
CITY ATTORNEY
Mark Moline
Sr, Deputy City Attorney
5/25/12

By: Jana Toran
Jana Toran
TriMet Legal Counsel