

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING AMENDMENT) RESOLUTION NO. 05-3627
NO. 4 TO AN INTERGOVERNMENTAL AGREEMENT)
WITH TRIMET CONCERNING TRANSIT-ORIENTED) Introduced by Chief Operating
DEVELOPMENT PROGRAM AND INCREASING THE) Officer Michael J. Jordan, with the
LEVEL OF TRANSIT SERVICE) concurrence of Council President
) David Bragdon

WHEREAS, by Resolution 98-2619 (For the Purpose of Authorizing Start-up Activities for the Transit Oriented Development (TOD) Implementation Program at Metro) adopted April 9, 1998, the Metro Council authorized startup activities for the Transit-Oriented Development (TOD) Implementation Program;

WHEREAS, implementing transit-oriented development is a cost-effective means to increase ridership for transit and an important component in realizing the Region 2040 Plan;

WHEREAS, high quality transit service is an effective means of increasing transit ridership, reducing congestion and improving air quality;

WHEREAS, both TriMet and Metro participate in TOD planning review, advocacy, technical assistance and development review, and they wish to coordinate TOD activities to improve the efficiency of government;

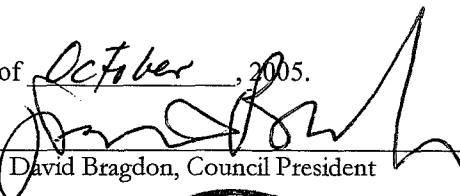
WHEREAS, by Resolution 99-2858 (For the Purpose of Authorizing a Revenue Neutral Intergovernmental Agreement with TriMet Concerning Transit-Oriented Development and Increasing the Level of Transit Service) adopted November 18, 1999, the Metro Council authorized an intergovernmental agreement (IGA) between TriMet and Metro regarding TOD activities and improving the quality of transit service provided the budget implications for Metro were revenue neutral;

WHEREAS, by Resolution No. 01-3114A on November 8, 2001, and by Resolution No. 03-3314 on May 15, 2003; and by Resolution 04-3478 on July 15, 2004 (For the Purpose of Authorizing an Amendment to an Intergovernmental Agreement with TriMet Concerning Transit-Oriented Development and Increasing the Level of Transit Service), the parties amended the IGA to modify the source and amount of funding and to increase the level of transit service; and

WHEREAS, the parties desire to increase TOD Program funding and increase the level of transit service and extend the term of the IGA to December 31, 2009; now, therefore,

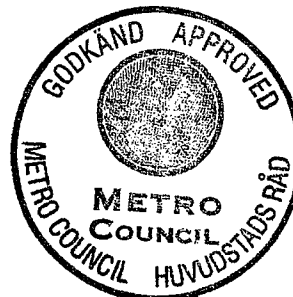
BE IT RESOLVED, that the Metro Council authorizes the attached Amendment No. 4 to the existing IGA between TriMet and Metro regarding Transit-Oriented Development (TOD) activities and improving the quality of transit services, as shown in Exhibit A to this resolution, provided the budget implications for Metro remain revenue neutral.

ADOPTED by the Metro Council this 27th day of October, 2005.


David Bragdon, Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney



Resolution No. 05-3627

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TOD/MS/OMA/JEM/srn 10/13/05



600 NE Grand Ave.
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Amendment

AMENDMENT NO. 4
Intergovernmental Agreement Between TriMet and Metro
Transit-Oriented Development Activities and Improving Transit Service
TriMet Contract No. 00-05551
Metro Contract No. 921761

THIS AMENDMENT NO. 4 (“Amendment”) hereby modifies the above-titled Intergovernmental Agreement (“IGA”) between Metro, a Metropolitan Service District organized under the laws of the State of Oregon and the Metro Charter (“Metro”), and the Tri-County Metropolitan Transportation District of Oregon (“TriMet”).

A. Purpose: The purpose of this Amendment is to modify the source and fund amount of the original IGA, as set forth herein.

B. Terms of Amendment:

1. Paragraph 4, page 3, Compensation to Metro for Provision of Services, is hereby amended to show the following:
 - \$1.0 million of TriMet general funds for \$1.0 million Metro TOD and Centers funds from FY '06 carried forward from TriMet Contract 00-05551; and
 - \$4.0 million of TriMet general funds for \$2.0 million Metro TOD and Centers and \$2.0 million TOD Beaverton Center from FY '06 STP Flexible Funds; and
 - \$1.0 million of TriMet general funds for \$1.0 million Metro TOD and Centers from FY '07 STP Flexible Funds; and
 - \$1.0 million of TriMet general funds for \$1.0 million Metro TOD and Centers from FY '08 STP Flexible Funds.
2. Paragraph 4, page 4 shall be amended to say: (f) \$7.0 million of TriMet general funds for Metro STP Flexible Funds to be paid \$5.0 million in FY '06, \$1.0 million in FY '07 and \$1.0 million in FY '08, within 30 days of TriMet’s receiving approval of grants from FTA in each of the above fiscal years. The existing (g) shall become (h).
3. Paragraph 5. Obligation of Metro STP Flexible Funds to TriMet is hereby amended as follows:

“10) \$5.0 million of FY '06 STP Flexible Funds allocated to Metro for Metro TOD and Centers and Beaverton TOD ; \$1.0 million of FY '07 STP Flexible Funds allocated to Metro for Metro TOD and Centers; and \$1.0 million FY '08 STP Flexible Funds allocated to Metro for Metro TOD and Centers.”
4. Paragraph 11. Term of Agreement is hereby amended to change from December 31, 2007 to December 31, 2009.

C. Effect of Amendment: Except as modified on superceded herein, all other terms and conditions of the Original Agreement shall remain in full force and effect.

METRO:

By: _____

Title: _____

Date: _____

TRIMET:

By: _____

Title: _____

Date: _____

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 05-3627, FOR THE PURPOSE OF AUTHORIZING AMENDMENT NO. 4 TO AN INTERGOVERNMENTAL AGREEMENT WITH TRIMET CONCERNING TRANSIT-ORIENTED DEVELOPMENT AND INCREASING THE LEVEL OF TRANSIT SERVICE

Date: October 27, 2005

Prepared by: Phil Whitmore

BACKGROUND

Metro's pioneering TOD Implementation Program is the first in the United States to use Federal Transit Administration (FTA) funds to acquire sites and write down land value for transit-oriented development that is higher density and mixed-use. Since the Metro Council authorized TOD Program start up activities in April 1998, work has begun on 26 projects and the program has been expanded to encompass streetcar lines, frequent bus routes, regional and town centers, and all of the MAX lines.

Projects funded by the TOD & Centers Implementation Program average more than three times the housing density than typical suburban apartment development. While most of these projects are 65-85 units/acre, some are significantly higher: Buckman Terrace (Sandy and 16th) is 137 units/acre and the Merrick mixed-use (MLK Boulevard and Multnomah Street) is 198 units/acre. These types of high-density projects with mixed-use and high quality transit service result in nearly 10 times more transit ridership and nearly 3 times more walking trips than developments in the remainder of the region. A survey by Portland State University showed that 47% of trips by Merrick residents are by transit and walking.

In November, 1999, Tri-Met and Metro entered into an Intergovernmental Agreement (IGA) for the purpose of improving transit service and further local funding of the TOD program. Metro provided State Transportation Improvement Program (STP) flexible funds and other federal funds for improving transit service. Tri-Met provided a like amount of local funds to Metro to leverage TOD program activities. The IGA has been amending biannually to reflect updated funding amounts. This proposed resolution is to amend the IGA for an additional \$7 million for the TOD Station Area, Beaverton TOD, and Urban Centers. The term of the IGA will be extended for an additional two years.

ANALYSIS/INFORMATION

1. **Known Opposition** There have been four previous actions: an initial IGA with TriMet in November 1999, an amendment in November 2001, an amendment in May 2003, and an amendment in July 2004. None of these actions had opposition. Since the IGA is revenue neutral and both parties have agreed to the terms and conditions, no opposition is expected.
2. **Legal Antecedents:** The Metro Council authorized startup activities on April 9, 1998, by "Resolution No. 98-2619, for the Purpose of Authorizing Start-up Activities for the Transit Oriented Development (TOD) Implementation Program at Metro" for the Metro TOD Program.

The Metro Council authorized an Intergovernmental Agreement (IGA) between TriMet and Metro regarding Transit-Oriented Development (TOD) activities and improving the quality of transit service on November 22, 1999, by Resolution 99-2858 For the Purpose of Authorizing a Revenue Neutral Intergovernmental Agreement with Trimet Concerning Transit Oriented Development and Increasing the Level of Transit Service. This IGA was amended three times with the source and fund amount: 1) on November 8, 2001 by Resolution No. 01-3114A; 2) on May 15, 2003 by Resolution No. 03-3314; and 3) and by Resolution 04-3478 on July 15, 2004.

3. **Anticipated Effects:** The IGA will provide funds for the TOD Program that will increase certainty regarding timing of funds committed to projects, will reduce administration overhead, and will provide more flexibility on smaller TOD projects.
4. **Budget Impacts:** There are no budget impacts except staff time since the IGA amendment is revenue neutral. The staff time is charged to the project budgets.

RECOMMENDED ACTION

Metro staff recommends the approval of Metro Resolution No. 05-3627.