

## IMPACT STATEMENT

**Legislation title:** Authorize the City Attorney to take legal action against Tri-County Metropolitan Transportation District of Oregon (TriMet) and other construction and/or design entities to recover costs for necessary remediation and repair that have been and will be expended by the City due to the atypical settling of the SE 2<sup>nd</sup> Approach Structure. (Resolution)

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### **Purpose of proposed legislation and background information:**

Since 1988, the City has worked toward providing an “Internal Transit Loop,” creating a public transportation system via the Portland Streetcar to connect the west and east sides of Portland in a continuous loop over the Willamette River.

In 2012, the City began service on the Streetcar Loop Extension from SW Market Street to the Oregon Museum of Science and Industry (“OMSI”). The City hired engineers, designers, and construction professionals to design and construct the SE 2<sup>nd</sup> Approach Structure as part of the south approach embankment at the SE terminus of the Eastside Streetcar service.

In 2013, the City partnered with TriMet to extend the Portland Streetcar over the Tillicum Bridge as part of TriMet’s Portland Milwaukie Light Rail Transit Project (“PMLRT”). The City and TriMet entered into an intergovernmental agreement (“Close the Loop IGA”) for a portion of this work, TriMet Contract No. GH130434 BC. The Close the Loop IGA required TriMet to design and construct improvements to the OMSI station platform, including widening the SE 2<sup>nd</sup> Approach Structure and constructing a new retaining wall. TriMet hired all engineers, designers, and construction professionals for this second phase of work.

The approach structure has experienced and will continue to experience atypical settling which requires remediation and repair. The City of Portland must commence litigation to recover damages and/or any other relief against TriMet and any and all responsible design professionals, engineers, and contractors to recover costs associated with the remediation and repair of the SE 2<sup>nd</sup> Approach Structure.

### **Financial and budgetary impacts:**

There will be filing costs, expert fees, and other out-of-pocket expenses. Additionally, the City may retain outside counsel, if feasible. In-house lawyers in the City Attorney’s Office will provide additional services.

**Community impacts and community involvement:**

This Resolution involves direction from the Council to its lawyers in the City Attorney's Office, based on privileged attorney-client communications, so there was no public outreach or input.

**100% Renewable Goal:**

Not applicable.

**Budgetary Impact Worksheet**

**Does this action change appropriations?**

**YES:** Please complete the information below.

**NO:** Skip this section

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>