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190873

Emergency Ordinance

*Amend Intergovernmental Agreement with the Willamette Shoreline Consortium of Local Governments for the management of the Willamette Shoreline Right-of-Way (amend Contract No. 50535)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. In June 1988, by Ordinance No. 161341, Portland, Metro, Lake Oswego, Clackamas County, and Multnomah County, Oregon entered into an Intergovernmental Agreement to Purchase of the Jefferson Street Rail Line (the "Purchase IGA") for the purpose of owning and preserving the Jefferson Street Rail Line, also known as the Willamette Shore Trolley Line (the "Right-of-Way") for public transportation use.
2. In November 1994, by Ordinance No. 167310, Portland, Metro, Lake Oswego, Multnomah County, Clackamas County and TriMet entered into an Intergovernmental Agreement for the Management of the Willamette Shore Line Right-of-Way (the "Management IGA") for the overall management and governance of the Right-of-Way, and to formally establish the Willamette Shoreline Right-of-Way Consortium ("Consortium"). The Oregon Department of Transportation was a named party in the Management IGA but did not execute it.
3. In July 2003, by Ordinance No. 178289, the Consortium members entered into the Intergovernmental Agreement for Maintenance and Funding of the Willamette Shore Line Right-of Way (the "Maintenance and Funding IGA"). The Maintenance and Funding IGA supplemented and amended the Purchase IGA and the Management IGA to provide a mechanism to simplify the expenditure approval process and delegate authority to specific Consortium members for specific expenditures, and designated TriMet as "Agent" for the Right-of-Way, with responsibility for negotiating and executing real property agreements relating to the Right-of-Way and working with local jurisdictions concerning public improvement projects that may impact the Right-of-Way.
4. By letter dated March 2, 2004, Multnomah County voluntarily and unilaterally concluded its participation in the Consortium.

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Transportation](#)

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Requested Agenda Type

Consent

5. In August 2010, by Ordinance No. 182743, the Consortium entered into Amendment No. 1 to the Management IGA, acknowledging the departure of Multnomah County, ratifying the Management IGA and extending it to August of 2020. Although the Consortium intended to extend the Management IGA, it expired August 3, 2020. By concurrently entering into Amendment No. 2 to the Management IGA, the Consortium expects to retroactively extend the Management IGA to October 31, 2031 and provide for automatic renewals.
6. By letter dated March 7, 2013, Clackamas County voluntarily and unilaterally concluded its participation in the Consortium.
7. The Consortium now wishes to acknowledge the departure of Multnomah and Clackamas Counties and retroactively extend the Management IGA to October 31, 2031, consistent with Amendment No. 2 to the Management IGA, and to provide for the automatic renewal every ten years unless terminated in writing.
8. See Exhibit B - PBOT Staff Report: City of Portland Commitments and Responsibilities with the Willamette Shoreline Right-of-Way dated April 4, 2022

NOW, THEREFORE, the Council directs:

- A. That the Commissioner-in-Charge is hereby authorized to enter into Amendment No. 2 of the Management IGA substantially in accordance with the amendment attached as Exhibit A to the original of this Ordinance and, by reference, made a part hereof.

Section 2. The Council declares an emergency exists because a delay in execution could unduly impede the Consortium's governance of the Right-of-Way; therefore, this Ordinance shall be in full force and effect from and after its passage by Council.

Documents and Exhibits

 [Exhibit A](#) (684.07 Kb)

 [Exhibit B](#) (10.93 Mb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
June 15, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

This ordinance will authorize an Intergovernmental Agreement (IGA) between the City of Portland and TriMet, the City of Lake Oswego, Metro, and the Oregon Department of Transportation for the maintenance and funding of the Willamette Shoreline Right-of-Way. As laid out in the IGA, except as otherwise provided therein, the WSL ROW is a regional transportation asset that was purchased with the intent for future transportation use. A Consortium of local governments and regional agencies share ownership and responsibilities for annual maintenance of the WSL and annual operations of the Willamette Shore Trolley.

The City of Portland is a key participating member of the Consortium, a landowner associated with the WSL ROW, and is party to a Management IGA and a Maintenance and Funding IGA, both of which are expired and need to be amended. The management IGA is being amended for the second time to extend the agreement and to reflect work required in the right-of-way and acknowledge changes to consortium membership, authorize retroactive funding payment, and to provide for the automatic renewal. This is a routine business request to execute an amendment to an existing IGA. There are no known parties who would be interested in or object to this action. It makes no changes to City policies.

Financial and Budgetary Impacts

The Management IGA expired in August 2020. Amendment No. 2 for this IGA will extend IGA terms to 2031.

No adjustments to appropriation or remittance of funding are requested as a part of this ordinance.

Community Impacts and Community Involvement

The WSL ROW is a regional asset preserved by public ownership, intended for future transportation purposes, and is owned and maintained by the City of Lake Oswego, the City of Portland, and TriMet. The City of Lake Oswego contracts with volunteer organizations Vintage Trolley Inc. (VTI) and Oregon Electric Railway Historical Society (OERHS) for maintenance and operations in the WSL ROW. Parallel to ODOT Highway 43 between South Portland and Lake Oswego, the linear ROW requires active maintenance and annual transportation use to preserve the function of the ROW and ROW easements across private property. The railroad offers passenger excursions using a historic or replica-historic trolley on a former Southern Pacific line previously known as the Jefferson Street Branch Line.

Budget Office Financial Impact Analysis

See fiscal impact to the item immediately above. The Management IGA expired in August 2020. Amendment No. 2 for this IGA will extend IGA terms to 2031. The management IGA is being amended for the second time to extend the agreement and to reflect work required in the right-of-way and

acknowledge changes to consortium membership, authorize retroactive funding payment, and to provide for the automatic renewal. This is a routine business request to execute an amendment to an existing IGA.

Agenda Items

522 Consent Agenda in [June 15-16, 2022 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea