

## ORDINANCE No. 186653

\*Authorize an Intergovernmental Agreement with TriMet for maintenance of the Portland Mall Light Rail Transit Project in City right-of-way (Ordinance)

The City of Portland ordains:

### Section 1. The Council finds:

1. In June 1979, by Ordinance No. 148019, the City of Portland (City) was authorized to enter into an agreement with the Tri-County Metropolitan Transportation District of Oregon (TriMet) for maintenance of the original Transit Mall on SW 5<sup>th</sup> and 6<sup>th</sup> Avenues.
2. In February 1993, by Ordinance No. 165962, the City was authorized to enter into a maintenance agreement with TriMet for the North Transit Mall Extension Project which had extended transit mall improvements on 5<sup>th</sup> and 6<sup>th</sup> Avenues from the original Mall north to Union Station.
3. In June 2007, TriMet entered into a Full Funding Grant with the Federal Transit Administration (FTA) for acquisition, construction, operation and maintenance of the South Corridor Light Rail Project, one segment of which was for revitalization of the Portland Transit Mall through the addition of light rail transit.
4. Revitalization of the Transit Mall added light rail tracks, bus stop and roadway improvements and certain other structures in the public right-of-way within the City's jurisdiction on 5<sup>th</sup> and 6<sup>th</sup> Avenues between NW Irving and SW Jackson.
5. In July 2009, by Ordinance No. 183013, the City was authorized to enter into an intergovernmental agreement with TriMet for enhanced maintenance, cleaning and security of the revitalized Transit Mall. It was acknowledged that this agreement would not reflect the underlying ownership and maintenance responsibilities for the Project.
6. In September 2009, the Project opened for revenue service and full operations began.
7. In June 2012, by Ordinance No. 185422, the City was authorized to execute a Continuing Control Agreement with TriMet for the Project. The City owns and retains title interest in the public right-of-way within the Project alignment. The Continuing Control Agreement allows TriMet the permanent right to use such real property for construction, operation, and maintenance of the Project.
8. The City and TriMet now desire to describe and agree to their respective long term base operational and maintenance responsibilities for the Project through execution of an Operations and Maintenance Agreement (Agreement).

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9. This Agreement will replace the maintenance agreements executed in 1979 and 1993 for the original Transit Mall and the North Transit Mall extension. It is not intended to affect the 2009 intergovernmental agreement for enhanced maintenance, cleaning and security of the Mall.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge and the Auditor are authorized to execute an Intergovernmental Agreement with TriMet for maintenance of the Portland Mall Light Rail Project, in a form similar to the contract attached as Exhibit A.

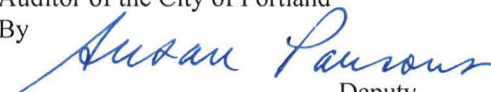
Section 2. The Council declares that an emergency exists in order to meet the schedule and expectations of the FTA; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JUN 18 2014

Commissioner Steve Novick  
Prepared by: Teresa Boyle; sg  
Date Prepared: 5-22-14

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By

  
Deputy

Agenda No.  
**ORDINANCE NO.**  
Title

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| <b>INTRODUCED BY</b><br>Commissioner/Auditor:<br><b>COMMISSIONER STEVE NOVICK</b>  | CLERK USE: DATE FILED <u>JUN 13 2014</u>  |
| <b>COMMISSIONER APPROVAL</b><br>Mayor—Finance and Administration - Hales<br>Position 1/Utilities - Fritz<br>Position 2/Works - Fish<br>Position 3/Affairs - Saltzman<br>Position 4/Safety - Novick   | LaVonne Griffin-Valade<br>Auditor of the City of Portland<br><br>By: <u>[Signature]</u><br>Deputy |
| <b>BUREAU APPROVAL</b><br>Bureau: Bureau of Transportation<br>Interim Group Mgr.: Christine Leon<br>Development Services / Streetcar & Transit Partnerships<br>Other: Greg Jones<br>Prepared by: Teresa Boyle; sg<br>Date Prepared: 5-22-14<br>Financial Impact & Public Involvement Statement<br>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/><br>Portland Policy Document<br>If "Yes" requires City Policy paragraph stated in document.<br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/><br>Council Meeting Date<br><b>June 18, 2014</b><br><b>City Auditor Office Approval:</b><br>required for Code Ordinances<br><b>City Attorney Approval:</b><br>required for contract, code, easement, franchise, comp plan, charter | <b>ACTION TAKEN:</b>  |

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|--|
| <b>AGENDA</b><br><b>TIME CERTAIN</b> <input type="checkbox"/><br>Start time: _____<br>Total amount of time needed: _____<br>(for presentation, testimony and discussion) |
| <b>CONSENT</b> <input checked="" type="checkbox"/>   |
| <b>REGULAR</b> <input type="checkbox"/><br>Total amount of time needed: _____<br>(for presentation, testimony and discussion)  |

| FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: |      |      |
|--------------------|---------------------------------|------|------|
|                    |                                 | YEAS | NAYS |
| 1. Fritz           | 1. Fritz                        | ✓    |      |
| 2. Fish            | 2. Fish                         | ✓    |      |
| 3. Saltzman        | 3. Saltzman                     | ✓    |      |
| 4. Novick          | 4. Novick                       | ✓    |      |
| Hales              | Hales                           | ✓    |      |