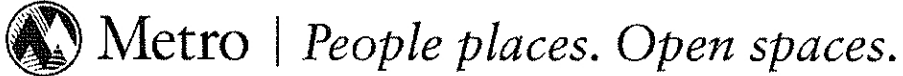




Meeting: Lake Oswego to Portland Transit Project Steering Committee
Date: May 7, 2009
Time: 8:00 – 9:00 a.m.
Place: Metro Regional Center, Council Chambers

- | | | |
|--|-----------------------------|-----------|
| 1. Introductions | Doug Obletz | 8:00-8:10 |
| 2. Review and Discussion of Recommendations from the Alternatives Analysis and Refinement Phase Update | Ross Roberts Jamie Snook | 8:10-8:40 |
| a. Johns Landing Refinement Study | | |
| b. Lake Oswego Terminus Refinement Study | | |
| c. Trail Refinement Study | | |
| 3. Draft Environmental Impact Statement | Doug Obletz | 8:40-8:50 |
| a. Roles and Responsibilities | | |
| b. Schedule | | |
| 4. Project Funding Status | Rick Gustafson | 8:50-9:00 |



May 6, 2009

Dear Portland to Lake Oswego Transit Project Steering Committee Members:

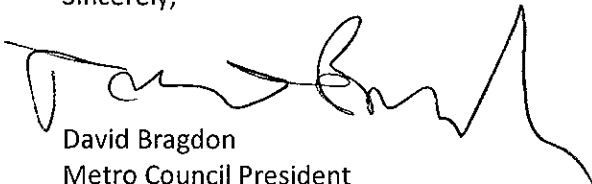
On April 2, 2009 the Metro Council approved the Intergovernmental Agreement between TriMet, Metro, City of Lake Oswego, Clackamas County and City of Portland for the Portland Lake Oswego Transit Corridor Project. I am pleased to transmit our resolution to you.

In doing so, I would like to underscore Metro's interest in this project. We think it is extremely important that a regional transit project be built for the entire length of the Portland-Lake Oswego Corridor with potential future connections beyond. The opportunity for a future trail should also be considered and preserved where possible. The transportation needs in this corridor are great and the available rights of way are very limited, as we are all well aware.

There are critical trade-offs in this constrained corridor between community impacts and travel time. There are also important land use considerations and development opportunities. The Metro Council believes that this balance will be critical to attracting ridership and obtaining federal funding. Travel time will always be an important criteria. The value of the publicly owned Willamette Shoreline right of way should also be leveraged to the maximum extent possible.

As you refine and analyze transportation alternatives in this corridor, I hope you will urge project staff to explore creative solutions to these complex and important issues. We will need to closely consider a variety of alternatives through the Draft Environmental Impact Statement. The Metro Council commends and supports our collective efforts to build a regional transit project in the near future.

Sincerely,



David Bragdon
Metro Council President

PROJECT MILESTONES

| MILESTONE | COMPLETION DATE |
|---|------------------|
| <u>REFINEMENT PHASE:</u> | |
| Commence Refinement Phase | January 1, 2009 |
| Complete Multi-Jurisdictional IGA | April 22, 2009 |
| Complete Procurements for DEIS Consultants | April 22, 2009 |
| Complete Refinement Phase | May 31, 2009 |
| <u>PRE-DEIS PHASE:</u> | |
| Commence TSUB/Travel Demand Modeling | April 2009 |
| Commence Plans & Profiles-SW Carolina to L.O. City Line | May 2009 |
| Commence 'Early' Environmental Work | May 2009 |
| <u>DEIS PHASE:</u> | |
| Commence DEIS Preparation | June 1, 2009 |
| Submit Draft DEIS/New Starts Application to FTA | December 1, 2009 |
| Submit Final Version of DEIS to FTA | March 2010 |
| LPA Approval by Local Jurisdictions | July 2010 |
| <u>FEIS/PE PHASE:</u> | |
| FTA Approval to Commence FEIS/PE | October 2010 |
| Complete FEIS/PE | July 2011 |
| FTA Approval to Commence Final Design | September 2011 |
| <u>FINAL DESIGN/CONSTRUCTION PHASE:</u> | |
| Complete Final Design | September 2012 |
| Finalize Full Funding Grant Agreement | March 2012 |
| Commence Phased Construction | March 2012 |
| Complete Project | Mid-2014 |

May 6, 2009



Lake Oswego to Portland

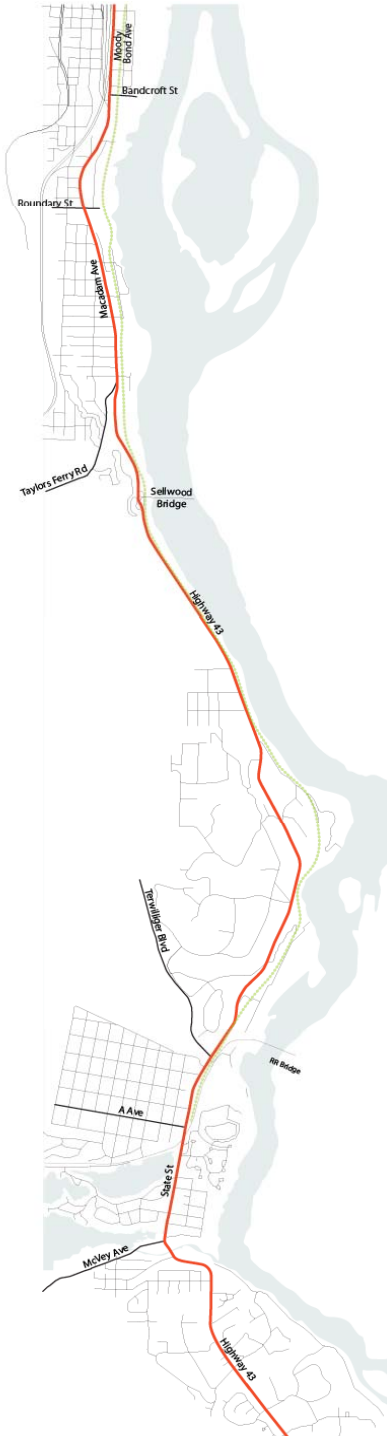
TRANSIT PROJECT

Steering Committee
May 7, 2009



1. Overview and Recommendations from Alternatives Analysis
2. Refinement Phase Update
 - Hybrid Alignments in Johns Landing
 - Terminus Options in Lake Oswego
 - Trail Refinement
3. Next steps

Project Partners



City of Lake
Oswego
OREGON



TRI MET

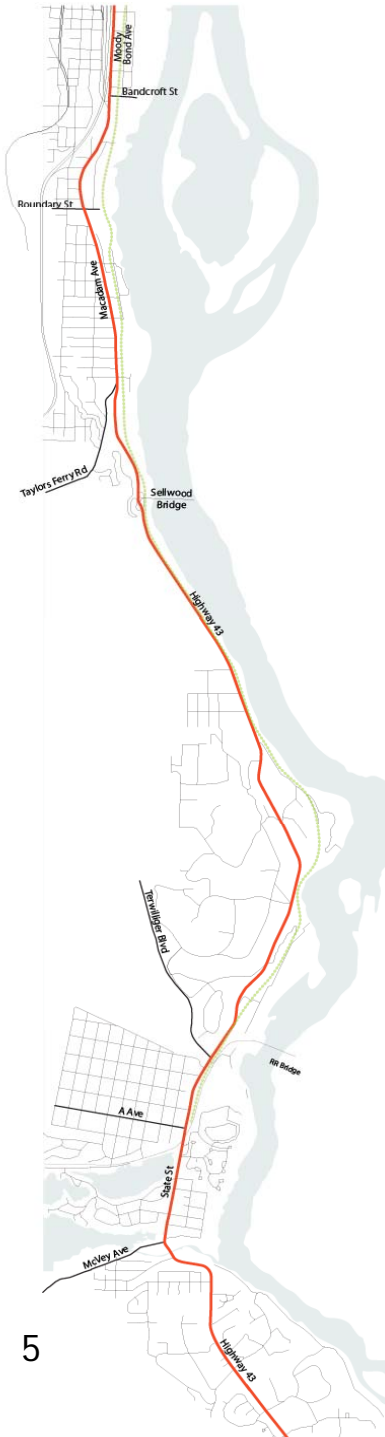
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Project Overview and Alternatives Analysis Recommendation

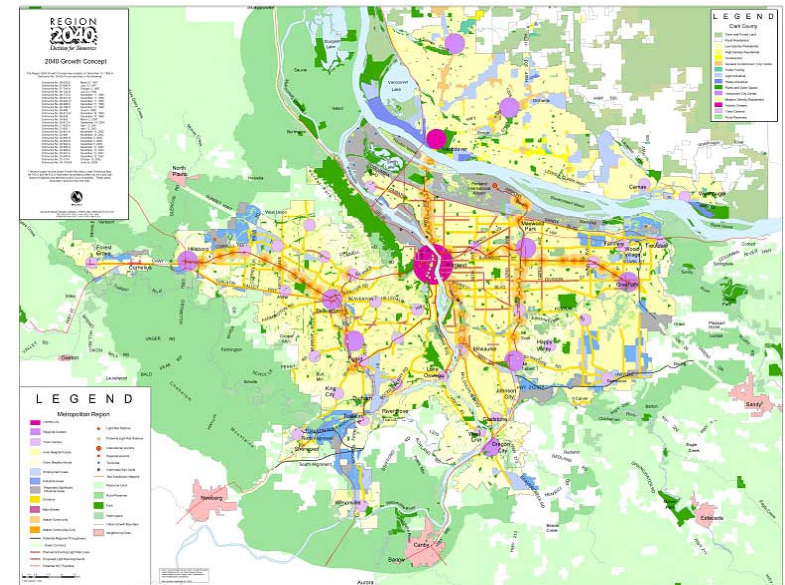


Origins of the Project

- Part of an integrated land use and transportation plan for the region:
 - Region 2040 Growth Concept
 - Regional Transportation Plan
 - Willamette Shore Line railroad right-of-way purchased in 1988 by a consortium of local governments to preserve it for future rail transit

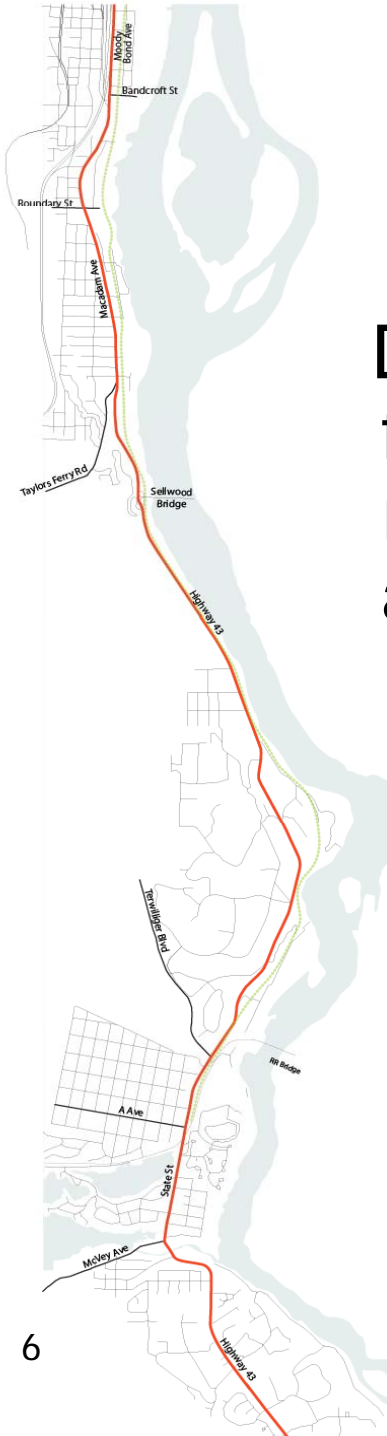


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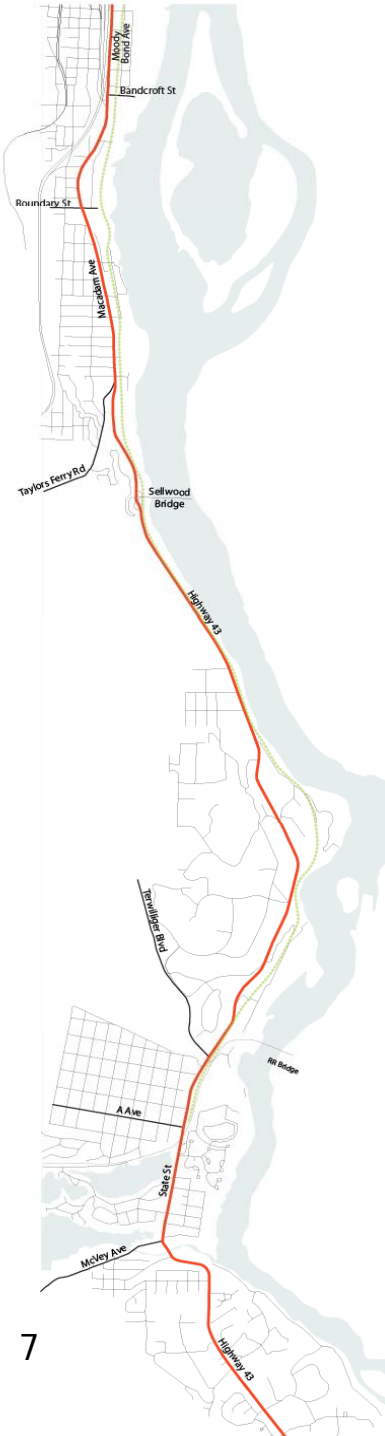
Project Purpose

Develop a transit alternative that meets future travel demand, supports local and regional land use plans, and garners public acceptance and public support.



Project Goals

- Mobility and accessibility
- Minimize impacts
- Neighborhood character
- Cost-effective
- Transit-oriented economic
- Transportation access to and connectivity
- Transportation choices
- Integrate modes
- Future needs



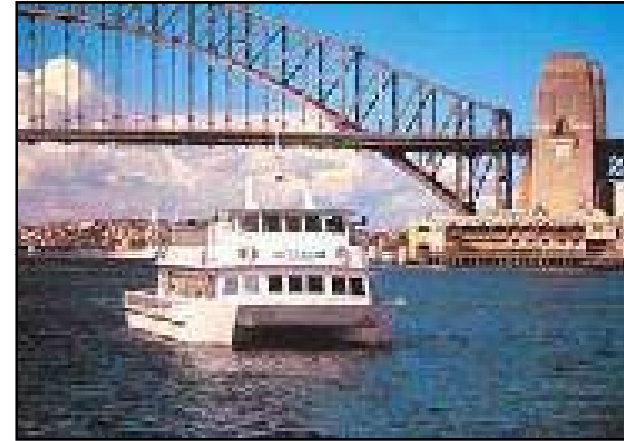
Alternatives Analysis

- Completed an FTA Alternatives Analysis between June 2005 and December 2007
- Looked a wide range of transit alternatives in the corridor
- Streetcar and bus looked most promising



Some alternatives were studied but not carried forward

- Widening Highway 43
- Reversible lanes on Highway 43
- River Transit
- Streetcar on Highway 43 south of the Sellwood Bridge and north of Terwilliger
- Bus Rapid Transit on Barbur Boulevard, Terwilliger Boulevard, Boone's Ferry Road, Taylor's Ferry Road.

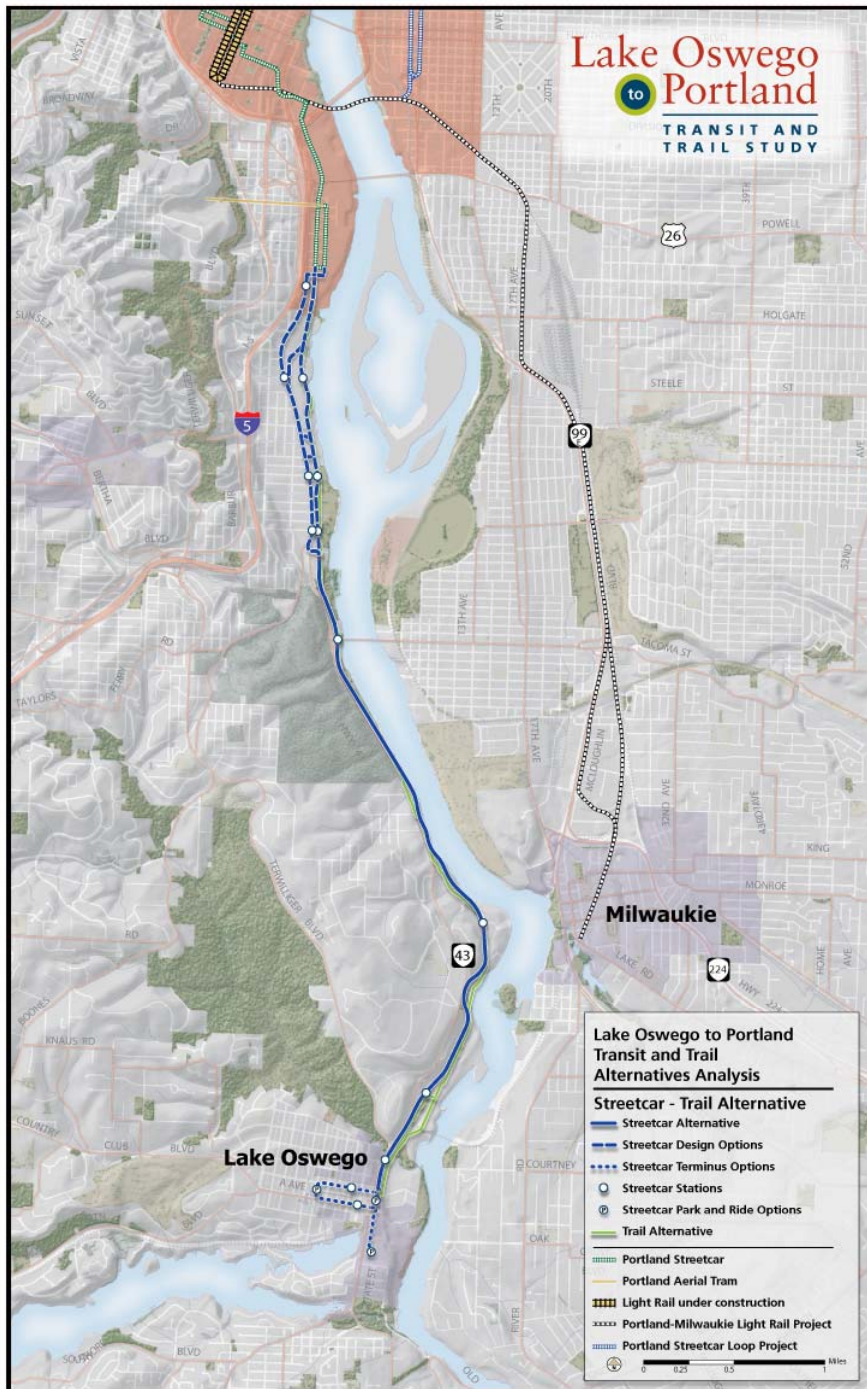


Transit and Trails – a note

- The Project to date has included consideration of both transit and trail improvements.
- For the purposes of this Federal Transit Administration sponsored NEPA process, transit will be the focus, though transit and trail connections will be included as appropriate.
- Metro is exploring ways to advance a continuous trail along this corridor.
- The transit project will be designed in a way that preserves the ability to build a trail.



Streetcar



- 12 minute peak, 15 minute off-peak
- SW Macadam Alignment
- Willamette Shoreline R-O-W
- Lake Oswego Terminus Options
 - Trolley Terminus
 - Albertson Terminus
 - Safeway Terminus
- Willamette Shore Line analyzed as representative alignment



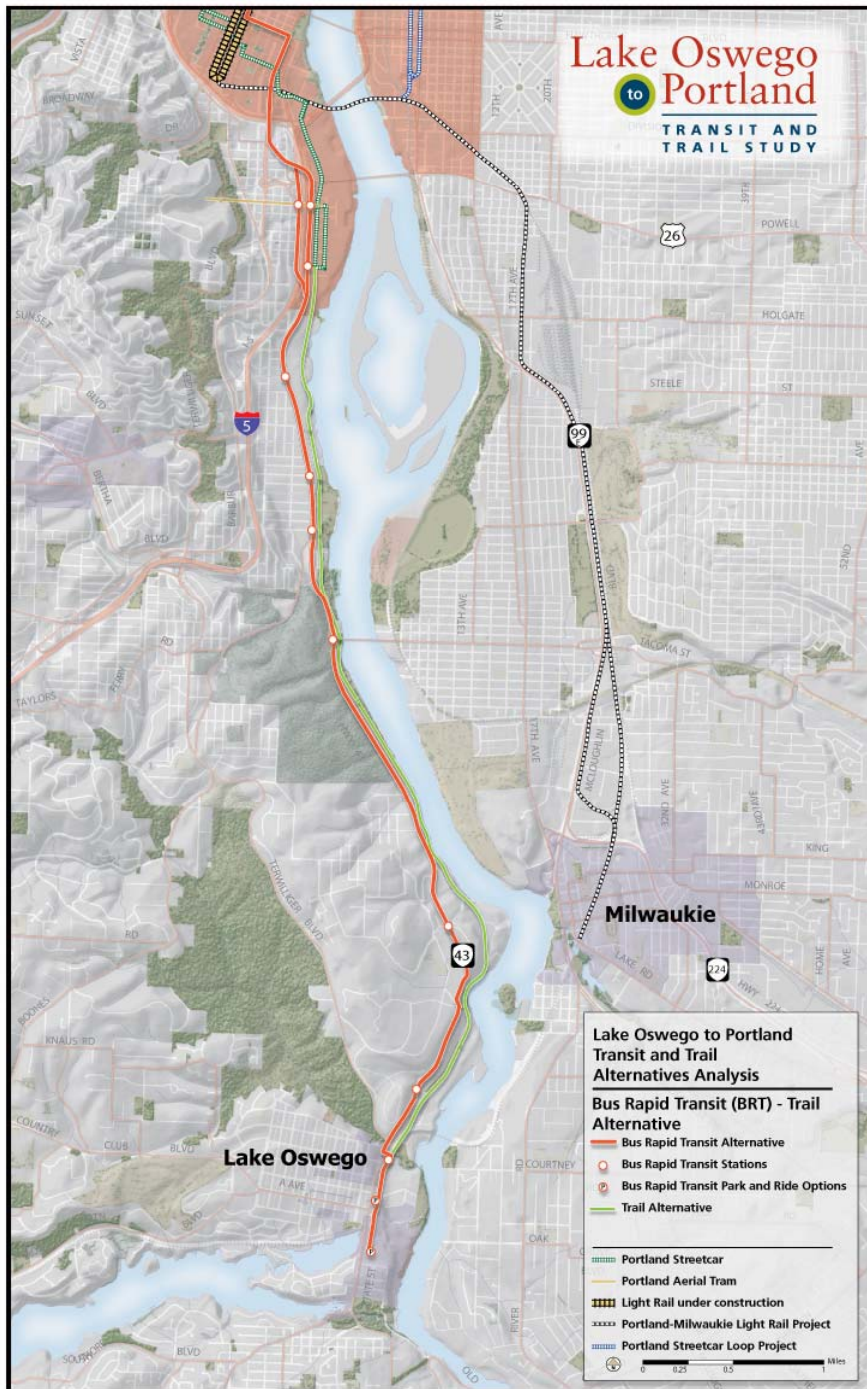








Bus Rapid Transit ^{050709lose-04}

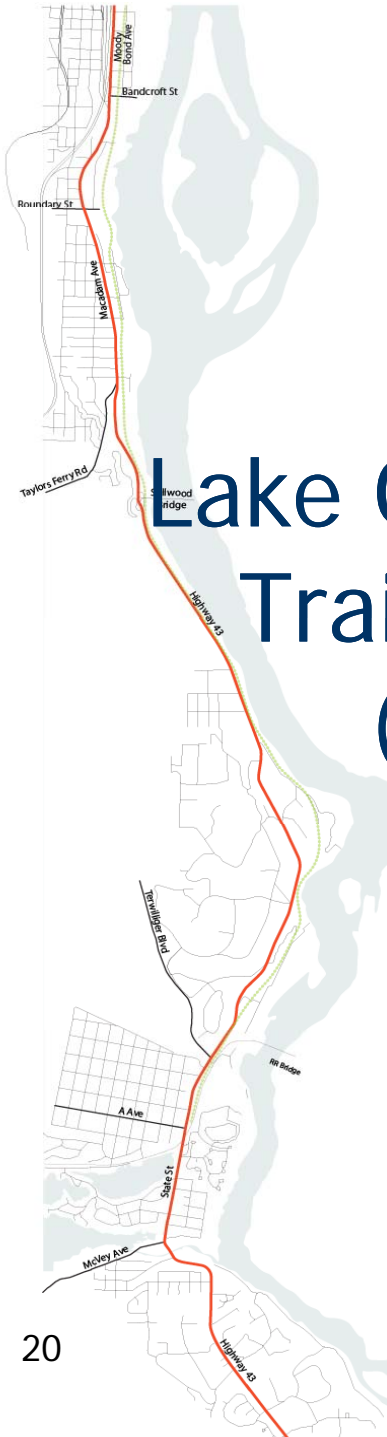


Purpose – physical and service improvements intended to speed transit

- Improved headways to 12 min. peak, 15 min. off-peak
- 8 intersection on SW Macadam Avenue with worst traffic congestion
 - Queue Bypass Lanes
 - Signal Priority treatment
 - Higher Quality Shelters and amenities
 - Bus pullouts
- Safety improvements along Highway 43
- 400 park and ride spaces







Lake Oswego to Portland Transit and Trail Project Advisory Committee (LOPAC) Recommendation

July 31, 2007

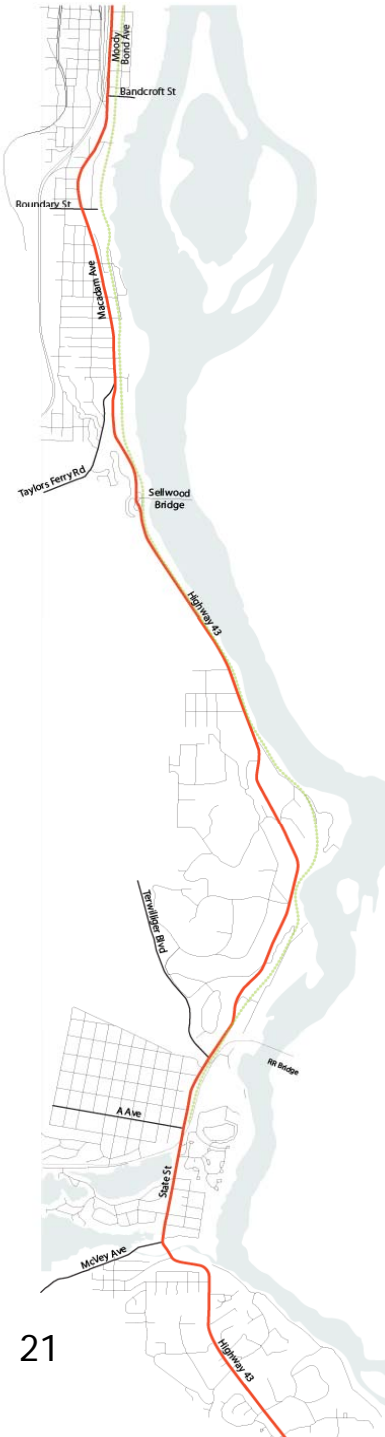
LOPAC Recommendation:

A: Streetcar through John's Landing and enhanced bus to Lake Oswego

- SW Macadam Ave/SW Nevada Street terminus
- Streetcar in SW Macadam Avenue, as much as possible
- Convert Willamette Shore Line (WSL) right of way to a bike trail
- Enhance bus service between Portland and Lake Oswego

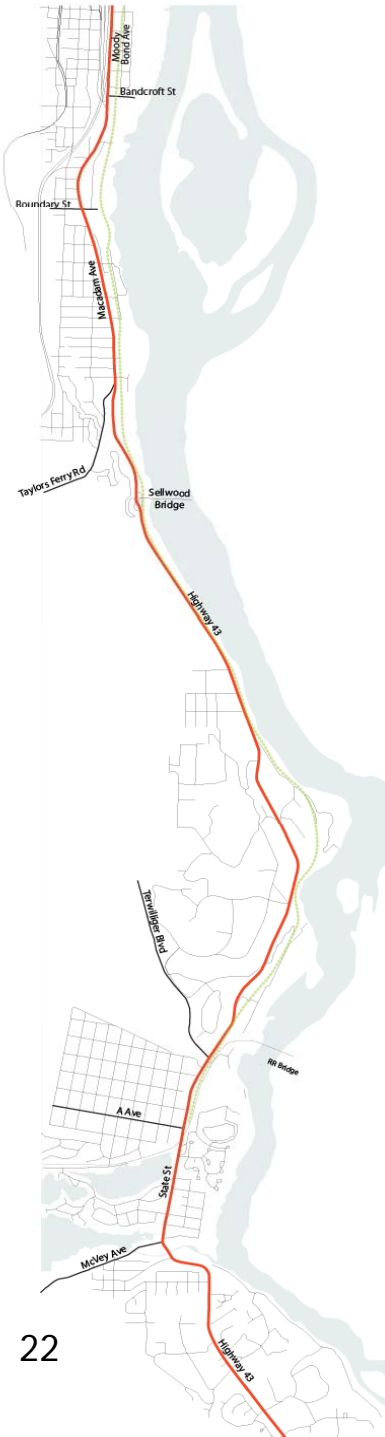
B: Streetcar to Lake Oswego

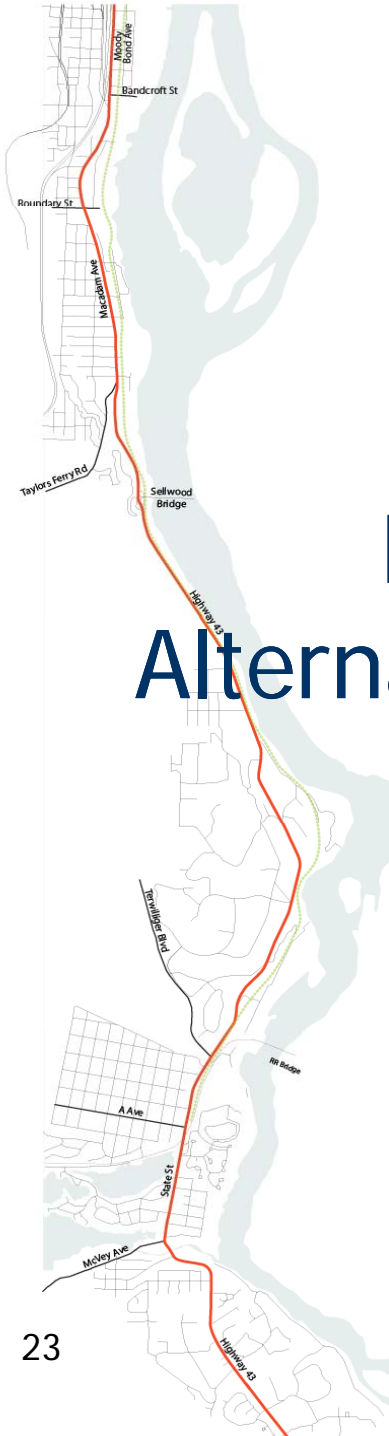
- Albertsons' lot terminus
- Streetcar in SW Macadam Avenue, as much as possible
- Convert Willamette Shore Line (WSL) right of way to a bike trail between South Waterfront and SW Nevada St
- Streetcar in the WSL right of way to Lake Oswego, with a combined trail and bicycle path, to be determined by further study



LOPAC – Further Recommendations

- Minimize the impact on homes
- Encourage redevelopment, where appropriate
- Allow for future expansion south and west of downtown Lake Oswego.
- Provide enhanced transportation options for citizens living south of Lake Oswego including the continuation and improvement of local and through bus service.
- Coordinate with transportation alternatives across the Sellwood Bridge or its replacement.
- Establish a safe and attractive transit, pedestrian and bicycle route and protect residents and property values from negative impacts.

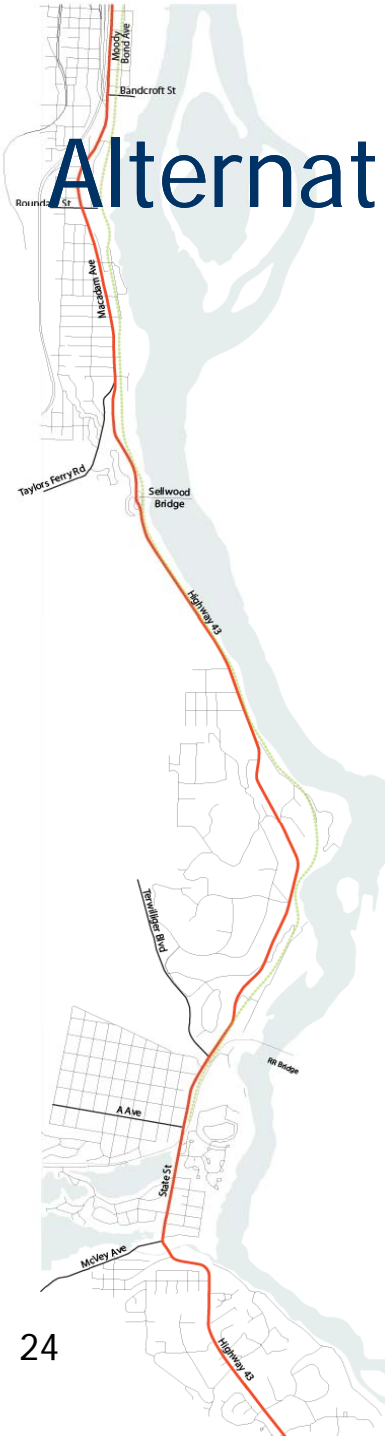




Metro Council Decision on Alternatives to Advance into the DEIS

December 13, 2007

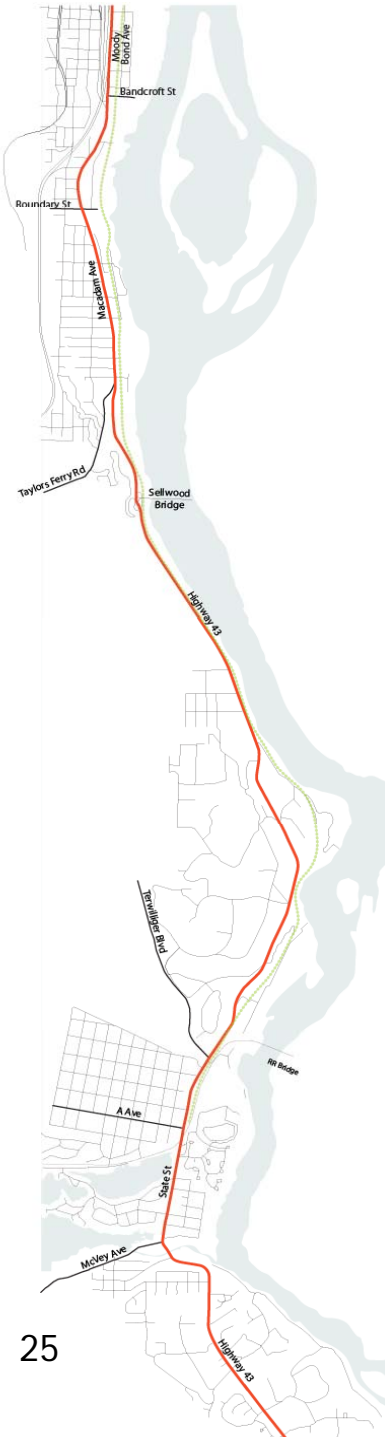
Alternatives to be Advanced into the DEIS



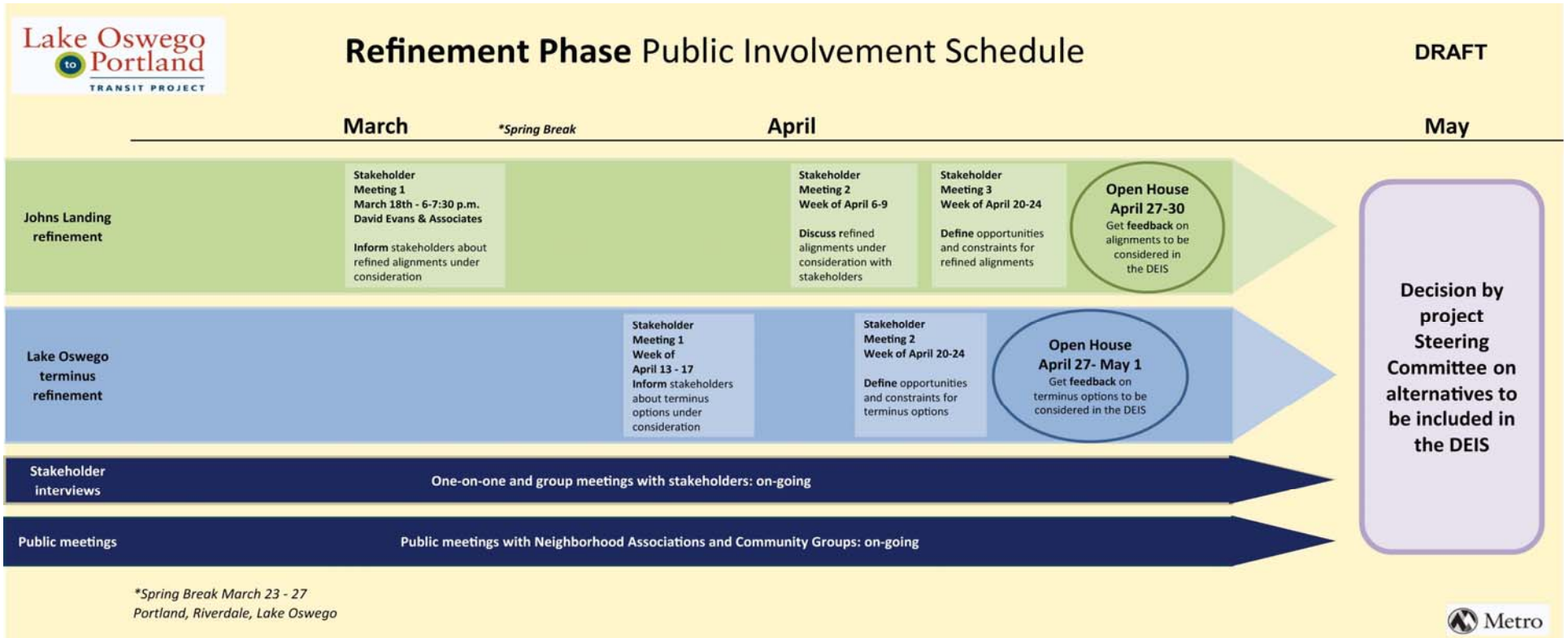
- **No-Build**
- **Streetcar Alternative**
 - Johns Landing
 - Macadam Avenue Alignment
 - Willamette Shore Line Alignment
 - Combinations of the above or new alignments
 - Lake Oswego Terminus
 - Albertsons
 - Safeway
 - Permanent Johns Landing Terminus (Nevada St.)
 - Temporary Johns Landing Terminus (Nevada St.)
- **Enhanced Bus Alternative**

Work Plan Considerations

- Develop scope, schedule and budget for DEIS
- Johns Landing Refinement Study
- Develop local government actions or conditions required to ensure cost-effectiveness
- Work to resolve technical issues
- Continue to refine trail design



Refinement Study Timeline

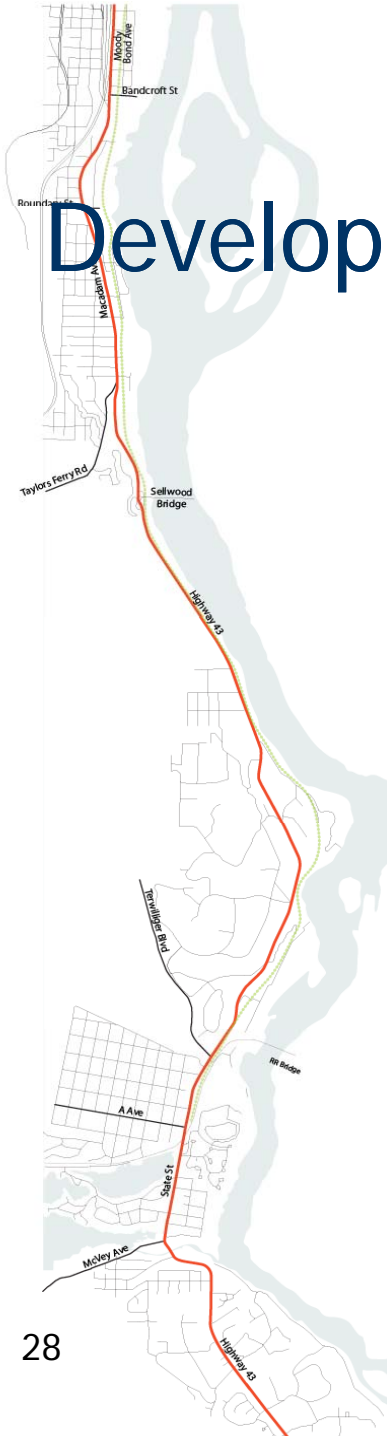




Goals for Streetcar in Johns Landing

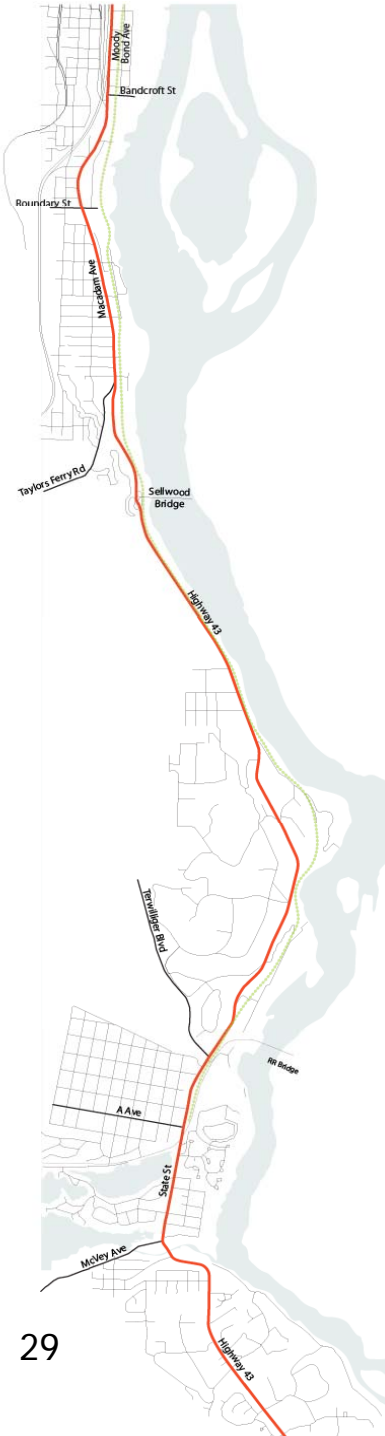
Develop a “Hybrid” Alignment that would:

- Minimize residential and environmental impacts
- Seek consensus with surrounding neighbors, property owners and project partners
- Maximizes transit ridership
- Provide an attractive transit alignment option for the Lake Oswego to Portland corridor
- Promote Transit Oriented Development, where appropriate
- Narrow the alignments studied in the DEIS, if possible

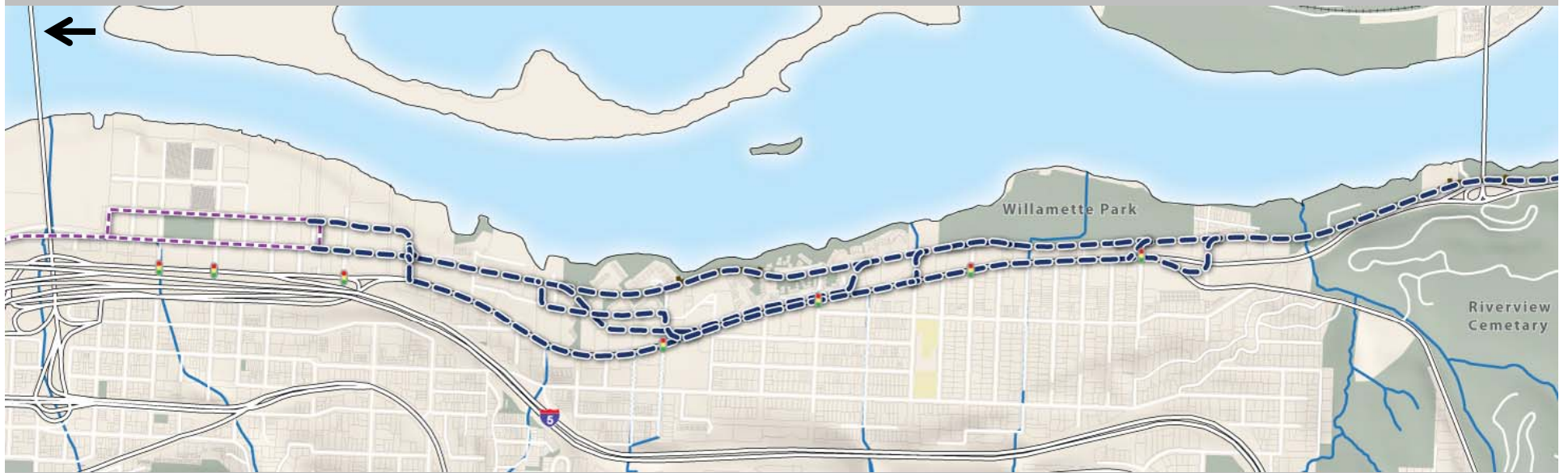


Johns Landing Criteria

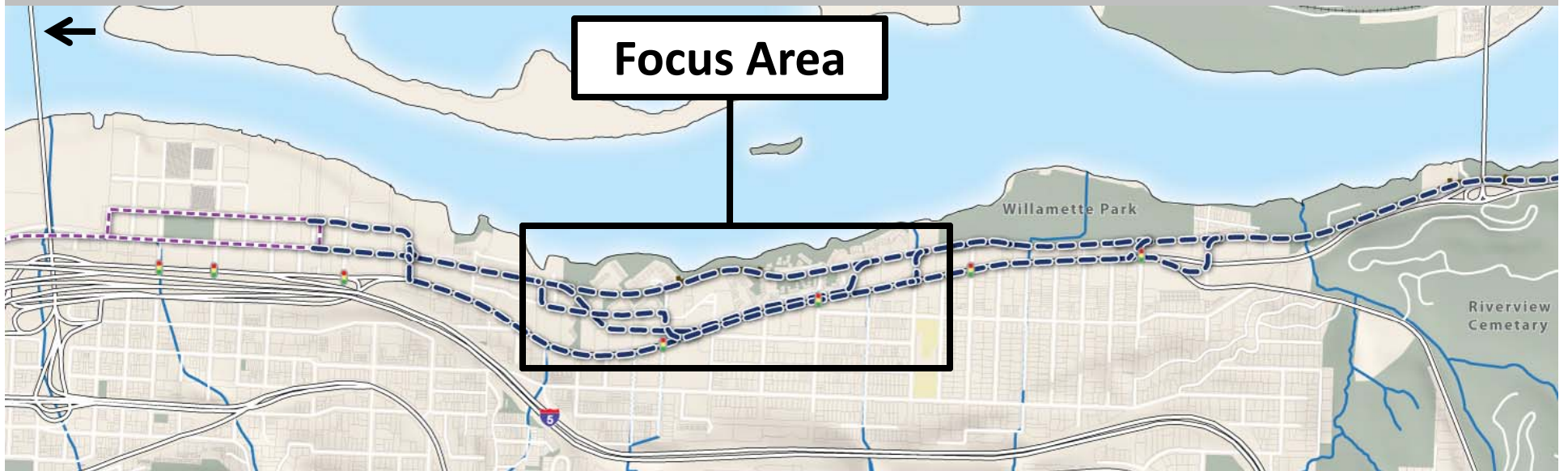
- Streetcar Operations
- Streetcar Performance
- Financial Feasibility
- Traffic Impacts
- Accessibility and Development Potential
- Sustain Existing Neighborhoods



Draft Alignments



Draft Alignments



Macadam – outside lanes



Macadam – eastside exclusive



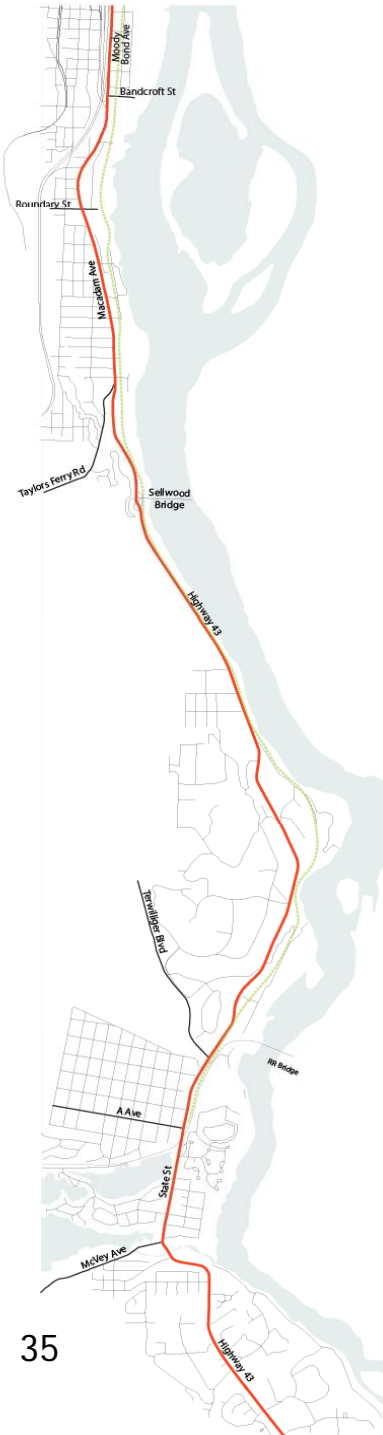
Macadam – additional northbound lane



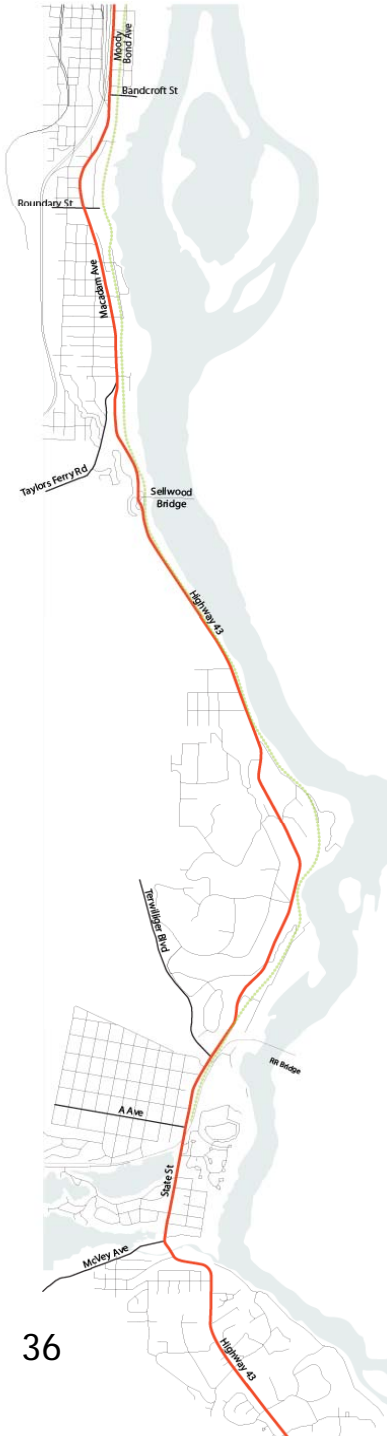
Community Involvement

- Neighborhood and Business stakeholder meetings: March 18 and April 14
- Open House May 19

Feedback indicates strongest support for streetcar options that minimize impacts to condominium owners and utilize SW Macadam

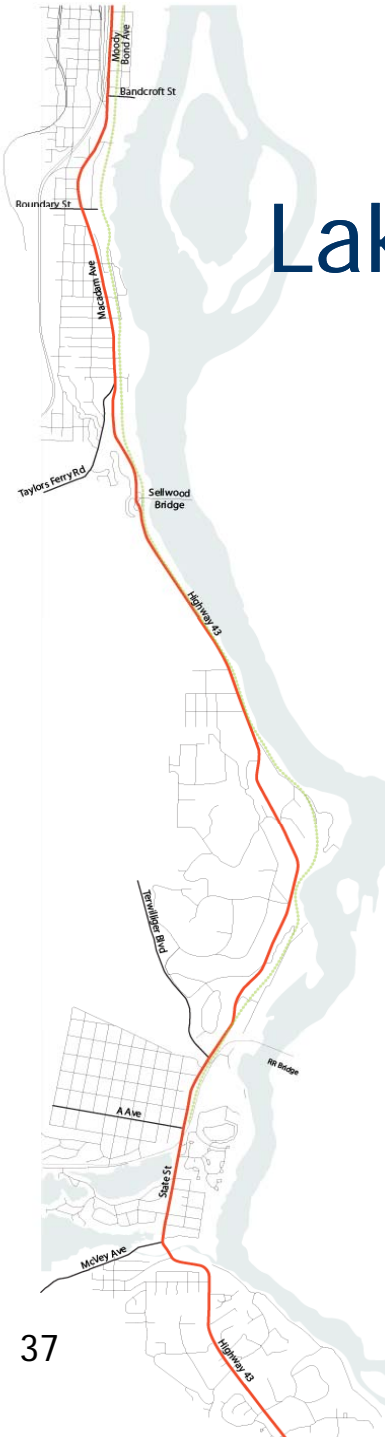


Lake Oswego Terminus Options

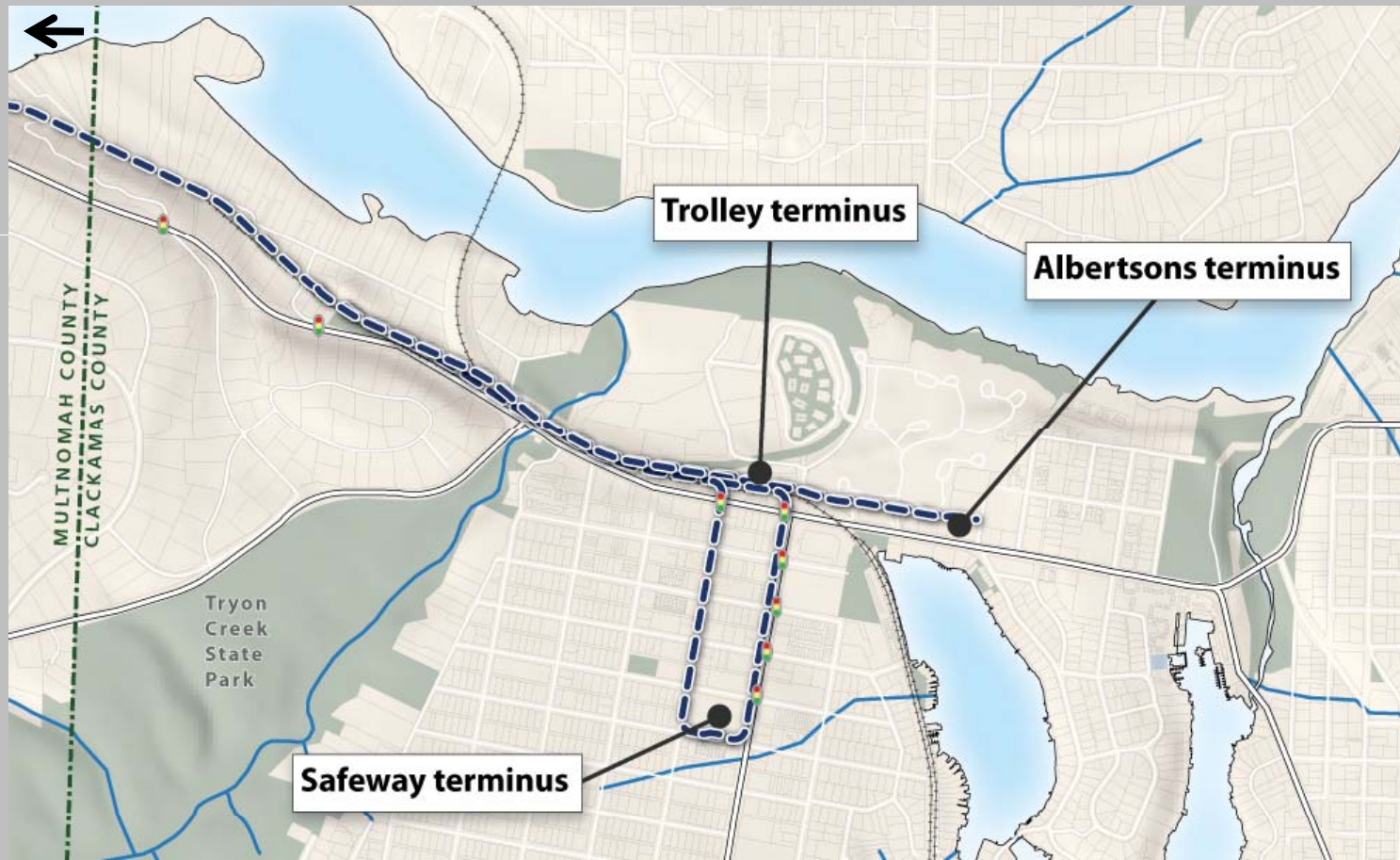


Lake Oswego Terminus Criteria

- Streetcar Operations
- Streetcar Performance
- Financial Feasibility
- Engineering Feasibility
- Traffic Impacts
- Accessibility and Development Potential
- Sustain Existing Neighborhoods



Terminus Options



Streetcar – Albertsons terminus



Albertsons terminus option

Opportunities:

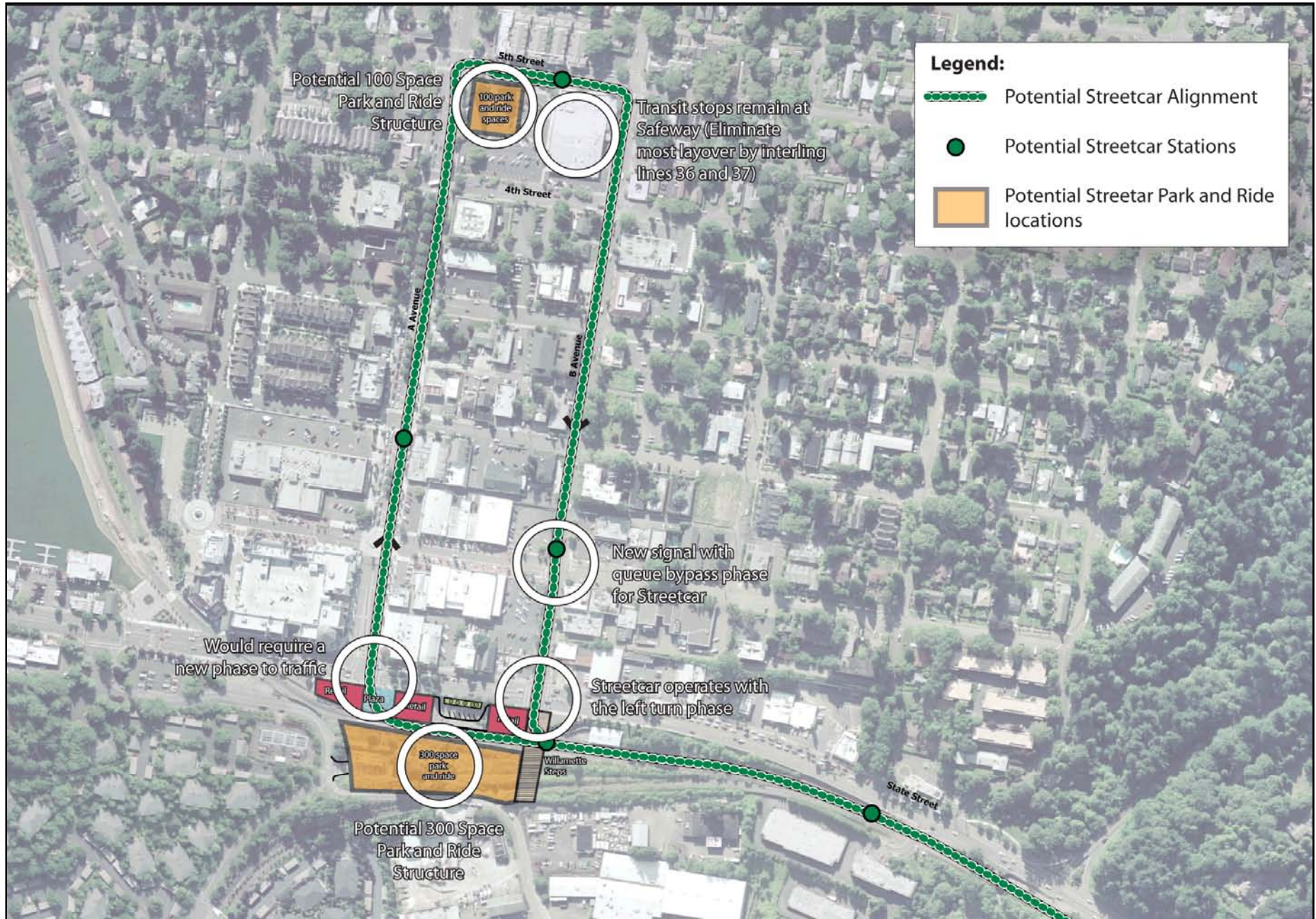
- provides the best opportunity for extending the streetcar further south in the future
- provides for redevelopment opportunities at the current Albertsons site
- most consistent with DTAAC recommendations

Constraints:

- streetcar proximity to Foothills and State Street
- Crossing under the freight tracks would require coordination with Portland and Western Railroad.



Streetcar - Safeway terminus



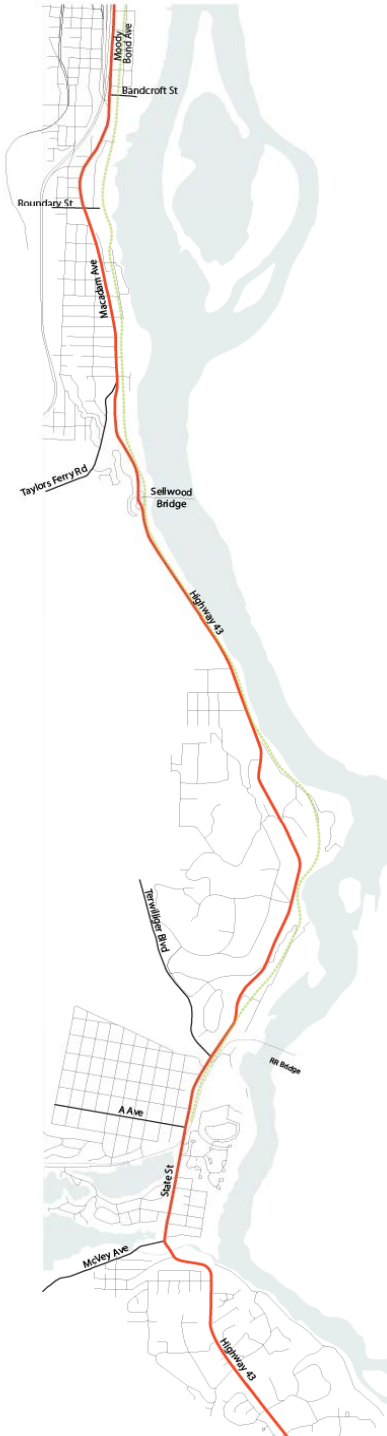
Safeway terminus option

Opportunities:

- allows for more transfer opportunities to the different bus lines in Lake Oswego
- circulates through the main commercial core of the Town Center
- allows for streetcar extension to west

Constraints:

- future southward extensions of the streetcar would not be likely
- Requires challenging trackwork to cross State Street
- Proximity to freight railroad tracks



Streetcar – trolley terminus



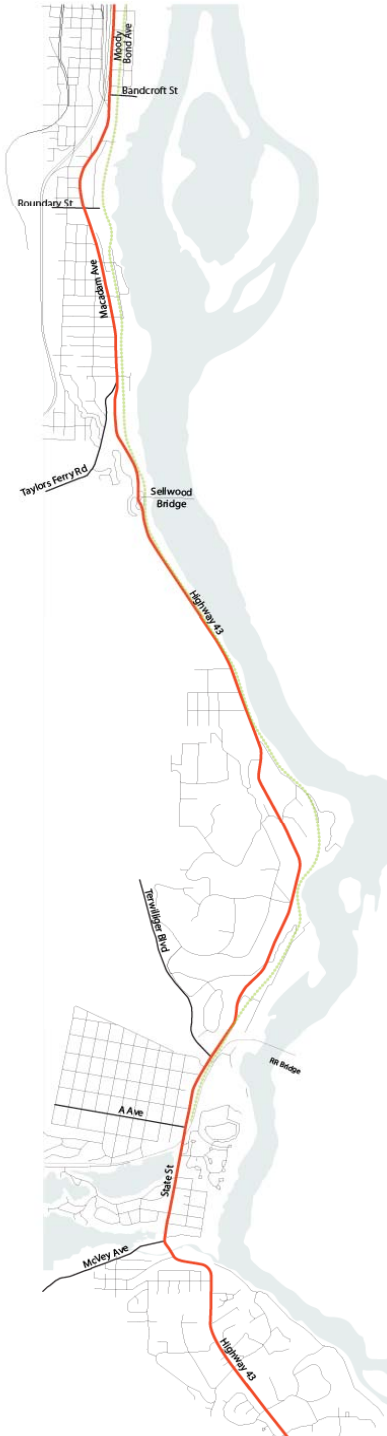
Trolley terminus option

Opportunities:

- potential for future extension of the streetcar line to the south
- could make use of the existing trolley barn as a storage and maintenance facility

Constraints:

- conflicts with spacing standards between the freight and trolley tracks
- Crossing under the freight tracks would require coordination with Portland and Western Railroad.

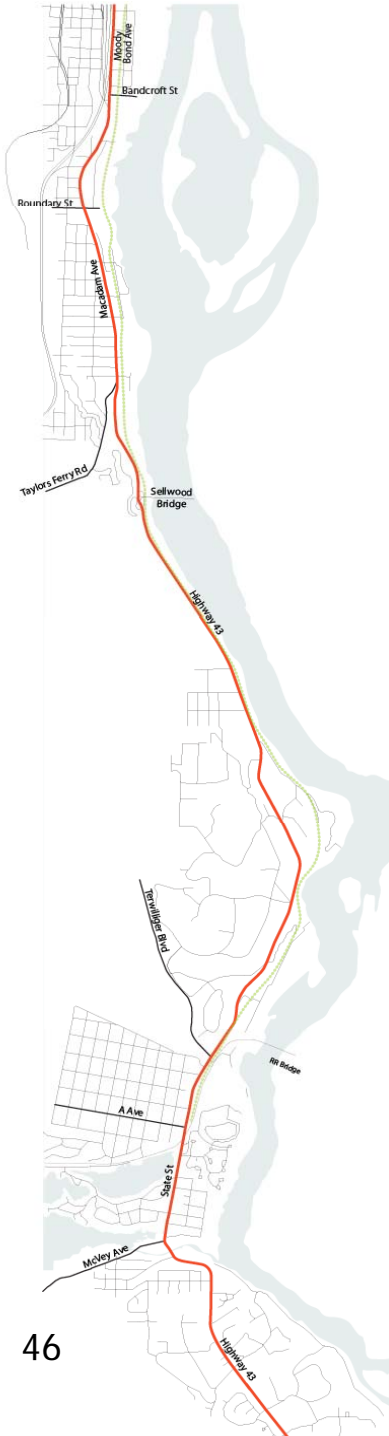


Community Involvement

- Neighborhood and Business stakeholder meetings on April 16 and April 30
- Open House May 14

Feedback indicates strongest support for streetcar options on State Street and south, rather than into downtown Lake Oswego

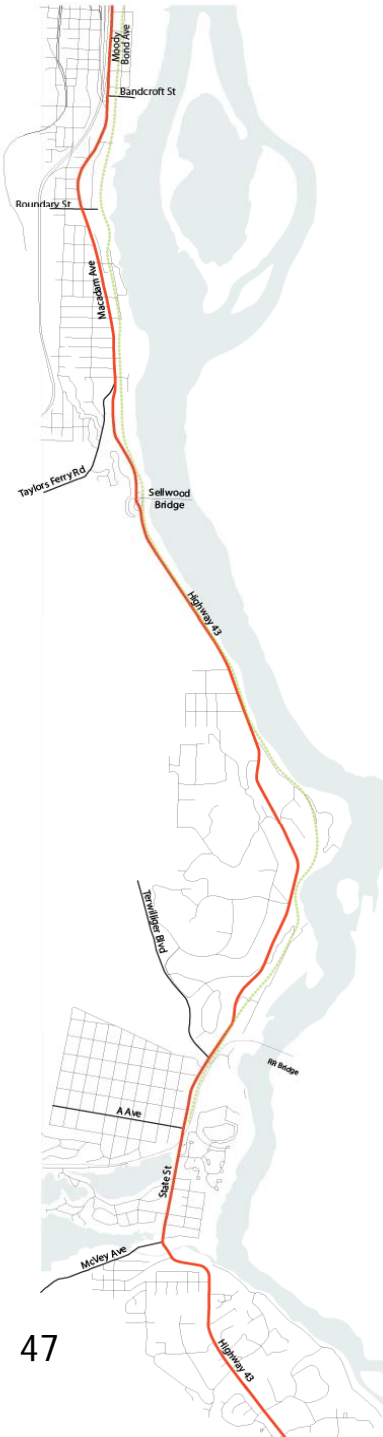




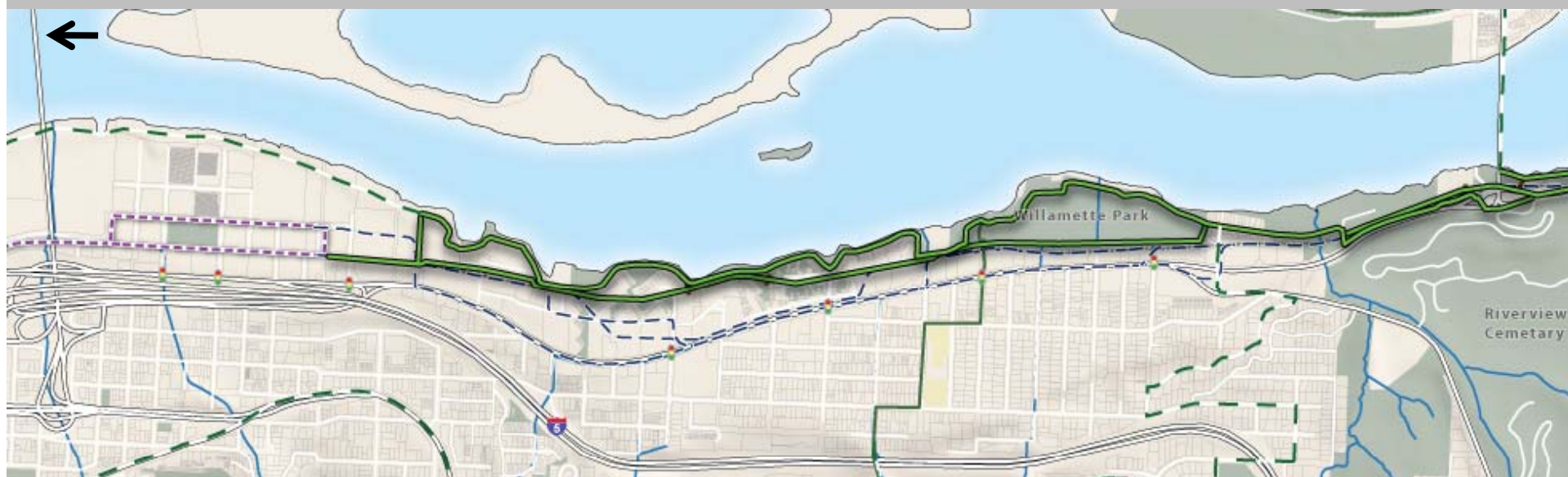
Goals for Trail Refinement

Goals for Trail Alignment

- Determine the appropriate trail sponsors and funding sources
- Refine trail design to reduce costs and impacts
- Identify trail phasing
- Coordinate with other studies such as connections to the Sellwood Bridge and P&W railroad bridge
- Investigate outstanding legal questions regarding use of the Willamette Shore Line for trail.



South Waterfront to Sellwood Bridge



Sellwood Bridge south



City of Lake Oswego

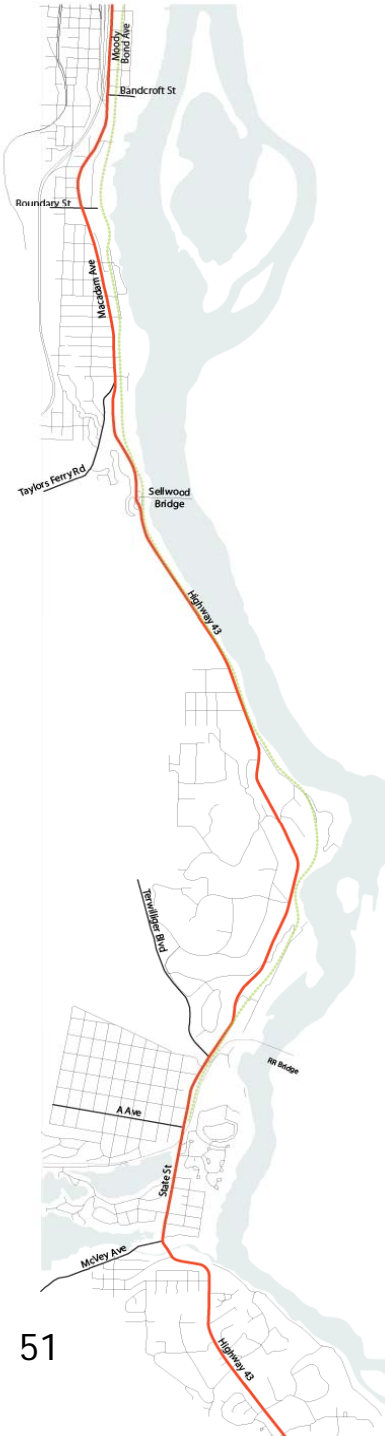


A Trail Strategy

- Design
 - Cost-effective
 - Minimize Impacts
 - Phasing
- Stakeholder Outreach
- Action Plan

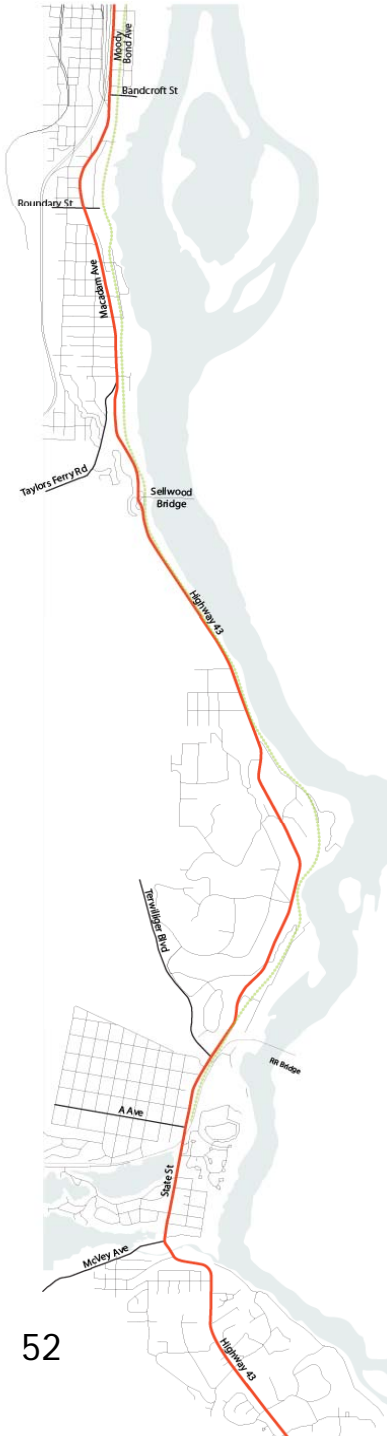
Recommendations on:

 - Project Sponsor and project development
 - Financing
 - Trail Concepts to move forward

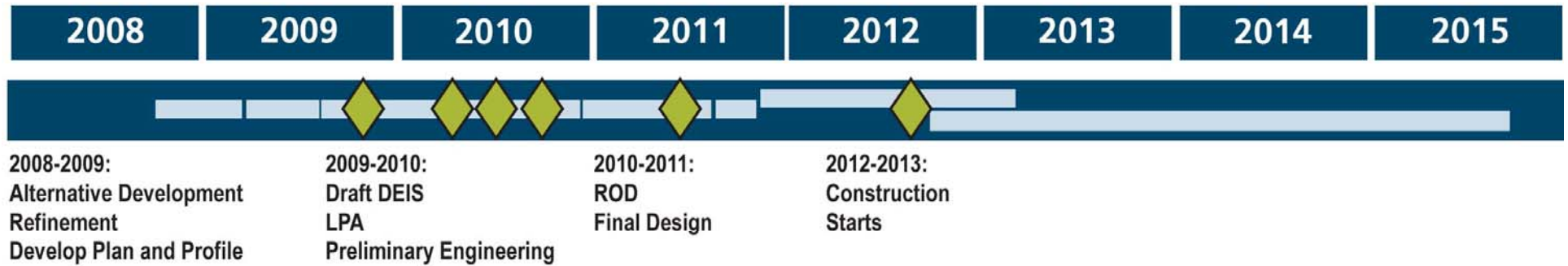


Next Steps

- Draft Environmental Impact Statement (DEIS)
- Schedule



DEIS Timeline



Lake Oswego to Portland

**TRANSIT AND
TRAIL STUDY**

Evaluation Summary Public Review Draft

July 12, 2007



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Introduction

This Evaluation Summary highlights the findings of the Lake Oswego to Portland Transit and Trail Alternatives Analysis (LOAA), a Federal Transit Administration (FTA) sponsored study. More detail and additional findings are available in the forthcoming Evaluation Report. This document is the result of two years of study of the Lake Oswego to Portland Corridor by Metro and its partner jurisdictions, the Tri-County Metropolitan Transportation District of Oregon (TriMet), the Oregon Department of Transportation (ODOT), the cities of Portland and Lake Oswego, and Clackamas and Multnomah counties.

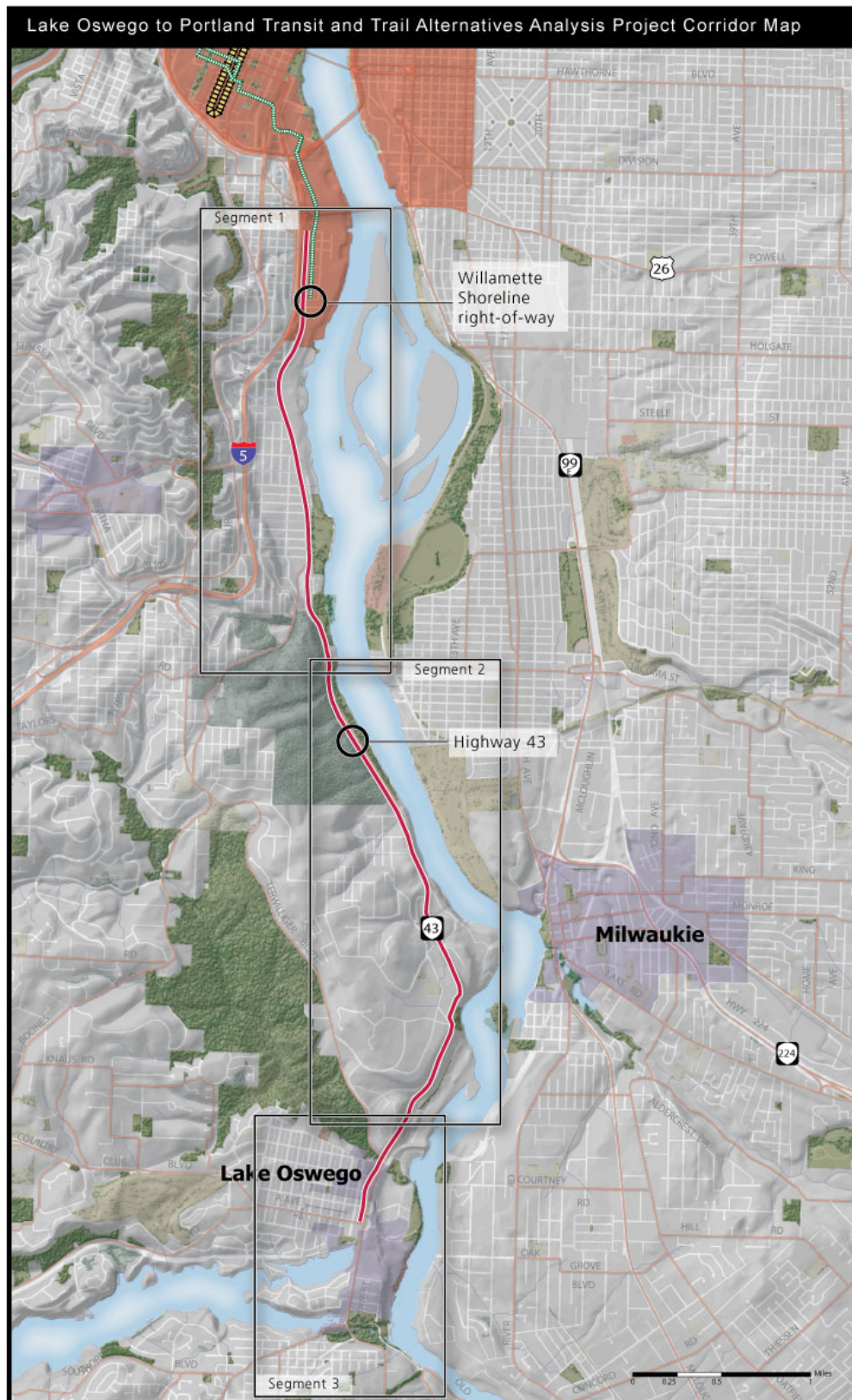
1.0 Corridor Background

This 5.7-mile long Corridor connects Portland Central City with the Lake Oswego Town Center as shown in Figure 1-1. The Corridor contains two main public rights-of-way, Highway 43, and the Willamette Shore Line Railway alignment. The highway is constrained by steep topography to the east and to the west. Early on in the process, ODOT prepared an analysis addressing why it is infeasible to widen the roadway. Metro policy, as expressed in the Regional Transportation Plan (RTP) is to improve mobility and capacity in the Corridor through transit due to the severe constraints to widening the highway. It is from this policy and through federal grants obtained from FTA and authorized by the Metro Council that the LOAA was initiated in 2005.

In 1988, the Willamette Shore Line Consortium (Consortium) purchased the 6.3-mile long Jefferson Branch line from the Southern Pacific Railroad for \$2 million. The Consortium purchased the line for future passenger rail transit use. Historically, the line had been used for short-line freight operations and passenger service starting in 1887 when the line was constructed. Today, the Oregon Electric Railway Historical Society (OEHRHS) operates excursion service, which keeps the line in continuous rail use. TriMet holds title for the Consortium and the City of Lake Oswego provides maintenance services funded by the Consortium. This LOAA study was designed to answer the question of whether to advance a high capacity transit solution in the Corridor to address future travel demand.

This Alternatives Analysis also includes a trail component, which was required by one of the grants funding the project. The project is charged with determining if a continuous trail between Lake Oswego and Portland can be constructed in conjunction with the transit alternatives. For this reason, the project has two separate sets of goals and objectives responding to two different purposes and needs.

Figure 1-1. Project Corridor



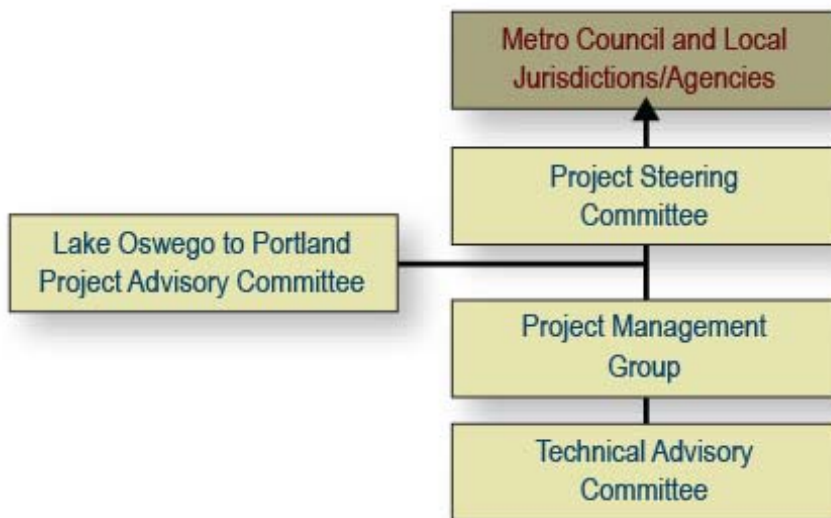
Source: Metro, 2007

Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary
July 12, 2007

2.0 Study Organization and Decision-Making

The Metro Council is charged with making a decision as to what, if any, alternatives should be advanced to the next phase of project development, a *Draft Environmental Impact Statement*. The LOAA has a committee structure including a Technical Advisory Committee and a Project Management Group made up of staff from Metro and its partner jurisdictions. The 20-member Lake Oswego to Portland Project Advisory Committee (LOPAC) consists of citizens that represent three main geographic areas of the Corridor plus the bike and trail community. The Steering Committee, made up of executives and elected officials from Metro and its partner jurisdictions, sets policy direction for the study and will receive recommendations for alternatives to be carried forward from the Project Management Group and LOPAC. They will make a recommendation that will be forwarded to local boards and commissions for adoption. Resolutions from project partners, in addition to the Steering Committee recommendation, will be forwarded to the Metro Council through the Joint Policy Advisory Committee on Transportation (JPACT), which acts as the region's Metropolitan Planning Organization (MPO) review body. Figure 2-1 shows the decision-making structure.

Figure 2-1. Decision-Making Structure



3.0 Purpose and Need of the Alternatives Analysis

The following section discusses how travel conditions in the Corridor are forecast to change between 2005 and 2025. Traffic conditions are forecast to continue to worsen in the Corridor and widening Highway 43 is not feasible. Transit mobility and capacity improvements were recognized by Metro and partner jurisdictions as the best way to improve travel conditions in the Corridor.

3.1 Need for the Transit Project

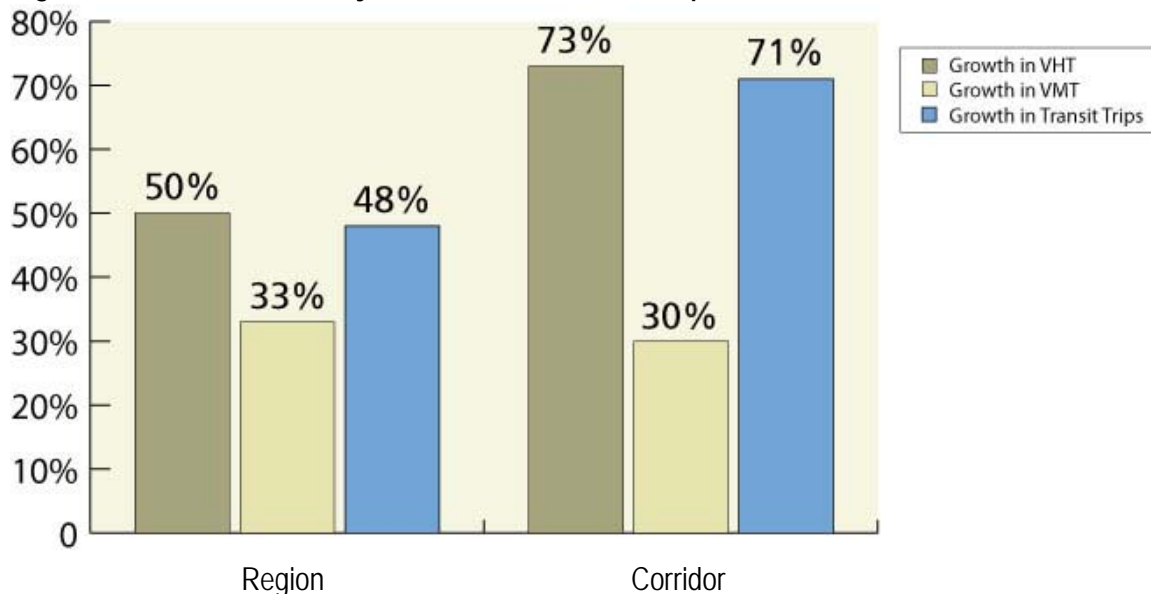
By 2025, the forecast year for the project, travel demand will grow significantly in the Corridor, putting greater pressure on the transportation system.

Between 2005 and 2025, transit trips are forecast to increase more within the Corridor than for the region as a whole, as shown in Figure 3-1. Current plans for transit service growth are constrained by available resources as defined in the financially constrained transit network of Metro’s 2004 Regional Transportation Plan (RTP). Normal growth in the transit service would occur over the next 20 years at a rate of 1.5 % annually. This constrained growth rate defines the No-Build scenario.

Figure 3-1 also shows the growth in transit trips is projected to grow more than vehicle miles traveled (VMT) in the Corridor. VMT measures the amount of travel by autos and other vehicles.

Figure 3-1, also demonstrates mobility is reduced with increased congestion. Projected growth in vehicle hours traveled (VHT) is greater than growth in VMT. This relationship illustrates that it would take longer to travel an equivalent distance on the roadways in 2025 than it would under today's conditions. This high rate of VMT compared to VHT illustrates the growth in congestion in the corridor.

Figure 3-1. Growth in All-Day VHT, VMT and Transit Trips (No-Build Conditions)



Source: Metro, 2007

It was found through this analysis that the peak period would spread to accommodate growth in travel demand in the Corridor. Even though capacity is constrained, high demand pushes congestion into more hours of the day than today.

Based on the review of transportation problems in the Corridor, LOPAC adopted Purpose and Need statements that were endorsed by the Steering Committee.

3.2 Purpose and Need Statements

The Purpose and Need Statements guide how the alternatives are developed and evaluated. They are developed in response to the problems in the Corridor and the travel markets. They represent the goals of the transit project and the bike and pedestrian trail component that accompanies each transit alternative. They also serve as the yardstick against which the alternatives are measured.

Transit Purpose and Need

The purpose of the Lake Oswego to Portland Transit Project is to develop a transit project that meets future travel demand and supports local and regional land use plans, which garners public acceptance and community support and will:

- **Increase the mobility and accessibility** within the geographically constrained Highway 43 Corridor, connecting the Portland Central City with and through the Lake Oswego Town Center.
- **Minimize traffic-related impacts to neighborhoods.**
- **Support and enhance existing neighborhood character** in an environmentally sensitive manner.
- **Leverage investment in the transit system** to cost-effectively increase Corridor and systemwide transit ridership.
- **Support transit-oriented economic development** in Portland and Lake Oswego.
- **Support community transportation, land use and development goals.**
- **Provide improved transportation access to and connectivity** among significant destinations and activity centers including Downtown Portland, Oregon Health & Sciences University, Tom McCall Waterfront Park, Willamette Park, Foothills and Downtown Lake Oswego.
- **Provide additional transportation choices in the Corridor.**
- **Be part of an integrated multi-modal transportation system.**

Bicycle and Pedestrian Trail Purpose and Need

The purpose of the pedestrian and bicycle trail is to provide a connection between the Willamette River Greenway trail at the north end of the Corridor and the Lake Oswego Town Center at the south.

- **Significantly improve the access, safety and quality** of experience for cyclists and pedestrians in the Corridor.
- **Create a connected, high-quality facility that is compatible with the transit alternatives** and which makes bicycling and walking viable transportation and recreation choices.
- **Enhance the value of the existing transportation** system by successfully integrating the bicycle/pedestrian trail into the system.
- **Be compatible with and serve the needs of surrounding neighborhoods.**
- **Connect and improve access to important pedestrian and bicycle destinations in the Corridor** such as the Willamette River, South Waterfront, Willamette Park, Sellwood Bridge, Lake Oswego Town Center, Urban Trails, Riverview Cemetery and the OHSU Tram.

4.0 Definition of Alternatives

4.1 Early Alternatives Screened Out

Options to be included in the alternatives analysis were developed through a community process. The process was designed to ensure that community concerns and issues would be identified early and addressed in the analysis phase.

A Wide Range of Alternatives phase first developed several alternatives. These alternatives were screened based on the project's Purpose and Need statements. The following alternatives were eliminated from further study by LOPAC and the Steering Committee:

Widening of Highway 43 – Not feasible based on ODOT analysis. There are steep grades on either side of the highway. The amount of retaining walls and fill required would be extensive. Right-of-way would need to be purchased in addition to access impacts to properties.

Reversible Lane on Highway 43 – Found not to be feasible given lack of peak directionality and curvature, geometric and safety concerns with the highway.

River Transit- Recent work by the City of Portland's River Renaissance program was reviewed, as was Metro's 2000 River Transit study in conjunction with the South Corridor Project. Both found the commuter market for river transit limited, and operating and maintenance costs to be high relative to land-based alternatives.

Bus Rapid Transit Alignments on various streets including Boones Ferry, Taylors Ferry and Terwilliger were found to have no travel time benefit over Highway 43. This alternative had limited ridership potential based on a TriMet service planning model simulation that showed better productivity on routes traversing Highway 43 between Terwilliger and Taylors Ferry.

Streetcar on Highway 43 south of the Sellwood Bridge has safety issues pertaining to joint use of highway by traffic and streetcars given horizontal and vertical curvature, stopping distances and speed of traffic.

4.2 Alternatives Carried Forward

Three main alternatives were carried forward: No-Build, Bus Rapid Transit (BRT) and Streetcar.

The following sections present the BRT and Streetcar alignments by segments.



Figure 4-1. BRT Segment 1: South Waterfront to the Sellwood Bridge

The BRT Alternative would operate a frequent service bus route between Lake Oswego and downtown Portland. Queue jump lanes would be constructed to improve speed and reliability of the bus system. Other improvements include enhanced stations and safety improvements at intersections where a queue jump lane is not feasible such as SW Military Road and SW Briarwood Road.

Figure 4-2. Typical Queue Jump



Figure 4-3. BRT on SW Macadam Avenue at SW Boundary Street

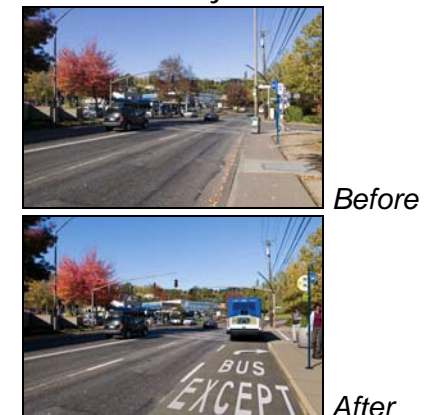




Figure 4-4. BRT Segment 2: Sellwood Bridge to Lake Oswego City Limits

Figure 4-5. BRT Improvements at SW Military Road



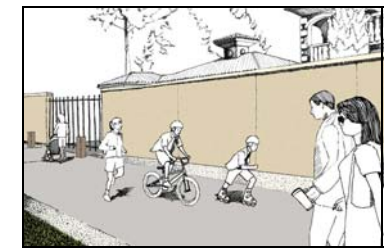
Before



After



Before



After

Figure 4-6. Trail Improvements on the Willamette Shore Line



Figure 4-7. BRT Segment 3: Lake Oswego City Limits to Downtown Lake Oswego

Figure 4-8. BRT Terminus at Albertsons in Lake Oswego

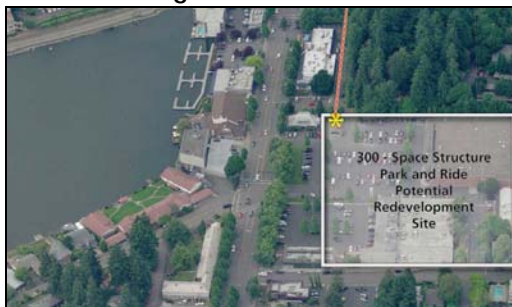


Figure 4-9. Transit Only Roadway Cross-Section in Lake Oswego

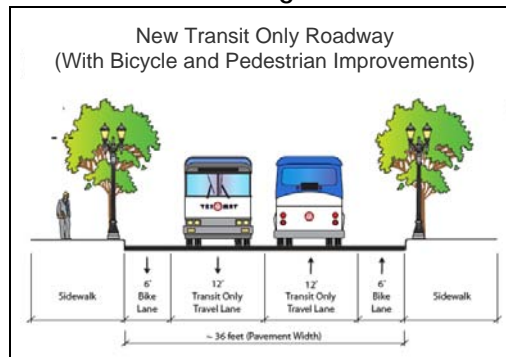


Figure 4-10. Trail Cross-Section

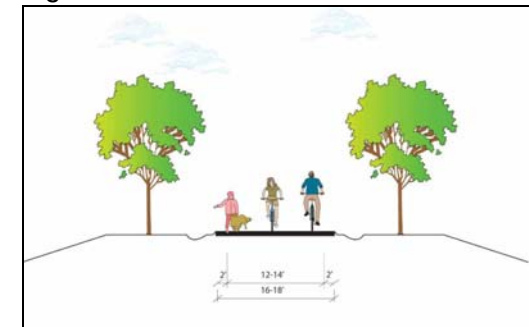




Figure 4-11. Streetcar Segment 1: South Waterfront to the Sellwood Bridge

The Streetcar alternative would operate a streetcar between Lake Oswego and downtown Portland. The Streetcar designs were developed with the goal of keeping the alignments within existing public right-of-way. There are six design options for the Streetcar alignment between SW Lowell Street and the Sellwood Bridge and three design options for the terminus in Lake Oswego. The Streetcar alternative also has a trail component between Lake Oswego and downtown Portland.

Figure 4-12. Streetcar/Trail Cross-Section

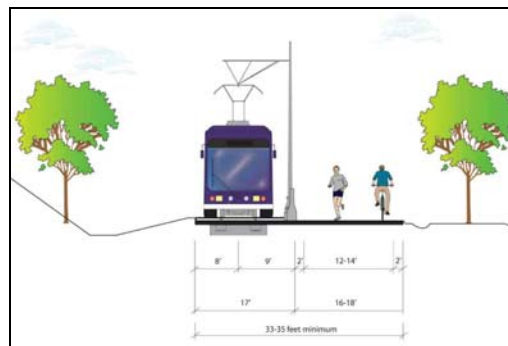


Figure 4-13. Streetcar on SW Macadam Avenue



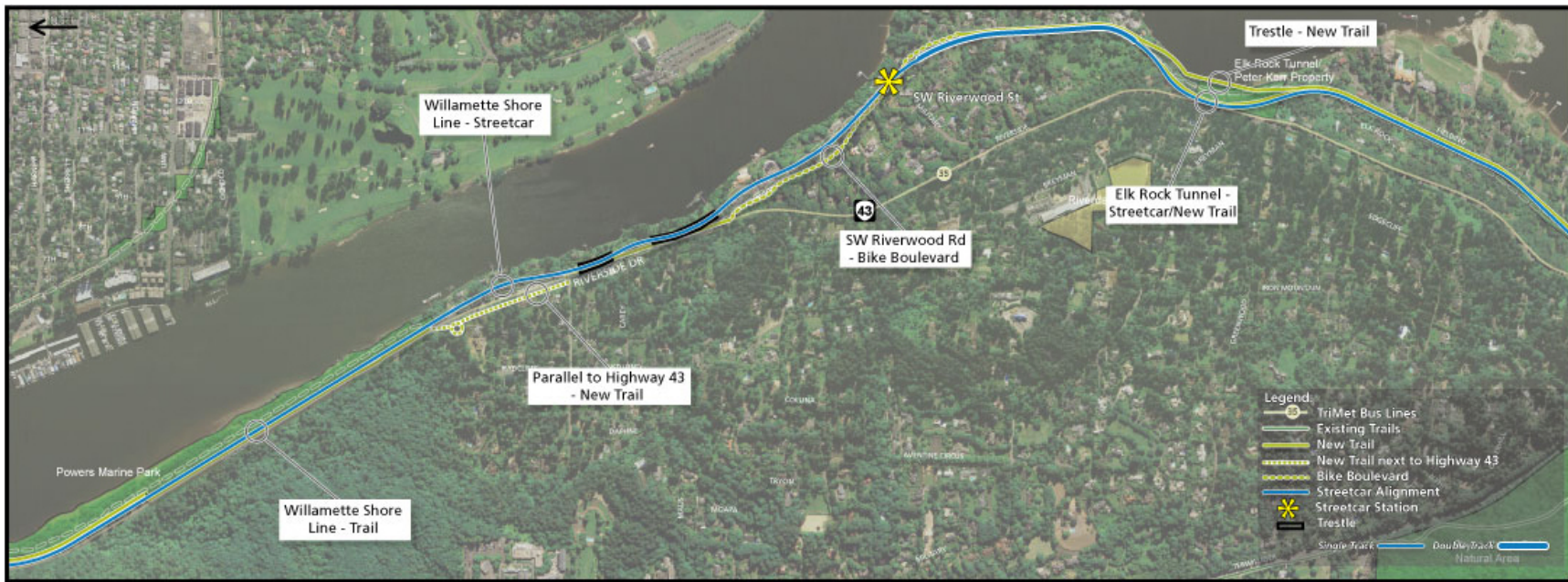


Figure 4-14. Streetcar Segment 2: Sellwood Bridge to Lake Oswego City Limits

Figure 4-15. Streetcar on the Willamette Shore Line

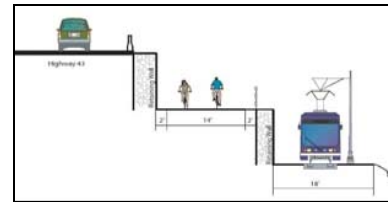


Before



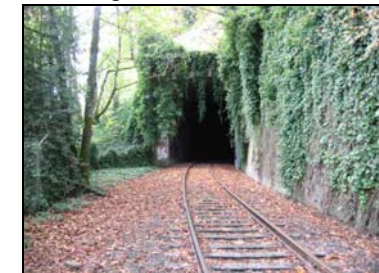
After

Figure 4-16. Trail Cross-Section in Powers Marine Park



Steep grades and floodplains require extensive retaining walls and fill, adding to the cost of the trail and streetcar.

Figure 4-17. Example of Design Challenges – Elk Rock Tunnel



Double-track streetcar or streetcar and trail would require widening the tunnel or boring a new tunnel for the trail.



Figure 4-18. Streetcar Segment 3: Lake Oswego City Limits to Downtown Lake Oswego

Figure 4-19. Streetcar on A Avenue in Lake Oswego



Before



After

Figure 4-20. Streetcar Terminus Options



Safeway Terminus



Albertson's Terminus

4.3 Capacity Considerations

Streetcar

Streetcar capacity is determined by the number of vehicles that can be run per hour per direction. Between Bancroft and the Sellwood Bridge, much of the design for this analysis in the Willamette Shore Line alignment has been designed as single track. TriMet estimates that this would allow for approximately a 12-minute headway, or 5 trains per hour. South of Sellwood Bridge, there is less distance between double track sections which may allow for a 6-minute headway.

Each existing streetcar is designed for a maximum load of 140 persons standing and sitting. For this study, it is projected that achievable capacity over one-hour is 85% of maximum load, which would allow for 120 persons per vehicle.

At 5 trains per hour and a capacity of 120 persons, the WSL Streetcar system, as designed for this analysis, would be able to carry 600 people per hour per direction. The demand, however, is for 1,000-1,245 people per hour per direction.

To accommodate the potential demand for the WSL alignment, it was assumed that much of the track between Sellwood Bridge and Bancroft could be double-tracked, which would allow for streetcars to run at up to a 3-minute headway, and provide a capacity of 2,400 people per hour, per direction (20 trains x 120). Streetcar alignments on Macadam would have mostly double track for most of the length between Sellwood Bridge and Bancroft and are also projected to be able to operate at up to 3-minute headway.

In addition to the 12-minute all day service between Lake Oswego and Bancroft Street, peak service was added using planned turn-arounds at Bancroft and at PSU to meet peak demand. As a result, modeled combined headways were 6.5 minutes between Lake Oswego and Bancroft, 6.5 minutes between Bancroft and PSU and 10 minutes between PSU and NW 23rd Avenue.

BRT

Buses are limited in capacity by the vehicle design. For this corridor, street capacity would not limit number of buses needed to meet demand. It is not unreasonable to assume that buses could be run every two minutes and not significantly impact traffic.

Bus vehicle capacity for this corridor assumed 40-foot standard buses. These buses have a maximum load of 64 and an achievable capacity of 85%, or 55 people. In the first round of modeling, Metro applied a 12-minute headway for the proposed BRT. Model results found that there would be demand for 5-minute headway between PSU and Boundary. The demand remains high in the entire corridor. Buses would run at 5-minute headway between Lake Oswego and Union Station in Portland. There are difficulties turning buses around south of Bancroft and also at the designated bus-turn-around areas in downtown Portland. Given these physical constraints and capacity demands, buses were modeled from Union Station to Lake Oswego.

With 5-minute headways, buses would be able to carry 660 people per hour per direction. BRT speeds were estimated to accomplish 95% of auto speed on Macadam Avenue. To achieve this, it was initially assumed that 1,180 linear feet of queue bypass lanes would be constructed to help BRT bypass autos that would be queued at intersections. Through the process of analysis, it was determined that an additional 2,615 linear feet of queue bypass lanes would need construction for a total of 4,425 linear feet of queue bypass in order to reach the 95% efficiency level.

Corridor Capacity

Total person carrying capacity for transit in the corridor would be roughly the same for Streetcar on Macadam or BRT. Streetcar in the Willamette Shore Line adds a new corridor for high capacity transit and would add approximately 2,400-person carrying capacity per hour per direction.

5.0 Evaluation of Alternatives

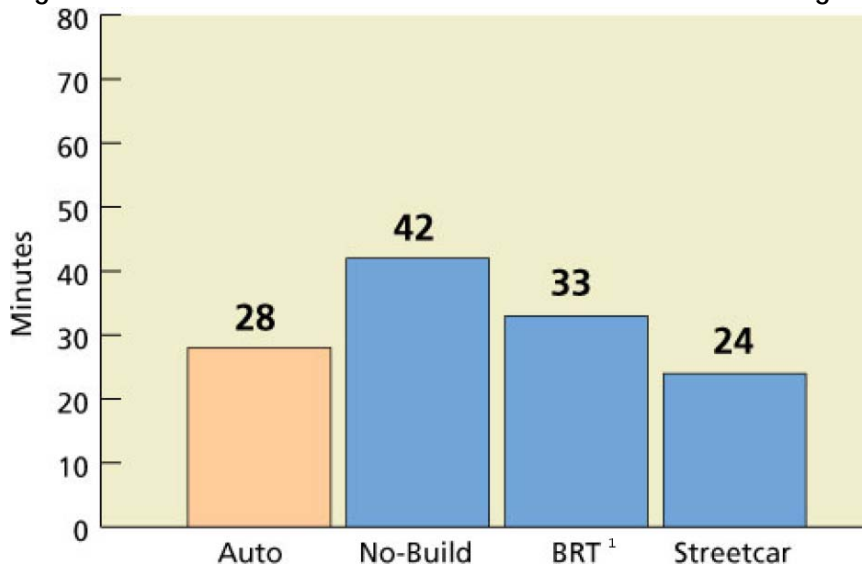
The following section presents the highlights of the technical design, travel forecasting, and development impact analysis of the alternatives. The No-Build is the basis for comparison of the alternatives. (The No-Build Alternative includes only the Line #35 with no capital improvements.)

5.1 Travel Time and Ridership

Travel time and ridership are important measures because they demonstrate the level of mobility achieved by the alternatives. The following figures show two measures of travel time in the Corridor: in-vehicle time and total transit time. The former is the time spent riding in a transit vehicle only, the latter includes time to walk to transit or to an auto, the initial wait time for the arriving bus or streetcar, and then any additional transfer time required to reach the final destination.

Figure 5-1 and Figure 5-2 show that the Streetcar is faster to Lake Oswego in the evening (PM) peak than autos making the same trip, for both in-vehicle and total travel time. Most significantly, both the BRT and Streetcar make substantial gains in travel time over the No-Build bus¹, at nine and 18 minutes, respectively.

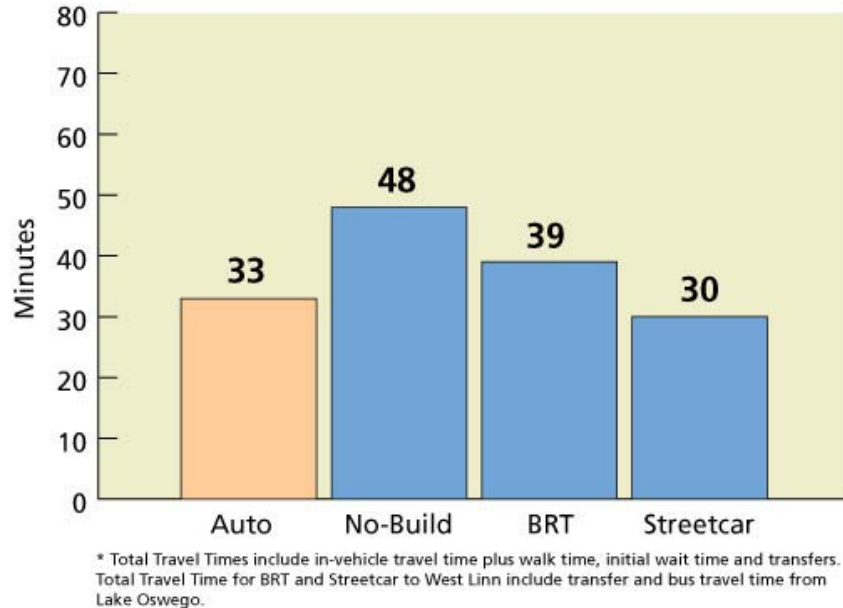
Figure 5-1. In-vehicle Travel Times Between PSU and Lake Oswego



Source: Metro, 2007

¹ Initial design of the queue jump lanes of approximately 200' each would be inadequate to allow buses to bypass congestion based on the traffic analysis. Further analysis has shown that the queue jumps would have to be 500 to 1,000 feet in many areas in order to bypass 2025 congestion. See section 4.3 for details.

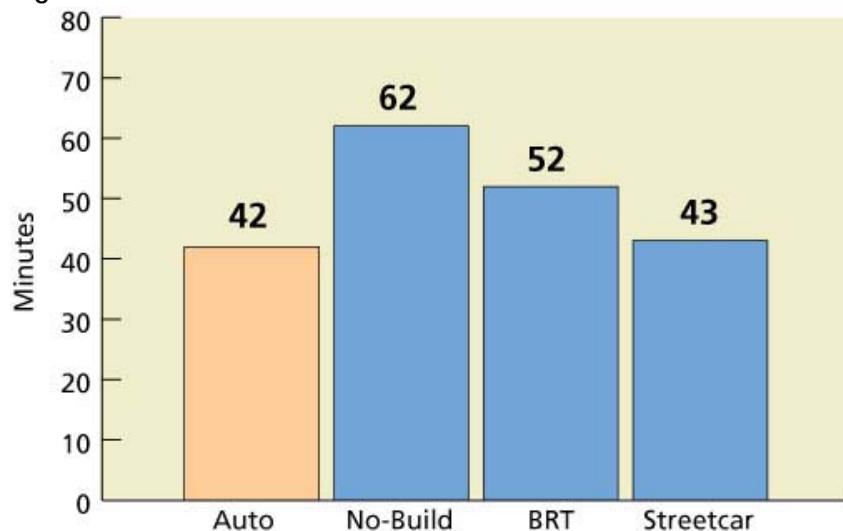
Figure 5-2. Total Transit Travel Time Between PSU and Lake Oswego



Source: Metro, 2007

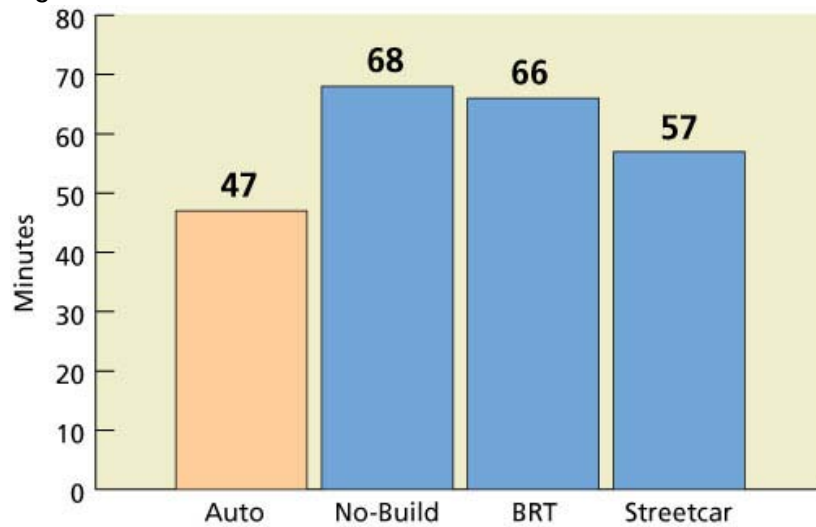
Figures 5-3 and 5-4 show the travel times for trips south of Lake Oswego to West Linn. Significantly, the Streetcar's in-vehicle travel time would be similar to that of auto, but once the transfer time in Lake Oswego is factored in for BRT and Streetcar, they would be 19 and 10 minutes slower than auto, respectively. Both BRT and Streetcar would provide a significantly faster trip than the No-Build bus with the Streetcar being 11 minutes faster than the No-Build, even when transfer and wait times are factored in. There would be a net service improvement for riders in West Linn given the increased frequencies and faster travel times, even with a transfer in Lake Oswego.

Figure 5-3. In-Vehicle Travel Time Between PSU and West Linn



Source: Metro, 2007

Figure 5-4. Total Transit Travel Times* Between PSU and West Linn



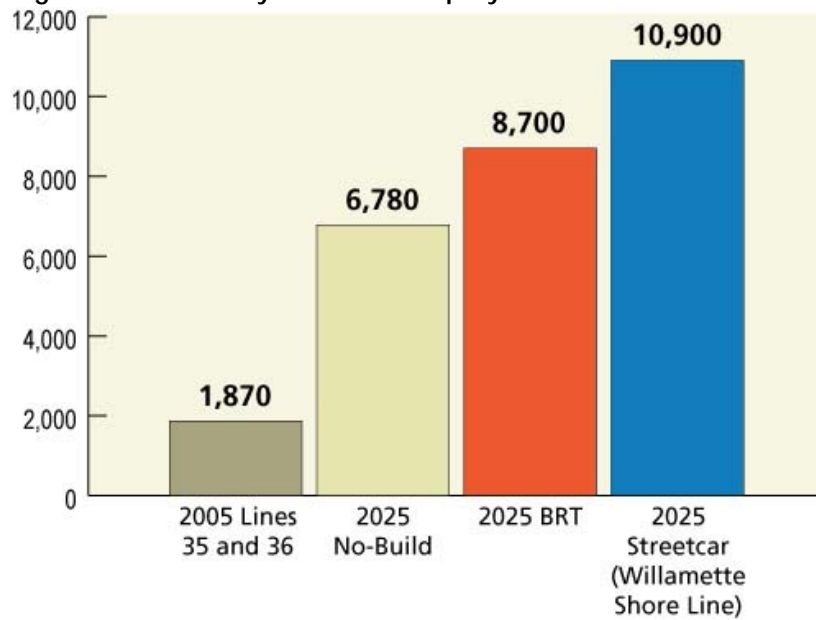
* Total Travel Times include in-vehicle travel time plus walk time, initial wait time and transfers. Total Travel Time for BRT and Streetcar to West Linn include transfer and bus travel time from Lake Oswego.

Source: Metro, 2007

Ridership is dependant upon many variables, with travel time being a key determinant. Frequency of service, reliability of the service and level of passenger amenities all play a part in ridership forecasts.

One key ridership measure is the number of trips that would occur on the main service in the Corridor, either the Line 35 Bus in the No-Build, the BRT line, or the Streetcar. Figure 5-5 shows ridership by line including 2005 actual ridership and the 2025 forecasts.

Figure 5-5. Weekday Line Ridership By Alternative



Source: Metro, 2007

Today, transit ridership in the Corridor on bus Lines 35 and 36 is 1,870. This number is projected to increase in the No-Build, to 6,780 in 2025. This increase comes from drivers who shift due to congestion, from rising population and employment, and from increasing costs to operate an auto including parking cost and parking availability. The BRT alternative would have almost 2,000 more trips than the No-Build, and the Streetcar, at 10,900, would have over 4,000 additional trips compared to the No-Build.

5.2 Design Considerations and Issues

The overarching design philosophy of the project was to create transit alternatives within the existing right-of-way, either on SW Macadam Avenue/Highway 43, or in the Willamette Shore Line right-of-way. The design of the alternatives and their related physical impacts are complicated somewhat by the presence of the complementary trail components. This adds cost, particularly when trying to fit the trail and Streetcar through the narrowest parts of the Corridor. Every effort has been made to minimize any right-of way impacts to surrounding properties.

5.3 Costs

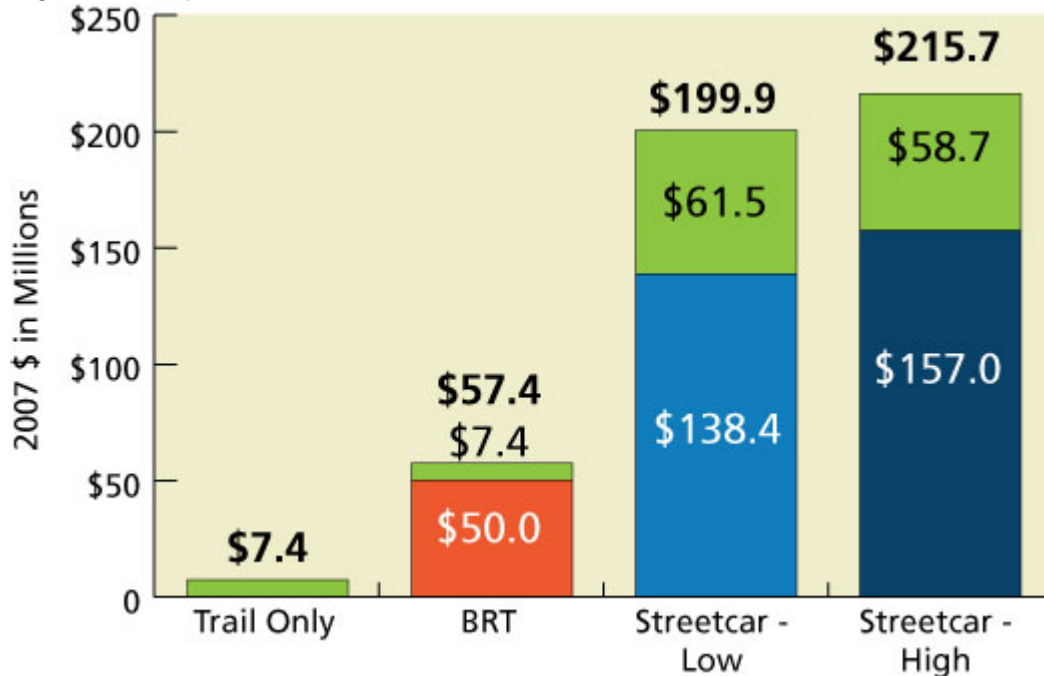
Capital Costs

The Streetcar and BRT capital costs are each presented with and without a trail component. The trail has a significant effect on the cost of the Streetcar options, as shown below in Figure 5-6. The “Trail Only” alternative refers to the cost of simply paving over the existing Willamette Shore Line railroad tracks and making modest improvements to the trestles and to Elk Rock Tunnel. This trail cost is applied to the BRT alternative, (BRT uses Highway 43 and SW Macadam Ave., which leaves the Willamette Shore Line right-of-way available for trail use). The BRT costs of \$50 million include the cost of vehicles and all civil construction for the queue bypass lanes as well as signalization changes for bus priority. The Streetcar low and high figures represent the possible range for costs based on the least expensive and most expensive alignments. The low figure is for Streetcar on the Willamette Shore Line to the Trolley Terminus. The high figure represents Streetcar in Macadam south of Bancroft to Nevada Street with the Safeway Terminus in Lake Oswego.

An important element of the capital cost of the project is the effect of the value of the Willamette Shore Line right-of-way. The right-of-way was purchased in 1988 for \$2 million. Current estimates value the right-of-way south of Lowell Street to be \$50 million. This value will be confirmed by TriMet and will be included in the detailed Financial Analysis report, to be completed after this report. This right-of-way can be used as local match for a transit project that uses the right-of-way. If a project does not use the right-of-way, the value of the right-of-way is lost. In addition, the amount of federal funds that would match the value of the right-of-way would be lost as well. For example, if the BRT project is chosen and a trail is proposed for the Willamette Shore Line, the value of the trail would be lost (\$50 million) in addition to losing the ability to match federal funds for the right-of-way value (\$75 million additional).

This is a significant opportunity cost that is not captured in the capital cost estimates, but is very real in terms of trade-offs between the various alternatives. This right-of-way value will be discussed in greater detail in Section 5.7, Financial Analysis.

Figure 5-6. Capital Costs (Millions of 2007 dollars)



Source: URS, Metro, 2007

Operating and Maintenance Costs

Figure 5-7 presents operating and maintenance costs for the BRT to Albertsons and the Streetcar in the Willamette Shore Line right-of-way to the Albertsons terminus. These are costs for operating the BRT and Streetcar lines only. Systemwide operating and maintenance costs will be discussed later. The line costs presented to show the inherent characteristics of each transit mode under study. These costs are used in the cost-effectiveness section that follows.

Line Costs

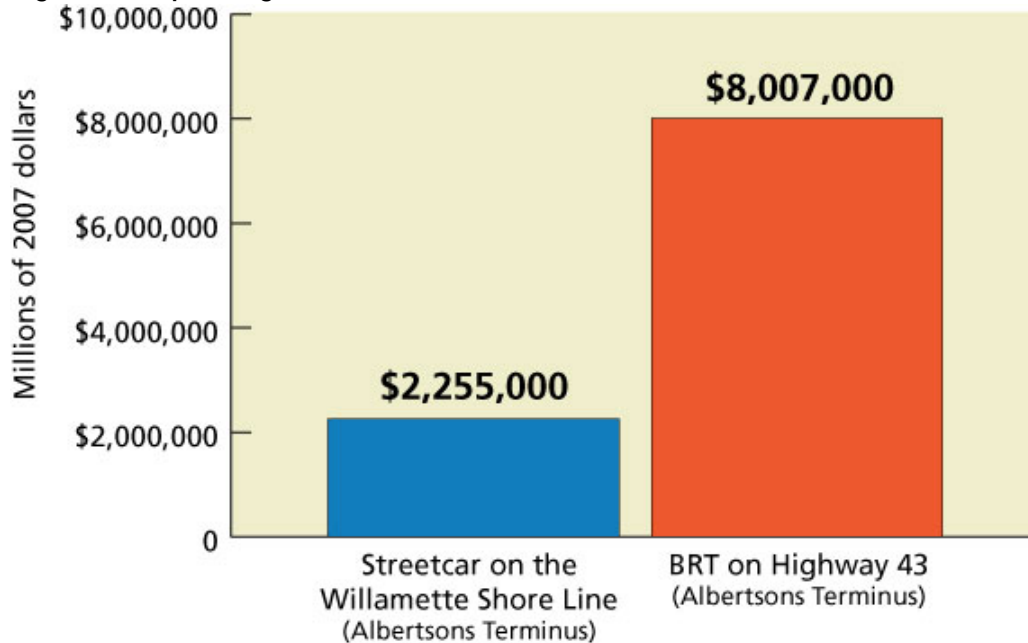
The Streetcar extension from SW Lowell Street to Albertsons in Lake Oswego costs less to operate than the BRT line from Union Station to Albertsons for several reasons:

- The extension from SW Lowell Street is an extension of an existing line at comparable headways, and as such takes advantage of the efficiencies of already having a line that extends from NW Portland to Lowell. Approximately nine trains per hour are necessary to meet peak demand between SW Lowell Street and PSU. Existing Streetcar service would provide six of those trains; therefore only three trains per hour need to be added between Lowell and PSU. BRT would require twelve new trips each travel 3 miles further (6 miles round trip) than Streetcar. Since the BRT alternative is a new line and not an extension these additional trips are all new trips that would extend three miles further than Union Station to provide similar coverage to Streetcar.

- Streetcar are larger vehicles with a capacity of 140 passengers compared to buses with 64 passenger capacity.
- More bus service hours on a longer route are required to meet demand in 2025 in the BRT alternative relative to the Streetcar.

Figure 5-7 below shows the O & M cost results, with BRT costing \$5.8 million more per year to operate than Streetcar.

Figure 5-7. Operating and Maintenance Costs for BRT and Streetcar (2007 dollars)

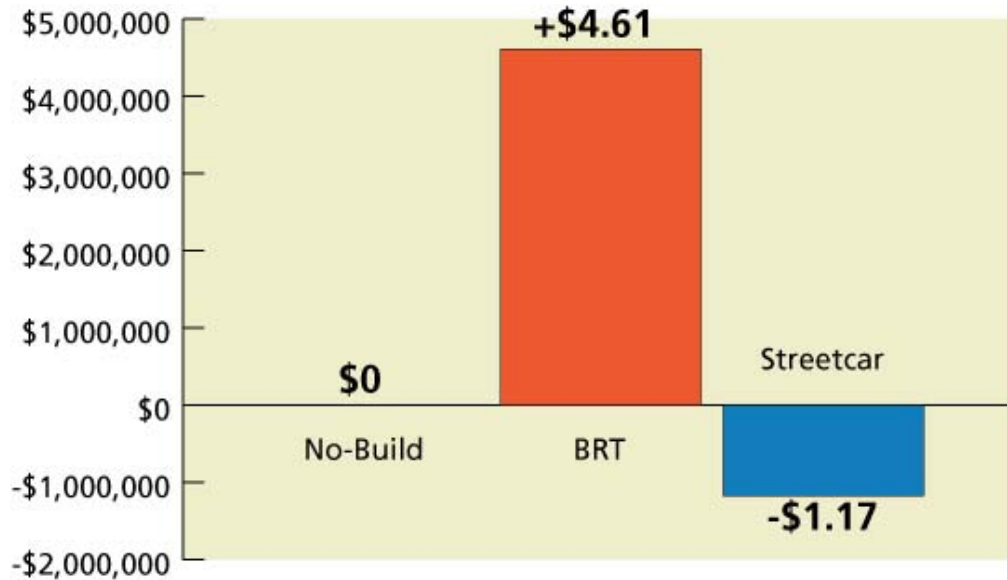


Source: TriMet, 2007

System Costs

Based on the modeled transit networks, systemwide operating cost comparisons between the No-Build, BRT and Streetcar alternatives show that the Streetcar would cost less to operate than the No-Build, as shown in Figure 5-8. This savings is due to the Streetcar's replacement of the portions of redundant service of Lines 35 and 40, with higher capacity and faster service that only has to be extended south from Lowell to Lake Oswego. TriMet could reinvest service hours in the Corridor, redeploy them to other parts of the TriMet district or invest them elsewhere in its system. BRT adds bus service, which duplicates high capacity existing Streetcar service between Lowell and downtown Portland, increasing overall system costs.

Figure 5-8. Net Operating and Maintenance Costs for BRT and Streetcar Compared to the No-Build (2007 dollars)

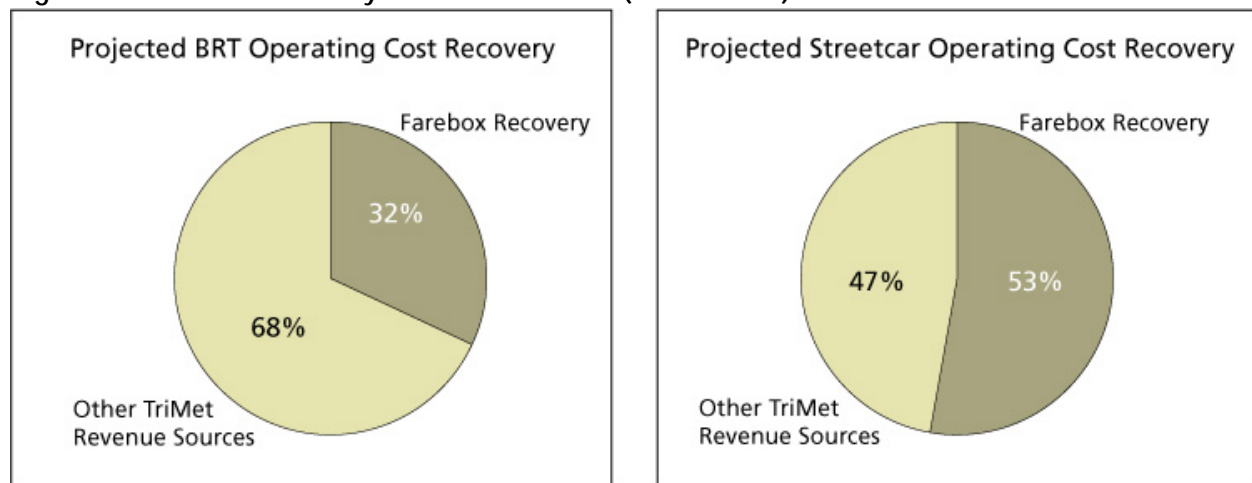


Source: TriMet, 2007

Farebox Recovery

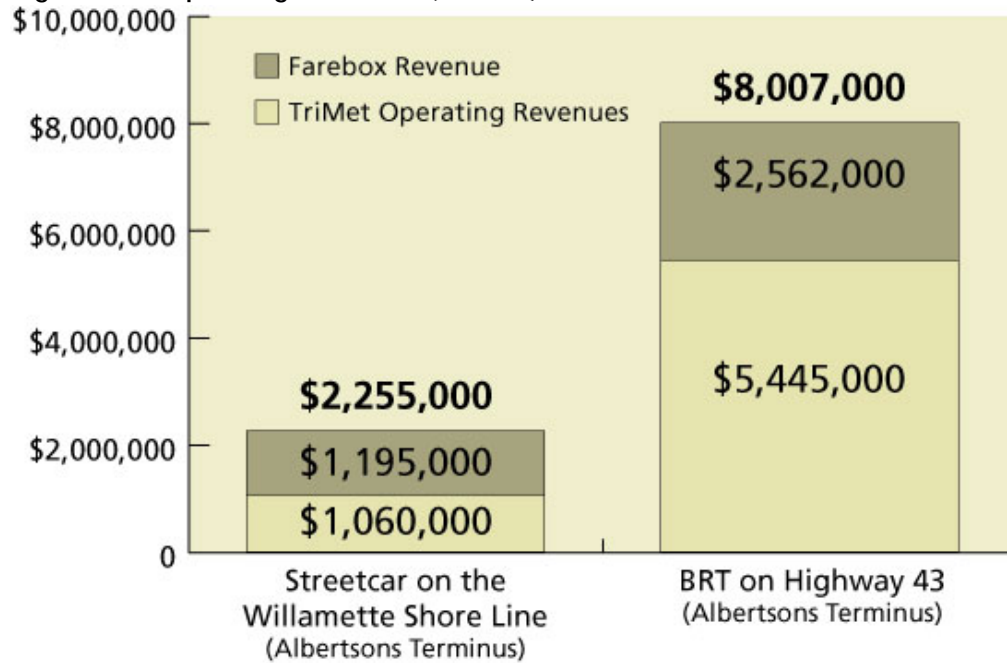
Another useful measure to better understand operating cost is farebox recovery. Using current TriMet system averages for frequent buses, the BRT line would recover 32% of its operating costs through the farebox. Because so much of the existing Portland Streetcar operates in Fareless Square today, light rail cost recovery is a more meaningful comparison than using existing streetcar estimates. Light rail recovers approximately 53% of operating costs through the farebox. This is because more passengers use a pass on buses than light rail. Figures 5-9 and 5-10 illustrate the impact of farebox revenues on overall operating cost.

Figure 5-9. Farebox Recovery of the Alternatives (2007 dollars)



Source: TriMet, Metro, 2007

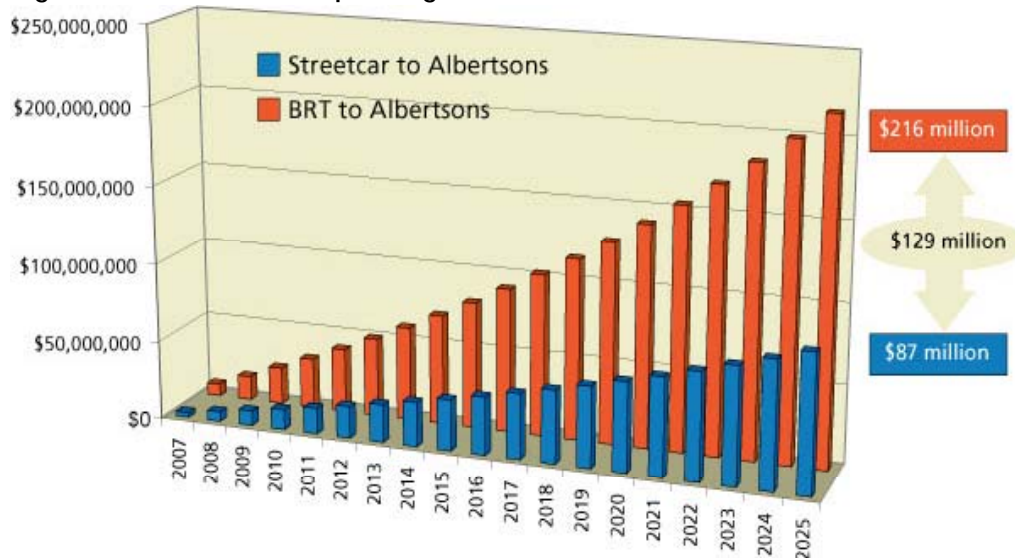
Figure 5-10. Operating Revenues (2007 \$s)



Source: Metro, 2007

Figure 5-11 shows the cumulative operating cost difference between the Streetcar on Willamette Shore Line alignment to the Albertsons terminus and the BRT line to Albertsons. If, hypothetically, service started today and TriMet's annual operating costs inflated at 4.5% per year, there would be a \$129 million annual difference in 2025 between BRT and Streetcar. As will be discussed later in Section 5.4, Cost-Effectiveness, there are significant trade-offs between capital costs and operating costs for these two alternatives.

Figure 5-11. Cumulative Operating Costs



Source: Metro, 2007

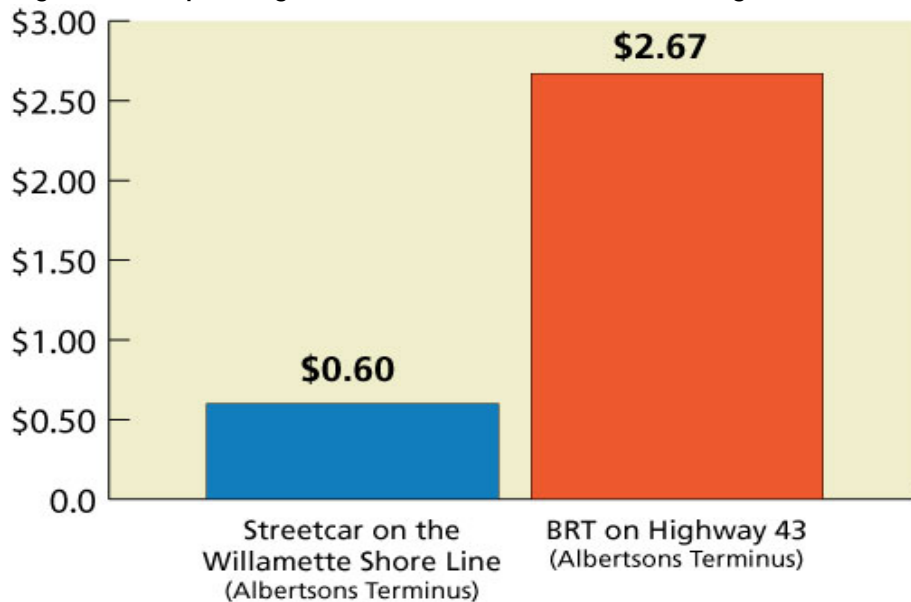
5.4 Cost Effectiveness

Cost effectiveness measures join cost and ridership data in a way that shows how much capital or operating cost would be incurred per transit trip or boarding ride. Two measures will be discussed: operating and maintenance cost per boarding ride and annualized capital cost per boarding ride. These measures will be summed to give a picture of the total cost per ride, highlighting the trade-offs between capital and operating costs.

The cost-effectiveness measures developed here reflect the total operating or annualized capital costs per boarding ride on the BRT or Streetcar. This line ridership analysis, as opposed to system totals or incremental costs per incremental riders, illustrates the relative efficiencies of the alternatives as they would be applied in this Corridor.

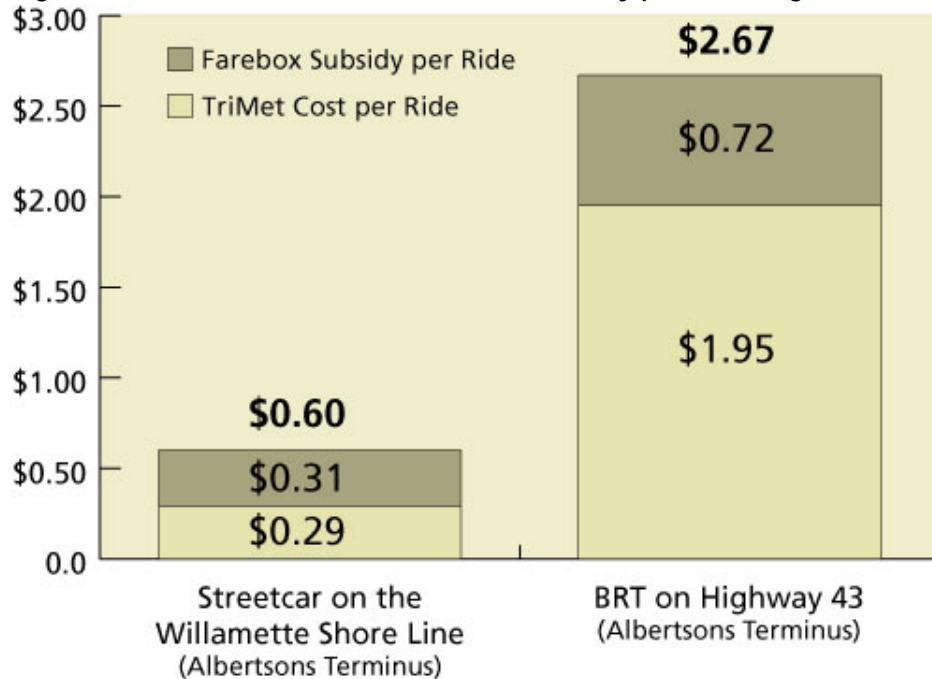
Figure 5-12 below presents the operating and maintenance cost per boarding ride for BRT or Streetcar. Because the Streetcar would have higher ridership and lower operating cost than the BRT, it would be more cost-effective. The magnitude of difference is rooted in the way in which the two modes operate in the Corridor, as discussed in the operating and maintenance cost section above. As a basis for comparison, current cost per boarding ride is \$1.66 on the Portland Streetcar and \$2.58 for the TriMet bus system. The current Light Rail operating cost of \$1.52 per ride may be a better comparison based on the way the Streetcar would operate in the Corridor.

Figure 5-12. Operating and Maintenance Cost Per Boarding Ride (2007 dollars)



Source: Metro, 2007

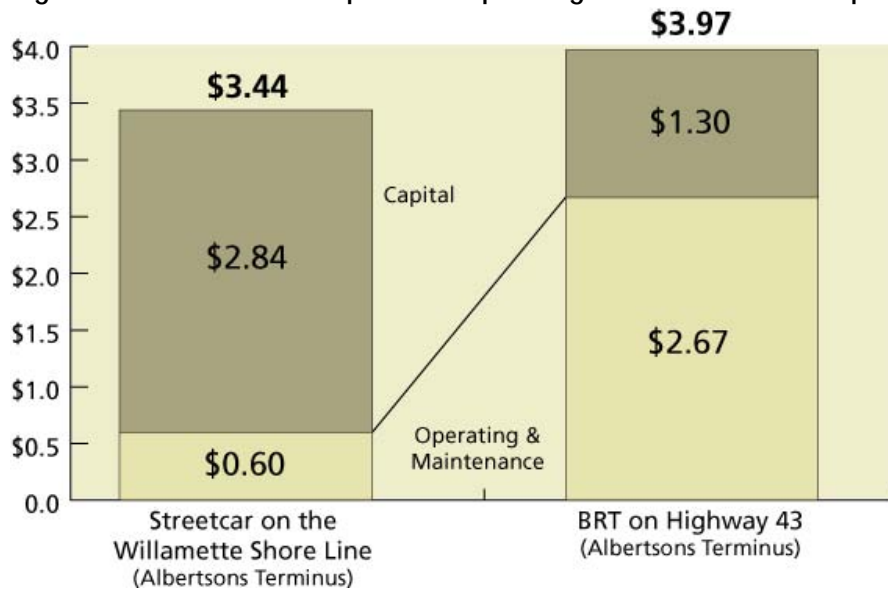
Figure 5-13. Farebox Revenue and TriMet Subsidy per Boarding Ride (2007 dollars)



Source: TriMet, Metro, 2007

Figure 5-14 adds annualized capital costs to operating costs to gauge the capital and operating and maintenance cost effectiveness of the alternatives. Because Streetcar has a higher capital cost than does the BRT, the annualized capital cost is greater for Streetcar than for BRT. Annualized capital cost is the value of the capital cost of the project expressed in a yearly total. The project's Financial Analysis will develop these values to a higher level of detail. The numbers used in this analysis are based on previous studies and do not reflect a specific construction schedule.

Figure 5-14. Annualized Capital and Operating & Maintenance Cost per Boarding Ride (2007 \$s)



Source: TriMet, Metro, 2007

This comparison illustrates the trade-off between operating and maintenance costs and capital costs. One important distinction between the capital and operating and maintenance costs is that operating and maintenance costs are nearly entirely local (87%), whether paid for by the farebox or through TriMet’s local payroll tax. Capital costs are 60% (or more) federally subsidized and are one-time-only costs, while operating and maintenance costs are an ongoing expense that grows over time.

5.5 Potential Trail Demand

With no continuous trail connection in the Corridor, there is a travel market for walking and bicycling that is not served today. Latent demand, discussed below, is the demand for trips where trips are not possible today. The following analysis serves as a benchmark to determine the general size of the travel market that could be attracted to a trail if a trail is made available.

There are several different ways to estimate latent demand. The analytical tools available to evaluate this latent demand are not as sophisticated, nor calibrated to the level of the travel demand models used to forecast travel demand for transit and highways. The method used in this study applies a “mode split”, or percentage of all Corridor trips that would be made by pedestrians and cyclists, to the observed average daily traffic (ADT) volumes on Highway 43 today. The percentages are based on pedestrian and bicycle counts on Willamette River bridges.

Table 5-1. Potential Trail Demand Based on 2007 Data

| Bicycle and Pedestrian use as a percent of Auto Volumes | | | | | | |
|---|----------------------------|---------|--------|-------|--------------|--------|
| | ADT on Hwy 43 (2007) | 2% bike | 1% ped | TOTAL | Recreational | Total* |
| Gibbs Street | 26,900 | 540 | 270 | 810 | 2,600 | 3,400 |
| Sellwood Bridge | 38,900 | 780 | 390 | 1,170 | 2,600 | 3,770 |
| Lake Oswego | 36,700 | 730 | 370 | 1,100 | 2,600 | 3,700 |

**Note: Columns are not additive as they are based on volume at specific points along the corridor.
Source: Metro, 2007*

Today's latent demand is estimated to be approximately 3,600 users along the Willamette Shore Line. Of this amount, approximately 500 – 700 users would be bike commuters, and approximately 2,600 would be recreational. The ADT values are used from the north, middle, and southern ends of the trail alignment. By comparison, the Springwater Trail in the city of Portland currently averages 3,900 users (Technical Memo, Sellwood Bridge Bicycle and Pedestrian Demand Calculation, Alta Planning, 2007).

This analysis does not categorize demand based on distance traveled. The analysis also does not distinguish users by season of the year. It may be presumed that a much smaller percentage of total users will use the full length of the trail or use the trail outside of summer months.

Several factors in the Corridor may influence the above projections for trail use. Several schools, including Oregon Health & Science University and Lewis and Clark College, are located in proximity to the trail Corridor. In the future this Corridor may be connected to the Springwater Corridor trail system through an improved link on a new or rebuilt Sellwood Bridge. Several existing and planned parks along the Corridor also would create demand for a convenient route linking the parks.

Demand for bicycle and pedestrian trails in the Portland Metro region is growing. The City of Portland Office of Transportation has performed bicycle and pedestrian counts on Willamette River bridges since 1992. Daily usage on the bridges has averaged 10.8% average annual growth since that time. Current daily usage on the bridges ranges from 2,500 on the Burnside Bridge to over 12,000 on the Hawthorne Bridge (Technical Memo, Sellwood Bridge Bicycle and Pedestrian Demand Calculation, Alta Planning, 2007). Data on the region's trail system is less available.

A trail study will be undertaken in Fall 2007 by Metro to evaluate using the Portland and Western Railroad alignment to connect Lake Oswego and the Trolley Trail in Milwaukie. This could provide a connection to the Springwater Trail and connect to downtown Portland over the Sellwood or Hawthorne bridges. If a continuous trail is not implemented along the Willamette

Shore Line, this route could serve demand for trips originating from Lake Oswego and points south destined to downtown Portland.

More information on methods to estimate non-motorized demand can be found in the 1999 FHWA *Guidebook on Methods to Estimate Non-Motorized Travel*.

5.6 Potential Development Impacts

An economic development analysis was conducted to determine the development and redevelopment potential associated with the Streetcar alternative in Johns Landing and downtown Lake Oswego. The analysis was based on the observed development effects of the Portland Streetcar in Portland's Central City neighborhoods. The methodology used for this analysis is consistent with that which was used for the Eastside Streetcar Alternatives Analysis, and is based on a higher rate of development within one, two and three blocks of the Streetcar alignments than areas further away from streetcar.

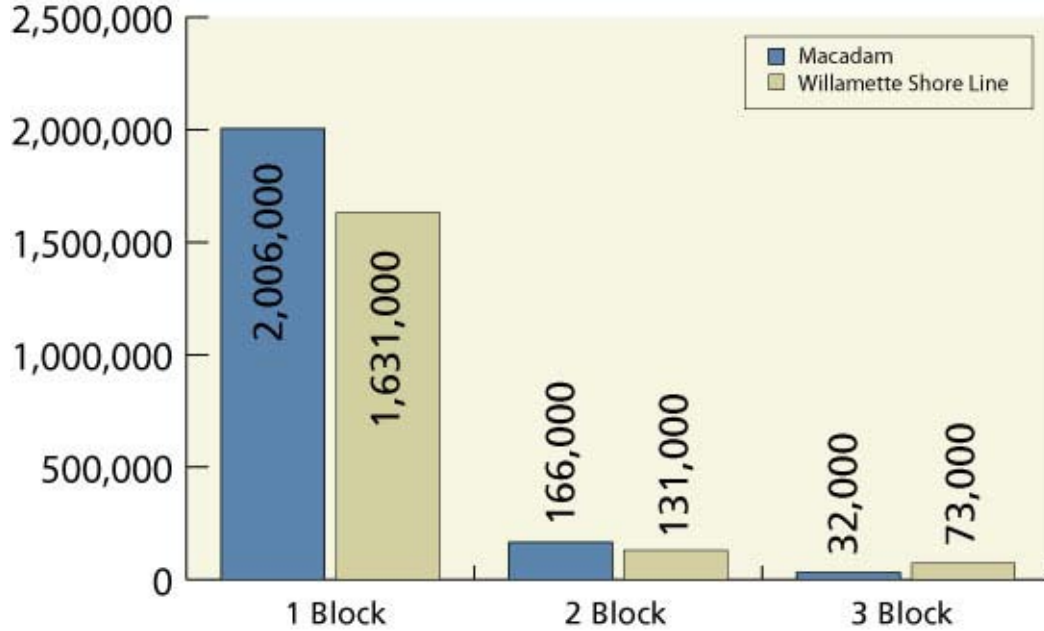
A development analysis was not conducted for the BRT alternative. Experience in the region has not shown a substantial increase in development based on the presence of high quality bus service without exclusive right-of-way or a fixed guideway. The key factor in development decisions as observed for both light rail and Streetcar is the permanence of transit service based on a fixed guideway.

It should be noted that downtown Portland is an exception to bus related development due to very unique circumstances. Development in downtown Portland was guided by a downtown plan that was built on transit access on the Transit Mall, and auto and truck access on adjacent streets. The Portland Transit Mall as originally implemented was an exclusive right-of-way for buses that supported the highest floor area ratios in downtown Portland. During peak hours, approximately 150 buses per hour per direction have operated on the mall. Because the BRT alternative would not operate on exclusive guideway and would have limited exclusive right-of-way, it would not provide the same level of certainty for development as the Streetcar alternative in the Corridor.

The development analysis does not include any parcels located between Johns Landing and Lake Oswego, as that segment of the Corridor is an established single-family neighborhood. Development potential excludes property zoned for single family residential, parks/open space, notable buildings, and lots for which redevelopment efforts are already underway.

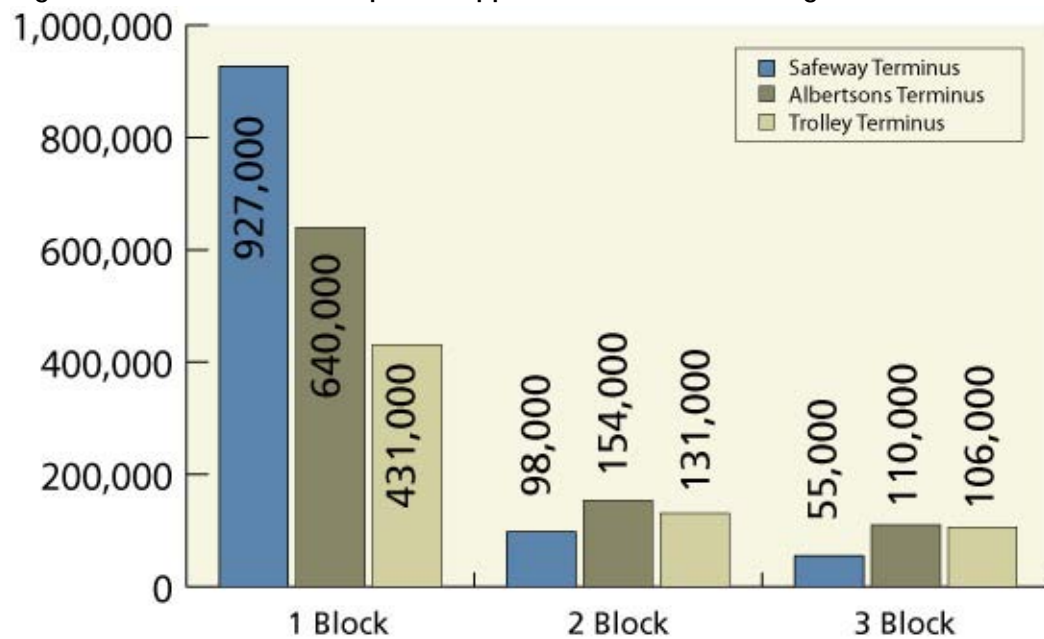
In Johns Landing, development potential was evaluated for the Willamette Shore Line (WSL) and Macadam design options. In Lake Oswego, the Trolley Terminus, Albertsons Terminus and Safeway Terminus options were evaluated. The results of the analysis are shown in Figures 5-15 and 5-16 below.

Figure 5-15. Potential Development Opportunities in Johns Landing



Source: Bonnie Gee Yosick, 2007

Figure 5-16. Potential Development Opportunities in Lake Oswego



Source: Bonnie Gee Yosick, 2007

In Johns Landing, the Macadam alignment would have more development potential, with over 2.2 million square feet of additional building development on nearly 1.3 million square feet of newly developed land area. The Willamette Shore Line alignment would have just under 1.8 million square feet of building development on just over 1.0 million square feet of newly

developed land area. The ratio of development to land area is consistent with existing zoning. The geographic constraints in the Corridor affect this outcome due to the proximity of the Willamette River to the west of the Willamette Shore Line. The Macadam alignment is more centrally located in the Corridor and includes more developable land area to the east.

In Lake Oswego, the Safeway Terminus would have the greatest development potential, with nearly 1.1 million square feet of additional building development on over 520,000 s.f. of newly developed land area. This option has greater development potential, in part because over half of the land area would be within one block of Streetcar. The Albertsons Terminus would have somewhat less development potential, with just under 904,000 square feet of building development on 450,000 square feet of newly developed land area. The Trolley Terminus would have the least development potential due to its shorter alignment, at 667,000 square feet of building development on just under 340,000 square feet of land area. The proposed Foothills development area would be served by all three terminus options, and this development analysis assumed only modest increases in employment and housing for the 18-acre area.

5.7 Financial Analysis

A detailed *Financial Analysis* report will be published subsequent to the Evaluation Report and this Evaluation Summary report. This report will include a final estimate for the value of the Willamette Shore Line right-of-way (assumed for this document to be \$50 million, based on a 2001 estimate), and a detailed discussion of potential funding options. In the absence of a detailed finance plan, there are several key points that will hold true for purposes of this evaluation.

It is likely that FTA New Starts funding would be sought for the Streetcar alternative, which could provide up to 60% of the project's capital funding. Initially, the project was considered to be a potential FTA Small Starts project, but that program would limit the federal share to \$75 million. Given the capital cost of the project with the value of the Willamette Shore Line right-of-way included, the New Starts program could potentially offer more funding for the project.

The BRT alternative could be funded under the FTA Small Starts program, due to its lower capital cost. Small Starts funds are limited to \$75 million with the federal percentage capped at 80%. It is unlikely that the maximum match ratio could be obtained which would result on a federal contribution of \$40 million and a local share of \$10 million. FTA discretionary bus capital funding is another possible funding source, although TriMet relies heavily on those limited dollars to replace aging buses that have reached their useful life.

The value of the Willamette Shore Line right-of-way is significant and will likely be a determining factor in the amount of local match required from other sources for the Streetcar alternative. The *Financial Analysis* report will evaluate the funding plan for various alignment options that would utilize different amounts of the Willamette Shore Line (WSL) right-of-way as local match. Table 5-3 shows the effect of the Willamette Shore Line right-of-way value to the local share of project costs that would need to be raised by other sources. Again, the \$50 million value is an assumption that will be replaced with a TriMet estimate when it becomes available.

In this scenario, the project cost goes up because the right-of-way is included, and the federal percentage and local share are calculated based on the higher project cost. This leverages additional federal funding and reduces local match required from other sources.

Table 5-4 shows a Streetcar funding scenario without the value of the Willamette Shore Line right-of-way. Total project costs would be reduced by the value of the right-of-way, and the full 40% local share would be raised from other local sources of funds. Figure 5-17 shows the effect of the right-of-way on the local match requirement for the project.

Table 5-3 Example New Starts Funding Scenario for Streetcar including Willamette Shore Line right-of-way (2007 \$s)

| | |
|------------------------------------|-----------------|
| Total Expenditures | \$207.0 million |
| Project Capital | \$157.0 million |
| Willamette Shore Line Right-of-way | \$50.0 million* |
| Total Revenues | \$207.0 million |
| FTA New Starts (60%) | \$124.2 million |
| Willamette Shore Line Right-of-way | \$50.0 million* |
| Other Local Match | \$32.8 million |

**estimate only*

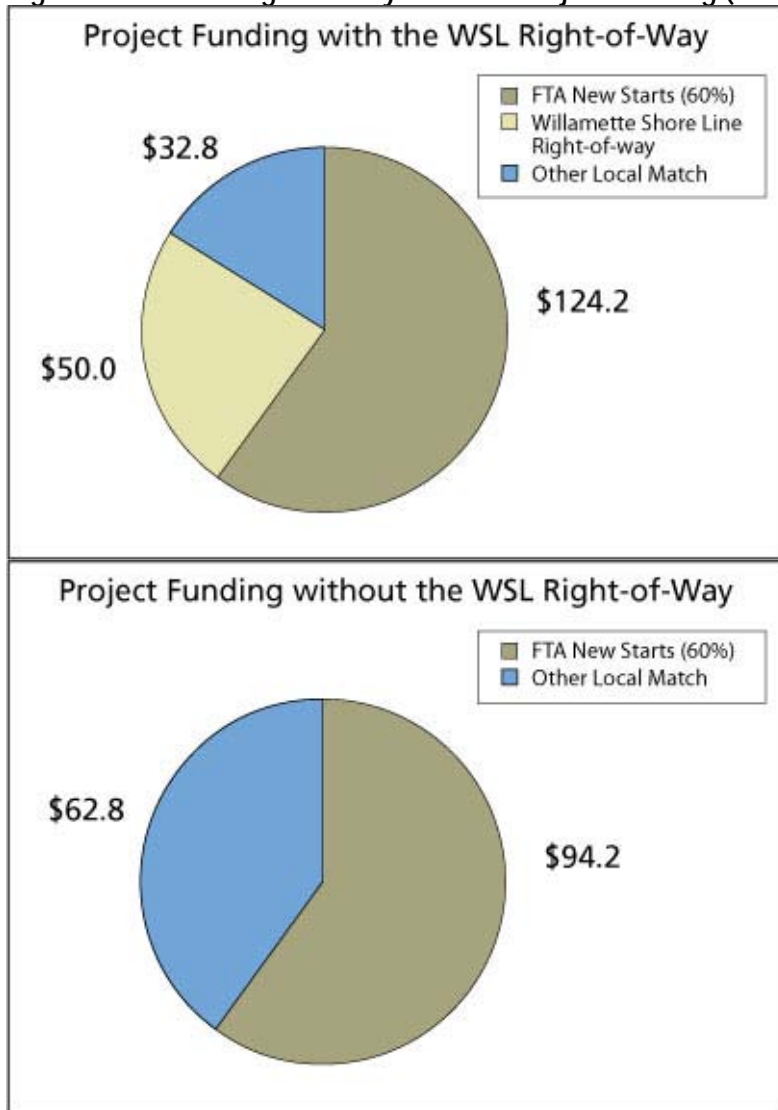
Source: Metro, 2007

Table 5-4 Example New Starts Funding Scenario for Streetcar without Willamette Shore Line right-of-way (2007 \$s)

| | |
|----------------------|-----------------|
| Total Expenditures | \$157.0 million |
| Project Capital | \$157.0 million |
| Total Revenues | \$157.0 million |
| FTA New Starts (60%) | \$94.2 million |
| Local Match | \$62.8 million |

Source: Metro, 2007

Figure 5-17. WSL Right-of-Way Effect of Project Funding (2007 \$s)



Source: Metro, 2007

As this preliminary analysis demonstrates, opportunity cost is important. If the Willamette Shore Line right-of-way were not developed for transit purposes, the value of the right-of-way would be lost for local match. In addition, the federal funds that could be matched would also be lost.

For the Streetcar alternative, trail funding is a complex issue. The effect of a trail on the cost of the Streetcar alternative and modifications that would need to be made to the Streetcar design to accommodate the trail, would need to be clearly delineated. If a trail advances with a Streetcar alternative, the transit and trail costs would need to be developed further to isolate those costs that are eligible for FTA funding; those that are trail related would need to be funded by other sources.

If a BRT and trail project advances, the costs for transit and for trail are clearly defined. The Willamette Shore Line right-of-way would be developed for a trail and BRT would operate along Highway 43.

The Streetcar alternative on SW Macadam Avenue would have a combination of trail/Streetcar and trail only using the Willamette Shore Line right-of-way.

Based on a review of potential funding sources, there are many possible sources of funds for bike and pedestrian improvements in the corridor. It is not likely that one source could fund all of the trail improvements. Trail funds are scarce; there is substantial competition for these funds and several sources (MTIP, ODOT) have project application periods that are a year or more distant. One program, now soliciting projects is the Metro Greenspaces Bond Measure. This program requires that improvements either provide access to the Willamette River or are part of a local jurisdiction improvement proposal.

Should a trail be advanced, substantial work and resources would need to be devoted to secure trail funds. One approach toward securing trail funding would be to further identify trail segments according to their suitability for differing fund sources and then begin competing for these funds, with the eventual completion of a continuous trail even though only portions of a trail would be available for some time.

6.0 Comparison of Alternatives

6.1 Trade-Offs

This section highlights the results of the previous analysis, focusing on the major differences between the alternatives and their relative advantages and disadvantages. A summary matrix (Figure 6 –1) is included toward the end of this section. Figure 6-2. Shows how the different alignment choices for the Streetcar or BRT would affect cost and ridership.

No-Build Alternative

Since the No-Build Alternative is used as a basis for comparison with the other alternatives and includes no capital or operating improvements, it has not been evaluated to the same level as BRT or Streetcar. A No-Build Alternative would accompany any of the other alternatives into a *Draft Environmental Impact Statement*, as it is required by the National Environmental Policy Act (NEPA).

Adopting a No-Build at this time would not necessarily foreclose the option of using the Willamette Shore Line right-of-way for continued excursion rail service or from future development of Streetcar. Adopting the No-Build would also not preclude the development of a stand-alone trail on the Willamette Shore Line right-of-way, notwithstanding other possible legal issues relating to using the right-of-way for non-rail purposes.

Advantages of the No-Build are limited to costs and impacts avoided. No transit capital improvements would be made in the Corridor above those required to support the existing bus service network.

Disadvantages of adopting the No-Build include not meeting the future travel needs in the Corridor and not addressing the project's Purpose and Need. This includes not improving the speed and reliability of transit, not meeting the growing travel demand in the Corridor, not connecting key Corridor destinations and not supporting local land use and transportation plans. If the Willamette Shore Line right-of-way were never developed for transit use, the region would lose the value of the right-of-way, which has appreciated from \$2 million in 1988 to an estimate of \$50 million or more in 2007. Further, the local match value of the right-of-way could not be used to leverage an additional \$75 million in federal funding.

Bus Rapid Transit

The BRT alternative could be advanced into a DEIS along with the required No-Build alternative. Advancing the BRT alternative would not preclude advancing the Streetcar alternative— all three alternatives could advance.

An important finding and caveat of this discussion of trade-off is that the BRT as designed would not provide sufficiently long queue jump lanes to achieve the travel time savings assumed for the ridership forecasts. In order to achieve the forecasted travel time savings over the No-Build, queue jump lane lengths would need to be more than double. This would result in increased capital costs (which could also more than double) and impacts to surrounding properties. This makes the ridership forecasts and capital costs included in the alternatives analysis difficult to achieve. Operating costs may also be underestimated because they were based on a running time that may not be achievable with the capital improvements that are included as part of the alternative.

Relative to the No-Build, the BRT alternative provides faster, more reliable service and results in an increase in ridership. The BRT alternative as developed in this alternatives analysis would cost \$50 million to build and \$8 million annually to operate. The BRT alternative would result in a net systemwide operating cost increase of \$4.61 million compared to the No-Build, and \$5.78 million compared to the Streetcar alternative. The BRT alternative is less cost effective in operating cost per boarding ride than Streetcar, but has a reduced annualized capital cost per ride than Streetcar. Because it operates in mixed traffic except at the eight intersections where improvements are planned, the BRT alternative would be less reliable than the Streetcar, which would have a higher percentage of exclusive right-of-way. The BRT alternative would provide operational flexibility and could be extended to the southern reaches of the corridor or to western areas, such as Kruse Way. The transfer assumed to be required at the Lake Oswego Transit Center between the BRT buses and connecting local buses could be eliminated, which would improve ridership.

All transit trips traversing the Corridor between Lake Oswego and Portland would benefit from the BRT improvements, regardless of their point of origin. West Linn and Oregon City riders

would see improved travel times relative to the No-Build, however their total travel time would still be longer than with the Streetcar alternative.

BRT would not leverage the same development response as Streetcar, so a level of development adjacent to the BRT line would be more in line with current trends than the Streetcar, which would be expected to accelerate development in Johns Landing and Lake Oswego.

The BRT alternative could provide for a multi-use pedestrian and bicycle trail along the Willamette Shore Line right-of-way, at a cost that is substantially less than the trail option developed with the Streetcar alternative, \$7.4 million compared to a range of \$58.7 to \$61.5 million. Another important finding is that the use of the Willamette Shore Line right-of-way solely for a pedestrian and bicycle trail has yet to be tested legally and may prove to be a hurdle to trail implementation. As mentioned earlier, the opportunity cost of not using the Willamette Shore Line right-of-way for transit purposes ranges from the value of the right-of-way, (\$50 million) plus the federal transit funds it could match (\$125 million).

Advantages and disadvantages of the BRT alternative are summarized below.

Advantages of the BRT alternative include:

- Higher ridership than No-Build
- Lowest initial capital costs
- Could allow the development of a trail on the Willamette Shore Line right-of-way
- Property impacts limited to eight intersections
- Operational flexibility

Disadvantages of the BRT alternative include:

- Longer queue jump lanes would be required than originally anticipated
- Ridership forecasts may be difficult to achieve
- Highest operating costs
- High opportunity cost to use of Willamette Shore Line right-of-way for a trail with no transit improvements
- No demonstrated ability to leverage transit supportive economic development

Streetcar Alternative

The Streetcar alternative could be advanced into a DEIS along with the required No-Build. Advancing a Streetcar alternative would not preclude the advancement of a BRT alternative into the DEIS; both could be advanced. The discussion of streetcar refers to the representative alignment (Willamette Shore Line with a terminus at Albertsons) unless otherwise noted.

Compared to BRT and the No-Build, the Streetcar alternative has the fastest travel times, highest reliability, highest ridership (10,900), highest capital cost (\$138.4 to \$157.0 million depending on the trail component) and lowest operating cost (\$2.25 million annually), lowest total net system operating cost (\$1.53 million less than the No-Build, and \$5.78 million less than BRT). The Streetcar is also the most cost-effective in terms of operating cost per ride and highest in terms of annualized capital cost per ride. Total development potential in the Corridor is approximately 3.3 million square feet by 2025 with the Streetcar alternative.

Operationally, Streetcar would be more reliable than BRT service due to its high percentage of exclusive right-of-way. Transfers would be required at whichever Lake Oswego terminus is chosen. However, even with the required transfer in Lake Oswego, through-passengers from West Linn or points south or west would have an 11-minute faster trip to downtown (PSU) on Streetcar than No-Build and a 9-minute faster trip than BRT.

The Willamette Shore Line right-of-way is adjacent to and also bisects development in Johns Landing and unincorporated sections of Multnomah and Clackamas Counties. If the alternative is advanced into a DEIS, additional analysis would be completed to examine potential impacts and mitigation measures. Property owners closest to the Willamette Shore Line right-of-way have expressed concern about how these issues will be addressed. Concerns have also been raised about the speed of the Streetcar in proximity to residential areas, property access and crossing protection. These concerns would be addressed in DEIS.

One of the project's biggest challenges has been to fit the trail and Streetcar together in the Willamette Shore Line. Whereas the trail cost for the BRT would be \$7.4 million, the cost to add a trail component to the Streetcar alternative would range from \$58.7 to \$61.50 million. This cost differential occurs for a variety of reasons, including the tight constraints posed by the width of the Willamette Shore Line right-of-way (as narrow as 17 feet in places), the steep topography, minimum design standards for Streetcar and the proximity of the floodplain in several areas.

Summary of advantages and disadvantages of Streetcar are below.

Advantages of Streetcar:

- Exclusive right-of-way yields higher reliability and faster travel times
- Highest ridership of all alternatives
- Lowest ongoing operating and maintenance costs
- Potential 3.3 million square feet of total new development with Streetcar by 2025 (Macadam and Safeway design options have the highest potential)
- Travel times best of any alternative

Disadvantages of Streetcar:

- Highest capital costs
- Proximity to residential areas
- Costly to develop a trail with Streetcar
- No option for through-route to West Linn or other areas

Streetcar Design Options

Johns Landing

In Johns Landing, several design options have been developed that would result in Streetcar using a combination of SW Macadam Avenue and the Willamette Shore Line right-of-way.

This summary does not address the detailed operating scenarios on inside or outside lanes or where the best crossover location would be, but highlights more fundamental differences. These comparisons are designed to show basic differences between the options.

Compared to the **Willamette Shore Line**, the **Macadam** design options have the following advantages and disadvantages:

Advantages:

- Higher development potential by approximately 500,000 square feet
- Offers possibility to locate the pedestrian and bike trail in the Johns Landing segment of the Willamette Shore Line without need to acquire additional right-of-way
- Avoids adjacent residential developments in Johns Landing

Disadvantages

- Up to six minutes slower travel time and decreased reliability
- ODOT issues with rails in Highway 43
- Loses potential local match value of Willamette Shore Line right-of-way segments that would be used for trail only
- More expensive to build by \$1.4 to \$6.8 million
- More expensive to operate by \$300,000 to \$400,000 annually
- Less ridership

Lake Oswego

In Lake Oswego, three terminus options were evaluated: the Trolley Terminus, Albertsons Terminus and Safeway Terminus. The Albertsons and Trolley termini would be located in exclusive right-of-way, while the Safeway terminus requires in-street running on A and B Avenues through central Lake Oswego. All options would site 400 park and ride spaces at one or two locations. All options would serve the emerging Foothills development with the E Avenue Station. The comparisons below show the differences between the Albertsons Terminus and the short terminus at the Trolley Station, and the downtown Safeway Terminus loop.

Compared to the **Trolley Terminus**, the **Albertsons Terminus** has the following advantages and disadvantages:

Advantages:

- Serves more population and employment
- Spreads park and ride between 100 spaces at the Trolley Terminus and 300 at a redeveloped Albertsons site
- Would have potential for approximately 237,000 additional square feet of development by 2025
- Higher ridership

Disadvantages:

- More expensive, by \$5.7 million
- Would need to acquire a short stretch of right-of-way adjacent to Highway 43
- More expensive to operate by \$100,000/year

Compared to the **Albertsons Terminus**, the **Safeway Terminus** has the following advantages and disadvantages:

Advantages:

- Would intercept eastbound trips at Safeway, reducing traffic impacts to access park and rides across State Street
- Would site a station and park and ride adjacent to the transit center
- Higher development potential by 2025 of 176,000 square feet
- Higher ridership

Disadvantages

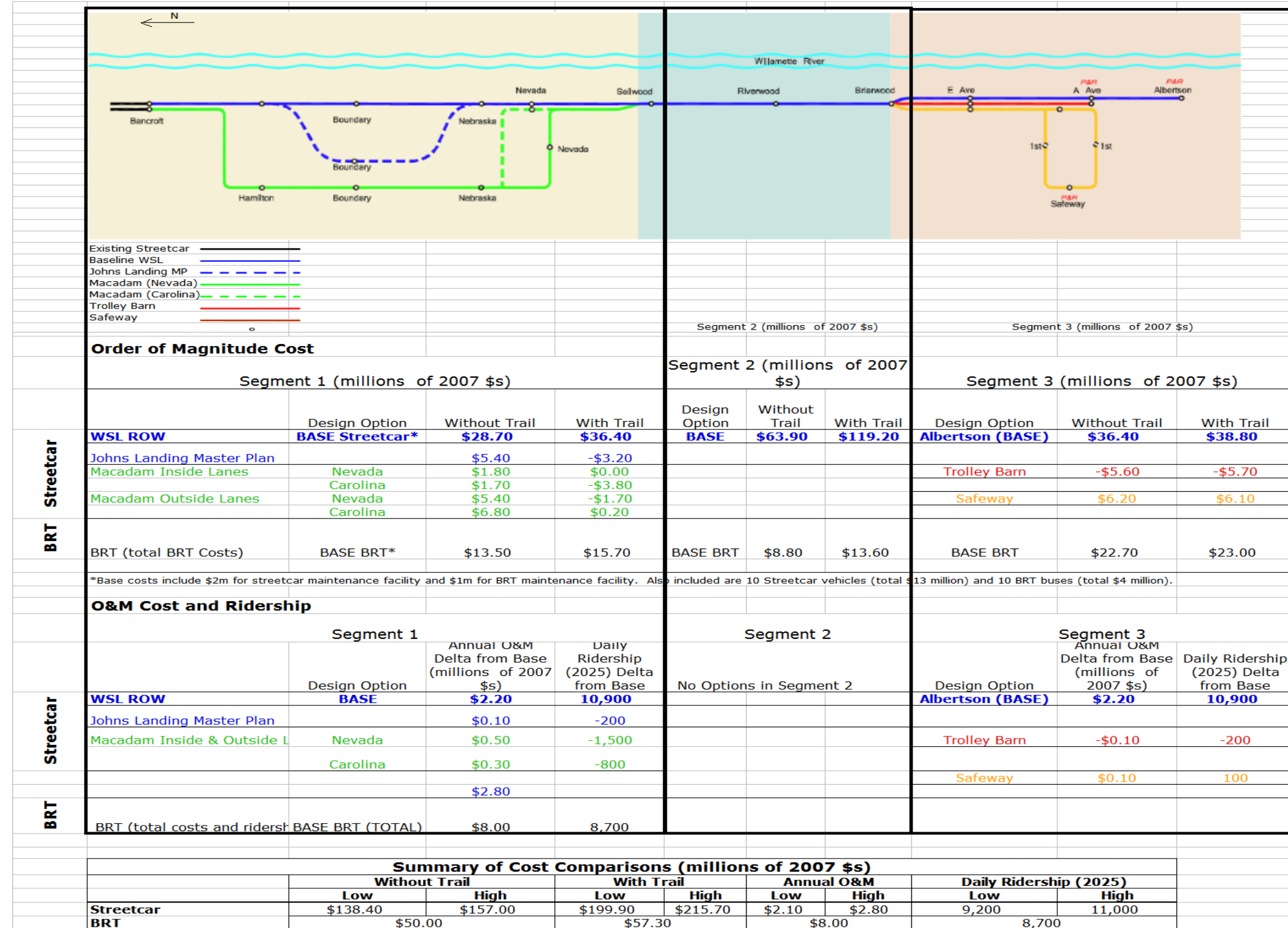
- In-street running on A and B Avenues would impact reliability
- Higher capital costs by \$6.2 million
- Higher operating cost by \$100,000/year
- Traffic impacts crossing State Street

Table 6-1. Advantages and Disadvantages

| BUS RAPID TRANSIT | | | STREETCAR | | | TRAIL | | |
|---|--|--|---|---|---|---|---|--|
| Advantages | Disadvantages | Issues | Advantages | Disadvantages | Issues | Advantages | Disadvantages | Issues |
| <p>Strong ridership - 8,700 daily riders on BRT line</p> <p>Low initial capital cost of \$50 million (2007 dollars). Could be funded through Federal Small Starts Program</p> <p>Could allow Willamette Shoreline to be used as a trail with minimal improvements for a cost of \$7.3 million</p> <p>Property impacts limited to eight intersections where some travel time advantage could be gained through queue jumps and signal priority</p> <p>Operational flexibility allows for future expansion and different operating scenarios to adapt to future conditions</p> | <p>Ridership may not be achievable with transit priority measures assumed in the analysis - future congestion makes intersection queues longer</p> <p>High ongoing local TriMet operating and maintenance costs of \$8.0 million per year for the BRT line</p> <p>Value of Willamette Shoreline right-of-way could be lost as local match to leverage federal funds for a transit project</p> <p>Highway 43 operating environment is too constrained to allow for an exclusive bus lane that would maximize speed and reliability</p> <p>Future reliability is a function of traffic congestion and the ability to maintain schedules</p> | <p>Queue jump lanes may need to double in length to achieve ridership and travel times, potentially doubling the capital cost and increasing property impacts</p> <p>Operating in mixed traffic reduces reliability of service and adds cost over time, creating a cumulative operating cost impact on TriMet's budget</p> <p>Willamette Shoreline right-of-way can be used for rail transit, but legal status of trail use either alone or with rail is less clear</p> <p>Property impacts and costs could increase if queue jump lane lengths are doubled to bypass future congestion</p> <p>Further development of this alternative will need to address the effects of congestion on the capital facilities in the corridor</p> | <p>Strongest ridership, with 11,000 rides on the Streetcar line</p> <p>Operation in exclusive right of way yields higher reliability and faster travel time</p> <p>Lower ongoing TriMet operation and maintenance costs - \$2.25 million per year</p> <p>Design work shows that a continuous trail can be created along with the Streetcar</p> <p>Value of Willamette Shoreline right-of-way has potential to reduce local cash contribution to project</p> <p>Potential for 3.3 million square feet of total new development in John's Landing and Lake Oswego by 2025</p> | <p>Single track sections will limit number of trains per hour in the long term</p> <p>Proximity to residences - John's Landing Condos, Dunthorpe, other parcels - creates vehicle speed concerns</p> <p>Higher capital cost, up to \$149 million</p> <p>Trail adds \$69.2 to \$83.3 million to cost of Streetcar</p> <p>Value of Willamette Shoreline right-of-way for local match is partially lost if Macadam design option (or BRT) is chosen</p> | <p>Further study should look at vehicle type and operating plan to maximize future capacity</p> <p>Need to make sure that operating speeds are attainable and that mitigation of residential impacts is considered in DEIS</p> <p>Trade-off between one-time only federal funding (New Starts) and ongoing local TriMet operating costs</p> <p>Very expensive to create continuous trail, may need to consider alternatives like putting bikes on Streetcar through the pinch points</p> <p>Finance Plan will address different funding scenarios and local funding mechanisms</p> | <p>Continuous trail is technically possible</p> <p>Could meet latent demand of up to 4,000 trips per day</p> <p>Strong public support expressed through project meetings</p> <p>Documented economic benefits such as avoided auto and parking costs, health benefits, support for trail-related retail sales and tourism, increased property values</p> | <p>Legal uncertainty exists about using the Willamette Shoreline right of way for anything except rail</p> <p>Very costly to use Willamette Shoreline right of way for a trail due to design issues and possible property impacts</p> <p>Using the Willamette Shoreline right of way for a trail prevents its use as local match against federal transit dollars</p> | <p>Need to develop alternatives for trail connections such as the Portland and Western railroad bridge connection to Milwaukie and downtown</p> <p>May need to develop short segments rather than the entire trail to avoid high costs and potential property impacts</p> <p>No identified funding source or lead agency for the next phase of planning and development</p> |

Source: Metro, 2007

Figure 6-2. Comparative Costs



Source: Metro, 2007

7.0 Other Considerations

The purpose of this chapter is to outline the other considerations associated with a proposed transit and trail alternative in the Corridor including the Streetcar to Nevada Minimum Operable Segment (MOS) and the Milwaukie Light Rail extension to Lake Oswego

7.1 *Minimum Operable Segment (MOS)*

Introduction

In addition to the Streetcar options between Lake Oswego and Portland, a Minimum Operable Segment was developed that could construct a streetcar alignment between Portland and the Sellwood Bridge with a terminus at SW Nevada/Miles station.

Streetcar MOS Description

The Streetcar alignment would follow any of the six design options outlined in Streetcar Segment 1 with a terminus at SW Nevada Street.

Streetcar MOS Ridership

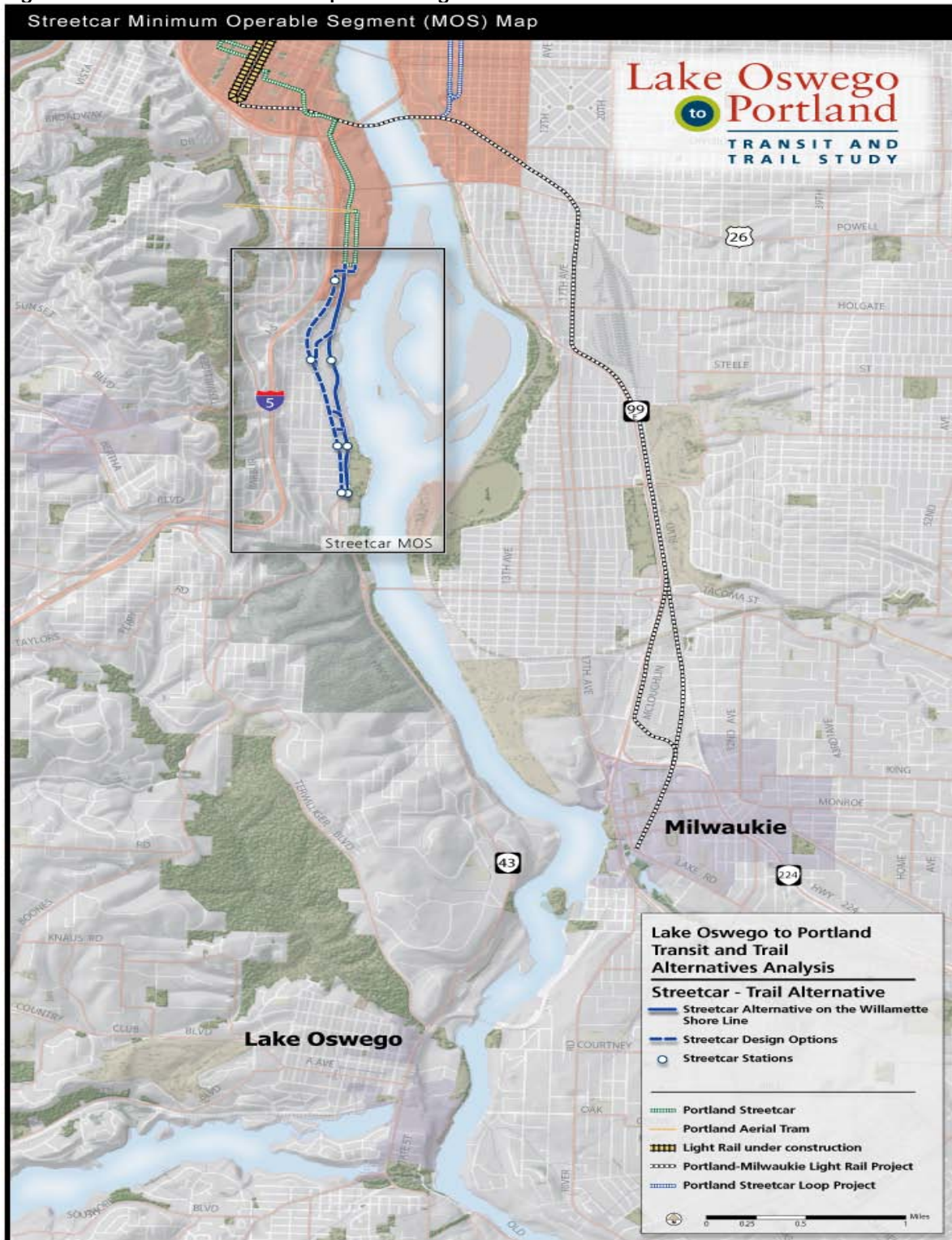
The estimated ridership for the streetcar MOS from SW Lowell Street to SW Nevada/Miles Streets (on the Willamette Shore Line right-of-way) was estimated at 3,810 daily boardings.

Streetcar MOS Order of Magnitude Cost Estimate

The cost for MOS using the Willamette Shore Line would be \$34.2 million (in 2007 dollars). The cost estimate includes \$3 million for vehicles and \$1 million for maintenance facility.

This alignment on the WSL right-of-way does not include a trail. The cost estimate included double track to meet the peak load estimates and potential increase in headways. Since the alignment is assumed as double track, there is not sufficient right-of-way to include double track and trail the entire length, without significant right-of-way acquisition.

Figure 7-1. Streetcar Minimum Operable Segment



Source: Metro, 2007

7.2 Milwaukie Light Rail Extension to Lake Oswego

Through the public process, there has been interest in the feasibility of extending the Milwaukie Light Rail project (South Corridor Phase II) over the Portland and Western/Union Pacific rail bridge across the Willamette River to Lake Oswego. While this alternative was not considered a formal alternative, a look at the potential feasibility was conducted at the request of the Steering Committee. This section of the report summarizes the potential design considerations, design issues, potential costs, and possible ridership.

This analysis looked at two different options: constructing a new alignment next to the Portland and Western railway and a shared light rail/freight rail operations.

Light Rail Adjacent to the Portland and Western Railroad

This 2.39-mile alignment would extend from SE Lake Road in downtown Milwaukie along the Tillamook Branch line to downtown Lake Oswego with a potential terminus at the Albertsons. The design would be located directly adjacent to and east and south of the existing Portland and Western Railroad tracks.

Stations would be provided the vicinity of the Island Station area; SE Bluebird Street; Willamette View retirement center; A/B Avenue and the terminus at Albertsons.

Design Issues

The expansion would result in property impacts on both sides of the river. A new bridge would be constructed across the Willamette River parallel to the existing bridge. A new bridge would also be required to cross over Tryon Creek.

The Portland and Western Railroad currently operates service on this alignment and this is a key link to the Brooklyn rail yard. This alignment would require two creek crossings and a new crossing of the Willamette River. Acquiring the property and the rights to operate adjacent to this existing railroad could be difficult and expensive.

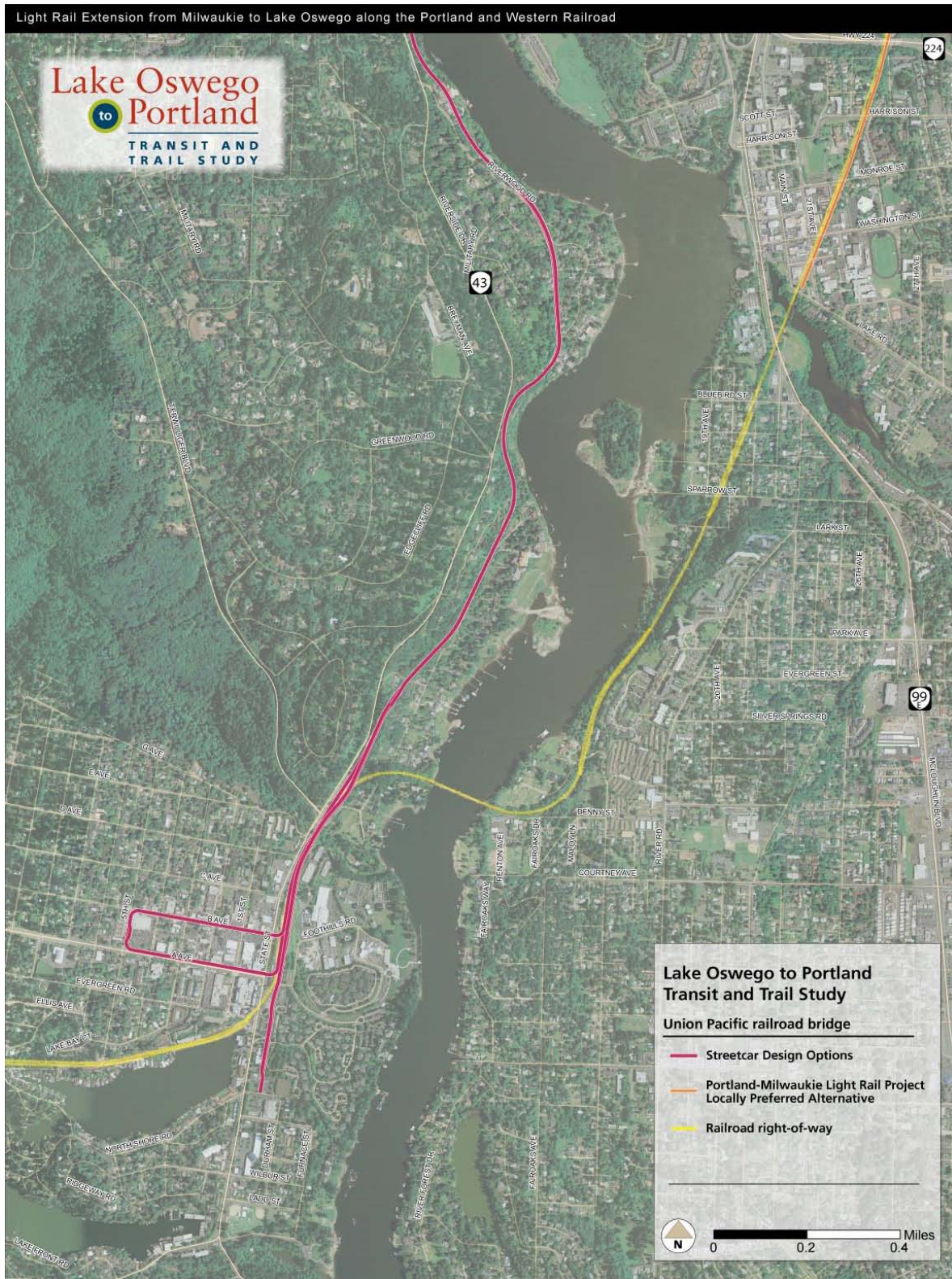
Property impacts

The alignment would impact a number of properties in the vicinity of the Willamette River.

Costs

TriMet prepared a very conceptual cost estimate and the anticipated cost in 2007 dollars is \$212 million.

Figure 7-2. Milwaukie Bridge



Source: Metro, 2007

Shared Use with the Portland and Western

TriMet explored using the same tracks as the freight railroad. This would require upgrading bridges, trestles, and the Willamette River Bridge and re-building the existing tracks and adding double tracks wherever possible. This design would require that the freight trains and light rail trains do not operate during the same time period and more specifically, freight would operated between 1:00 AM and 5:00 AM.

While the improvements to the existing tracks are expected to cost \$140 million (2007 \$s), an estimate of the annual payments to operate on the Union Pacific and Portland and Western railway were not calculated. It is generally expected that this would be as expensive or more expensive given a life cycle cost compared to the previous estimate.

Ridership

The extension of the Milwaukie Yellow Line to Lake Oswego would add approximately 6,000 additional trips on the Milwaukie light rail line.

| | | |
|---------------------------------------|---|--|
| FOR THE PURPOSE OF AUTHORIZING THE |) | RESOLUTION NO. 09-4040A |
| CHIEF OPERATING OFFICER TO ENTER INTO |) | |
| INTERGOVERNMENTAL AGREEMENTS |) | Introduced by Councilor Robert Liberty and |
| ESTABLISHING THE ROLES, |) | Councilor Carlotta Collette |
| RESPONSIBILITIES, AND FUNDING FOR THE |) | |
| JOHNS LANDING REFINEMENT STUDY AND |) | |
| DRAFT ENVIRONMENTAL IMPACT |) | |
| STATEMENT FOR THE LAKE OSWEGO TO |) | |
| PORTLAND TRANSIT PROJECT |) | |

WHEREAS, the 2040 Growth Concept, adopted by Metro Council in 1996, sets forth a land use plan for the region which focuses growth in activity centers connected by high quality transit connections;

WHEREAS, the Regional Transportation Plan, adopted by the Metro Council in 2004, called for a corridor refinement plan for evaluation of high capacity transit options for the Lake Oswego to Portland Highway 43 corridor;

WHEREAS, in 2005, Metro initiated an alternatives analysis consistent with Federal Transit Administration ("FTA") requirements to assess the feasibility of transit and trail alternatives between Lake Oswego and Portland;

WHEREAS, on December 13, 2007, via Resolution 07-3887A, attached as Exhibit A, Metro Council adopted the *Lake Oswego to Portland Transit and Trail Alternatives Analysis: Alternatives to Be Advanced into a Draft Environmental Impact Statement and Work Program Considerations*, approving options to advance for further study, including enhanced bus, streetcar, and no-build alternatives as well as recommendations on actions to advance a bicycle and pedestrian trail in the corridor and work tasks relating to refining streetcar alignments through Johns Landing (the "Johns Landing Refinement Study");

WHEREAS, on April 16, 2008, the Federal Transit Administration published in the *Federal Register* a Notice of Intent to Prepare a Draft Environmental Impact Statement for the Lake Oswego to Portland Transit Corridor;

WHEREAS, in December 2008, Metro began work on the Johns Landing Refinement Study, Lake Oswego Terminus Refinement Study and the Lake Oswego to Portland Trail Refinement Study requested by Metro Council, which will be completed in June 2009, and which will prepare information in support of the Draft Environmental Impact Statement ("DEIS");

WHEREAS, Metro, TriMet, City of Lake Oswego, Clackamas County and the City of Portland (the "Project Partners") propose a \$5,586,000 Project funding plan to pay for the DEIS process, the selection of the Locally Preferred Alternative, and the FTA application process needed to begin Preliminary Engineering, and have also agreed to pursue an additional \$4,000,000 in federal funding to pay for Preliminary Engineering and continue the Project development process;

WHEREAS, the Project Partners have proposed a unique management structure and funding plan for the Project which incorporates the multi-jurisdictional nature of the Project and includes a commitment to expedite the Project in order to take full advantage of potential near-term federal funding opportunities;

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 09-4040A
CHIEF OPERATING OFFICER TO ENTER INTO)
INTERGOVERNMENTAL AGREEMENTS) Introduced by Councilor Robert Liberty and
ESTABLISHING THE ROLES,) Councilor Carlotta Collette
RESPONSIBILITIES, AND FUNDING FOR THE)
JOHNS LANDING REFINEMENT STUDY AND)
DRAFT ENVIRONMENTAL IMPACT)
STATEMENT FOR THE LAKE OSWEGO TO)
PORTLAND TRANSIT PROJECT)

WHEREAS, the 2040 Growth Concept, adopted by Metro Council in 1996, sets forth a land use plan for the region which focuses growth in activity centers connected by high quality transit connections;

WHEREAS, the Regional Transportation Plan, adopted by the Metro Council in 2004, called for a corridor refinement plan for evaluation of high capacity transit options for the Lake Oswego to Portland Highway 43 corridor;

WHEREAS, in 2005, Metro initiated an alternatives analysis consistent with Federal Transit Administration (“FTA”) requirements to assess the feasibility of transit and trail alternatives between Lake Oswego and Portland;

WHEREAS, on December 13, 2007, via Resolution 07-3887A, attached as Exhibit A, Metro Council adopted the *Lake Oswego to Portland Transit and Trail Alternatives Analysis: Alternatives to Be Advanced into a Draft Environmental Impact Statement and Work Program Considerations*, approving options to advance for further study, including enhanced bus, streetcar, and no-build alternatives as well as recommendations on actions to advance a bicycle and pedestrian trail in the corridor and work tasks relating to refining streetcar alignments through Johns Landing (the “Johns Landing Refinement Study”);

WHEREAS, on April 16, 2008, the Federal Transit Administration published in the *Federal Register* a Notice of Intent to Prepare a Draft Environmental Impact Statement for the Lake Oswego to Portland Transit Corridor;

WHEREAS, in December 2008, Metro began work on the Johns Landing Refinement Study, Lake Oswego Terminus Refinement Study and the Lake Oswego to Portland Trail Refinement Study requested by Metro Council, which will be completed in June 2009, and which will prepare information in support of the Draft Environmental Impact Statement (“DEIS”);

WHEREAS, Metro, TriMet, City of Lake Oswego, Clackamas County and the City of Portland (the “Project Partners”) propose a \$5,586,000 Project funding plan to pay for the DEIS process, the selection of the Locally Preferred Alternative, and the FTA application process needed to begin Preliminary Engineering, and have also agreed to pursue an additional \$4,000,000 in federal funding to pay for Preliminary Engineering and continue the Project development process;

WHEREAS, the Project Partners have proposed a unique management structure and funding plan for the Project which incorporates the multi-jurisdictional nature of the Project and includes a commitment to expedite the Project in order to take full advantage of potential near-term federal funding opportunities;

WHEREAS, the five-party IGA attached hereto as Exhibit B (the "Project IGA") governing the preparation of the Project's DEIS proposes a departure from the „typical’ process for environmental analysis and conceptual design for transit infrastructure projects in the Portland Metropolitan Region, in that TriMet will serve as Project lead contractor and will agree to pay \$1,249,840 to Metro for DEIS services;

WHEREAS, the Project IGA allocates \$465,355 directly to Metro to complete the Johns Landing Refinement Study, followed by a funding plan to provide \$1,249,840, for the Project DEIS, conditioned upon the allocation of Federal fiscal year 2012-13 regional flexible transportation funds through the Metro allocation process;

WHEREAS, an additional Intergovernmental Agreement between TriMet, as the Project lead contractor, and Metro as NEPA lead, is proposed to govern Metro's provision of DEIS services and TriMet's payment of \$1,249,840 for those services, attached hereto as Exhibit C (the "DEIS-LPA Services IGA");

WHEREAS, the DEIS-LPA Service IGA calls for Metro to provide a "lead role and support" Project lead contractor TriMet through the provision of professional services during the DEIS process, through the FTA application process needed to begin Preliminary Engineering, and by providing environmental analysis, public outreach, FTA coordination, transportation modeling, and quality assurance and quality control (the "DEIS-LPA Metro Workplan Elements");

WHEREAS, Metro Council recognizes and has a strong interest in the regional, multi-jurisdictional nature of this project that would connect the Portland Central City to the Lake Oswego Town Center as designated in the Region 2040 Growth Concept;

WHEREAS, Metro Council has a strong interest in developing a project that meets all appropriate FTA funding program requirements and which maintains Metro's successful 25-year working relationship with the FTA;

WHEREAS, Metro Council will soon adopt a High Capacity Transit plan which will rely on continued regional cooperation and a strong relationship with FTA given current or future FTA requirements;

WHEREAS, Metro Council has a strong interest in attaining the substantial regional benefits that could occur with this project, including: improved transit travel time and reliability, improved transit operating efficiency and reduced operating costs, realization of the substantial economic development potential in Johns Landing and downtown Lake Oswego, and providing for the future creation of a continuous high quality pedestrian and bicycle trail connecting Portland to Lake Oswego;

WHEREAS Metro Council will select the Locally Preferred Alternative by vote at the conclusion of a formal public hearing on the DEIS after receiving recommendations from the Project Partners; now therefore:

BE IT RESOLVED, the Metro Council authorizes the Chief Operating Officer to enter into the "Intergovernmental Agreement between TriMet, Metro, City of Lake Oswego, Clackamas County and City of Portland for the Portland Lake Oswego Transit Corridor Project," attached as Exhibit B, establishing the roles, responsibilities, and funding for the Johns Landing Refinement Study and Draft Environmental Impact Statement for the Project;

BE IT FURTHER RESOLVED, that Metro Council authorizes the Metro Chief Operating Officer to enter into the "Portland to Lake Oswego Transit Corridor Environmental Impact Statement – Locally Preferred Alternative Intergovernmental Service Agreement," attached as Exhibit C, to provide a lead role and support to the Project in preparing the DEIS, transportation modeling, FTA coordination, public involvement process coordination, and quality assurance and quality control (QA/QC) between April 1, 2009 and June 30, 2010;

BE IT FURTHER RESOLVED, that Metro will complete the DEIS Metro Work Program Elements as set forth in Exhibit C of this resolution, and will provide a lead role and support to the creation of a regional project with regional benefits and will ensure the following;

a) that all Federal Transit Administration funding program requirements are met and that Metro's successful relationship and partnership with FTA is maintained;

b) that all requirements of the National Environmental Policy Act are met by providing strategic advice and providing quality assurance and quality control (QA/QC) services to the Project;

c) that Federal Transit Administration funding and environmental reviews and approvals are obtained by working closely with TriMet;

d) that all transportation modeling products required for the Project are of high quality and are in compliance with FTA requirements; and

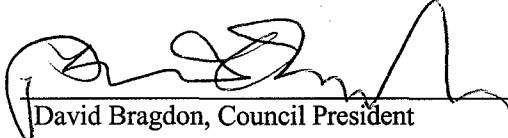
e) that the public involvement process for the project is open, transparent and complies with all applicable FTA and NEPA requirements;

f) that the project extends to Lake Oswego with potential for future connections beyond, and;

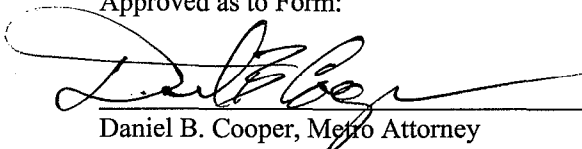
g) that the Plan and Profile Drawing Set incorporates the results of the on-going Lake Oswego to Portland Trail Refinement Study and clearly identifies the right-of-way envelope for the trail project as a "project by others", consistent with standard practice for conceptual design drawings;

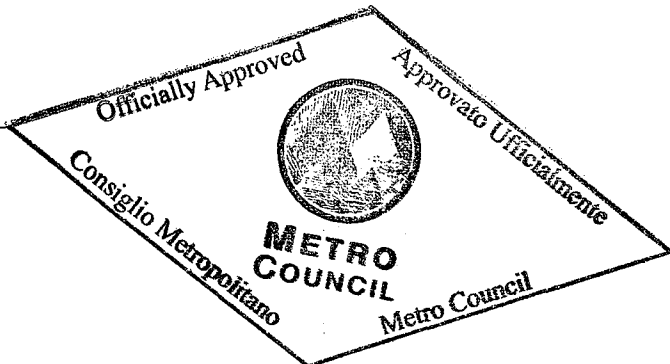
BE IT RESOLVED, that Metro will participate in the project committees, including but not limited to the technical advisory committee, the Project Management Group and the Project Steering Committee, and hold a formal public hearing at the conclusion of the DEIS process to adopt the Locally Preferred Alternative.

ADOPTED by the Metro Council this 2nd day of April 2009.


David Bragdon, Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney



BEFORE THE METRO COUNCIL

| | | |
|------------------------------------|---|--|
| FOR THE PURPOSE OF IDENTIFYING |) | RESOLUTION NO. 07-3887A |
| ALTERNATIVES TO ADVANCE INTO A |) | |
| DRAFT ENVIRONMENTAL IMPACT |) | |
| STATEMENT FOR THE PORTLAND TO LAKE |) | |
| OSWEGO CORRIDOR TRANSIT PROJECT |) | Introduced by Councilor Rex Burkholder |
| |) | |

WHEREAS, in 1988 a consortium of seven government agencies purchased the Willamette Shore Line right-of-way for the purpose of preserving the right of way for future rail transit in the geographically constrained Portland to Lake Oswego Highway 43 corridor; and

WHEREAS, the Willamette Shore Line right-of-way has appreciated significantly in value since its purchase and can be used as local match for federal transit funds, and

WHEREAS, the Regional Transportation Plan, adopted by the Metro Council in 2004 called for a corridor refinement plan for evaluation of high capacity transit options for the Lake Oswego to Portland Highway 43 corridor;

WHEREAS, in 2004 the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council allocated \$1.16 million to study the transit and trail alternatives in the Lake Oswego to Portland Willamette Shore Line Corridor; and

WHEREAS, in 2005, Metro initiated an alternatives analysis consistent with Federal Transportation Administration (FTA) requirements to assess the feasibility of transit and trail alternatives between Lake Oswego and Portland; and

WHEREAS, a wide range of alternatives was evaluated in the alternatives analysis that included No-Build, Bus Rapid Transit with multiple alignments, Streetcar with multiple alignments, River Transit, and accompanying trail alignments; and

WHEREAS, the alternatives analysis confirmed that highway widening in the Highway 43 corridor is infeasible and costly, and that reversible lanes are not warranted, and

WHEREAS, ridership and cost information was developed in the alternatives analysis that evaluated an extension of the proposed Milwaukie light rail line to the Albertsons terminus on an alignment parallel to the Portland and Western Railroad; and

WHEREAS, an extensive public involvement process was undertaken from July 2005 to the present that included testimony before and after every meeting of the Lake Oswego to Portland Project Advisory Committee (LOPAC), community design workshops, open houses, small group meetings, neighborhood group meetings, individual property owner meetings, a bus rider survey, newsletters, and targeted mailings, resulting in over 1,200 direct citizen contacts; and

WHEREAS, on July 16, 2007, a public hearing was held by the Steering Committee and public comments were received on the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary Public Review Draft*; and

WHEREAS, on July 31, 2007, the Lake Oswego to Portland Project Advisory Committee (LOPAC) adopted their recommendation to the Steering Committee regarding transit and trail alternatives to advance for further study in a Draft Environmental Impact Statement; and

WHEREAS, on August 29, 2007 the Lake Oswego to Portland Project Management Group (PMG) adopted their recommendation to the Steering Committee regarding transit and trail alternatives to advance for further study in a Draft Environmental Impact Statement; and

WHEREAS, on September 10, 2007 the Steering Committee, after consideration of LOPAC and PMG recommendations, public input, the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Draft Public Comment Summary* report, and the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary Public Review Draft* report; adopted the *Steering Committee Recommendations on Alternatives to be Advanced into a Draft Environmental Impact Statement and Work Program Considerations*, attached as Exhibit A; and

WHEREAS, the transit alternatives adopted by the Steering Committee on September 10, 2007 included No-Build, Enhanced Bus and Streetcar, including streetcar alignment alternatives on SW Macadam Avenue, the Willamette Shore Line right-of-way, or combinations of the two that may include all or parts of the Johns Landing Masterplan alignment through Johns Landing, a temporary minimum operable segment terminus in the vicinity of Nevada Street in Johns Landing, the Willamette Shore Line right-of-way from the vicinity of Nevada Street to the existing trolley barn and south to the Albertsons terminus option or west via A and B Avenues to the Safeway terminus option in Lake Oswego; and

WHEREAS, the Lake Oswego to Portland Corridor Project could be the region's next priority for FTA funding, following the Portland Streetcar Loop Project and Milwaukie to Portland Light Rail Project; and

WHEREAS, the bicycle and pedestrian trail element of the alternatives analysis received a high level of public support, and the Steering Committee Recommendation from September 10, 2007 included a recommendation to advance and refine the pedestrian and bicycle trail options in the corridor, including additional design work, cost reduction strategies, potential trail phasing strategies, resolution of legal issues and identification of construction funding sources; and

WHEREAS, on November 19, 2007, the Steering Committee amended their September 10, 2007 recommendation to add a permanent Johns Landing terminus to the alternatives to be advanced, and to initiate a Refinement Study in the Johns Landing area prior to the start of the Draft Environmental Impact Statement, attached as Exhibit A, based on public comment and recommendations from the LOPAC Chair and Vice-chairs, and

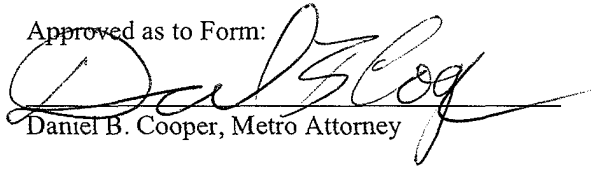
WHEREAS, the Lake Oswego City Council, Portland City Council, TriMet Board of Directors, Multnomah County Board of Commissioners and Clackamas County Board of Commissioners submitted letters of support and/or resolutions endorsing the Steering Committee recommendations, attached as Exhibit B, and

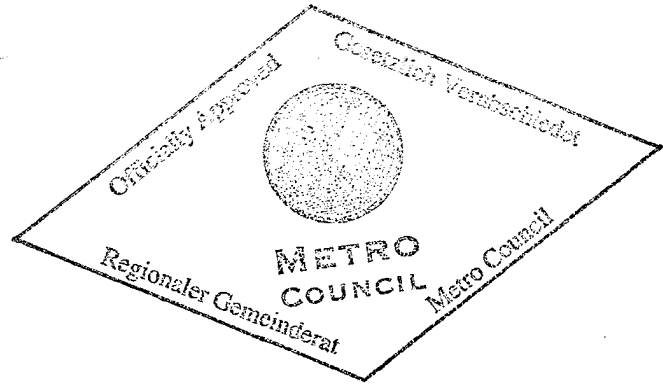
WHEREAS, the Metro Council has considered previous public comments, public testimony at this hearing, and public agency endorsements of the Steering Committee Recommendation as amended November 19, 2007; now therefore

BE IT RESOLVED, that the Metro Council adopts the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Alternatives to be Advanced into a Draft Environmental Impact Statement and Work Program 19, Considerations* dated December 13, 2007, attached as Exhibit A.

ADOPTED by the Metro Council this 13th day of December 2007.


David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney



Lake Oswego to Portland Transit and Trail Alternatives Analysis

Metro Council Action

Alternatives to be Advanced into a
Draft Environmental Impact Statement and
Work Program Considerations

Adopted December 13, 2007



METRO

Metro Council Action

*Alternatives to Advance into a Draft Environmental Impact Statement
Adopted December 13, 2007*

I. OVERVIEW

This document presents the Metro Council adoption of alternatives to be advanced into a Draft Environmental Impact Statement (DEIS) for the Lake Oswego to Portland corridor. The transit alternatives and their accompanying trail components have been fully evaluated against the project's purpose and need and goals and objectives, and this evaluation is documented in the Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary Public Review Draft dated July 12, 2007. The Metro Council action considers recommendations from the Transit Alternatives Analysis Steering Committee dated November 19, 2007, the Lake Oswego to Portland Project Advisory Committee (LOPAC) dated July 31, 2007, the findings of the Project Management Group dated September 3, 2007, public input received during the two public open houses held on June 27 and 28, 2007, a public hearing before the Steering Committee held on July 16, 2007, testimony before the Council on December 13, 2007 as well as all other comments received as described in the Public Comment Summary dated September 10, 2007 and updated to include public comments through December 13, 2007.

This action by the Metro Council selects transit mode, terminus of the transit project and specific alignments to be studied in a Draft Environmental Impact Statement. In addition, a strategy is presented for further development of a trail connection in the corridor. The **mode** section presents findings and recommendations regarding the No-Build, Bus Rapid Transit (BRT) and Streetcar alternatives. The **terminus** section presents findings and recommendations about the three terminus options including the Trolley, Safeway and Albertsons termini sites. The **alignment** section describes findings and recommendations for the three potential streetcar alignments within the Johns Landing area; the Willamette Shore Line right of way, SW Macadam Avenue and the Johns Landing Master Plan alignment.

II. FINDINGS

Context

The Lake Oswego to Portland corridor is environmentally, topographically and physically constrained. Future roadway expansion is not anticipated and previous planning studies have concluded that a high capacity transit improvement is needed to provide additional capacity. In 1988, a consortium of seven government agencies purchased the Willamette Shore Line right of way connecting Lake Oswego to Portland for the purpose of preserving the rail right of way for future rail transit service. The 2004 Regional Transportation Plan (RTP) identified the need for a corridor refinement plan for a high capacity transit option for this corridor, which was the genesis of this alternatives analysis.

Existing and future traffic conditions in this corridor are projected to worsen as population and employment projections for Portland, Lake Oswego and areas south of Lake Oswego in Clackamas County continue to grow. The corridor already experiences long traffic queues, poor levels of service and significant capacity constraints at key locations. Travel times in the corridor are unreliable due to congestion on Highway 43.

Project Sequencing

A transit project in the Lake Oswego to Portland Corridor is one of several regional projects that would seek funding through Federal Transit Administration's (FTA) New Starts and Small Starts funding programs. The financial analysis prepared during this alternatives analysis evaluated the sequencing of funding for this project based on current regional commitments. The Milwaukie to Portland Light Rail Project is the region's top priority for FTA New Starts funding following projects currently funded and under construction. The Columbia Crossing Project would also include a New Starts transit component and is proceeding concurrently with the Milwaukie to Portland LRT Project. The Portland Streetcar Loop project is the region's priority project for FTA Small Starts funding.

The Lake Oswego to Portland Corridor Project could be the region's next priority for FTA funding, with construction funding capacity becoming available starting in 2012 and continuing through 2017. In order to fit into the regional sequence of projects, the Metro Council recognizes that the Portland to Lake Oswego Corridor Draft Environmental Impact Statement would need to be initiated in Fall 2008 as the Milwaukie to Portland Light Rail Project Final Environmental Impact Statement nears completion. In the Work Program Considerations section of these Metro Council findings, a number of steps are outlined which would need to be taken prior to the initiation of the DEIS, including preparation of a more detailed schedule that identifies key New Starts milestones and deliverables for the project.

Willamette Shoreline Right of Way

The Willamette shoreline rail right of way was purchased from the Southern Pacific Railroad in 1988 for \$2 million dollars by a consortium of local governments including Metro, the cities of Lake Oswego and Portland, Clackamas and Multnomah counties, the Oregon Department of Transportation (ODOT) and TriMet. Knowing that the Highway 43 corridor is very constrained; the purchase was made with the intent of preserving the corridor for future transit use.

The value of the right-of way has increased dramatically over 20 years. TriMet estimates currently value the right-of-way at \$75 million in 2007 dollars. This value is critical to a transit project that would use the right-of-way because the value of the right of way can be counted as local match for federal funds. A request for New Starts project funding from the Federal Transit Administration would typically be for 60 percent of a project's capital cost leaving 40 percent to be supplied locally. If \$75 million in right of way value were applied as part of local match, the remaining share of local funds required would be significantly reduced.

For the reasons stated above, whether an alternative uses the Willamette Shore Line right –of way is a significant factor in project funding. For the Streetcar alternative, the \$75 million value of the Willamette Shore Line right of way could leverage as much as \$112.5 million in federal funds. Because it would not be using the right of way, the BRT alternative would not be able to leverage value of the right of way as part of its funding plan.

A. Transit Mode: Streetcar

Streetcar is the transit mode that best meets the project's purpose and need and the goals and objectives for the Lake Oswego to Portland Transit and Trail Alternatives Analysis.

The Metro Council finds that the **Streetcar mode** should advance for further study in a DEIS because:

- Streetcar would have the highest ridership of all the transit alternatives.
- Streetcar travel times would be up to 18 minutes faster between key corridor destinations and would be more reliable than the other transit alternatives. In peak travel periods, the Streetcar would provide faster travel times than autos between downtown and Lake Oswego. Faster travel time and higher reliability is gained through operation of streetcar in exclusive right of way on the Willamette Shore Line.
- Streetcar would have the lowest operating and maintenance costs of any alternative, including the No-Build. This is due to the marginal cost of extending a line that already operates in the corridor, the carrying capacity of the Streetcar vehicles compared to buses and the travel time advantage over BRT and No-Build. The Streetcar also replaces some corridor bus service, which results in a cost savings.
- The Streetcar alternative could leverage up to 3.3 million square feet of total new transit supportive development within three blocks of the proposed alignments.
- Streetcar is compatible with the existing transit system and would operate as an extension of the existing streetcar line that operates between NW 23rd Avenue and the South Waterfront.
- The \$75 million of value in the Willamette Shoreline right of way could leverage as much as \$112.5 million in federal funds if the project proceeds as a Federal Transit Administration (FTA) News Starts project.

The Metro Council finds that the **Bus Rapid Transit (BRT) mode** should not advance for further study in a DEIS because:

- It may not be a practical option to achieve the travel time and ridership as modeled in this alternatives analysis. The queue bypass lanes used to bypass congestion at key intersections in the BRT alternative would have to be extended to between 500 and 1,000 feet instead of the 200 feet in the current designs and cost estimates.
- The BRT alternative would include property impacts at the key intersections where transit improvements are constructed. There would be additional property impacts associated with the additional queue jump length required to bypass congestion. This also would include removal of trees within the sidewalk area.
- Initial BRT capital costs were the lowest of all the transit alternatives, however, these do not include the additional costs of the longer queue jump lanes, which would be required.
- The BRT alternative would have the highest operating cost due to the greater number of vehicles required to meet demand, and the fact that the BRT line would require added service, unlike the Streetcar alternative which would replace existing bus service.
- For the entire length of the corridor, BRT travel times are subject to the same delays and congestion as the general traffic in areas where queue jump lanes are not provided, resulting in decreased reliability.
- The BRT alternative would not leverage transit supportive economic development beyond what would be expected with the No-Build alternative.
- The BRT alternative would not leverage the \$75 million value of Willamette Shore Line right of way, which could match federal transit funding of up to \$112.5 million.

The Metro Council finds that an **enhanced bus** alternative should be studied as a more practical option for this constrained corridor. Such an option would avoid the property impacts of the BRT while providing improved service, bus pullouts where possible and better shelters and lighting at stations. Enhanced bus would act as the base case for comparison

to Streetcar alternatives in the DEIS. It would operate in mixed traffic, though this has implications for travel time, reliability and long-term efficiency of the line.

B. Alignments: Willamette Shore Line and SW Macadam Avenue

During the alternatives analysis process three alignments were evaluated in the John's Landing area: the Willamette Shore Line right of way, SW Macadam Avenue and the John's Landing Master Plan alignment. The Metro Council recommends that two alignment options be studied further in the John's Landing area north of the Sellwood Bridge: the Willamette Shore Line right of way alignment and the SW Macadam Avenue alignment.

In addition, combinations of the two alignments should be evaluated to maximize the potential benefits and minimize impacts in the John's Landing area. The Metro Council recognizes that alignments, which would avoid or minimize impacts through John's Landing, may need to be developed that are not part of either the Macadam Avenue or Willamette Shoreline alignments. These could include all or portions of the John's Landing Master Plan alignment or other rights of way.

The Metro Council finds that the **Willamette Shore Line right of way alignment** should advance for further study for the following reasons:

- Streetcar on the Willamette Shore Line right of way would yield higher reliability and faster travel times than the other alignments due to the 100% exclusive right of way. In the DEIS, Issues of pedestrian and vehicle safety and proximity to private properties must be considered in the analysis of this alignment..
- The Willamette Shore Line right of way is in public ownership and could potentially be used as local match towards the capital cost of the project. Current estimates value the entire right of way at \$75 million. For the portion north of SW Nevada Street, the value of the right of way is estimated at approximately \$35 million, which could leverage an additional \$58 million in federal funds.
- The Willamette Shore Line Right-of-Way alignment has received public support from Lake Oswego residents because it has faster travel time, better reliability and less impact to Highway 43 traffic operations and safety than an alignment that would use Macadam Avenue in John's Landing.

The Metro Council finds that the **SW Macadam Avenue alignment** should advance for further study for the following reasons:

- The SW Macadam Avenue alignment was the preferred alignment of the LOPAC based on community support, development potential, and the ability to avoid residential impacts of the Willamette Shore Line alignment. The LOPAC emphasized that the alignment should be on SW Macadam Avenue for as much of the length of the route as possible from the South Waterfront to the vicinity of the intersection of SW Macadam Avenue and SW Nevada Street.
- The SW Macadam Avenue alignment would leverage the most potential transit supportive development, approximately 2.2 million square feet of total new development in John's Landing.
- The SW Macadam Avenue alignment would avoid some of the potential property impacts associated with use of the Willamette Shore Line right of way.
- The SW Macadam Avenue alignment has emerged with the most public support from residents and businesses in John's Landing.

- As LOPAC recommended, a bicycle and pedestrian trail could be established along the Willamette Shore Line with the Macadam Avenue alignment. This trail has the potential to reduce conflicts between recreational and commuter user groups on the existing Willamette River Greenway trail by providing a more direct route through Johns Landing.

Note: The Metro Council recognizes ODOT's expressed concerns regarding the SW Macadam Avenue alignment option and will ensure that questions related to potential streetcar operations in mixed traffic on SW Macadam Avenue are addressed.

South of the John's Landing area and north of the Trolley Terminus site in Lake Oswego, the Willamette Shore Line right of way was the only alignment to advance to the completion of the alternatives analysis. As part of its design option narrowing decision, Steering Committee eliminated Highway 43 south of John's Landing from consideration as a Streetcar alignment for safety and operational reasons, making the Willamette Shore Line alignment the only option in this segment of the corridor. The *Evaluation Summary Report* contains a description of the alternative and design option narrowing decisions that were made during the alternatives analysis.

C. Lake Oswego Full-Length Termini: Albertsons and Safeway

The Metro Council finds that the Albertsons and Safeway termini should advance into the DEIS. The Trolley terminus should not be advanced into the DEIS. These termini options are preferred because they would serve more population and employment, have higher ridership, disperse park and ride spaces, and have greater potential for transit-supportive development while demonstrating similar traffic impacts.

The Metro Council finds that the **Albertsons terminus should** advance for further study for the following reasons:

- The Albertsons terminus would allow for the possible future extension of Streetcar south to West Linn or Oregon City.
- The Albertsons terminus has strong public support from the residents south of Lake Oswego and citizens within Lake Oswego. In 2006, Lake Oswego's Downtown Transit Alternatives Analysis Committee (DTAAC) recommended the Albertsons terminus site, partly because it would intercept traffic from the south before it reaches the center of downtown.
- The Albertsons terminus could generate substantial transit supportive development in Lake Oswego (0.9 million square feet).

The Metro Council finds that the **Safeway terminus should** advance for further study for the following reasons:

- The Safeway terminus would allow for the possible future extension of Streetcar to the west.
- The Safeway terminus could provide park and ride access west of downtown Lake Oswego, intercepting traffic before it reaches the center of downtown.
- The Safeway site could leverage the most potential transit supportive development (1.1 million square feet in Lake Oswego), as compared to the Albertsons or Trolley terminus options.

- The Safeway site would allow the Streetcar to act as a circulator for trips within downtown Lake Oswego between the Foothills district and the west end of downtown.

The Metro Council acknowledges that an at-grade crossing of streetcar with Highway 43 under the Safeway terminus option would require additional study and coordination with ODOT and the City of Lake Oswego to ensure that a safe and efficient crossing is feasible.

Additionally, the Metro Council acknowledges that it may be necessary to construct a project that would utilize the **Trolley Terminus** as a **temporary interim terminus** while joint development construction plans are finalized at either the Albertsons or Safeway terminus sites.

D. Temporary Johns Landing Short Terminus - Minimum Operable Segment (MOS)

If a full-length project cannot be built for financial or other reasons, the FTA allows for Minimum Operable Segments (MOS) to be considered as interim termini for a project. In this corridor, preliminary analysis was done for a MOS for Streetcar that would terminate in the vicinity of Nevada Street in John's Landing on either the Willamette Shore Line right-of-way or the Macadam Avenue alignments. A streetcar terminus in Johns Landing should include enhanced bus service to Lake Oswego as part of the complete alternative. The Metro Council finds that this alternative advance for further study for the following reasons:

- Significant public support was expressed for this option from participants in the process all through the corridor.
- A minimum operable segment (MOS) provides flexibility to initiate a project with available funding while pursuing additional funding to complete the remainder.

E. Johns Landing Permanent Terminus

A permanent terminus in Johns Landing was selected by the LOPAC along with a full-length Streetcar alternative as their preferred options to be advanced into the DEIS. The LOPAC preference was that this terminus be paired with the Macadam Avenue alignment; in Johns Landing however this terminus option could be paired with either the Willamette Shoreline or Macadam alignments. A streetcar terminus in Johns Landing should include enhanced bus service to Lake Oswego as part of the complete alternative.. The Metro Council finds that this alternative should be advanced into the DEIS for the following reasons:

- There is strong community support for this option in both Johns Landing and Dunthorpe.
- Analysis of a permanent terminus in addition to a temporary Minimum Operable Segment terminus would allow a full range of choices that could respond to funding constraints, environmental impacts and community preferences.
- This terminus option could maintain the ability to cross a new or reconstructed Sellwood Bridge in the future.

III. TRAIL CONSIDERATIONS

Context

As part of the Willamette River Greenway vision, a trail was proposed to run along the Willamette Shore Line right of way from Willamette Park in Portland to downtown Lake Oswego between Highway 43 and the Willamette River. As part of this Alternatives Analysis, the feasibility of a continuous trail between Portland and Lake Oswego was evaluated. Each transit alternative carried with it a complementary trail component. The BRT alternative would have used the Willamette Shore Line right of way for exclusive trail use. The Streetcar alternative, which the Metro Council advances for further study, would require shared use of the Willamette Shoreline between Streetcar and a trail. The discussion below focuses on the trail components that would accompany the Streetcar alignments.

A. Trail Component

The bike and pedestrian trail component of this study has received tremendous community support. A trail in the corridor would provide a critical link in the regional transportation system, connecting other regional and local trails. A continuous, safe and level trail component is a desired outcome in this corridor.

However, as currently designed, the trail component may not be practical to build for its entire length because of the high capital costs associated with shifting the Streetcar alignment to accommodate the trail in a tightly constrained right of way and very difficult topography. Because some portions of the trail are more easily implemented than others, and because funding for the entire trail may not be available at one time, the trail may need to be developed in phases.

B. Trail Component Refinement Next Steps

The Metro Council finds that a trail component should be advanced for further study. However, additional refinement is needed to determine how to advance the trail and the transit alternatives, either together or separately. The following identifies additional considerations for the trail and next steps:

- Further consideration is required to determine trail project sponsors and potential funding sources. Metro may or may not be the appropriate agency to lead the effort to advance a trail in the corridor.
- Additional design work is needed to identify ways to design and construct a trail in this corridor with lower capital costs and impacts while still accommodating the transit project. The trail design should change and adapt to constraints in the corridor. The width of the trail does not need to be the same for the entire alignment and flexibility will be required with regard to various jurisdictions design standards and requirements.
- Trail phasing should be considered so that the most cost-effective segments could move forward. The additional design work required for the more difficult and expensive portions will take more time and effort.

- Additional study is needed to evaluate the potential for the Portland and Western railroad bridge and an eastside connection to the Sellwood Bridge to provide a useful pedestrian and bike trail connection between Lake Oswego and Portland
- Further study is needed regarding the outstanding legal questions in order to facilitate decisions about the Willamette Shore Line right of way and its use for a trail.

IV. WORK PROGRAM CONSIDERATIONS

The Metro Council finds that several actions are needed prior to advancing the project into the *Draft Environmental Impact Statement* phase of project development. Because a DEIS for the Lake Oswego to Portland Corridor is not included in Metro's current fiscal year budget, it is recognized that there will be a gap before the DEIS can commence.

1. **The Metro Council finds that the following actions are necessary to advance the project into the *Draft Environmental Impact Statement*:**
 - a. **Metro should work with the FTA to Publish a *Notice of Intent to Prepare a Draft Environmental Impact Statement* in the Federal Register**, and initiate the DEIS Scoping Process. The FTA has recommended that this action be taken immediately. This action would ensure that all of the work completed during the alternatives analysis would be documented under the National Environmental Policy Act (NEPA). Public comment received prior to the Metro Council action on advancing the project into the DEIS phase would also be included as part of the NEPA record. The Scoping phase of a DEIS includes meetings with the public as well as local, state and federal agencies and affected tribal jurisdictions. The dates of the public, agency and tribal meetings would be published along with the notice of intent. The Scoping meetings present proposed alternatives and solicit input on potential additional alternatives that could be included in a DEIS.
 - b. **Metro should prepare a work scope, budget and schedule for the DEIS.** In order to secure funding for a DEIS, a cost estimate is required. The estimate is based on a scope of work and schedule that meet all appropriate FTA and NEPA requirements. This DEIS will need to meet new requirements for public and agency participation covered under Section 6002 of the SAFETEA-LU Act. Metro staff will convene the PMG to discuss and review the scope of work, schedule and budget, including agency roles and responsibilities during the DEIS phase.
 - c. **Metro should work with project partners, through the Project Management Group, to identify and secure funding for the DEIS.** Along with the scope, schedule and budget, Metro will work with project partners to identify potential sources of funding for the DEIS, as well as the next phases of project development, Preliminary Engineering and the Final Environmental Impact Statement. Potential sources of funding include FTA Section 5339 or other funds through the MTIP process, and local jurisdiction, TriMet, or ODOT contributions.

2. **In order to advance the goal of implementing a bicycle and pedestrian trail that connects Portland and Lake Oswego, the Metro Council directs that the following steps be taken:**
 - a. **Metro, with assistance from project partners through the TAC and PMG, should develop a process to undertake the *Trail Refinement Next Steps* listed above.** The result of this process would be to resolve key issues and determine the relationship of the trail and the transit project during the DEIS phase. Of particular importance are:
 - i. Involvement of the public and advocacy groups in improving the trail concept
 - ii. Definition of the lead agency for advancement of a trail
 - iii. Development of an approach to reduce capital costs
 - iv. Analysis of possible phasing of trail segments
 - v. Identification of potential trail capital funding sources
3. **The Metro Council finds that prior to initiation of the DEIS, Metro, with the assistance of the PMG, should develop actions or conditions for each participating agency that would help to ensure that the project can meet FTA thresholds with regard to ridership and financing and achieve the important development objectives for the Corridor.**

These could include:

- a. Development of local funding mechanisms
 - b. Demonstrated progress toward development objectives
 - c. Resolution of technical issues, e.g. ODOT concerns regarding the SW Macadam Avenue alignment
 - d. Threshold criteria for selecting a full-length option over an MOS or vice versa
4. **The Metro Council finds that the following concerns need to be addressed by Metro and its project partners as the project moves forward into a DEIS:**
 - a. The alternative should be constructed in such a manner as to allow coordination with transportation alternatives across the Sellwood Bridge or its replacement.
 - b. Maximize the alternative to establish a safe and attractive transit, pedestrian and bicycle route from Lake Oswego to Portland. Minimize negative impacts to residents and property values.
 - c. The DEIS should include an analysis of the conflicts between use of the corridor as a commuter route and the stated desire of Johns Landing residents for a more pedestrian and retail friendly environment.
 - d. Continue to analyze redevelopment opportunities in Johns Landing and Lake Oswego.
 - e. Strive for closer integration of Johns Landing and South Waterfront urban planning and work to improve pedestrian, bicycle, automobile and streetcar connections.

- 5. The Metro Council finds that the PMG should undertake a Johns Landing Alignment Refinement Study that would precede the start of the DEIS. This study would support the DEIS detailed definition of alternatives and should focus on:**
- a. The operational, design and cost trade-offs between the various alignment options in the Johns Landing segment.
 - b. Financial mechanisms to capture the full value of the Willamette Shore Line so that the current value of the WSL right of way could be used to leverage federal dollars and be applied to a project as local match. These mechanisms could include purchase by adjoining property owners, formation of a local improvement district and/ or a right of way trade that could be counted as local match
 - c. Design solutions through and/or around the most constrained parts of the Willamette Shore Line alignment
 - d. Initial operating concepts for the Streetcar in Macadam Avenue that address ODOT concerns regarding shared traffic operations.
 - e. Refinement of temporary and permanent Johns Landing terminus locations.
 - f. Funding for the refinement study should be equitably shared by the participating agencies.

RESOLUTION 07-57**A RESOLUTION OF THE LAKE OSWEGO CITY COUNCIL SUPPORTING THE LAKE OSWEGO TO PORTLAND TRANSIT AND TRAIL ALTERNATIVES ANALYSIS STEERING COMMITTEE RECOMMENDATIONS FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT STUDY FOR THE HIGHWAY 43 CORRIDOR.**

WHEREAS, the Regional Transportation Plan (RTP) designates Highway 43 between Portland and Lake Oswego as a planned frequent bus line and the Willamette Shore Line Rail right of way as a planned/proposed streetcar line; and

WHEREAS, in 1988, the City of Lake Oswego, along with six other agencies, purchased the Willamette Shore Line rail right of way for the purpose of preserving the line for future high capacity transit ; and

WHEREAS, the City of Lake Oswego has adopted a Transportation System Plan as a component of its Comprehensive Plan that indicates that Hwy. 43 is a congested corridor, and that the Willamette Shore Line right of way should be preserved for future high capacity transit; and

WHEREAS, the City of Lake Oswego, along with other regional partners, has through its actions over the past 19 years, supported efforts to encourage future high capacity transit between Lake Oswego and Portland by contracting with the Oregon Electrical Railway Historical Society to operate a seasonal trolley on the Willamette Shore Line right of way in order to preserve its use for future high capacity transit; and

WHEREAS, in 2004, the City Council of the City of Lake Oswego appointed a Downtown Transit Alternatives Advisory Committee (DTAAC), consisting of neighborhood, business and transportation representatives, which examined preferred transit options for the City of Lake Oswego; and

WHEREAS, in 2005, Metro applied for and attained Metropolitan Transportation Improvement Program funds in order to conduct a Transit and Trail Alternatives Analysis to examine transit and trail options in the Highway 43 Corridor, including the Willamette Shore Line right-of-way, and the City of Lake Oswego contributed funding for a portion of the local match, along with the City of Portland and TriMet; and

WHEREAS, an Alternatives Analysis, consistent with Federal Transit Administration requirements, was conducted; and

WHEREAS, representatives on the Transit and Trail Steering Committee, consisting of elected and appointed members from the City of Lake Oswego, the City of Portland, Multnomah and Clackamas Counties, TriMet, Metro, Oregon Department of

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Section 4. Effective Date. This Resolution shall take effect upon passage.

Considered and enacted at the meeting of the City Council of the City of Lake Oswego held on the 2nd day of October, 2007.

AYES: Mayor Hammerstad, McPeak, Groznik, Hennagin, Jordan, Johnson

NOES: none


EXCUSED: Turchi

ABSTAIN: none



Judie Hammerstad, Mayor

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



David Powell
City Attorney



Martha Schrader
Chair

Lynn Peterson
Commissioner

Bill Kennemer
Commissioner

BOARD OF COUNTY COMMISSIONERS

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

December 7, 2007

David Bragdon, President
Metro Council
600 NE Grand Ave.
Portland, OR 97232-2736

Dear President Bragdon:

The Clackamas County Board of Commissioners has reviewed the Lake Oswego Transit and Trail Alternatives Analysis Steering Committee recommendation to advance alternatives into a Draft Environmental Impact Statement and we support the recommendation of the Steering Committee. While we are supportive of this recommendation, we would like to emphasize several issues.

We agree with the need to continue to study a Streetcar as the preferred mode, especially recognizing the limitations of bus rapid transit. However, we believe it is important to study all modes more thoroughly in the next stage of analysis. Additionally, though we have agreed to further study of a minimum operable segment to Nevada Street, we believe that this would not meet the purpose and need of the project and would add significantly more cost to the project.

Regarding the alignments through the Johns Landing area, we support continued study of both the Willamette Shore Line right of way and SW Macadam Avenue. We recognize and want to maximize the value of the Willamette Shore Line right of way but also realize that a Macadam Avenue alignment could potentially provide a positive tradeoff between benefits and impacts.

While the segment of the corridor that is within unincorporated Clackamas County does not anticipate increased development, there are key development opportunities in the Lake Oswego town center. The county supports further study of both terminus locations in order to better understand the benefits and impacts of both options. Additionally, we are fully supportive of the redevelopment efforts currently underway by the City of Lake Oswego.

Providing a bicycle/pedestrian component is very important to Clackamas County. We recognize the physical constraints involved as well as the possible legal issues of the Willamette Shore Line right of way. We are willing and eager to play a leadership role with Metro, project partners and the public to address the challenges of creating a safe, continuous trail through the corridor at a reasonable cost. We look forward to future opportunities to develop and consider creative options and make recommendations as appropriate.

We thank you for this opportunity to lend our support to this project that will provide new transportation choices in the corridor and beyond, into broader Clackamas County, where our population and employment continue to grow and demand additional transportation capacity.

Sincerely,

Martha Schrader
Chair

Lynn Peterson
Commissioner

Bill Kennemer
Commissioner



Ted Wheeler, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
Phone: (503) 988-3308
Email: mult.chair@co.multnomah.or.us

November 26, 2007

David Bragdon, President
Metro Council
600 NE Grand Avenue
Portland, OR 97232-2736

Dear President Bragdon:

The Multnomah County Board of Commissioners has reviewed both LOPAC's and the Steering Committee Recommendation for the Lake Oswego to Portland Transit and Trails Alternatives Analysis. This letter will offer alternatives into a Draft Environmental Impact Statement and provide the following recommendation.

After reviewing the Steering Committee Revised Recommendation we agree with the need to continue to study a Streetcar as the preferred mode, especially recognizing the limitations of bus rapid transit. That said, we encourage that a streetcar to Johns Landing and enhanced bus to Lake Oswego be studied as an alternative for this corridor, as well as the Steering Committee's recommendation of studying Streetcar to Lake Oswego as an alternative. Regarding the alignments through the South Waterfront area, we support continued study of the Willamette Shore Line right of way and SW Macadam alignments. We recognize the value of the Willamette Shore Line right of way, but we do not wish to see its value as the driving force, only that it and the SW Macadam Avenue alignments each be given full consideration.

With respect to a terminus in Lake Oswego we believe that a Trolley Terminus be considered while the advantages of the other two locations (Safeway and Albertsons) receive further study. We recognize that there are several advantages that accompany streetcar development. First is the transit demand at the terminus as well as the potential for continuation of the line, and second the potential for economic development that might occur along an alignment. Therefore, consideration of a Trolley Terminus is also important to allow some flexibility before committing to one terminus or the other.

At our briefing we also heard from citizens from unincorporated Multnomah County as well as members of LOPAC and wish to support their recommendation. While their recommendation(s) is included in the Steering Committee's Revised Recommendation, there are some key differences that bear consideration. First, we would like to reiterate our desire to see the SW Macadam alignment studied as per LOPAC's recommendation. Second, while we wish to see the Trolley Terminus as an alternative, we again concur that studying a terminus in Johns Landing should also be reviewed as an alternative with enhanced bus service to south to Lake Oswego.

Providing a bicycle/pedestrian component is very important to Multnomah County. We recognize the physical constraints involved as well as the possible legal issues of the Willamette Shore Line right of way. We encourage establishing a subcommittee to closely review the options and make recommendations as appropriate.

Finally, the effect of any of the alternatives on the environment must be a component of the DEIS. We continued to be concerned about the potential impact any of the alternatives may have on the environment and believe that the preferred alternative be one that also meets key sustainability measures.

Multnomah County supports moving ahead with the DEIS as recommended by both LOPAC and the Steering Committee. We thank you for this opportunity to lend our support.

Sincerely,

A handwritten signature in black ink that reads "TED WHEELER". The signature is written in a cursive, slightly slanted style.

Ted Wheeler
Multnomah County Chair

TW/ml



CITY OF

PORTLAND, OREGON

OFFICE OF PUBLIC UTILITIES

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(503) 823-3008
FAX: (503) 823-3017
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www.commissionersam.com

Metro Council
600 NE Grand Ave.
Portland, OR 97232

Honorable President Bragdon and Metro Councilors:

As Commissioner in charge of the Portland Office of Transportation and City of Portland representative in the Lake Oswego to Portland Transit and Trail Alternatives Analysis Steering Committee, I support the Steering Committee recommendations as amended and approved at the November 19th, 2007 meeting.

In advancing the Steering Committee's Recommendations, I appreciate the hard work that citizens of Portland and along the corridor put into the project for over two years.

I understand that planning for high capacity transit in this corridor has been a controversial endeavor going back to the master planning efforts of the 1970s. Given this history, the recommendations of the Lake Oswego to Portland Project Advisory Committee and the Steering Committee are important steps toward a workable solution.

Though this study resolved many issues, many questions remained unanswered. I believe this refinement study is the best way to continue to explore options with the community and try to build towards an agreement on the options to be studied as part of the environmental impact study work (EIS).

In advancing this project to the next level of planning, the City of Portland is interested in a process that will lead to solutions that meet the City's and the region's transportation and land use objectives and reflect the needs and aspirations of stakeholders along the corridor.

As such, I am recommending that as part of the refinement study referred to in the Steering Committee's recommendations, the following elements be incorporated:

1. This refinement study is for the area of Johns Landing between South Waterfront and the Sellwood Bridge, and should be conducted with active participation from businesses and residents along the corridor.
2. The refinement study should be consistent and supportive of the NEPA process;
3. The refinement study work should be scoped for and executed so that the end result will be a narrowing of streetcar alignments in the Johns Landing segment to be advanced into the EIS;
4. The refinement study should be conducted concurrently with trail planning, and if that is not possible, the refinement study should consider the impacts on trail development in its alternative selection process;
5. Opportunities and constraints to build a citywide streetcar system should be part of the criteria for alternative selection; and
6. The scope of work and execution of the refinement study should be done in a cooperative effort with the City of Portland, Metro, TriMet, ODOT and the public at large.

Sincerely,

Commissioner Sam Adams

December 11, 2007

Metro Council
600 NE Grand Avenue
Portland, OR 97232-2736

Dear President Bragdon:

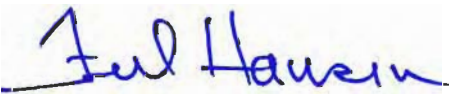
On behalf of TriMet, I recommend that you adopt the Lake Oswego to Portland Steering Committee Recommendations as amended on November 19, 2007. These recommendations propose a sound range of project alternatives that present the public and decision-makers with sensible choices on how to proceed with transit improvements in the Lake Oswego to Portland Corridor. Each of the alternatives will benefit from the careful analysis of impacts and mitigations that can only take place within the NEPA process.

As the project moves forward, TriMet, Metro and our regional partners will seek to develop creative design solutions that address the community concerns expressed during the alternatives analysis, while maintaining reliable and quick transit options through the corridor. Balancing the regional transportation needs with local impacts will be particularly challenging in this highly constrained corridor.

TriMet also wants to emphasize its belief that the value of the Willamette Shore Line railroad right of way should be preserved as local match for FTA funds and not given up prematurely. Whether the match is created through direct use of the right of way or by separate funding that ensures that the value is captured by other means, capture of the right of way's value will need to be addressed as we advance into the DEIS.

We look forward to working with you on this important project.

Sincerely,



Fred Hansen
General Manager

BEFORE THE METRO COUNCIL

| | | |
|------------------------------------|---|--|
| FOR THE PURPOSE OF IDENTIFYING |) | RESOLUTION NO. 07-3887 |
| ALTERNATIVES TO ADVANCE INTO A |) | |
| DRAFT ENVIRONMENTAL IMPACT |) | |
| STATEMENT FOR THE PORTLAND TO LAKE |) | |
| OSWEGO CORRIDOR TRANSIT PROJECT |) | Introduced by Councilor Rex Burkholder |
| |) | |

WHEREAS, in 1988 a consortium of seven government agencies purchased the Willamette Shore Line right-of-way for the purpose of preserving the right of way for future rail transit in the geographically constrained Portland to Lake Oswego Highway 43 corridor; and

WHEREAS, the Willamette Shore Line right-of-way has appreciated significantly in value since its purchase and can be used as local match for federal transit funds, and

WHEREAS, the Regional Transportation Plan, adopted by the Metro Council in 2004 called for a corridor refinement plan for evaluation of high capacity transit options for the Lake Oswego to Portland Highway 43 corridor;

WHEREAS, in 2005, Metro initiated an alternatives analysis consistent with FTA requirements to assess the feasibility of transit and trail alternatives between Lake Oswego and Portland; and

WHEREAS, a wide range of alternatives was evaluated in the alternatives analysis that included No-Build, Bus Rapid Transit with multiple alignments, Streetcar with multiple alignments, River Transit, and accompanying trail alignments; and

WHEREAS, the alternatives analysis confirmed that highway widening in the Highway 43 corridor is infeasible and costly, and that reversible lanes are not warranted, and

WHEREAS, ridership and cost information was developed in the alternatives analysis that evaluated an extension of the proposed Milwaukie light rail line to the Albertsons terminus on an alignment parallel to the Portland and Western Railroad; and

WHEREAS, an extensive public involvement process was undertaken from July 2005 to the present that included testimony before and after every meeting of the Lake Oswego to Portland Project Advisory Committee (LOPAC), community design workshops, open houses, small group meetings, neighborhood group meetings, individual property owner meetings, a bus rider survey, newsletters, and targeted mailings, resulting in over 1,200 direct citizen contacts; and

WHEREAS, on July 16, 2007, a public hearing was held by the Steering Committee and public comments were received on the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary Public Review Draft*; and

WHEREAS, on July 31, 2007, the Lake Oswego to Portland Project Advisory Committee (LOPAC) adopted their recommendation to the Steering Committee regarding transit and trail alternatives to advance for further study in a Draft Environmental Impact Statement; and

WHEREAS, on August 29, 2007 the Lake Oswego to Portland Project Management Group (PMG) adopted their recommendation to the Steering Committee regarding transit and trail alternatives to advance for further study in a Draft Environmental Impact Statement; and

WHEREAS, on September 10, 2007 the Steering Committee, after consideration of LOPAC and PMG recommendations, public input, the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Draft Public Comment Summary* report, and the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary Public Review Draft* report; adopted the *Steering Committee Recommendations on Alternatives to be Advanced into a Draft Environmental Impact Statement and Work Program Considerations*, attached as Exhibit A; and

WHEREAS, the transit alternatives adopted by the Steering Committee on September 10 2007 included No-Build, Enhanced Bus and Streetcar, including streetcar alignment alternatives on SW Macadam Avenue, the Willamette Shore Line right-of-way, or combinations of the two that may include all or parts of the Johns Landing Masterplan alignment through Johns Landing, a temporary minimum operable segment terminus in the vicinity of Nevada Street in Johns Landing, the Willamette Shore Line right-of-way from the vicinity of Nevada Street to the existing trolley barn and south to the Albertsons terminus option or west via A and B Avenues to the Safeway terminus option in Lake Oswego; and

WHEREAS, the Lake Oswego to Portland Corridor Project would be the region's next priority for FTA funding, following the Portland Streetcar Loop Project and Milwaukie to Portland Light Rail Project; and

WHEREAS, the bicycle and pedestrian trail element of the alternatives analysis received a high level of public support, and the Steering Committee Recommendation from September 10, 2007 included a recommendation to advance and refine the pedestrian and bicycle trail options in the corridor, including additional design work, cost reduction strategies, potential trail phasing strategies, resolution of legal issues and identification of construction funding sources; and

WHEREAS, on November 19, 2007, the Steering Committee amended their September 10, 2007 recommendation to add a permanent Johns Landing terminus to the alternatives to be advanced, and to initiate a Refinement Study in the Johns Landing area prior to the start of the Draft Environmental Impact Statement, attached as Exhibit A, based on public comment and recommendations from the LOPAC Chair and Vice-chairs, and

WHEREAS, the Lake Oswego City Council, Portland City Council, TriMet Board of Directors, Multnomah County Board of Commissioners and Clackamas County Board of Commissioners submitted letters of support and/or resolutions endorsing the Steering Committee recommendations, attached as Exhibit B, and

WHEREAS, the Metro Council has considered previous public comments, public testimony at this hearing, and public agency endorsements of the Steering Committee Recommendation as amended November 19, 2007; now therefore

BE IT RESOLVED, that the Metro Council adopts the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Steering Committee Recommendation and Work Program Considerations*, as adopted September 10, 2007 and amended November 19, 2007, attached as Exhibit A.

ADOPTED by the Metro Council this ____ day of December 2007.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

Lake Oswego to Portland Transit and Trail Alternatives Analysis

Steering Committee Recommendation

Alternatives to be Advanced into a
Draft Environmental Impact Statement

Work Program Considerations

Adopted September 10, 2007

Amended November 19, 2007



METRO

Steering Committee Recommendation

Alternatives to Advance into a Draft Environmental Impact Statement

Adopted September 10, 2007

I. OVERVIEW

This document presents the recommendations of the Steering Committee to the Metro Council for alternatives to be advanced into a *Draft Environmental Impact Statement* for the Lake Oswego to Portland corridor. The transit alternatives and their accompanying trail components have been fully evaluated against the project's purpose and need and goals and objectives, and this evaluation is documented in the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary Public Review Draft* dated July 12, 2007. The Steering Committee recommendations also consider recommendations from the Lake Oswego to Portland Project Advisory Committee (LOPAC) dated July 31, 2007, the findings of the Project Management Group dated September 3, 2007, public input received during the two public open houses held on June 27 and 28, 2007 and the public hearing held on July 16, 2007 as well as all other comments received as described in the *Public Comment Summary* dated September 10, 2007.

This recommendation discusses transit mode, terminus of the transit project and specific alignments. In addition, a strategy is presented for further development of a trail connection in the corridor. The **mode** section presents findings and recommendations regarding the No-Build, Bus Rapid Transit (BRT) and Streetcar alternatives. The **terminus** section presents findings and recommendations about the three terminus options including the Trolley, Safeway and Albertsons termini sites. The **alignment** section describes findings and recommendations for the three potential streetcar alignments within the John's Landing area; the Willamette Shore Line right of way, SW Macadam Avenue and the John's Landing Master Plan alignment.

II. FINDINGS AND RECOMMENDATIONS

Context

The Lake Oswego to Portland corridor is environmentally, topographically and physically constrained. Future roadway expansion is not anticipated and previous planning studies have concluded that a high capacity transit improvement is needed to provide additional capacity. In 1988, a consortium of seven government agencies purchased the Willamette Shore Line right of way connecting Lake Oswego to Portland for the purpose of preserving the rail right of way for future rail transit service. The 2004 Regional Transportation Plan (RTP) identified the need for a corridor refinement plan for a high capacity transit option for this corridor, which was the genesis of this alternatives analysis.

Existing and future traffic conditions in this corridor are projected to worsen as population and employment projections for Portland, Lake Oswego and areas south of Lake Oswego in Clackamas County continue to grow. The corridor already experiences long traffic queues, poor levels of service and significant capacity constraints at key locations. Travel times in the corridor are unreliable due to congestion on Highway 43.

Project Sequencing

A transit project in the Lake Oswego to Portland Corridor is one of several regional projects that would seek funding through FTA's New Starts and Small Starts funding programs. The financial analysis prepared during this alternatives analysis evaluated the sequencing of funding for this project based on current regional commitments. The Milwaukie to Portland Light Rail Project is the region's top priority for FTA New Starts funding following projects currently funded and under construction. The Columbia Crossing Project would also include a New Starts transit component and is proceeding concurrently with the Milwaukie to Portland LRT Project. The Portland Streetcar Loop project is the region's priority project for FTA Small Starts funding.

The Lake Oswego to Portland Corridor Project would be the region's next priority for FTA funding, with construction funding capacity becoming available starting in 2012 and continuing through 2017. In order to fit into the regional sequence of projects, the Steering Committee recognizes that the Portland to Lake Oswego Corridor Draft Environmental Impact Statement would need to be initiated in Fall 2008 as the Milwaukie to Portland Light Rail Project Final Environmental Impact Statement nears completion. In the Work Program Considerations section of these Steering Committee findings and recommendations, a number of steps are outlined which would need to be taken prior to the initiation of the DEIS, including preparation of a more detailed schedule that identifies key New Starts milestones and deliverables for the project.

Willamette Shoreline Right of Way

The Willamette shoreline rail right of way was purchased from the Southern Pacific Railroad in 1988 for \$2 million dollars by a consortium of local governments including Metro, the cities of Lake Oswego and Portland, Clackamas and Multnomah counties, the Oregon Department of Transportation (ODOT) and TriMet. Knowing that the Highway 43 corridor is very constrained; the purchase was made with the intent of preserving the corridor for future transit use.

The value of the right-of way has increased dramatically over 20 years. TriMet estimates currently value the right-of-way at \$75 million in 2007 dollars. This value is critical to a transit project that would use the right-of-way because the value of the right of way can be counted as local match for federal funds. A request for New Starts project funding from the Federal Transit Administration would typically be for 60 percent of a project's capital cost leaving 40 percent to be supplied locally. If \$75 million in right of way value were applied as part of local match, the remaining share of local funds required would be significantly reduced.

For the reasons stated above, whether an alternative uses the Willamette Shore Line right-of-way is a significant factor in project funding. For the Streetcar alternative, the \$75 million value of the Willamette Shore Line right of way could leverage as much as \$112.5 million in federal funds. Because it would not be using the right of way, the BRT alternative would not be able to leverage value of the right of way as part of its funding plan.

A. Transit Mode: Streetcar

Streetcar is the transit mode that best meets the project's purpose and need and the goals and objectives for the Lake Oswego to Portland Transit and Trail Alternatives Analysis.

The Steering Committee recommends that the **Streetcar mode** advance for further study in a Draft Environmental Impact Statement (DEIS) because:

- Streetcar would have the highest ridership of all the transit alternatives.
- Streetcar travel times would be up to 18 minutes faster between key corridor destinations and would be more reliable than the other transit alternatives. In peak travel periods, the Streetcar would provide faster travel times than autos between downtown and Lake Oswego. Faster travel time and higher reliability is gained through operation of streetcar in exclusive right of way on the Willamette Shore Line.
- Streetcar would have the lowest operating and maintenance costs of any alternative, including the No-Build. This is due to the marginal cost of extending a line that already operates in the corridor, the carrying capacity of the Streetcar vehicles compared to buses and the travel time advantage over BRT and No-Build. The Streetcar also replaces some corridor bus service, which results in a cost savings.
- The Streetcar alternative could leverage up to 3.3 million square feet of total new transit supportive development within three blocks of the proposed alignments.
- Streetcar is compatible with the existing transit system and would operate as an extension of the existing streetcar line that operates between NW 23rd Avenue and the South Waterfront.
- The \$75 million of value in the Willamette Shoreline right of way could leverage as much as \$112.5 million in federal funds if the project proceeds as a Federal Transit Administration (FTA) News Starts project.

The Steering Committee recommends that the **Bus Rapid Transit (BRT) mode** not advance for further study in a DEIS because:

- It may not be a practical option to achieve the travel time and ridership as modeled in this alternatives analysis. The queue bypass lanes used to bypass congestion at key intersections in the BRT alternative would have to be extended to between 500 and 1,000 feet instead of the 200 feet in the current designs and cost estimates.
- The BRT alternative would include property impacts at the key intersections where transit improvements are constructed. There would be additional property impacts associated with the additional queue jump length required to bypass congestion. This also would include removal of trees within the sidewalk area.
- Initial BRT capital costs were the lowest of all the transit alternatives, however, these do not include the additional costs of the longer queue jump lanes, which would be required.
- The BRT alternative would have the highest operating cost due to the greater number of vehicles required to meet demand, and the fact that the BRT line would require added service, unlike the Streetcar alternative which would replace existing bus service.
- For the entire length of the corridor, BRT travel times are subject to the same delays and congestion as the general traffic in areas where queue jump lanes are not provided, resulting in decreased reliability.
- The BRT alternative would not leverage transit supportive economic development beyond what would be expected with the No-Build alternative.
- The BRT alternative would not leverage the \$75 million value of Willamette Shore Line right of way, which could match federal transit funding of up to \$112.5 million.

The Steering Committee recommends that an **enhanced bus** alternative be studied as a more practical option for this constrained corridor. Such an option would avoid the property impacts of the BRT while providing improved service, bus pullouts where possible and better shelters and lighting at stations. Enhanced bus would act as the base case for comparison

to Streetcar alternatives in the DEIS. It would operate in mixed traffic, though this has implications for travel time, reliability and long-term efficiency of the line.

B. Alignments: Willamette Shore Line and SW Macadam Avenue

During the alternatives analysis process three alignments were evaluated in the John's Landing area: the Willamette Shore Line right of way, SW Macadam Avenue and the John's Landing Master Plan alignment. The Steering Committee recommends that two alignment options be studied further in the John's Landing area north of the Sellwood Bridge: the Willamette Shore Line right of way alignment and the SW Macadam Avenue alignment.

In addition, combinations of the two alignments should be evaluated to maximize the potential benefits and minimize impacts in the John's Landing area. The Steering Committee recognizes that alignments, which would avoid or minimize impacts through John's Landing, may need to be developed that are not part of either the Macadam Avenue or Willamette Shoreline alignments. These could include all or portions of the John's Landing Master Plan alignment or other rights of way.

The Steering Committee recommends that the **Willamette Shore Line right of way alignment** advance for further study for the following reasons:

- Streetcar on the Willamette Shore Line right of way would yield higher reliability and faster travel times than the other alignments due to the 100% exclusive right of way. In the DEIS, Issues of pedestrian and vehicle safety and proximity to private properties must be considered in the analysis of this alignment..
- The Willamette Shore Line right of way is in public ownership and could potentially be used as local match towards the capital cost of the project. Current estimates value the entire right of way at \$75 million. For the portion north of SW Nevada Street, the value of the right of way is estimated at approximately \$35 million, which could leverage an additional \$58 million in federal funds.
- The Willamette Shore Line Right-of-Way alignment has received public support from Lake Oswego residents because it has faster travel time, better reliability and less impact to Highway 43 traffic operations and safety than an alignment that would use Macadam Avenue in John's Landing.

The Steering Committee recommends that the **SW Macadam Avenue alignment** advance for further study for the following reasons:

- The SW Macadam Avenue alignment was the preferred alignment of the LOPAC based on community support, development potential, and the ability to avoid residential impacts of the Willamette Shore Line alignment. The LOPAC emphasized that the alignment should be on SW Macadam Avenue for as much of the length of the route as possible from the South Waterfront to the vicinity of the intersection of SW Macadam Avenue and SW Nevada Street.
- The SW Macadam Avenue alignment would leverage the most potential transit supportive development, approximately 2.2 million square feet of total new development in John's Landing.
- The SW Macadam Avenue alignment would avoid some of the potential property impacts associated with use of the Willamette Shore Line right of way.
- The SW Macadam Avenue alignment has emerged with the most public support from residents and businesses in John's Landing.

- As LOPAC recommended, a bicycle and pedestrian trail could be established along the Willamette Shore Line with the Macadam Avenue alignment. This trail has the potential to reduce conflicts between recreational and commuter user groups on the existing Willamette River Greenway trail by providing a more direct route through Johns Landing.

Note: The Steering Committee recognizes ODOT's expressed concerns regarding the SW Macadam Avenue alignment option and will ensure that questions related to potential streetcar operations in mixed traffic on SW Macadam Avenue are addressed.

South of the John's Landing area and north of the Trolley Terminus site in Lake Oswego, the Willamette Shore Line right of way was the only alignment to advance to the completion of the alternatives analysis. As part of its design option narrowing decision, The Steering Committee eliminated Highway 43 south of John's Landing from consideration as a Streetcar alignment for safety and operational reasons, making the Willamette Shore Line alignment the only option in this segment of the corridor. The *Evaluation Summary Report* contains a description of the alternative and design option narrowing decisions that were made during the alternatives analysis.

C. Lake Oswego Full-Length Termini: Albertsons and Safeway

The Steering Committee recommends that the Albertsons and Safeway termini should advance into the DEIS. The Trolley terminus should not be advanced into the DEIS. These termini options are preferred because they would serve more population and employment, have higher ridership, disperse park and ride spaces, and have greater potential for transit-supportive development while demonstrating similar traffic impacts.

The Steering Committee recommends that the **Albertsons terminus** advance for further study for the following reasons:

- The Albertsons terminus would allow for the possible future extension of Streetcar south to West Linn or Oregon City.
- The Albertsons terminus has strong public support from the residents south of Lake Oswego and citizens within Lake Oswego. In 2006, Lake Oswego's Downtown Transit Alternatives Analysis Committee (DTAAC) recommended the Albertsons terminus site, partly because it would intercept traffic from the south before it reaches the center of downtown.
- The Albertsons terminus could generate substantial transit supportive development in Lake Oswego (0.9 million square feet).

The Steering Committee recommends that the **Safeway terminus** advance for further study for the following reasons:

- The Safeway terminus would allow for the possible future extension of Streetcar to the west.
- The Safeway terminus could provide park and ride access west of downtown Lake Oswego, intercepting traffic before it reaches the center of downtown.
- The Safeway site could leverage the most potential transit supportive development (1.1 million square feet in Lake Oswego), as compared to the Albertsons or Trolley terminus options.

- The Safeway site would allow the Streetcar to act as a circulator for trips within downtown Lake Oswego between the Foothills district and the west end of downtown.

The Steering Committee acknowledges that an at-grade crossing of streetcar with Highway 43 under the Safeway terminus option would require additional study and coordination with ODOT and the City of Lake Oswego to ensure that a safe and efficient crossing is feasible.

Additionally, the Steering Committee acknowledges that it may be necessary to construct a project that would utilize the **Trolley Terminus** as a **temporary interim terminus** while joint development construction plans are finalized at either the Albertsons or Safeway terminus sites.

D. Temporary Johns Landing Short Terminus - Minimum Operable Segment (MOS)

If a full-length project cannot be built for financial or other reasons, the FTA allows for Minimum Operable Segments (MOS) to be considered as interim termini for a project. In this corridor, preliminary analysis was done for a MOS for Streetcar that would terminate in the vicinity of Nevada Street in John's Landing on either the Willamette Shore Line right-of-way or the Macadam Avenue alignments. A streetcar terminus in Johns Landing should include enhanced bus service to Lake Oswego as part of the complete alternative. The Steering Committee recommends that this alternative advance for further study for the following reasons:

- Significant public support was expressed for this option from participants in the process all through the corridor.
- A minimum operable segment (MOS) provides flexibility to initiate a project with available funding while pursuing additional funding to complete the remainder.

E. Johns Landing Permanent Terminus

A permanent terminus in Johns Landing was selected by the LOPAC along with a full-length Streetcar alternative as their preferred options to be advanced into the DEIS. The LOPAC preference was that this terminus be paired with the Macadam Avenue alignment; in Johns Landing however this terminus option could be paired with either the Willamette Shoreline or Macadam alignments. A streetcar terminus in Johns Landing should include enhanced bus service to Lake Oswego as part of the complete alternative.. The Steering Committee recommends that this alternative be advanced into the DEIS for the following reasons:

- There is strong community support for this option in both Johns Landing and Dunthorpe.
- Analysis of a permanent terminus in addition to a temporary Minimum Operable Segment terminus would allow a full range of choices that could respond to funding constraints, environmental impacts and community preferences.
- This terminus option could maintain the ability to cross a new or reconstructed Sellwood Bridge in the future.

III. TRAIL CONSIDERATIONS

Context

As part of the Willamette River Greenway vision, a trail was proposed to run along the Willamette Shore Line right of way from Willamette Park in Portland to downtown Lake Oswego between Highway 43 and the Willamette River. As part of this Alternatives Analysis, the feasibility of a continuous trail between Portland and Lake Oswego was evaluated. Each transit alternative carried with it a complementary trail component. The BRT alternative would have used the Willamette Shore Line right of way for exclusive trail use. The Streetcar alternative, which the Steering Committee recommends further study, would require shared use of the Willamette Shoreline between Streetcar and a trail. The discussion below focuses on the trail components that would accompany the Streetcar alignments.

A. Trail Component

The bike and pedestrian trail component of this study has received tremendous community support. A trail in the corridor would provide a critical link in the regional transportation system, connecting other regional and local trails. A continuous, safe and level trail component is a desired outcome in this corridor.

However, as currently designed, the trail component may not be practical to build for its entire length because of the high capital costs associated with shifting the Streetcar alignment to accommodate the trail in a tightly constrained right of way and very difficult topography. Because some portions of the trail are more easily implemented than others, and because funding for the entire trail may not be available at one time, the trail may need to be developed in phases.

B. Trail Component Refinement Next Steps

The Steering Committee recommends that a trail component advance for further study. However, additional refinement is needed to determine how to advance the trail and the transit alternatives, either together or separately. The following identifies additional considerations for the trail and next steps:

- Further consideration is required to determine trail project sponsors and potential funding sources. Metro may or may not be the appropriate agency to lead the effort to advance a trail in the corridor.
- Additional design work is needed to identify ways to design and construct a trail in this corridor with lower capital costs and impacts while still accommodating the transit project. The trail design should change and adapt to constraints in the corridor. The width of the trail does not need to be the same for the entire alignment and flexibility will be required with regard to various jurisdictions design standards and requirements.
- Trail phasing should be considered so that the most cost-effective segments could move forward. The additional design work required for the more difficult and expensive portions will take more time and effort.

- Additional study is needed to evaluate the potential for the Portland and Western railroad bridge and an eastside connection to the Sellwood Bridge to provide a useful pedestrian and bike trail connection between Lake Oswego and Portland
- Further study is needed regarding the outstanding legal questions in order to facilitate decisions about the Willamette Shore Line right of way and its use for a trail.

IV. WORK PROGRAM CONSIDERATIONS

Several actions are needed prior to advancing the project into the *Draft Environmental Impact Statement* phase of project development. Because a DEIS for the Lake Oswego to Portland Corridor is not included in Metro's current fiscal year budget, it is recognized that there will be a gap before the DEIS can commence.

1. **The following actions are recommended by the Steering Committee to advance the project into the *Draft Environmental Impact Statement*:**
 - a. **Metro should work with the FTA to Publish a *Notice of Intent to Prepare a Draft Environmental Impact Statement* in the Federal Register**, and initiate the DEIS Scoping Process. The FTA has recommended that this action be taken immediately. This action would ensure that all of the work completed during the alternatives analysis would be documented under the National Environmental Policy Act (NEPA). Public comment received prior to the Metro Council action on advancing the project into the DEIS phase would also be included as part of the NEPA record. The Scoping phase of a DEIS includes meetings with the public as well as local, state and federal agencies and affected tribal jurisdictions. The dates of the public, agency and tribal meetings would be published along with the notice of intent. The Scoping meetings present proposed alternatives and solicit input on potential additional alternatives that could be included in a DEIS.
 - b. **Metro should prepare a work scope, budget and schedule for the DEIS.** In order to secure funding for a DEIS, a cost estimate is required. The estimate is based on a scope of work and schedule that meet all appropriate FTA and NEPA requirements. This DEIS will need to meet new requirements for public and agency participation covered under Section 6002 of the SAFETEA-LU Act. Metro staff will convene the PMG to discuss and review the scope of work, schedule and budget, including agency roles and responsibilities during the DEIS phase.
 - c. **Metro should work with project partners, through the Project Management Group, to identify and secure funding for the DEIS.** Along with the scope, schedule and budget, Metro will work with project partners to identify potential sources of funding for the DEIS, as well as the next phases of project development, Preliminary Engineering and the Final Environmental Impact Statement. Potential sources of funding include FTA Section 5339 or other funds through the MTIP process, and local jurisdiction, TriMet, or ODOT contributions.

2. **In order to advance the goal of implementing a bicycle and pedestrian trail that connects Portland and Lake Oswego, the Steering Committee recommends that the following steps should be taken:**

- a. **Metro, with assistance from project partners through the TAC and PMG, should develop a process to undertake the *Trail Refinement Next Steps* listed above.** The result of this process would be to resolve key issues and determine the relationship of the trail and the transit project during the DEIS phase. Of particular importance are:

- i. Involvement of the public and advocacy groups in improving the trail concept
- ii. Definition of the lead agency for advancement of a trail
- iii. Development of an approach to reduce capital costs
- iv. Analysis of possible phasing of trail segments
- v. Identification of potential trail capital funding sources

3. **Prior to initiation of the DEIS, Metro, with the assistance of the PMG, should develop actions or conditions for each participating agency that would help to ensure that the project can meet FTA thresholds with regard to ridership and financing and achieve the important development objectives for the Corridor.**

These could include:

- a. Development of local funding mechanisms
- b. Demonstrated progress toward development objectives
- c. Resolution of technical issues, e.g. ODOT concerns regarding the SW Macadam Avenue alignment
- d. Threshold criteria for selecting a full-length option over an MOS or vice versa

4. **The following Steering Committee concerns need to be addressed by Metro and its project partners as the project moves forward into a DEIS:**

- a. The alternative should be constructed in such a manner as to allow coordination with transportation alternatives across the Sellwood Bridge or its replacement.
- b. Maximize the alternative to establish a safe and attractive transit, pedestrian and bicycle route from Lake Oswego to Portland. Minimize negative impacts to residents and property values.
- c. The DEIS should include an analysis of the conflicts between use of the corridor as a commuter route and the stated desire of Johns Landing residents for a more pedestrian and retail friendly environment.
- d. Continue to analyze redevelopment opportunities in Johns Landing and Lake Oswego.
- e. Strive for closer integration of Johns Landing and South Waterfront urban planning and work to improve pedestrian, bicycle, automobile and streetcar connections.

- 5. Metro, TriMet, ODOT and the City of Portland should undertake a Johns Landing Alignment Refinement Study that would precede the start of the DEIS. This study would support the DEIS detailed definition of alternatives and should focus on:**
- a. The operational, design and cost trade-offs between the various alignment options in the Johns Landing segment.
 - b. Financial mechanisms to capture the value of the Willamette Shore Line so that the current value of the WSL right of way could be used to leverage federal dollars and be applied to a project as local match. These mechanisms could include purchase by adjoining property owners, formation of a local improvement district and/ or a right of way trade that could be counted as local match
 - c. Design solutions through and/or around the most constrained parts of the Willamette Shore Line alignment
 - d. Initial operating concepts for the Streetcar in Macadam Avenue that address ODOT concerns regarding shared traffic operations.
 - e. Refinement of temporary and permanent Johns Landing terminus locations.

RESOLUTION 07-57

A RESOLUTION OF THE LAKE OSWEGO CITY COUNCIL SUPPORTING THE LAKE OSWEGO TO PORTLAND TRANSIT AND TRAIL ALTERNATIVES ANALYSIS STEERING COMMITTEE RECOMMENDATIONS FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT STUDY FOR THE HIGHWAY 43 CORRIDOR.

WHEREAS, the Regional Transportation Plan (RTP) designates Highway 43 between Portland and Lake Oswego as a planned frequent bus line and the Willamette Shore Line Rail right of way as a planned/proposed streetcar line; and

WHEREAS, in 1988, the City of Lake Oswego, along with six other agencies, purchased the Willamette Shore Line rail right of way for the purpose of preserving the line for future high capacity transit ; and

WHEREAS, the City of Lake Oswego has adopted a Transportation System Plan as a component of its Comprehensive Plan that indicates that Hwy. 43 is a congested corridor, and that the Willamette Shore Line right of way should be preserved for future high capacity transit; and

WHEREAS, the City of Lake Oswego, along with other regional partners, has through its actions over the past 19 years, supported efforts to encourage future high capacity transit between Lake Oswego and Portland by contracting with the Oregon Electrical Railway Historical Society to operate a seasonal trolley on the Willamette Shore Line right of way in order to preserve its use for future high capacity transit; and

WHEREAS, in 2004, the City Council of the City of Lake Oswego appointed a Downtown Transit Alternatives Advisory Committee (DTAAC), consisting of neighborhood, business and transportation representatives, which examined preferred transit options for the City of Lake Oswego; and

WHEREAS, in 2005, Metro applied for and attained Metropolitan Transportation Improvement Program funds in order to conduct a Transit and Trail Alternatives Analysis to examine transit and trail options in the Highway 43 Corridor, including the Willamette Shore Line right-of-way, and the City of Lake Oswego contributed funding for a portion of the local match, along with the City of Portland and TriMet; and

WHEREAS, an Alternatives Analysis, consistent with Federal Transit Administration requirements, was conducted; and

WHEREAS, representatives on the Transit and Trail Steering Committee, consisting of elected and appointed members from the City of Lake Oswego, the City of Portland,

Multnomah and Clackamas Counties, TriMet, Metro, Oregon Department of Transportation, and Portland Streetcar, Inc. (PSI), have reviewed the Evaluation Alternatives Report as well as recommendations from the Lake Oswego to Portland Advisory Committee (LOPAC), and have recommended that the project alternatives as outlined in Attachment A should be forwarded to Metro Council for further study in a Draft Environmental Impact Statement; and

BE IT RESOLVED by the City Council of the City of Lake Oswego:

Section 1. The Lake Oswego City Council hereby supports the September 10, 2007 recommendation of the Lake Oswego to Portland Transit and Trail Alternatives Analysis Steering Committee, attached as Exhibit A, generally including streetcar and enhanced bus modes, two alternative streetcar alignments and two termini options and one minimum operable segment.

Section 2. The City Council urges that Metro incorporate the recommended project alternatives into the study for the Draft Environmental Impact Statement for the Highway 43 Corridor.

Section 3. The City Council conveys that support for study of the MOS to Nevada Street should not be viewed as support for streetcar to Nevada Street as a project terminus as it would not meet the identified Purpose and Need for the project and would significantly increase the cost of the project.

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Section 4. Effective Date. This Resolution shall take effect upon passage.

Considered and enacted at the meeting of the City Council of the City of Lake Oswego held on the 2nd day of October, 2007.

AYES:

NOES:

EXCUSED:

ABSTAIN:

Judie Hammerstad, Mayor

ATTEST:

Robyn Christie, City Recorder

APPROVED AS TO FORM:

David Powell
City Attorney



Ted Wheeler, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
Phone: (503) 988-3308
Email: mult.chair@co.multnomah.or.us

November 26, 2007

David Bragdon, President
Metro Council
600 NE Grand Avenue
Portland, OR 97232-2736

Dear President Bragdon:

The Multnomah County Board of Commissioners has reviewed both LOPAC's and the Steering Committee Recommendation for the Lake Oswego to Portland Transit and Trails Alternatives Analysis. This letter will offer alternatives into a Draft Environmental Impact Statement and provide the following recommendation.

After reviewing the Steering Committee Revised Recommendation we agree with the need to continue to study a Streetcar as the preferred mode, especially recognizing the limitations of bus rapid transit. That said, we encourage that a streetcar to Johns Landing and enhanced bus to Lake Oswego be studied as an alternative for this corridor, as well as the Steering Committee's recommendation of studying Streetcar to Lake Oswego as an alternative. Regarding the alignments through the South Waterfront area, we support continued study of the Willamette Shore Line right of way and SW Macadam alignments. We recognize the value of the Willamette Shore Line right of way, but we do not wish to see its value as the driving force, only that it and the SW Macadam Avenue alignments each be given full consideration.

With respect to a terminus in Lake Oswego we believe that a Trolley Terminus be considered while the advantages of the other two locations (Safeway and Albertsons) receive further study. We recognize that there are several advantages that accompany streetcar development. First is the transit demand at the terminus as well as the potential for continuation of the line, and second the potential for economic development that might occur along an alignment. Therefore, consideration of a Trolley Terminus is also important to allow some flexibility before committing to one terminus or the other.

At our briefing we also heard from citizens from unincorporated Multnomah County as well as members of LOPAC and wish to support their recommendation. While their recommendation(s) is included in the Steering Committee's Revised Recommendation, there are some key differences that bear consideration. First, we would like to reiterate our desire to see the SW Macadam alignment studied as per LOPAC's recommendation. Second, while we wish to see the Trolley Terminus as an alternative, we again concur that studying a terminus in Johns Landing should also be reviewed as an alternative with enhanced bus service to south to Lake Oswego.

Providing a bicycle/pedestrian component is very important to Multnomah County. We recognize the physical constraints involved as well as the possible legal issues of the Willamette Shore Line right of way. We encourage establishing a subcommittee to closely review the options and make recommendations as appropriate.

Finally, the effect of any of the alternatives on the environment must be a component of the DEIS. We continued to be concerned about the potential impact any of the alternatives may have on the environment and believe that the preferred alternative be one that also meets key sustainability measures.

Multnomah County supports moving ahead with the DEIS as recommended by both LOPAC and the Steering Committee. We thank you for this opportunity to lend our support.

Sincerely,

A handwritten signature in black ink that reads "TED WHEELER". The signature is written in a cursive, slightly slanted style with a long horizontal stroke at the end.

Ted Wheeler
Multnomah County Chair

TW/ml

STAFF REPORT

IN CONSIDERATION OF RESOLUTION 07-3887, FOR THE PURPOSE OF IDENTIFYING ALTERNATIVES TO ADVANCE INTO A DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PORTLAND TO LAKE OSWEGO CORRIDOR TRANSIT PROJECT

Date: December 13, 2007

Prepared by: Ross Roberts

BACKGROUND

Council Action

This resolution would effectively advance the Lake Oswego to Portland Corridor into the Draft Environmental Impact Statement phase of project development, and would identify transit mode, terminus and alignments to be studied in the DEIS. In addition, this action would set in motion activities to prepare for the DEIS including development of work program, budget, schedule, and funding plan for the DEIS. At the completion of the DEIS, the Council would select a locally preferred alternative.

Policy Context

The Region 2040 Growth Concept calls for high capacity transit connections between centers. The 2004 Regional Transportation Plan called for a corridor refinement plan in the Lake Oswego to Portland Corridor to examine high capacity transit improvements. Subsequently, the Lake Oswego to Portland Transit and Trail Alternatives Analysis was initiated by Metro in July 2005 to evaluate transit alternatives that would connect the Portland Central City with the Lake Oswego Town Center. The Council funded the alternatives analysis through two MTIP allocations. Metro is lead agency for the project, and TriMet, ODOT, the cities of Lake Oswego and Portland, Multnomah and Clackamas Counties and Portland Streetcar Inc are project partners.

Project Decision-Making

The Metro Council has final authority for this project decision and is acting on a recommendation by the Transit Alternatives Analysis Steering Committee. The Steering Committee provides policy oversight and includes elected officials or executives from all of the project partners. Councilors Burkholder and Colette are the Council's representatives on the committee and serve as co-chairs. In addition to the project partners, the chairs of the Lake Oswego to Portland Project Advisory Committee (LOPAC) and the Portland Streetcar Loop Project Advisory Committee have seats on the Steering Committee. The LOPAC and the Project Management Group, made up of jurisdiction senior staff, made recommendations to the Steering Committee on alternatives to be advanced into a Draft Environmental Impact Statement (DEIS). The Steering Committee considered those recommendations as well as technical analysis from the *Evaluation Summary Report Public Review Draft*, and public comment as heard at a public hearing in July 2007, and as summarized in the *Public Comment Report*.

Public Involvement

An extensive public involvement process was undertaken from July 2005 to the present that included testimony before and after every meeting of the LOPAC. Community design workshops were held early in the process in May 2006 to identify a wide range of alternatives for transit and trail options in the corridor. Small group meetings followed from September to November 2006 to refine alignments. Project staff met with neighborhood groups throughout the corridor, including West Linn. Two open

houses were held to review the technical analysis in June 2007. Individual property owner meetings were held as needed throughout the process. A bus rider survey was completed of 670 transit users in the corridor. The project also utilized newsletters, and targeted mailings to advertise meetings and provide updates. In all, the public involvement effort resulted in over 1,200 direct citizen contacts.

Steering Committee Recommendation

The Steering Committee Recommendation was adopted on September 10, 2007. Subsequent to that adoption, concerns were raised by Chair and Vice-Chairs of LOPAC and residents of Dunthorpe. After meetings with the interested parties that included Council President Bragdon and Councilor Burkholder, a proposed amendment to the recommendation was forwarded to the Steering Committee by Councilor Burkholder, and was adopted on November 19, 2007. The amendment added the permanent Johns Landing terminus preferred by LOPAC to the alternatives to be studied in the DEIS and added language to the work program considerations that would add an alignment refinement study in Johns Landing that would precede the DEIS and be undertaken by Metro, TriMet, the City of Portland and ODOT.

The Steering Committee Recommendation, as amended is summarized below:

- **Context.** After the Portland to Milwaukie Light Rail Project and Portland Streetcar Loop, the Lake Oswego to Portland Corridor would be the region's next priority for Federal Transit Administration funding. The publicly owned Willamette Shore Line right-of-way is valued at \$75 million (2007 dollars) and as local match for FTA New Starts funding, it could leverage as much as \$112.5 million (2007 dollars) in federal funds.
- **Transit Mode.** Streetcar was recommended to be advanced for further study because it would have the highest ridership, fastest travel times, highest reliability, and lowest operating and maintenance costs of any alternative including the No-Build. Streetcar could leverage substantial development - up to 3.3 million square feet of total new transit supportive development within three blocks of the alignment. Streetcar would also be compatible with the existing transit system, operating as an extension of the existing streetcar line. The Steering Committee did not recommend that Bus Rapid Transit be advanced due to the impracticality of proposed queue jump lanes, but did recommend that an enhanced bus alternative be studied further in the DEIS.
- **Alignment.** Two alignments were recommended to be studied further in Johns Landing: the Willamette Shore Line right-of-way and SW Macadam Avenue – with combinations of the two primary alignments and all or part of the Johns Landing Masterplan alignment to be evaluated to maximize the potential benefits and minimize adverse impacts in the Johns Landing area. The Willamette Shore Line was recommended because it would provide higher reliability and faster travel times, and could be used for \$75 million (2007 dollars) in local match. This alignment received a high level of public support from Lake Oswego residents. The SW Macadam Avenue alignment was selected because it was the preferred alignment of LOPAC, could leverage the most potential transit supportive development and would avoid proximity impacts of the Willamette Shore Line alignment. This alignment received a high level of public support from residents and businesses in Johns Landing.
- **Terminus.** The Steering Committee recommended two Lake Oswego full-length terminus options, the Albertsons and Safeway sites. A Temporary Johns Landing Terminus option was included as an interim step to a full length project. A Permanent Johns Landing Terminus option was added by the November 19, 2007 amendment.
- **Trail.** A continuous, safe bike and pedestrian trail between Lake Oswego and Portland's South Waterfront area received tremendous community support. However, as currently designed, high

capital costs make trail implementation difficult. Additional refinement is needed to determine how to advance the trail either separately or with the transit alternatives. Other refinement issues include identification of funding sources, determination of lead agency, additional design work, development of a trail segment phasing strategy, evaluation of the potential for use of the Portland and Western railroad bridge and an eastside connection to the Sellwood Bridge and evaluation of outstanding legal questions.

- Work Program Considerations. The Steering Committee Recommendation also includes activities would be initiated by Metro and our project partners in preparation for the DEIS:
 - Initiate the FTA Draft Environmental Impact Statement process.
 - Prepare DEIS scope, budget and schedule.
 - Develop actions or conditions for each participating agency that would help to ensure that the project can meet FTA thresholds with regard to ridership and financing and achieve the important development objectives for the Corridor.
 - Undertake a Johns Landing Refinement Study prior to the start of the DEIS
 - Develop a process to refine trail options in the corridor
 - Continue coordination with the Sellwood Bridge project and ongoing planning activities in South Waterfront
 - Ensure that impacts to residents and property values are minimized
 - Continue to analyze redevelopment opportunities in Johns Landing and Lake Oswego.

ANALYSIS/INFORMATION

1. Known Opposition

- Opposition may be encountered from Johns Landing residents, business interests or LOPAC members that have advocated for removing the Willamette Shore Line from further study in the Johns Landing segment. The LOPAC recommendation would have taken the Willamette Shore Line off the table in favor of a SW Macadam alignment. The Steering Committee felt that the Willamette Shore Line's value as local match, shortest travel times and highest reliability made it too valuable to drop at this early stage of project development. The Macadam alignment is included in the Steering Committee recommendations, however added work is needed to refine the alignment and address operational challenges on SW Macadam. In their November 19 amendment, the Steering Committee called for Metro to undertake a Johns Landing Alignment Refinement Study along with PDOT, ODOT and TriMet prior to the start of the DEIS.
- Dunthorpe opposition could be encountered, although the inclusion of a permanent streetcar terminus alternative in Johns Landing is an option that could end the project north of Dunthorpe. Opposition to the full-length streetcar alternative can be expected.
- Clackamas County and Lake Oswego voted against the November 19 amendment to add a permanent Johns Landing terminus to the Steering Committee recommendation, citing the project's purpose and need to connect Lake Oswego and Portland.

2. Legal Antecedents

The proposed action, initiating a DEIS in the Lake Oswego to Portland Corridor would fall under the jurisdiction of the National Environmental Policy Act (NEPA) and would be undertaken in accordance with Federal Transit Administration policies, guidance and rules.

Further, there are several Metro Council resolutions that provide legal antecedents including the following:

Resolution No. 86-715 For the Purpose of Entering Into an Intergovernmental Agreement and Expending Funds to Preserve the Southern Pacific Right-of-Way (Jefferson Street Branch) Between Portland and Lake Oswego.

Resolution No. 05-3569 For the Purpose of Confirming Metro Council Representatives to the Eastside and Portland/Lake Oswego Transit Alternatives Analysis Steering Committee and Identifying Other Representative Categories to the Committee.

Resolution No. 05-3647 For the Purpose of Approving a Consultant Services For the Lake Oswego to Portland Transit Alternatives Analysis.

3. Anticipated Effects

Adoption of the Steering Committee recommendation would define the alternatives to be evaluated in the DEIS and direct staff to prepare a DEIS scope, schedule and budget. Staff would also begin the Johns Landing alignment refinement study and begin to seek funding for the DEIS from FTA and local partner jurisdictions. In addition, work would begin to refine the trail alternatives and find funding sources for trail construction.

4. Budget Impacts

Metro's FY 2008 budget includes the second half of the SAFETEA-LU Streetcar Earmark, and some of those funds can be used for the Lake Oswego to Portland Corridor. This funding should be sufficient for the alignment refinement study in Johns Landing and to prepare for DEIS start-up. Approximately \$5.5 million would be required for the DEIS, based on recent experience with the Portland to Milwaukie Light Rail SDEIS. Metro staff prepared an appropriations request for \$4.0 million in FTA Section 5339 funding for FY 09. The remainder of the DEIS funding would be sought from local partners.

RECOMMENDED ACTION

Approve Resolution No. 07-3887, For The Purpose of Identifying Alternatives to Advance to A Draft Environmental Impact Statement for the Portland to Lake Oswego Corridor Transit Project.

**INTERGOVERNMENTAL AGREEMENT
BETWEEN TRIMET, METRO, CITY OF LAKE OSWEGO, CLACKAMAS COUNTY AND CITY
OF PORTLAND FOR
THE PORTLAND LAKE OSWEGO TRANSIT CORRIDOR PROJECT**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into by and between Tri-County Metropolitan Transportation District, a mass transit district organized under the laws of the State of Oregon, hereinafter referred to as "TriMet," Metropolitan Service District hereinafter referred to as Metro, Clackamas County, hereinafter referred to as "Clackamas", City of Lake Oswego, a municipal corporation of the State of Oregon, hereinafter referred to as "Lake Oswego", and the City of Portland, a municipal corporation of the State of Oregon, hereinafter referred to as "Portland". The parties to this Agreement are collectively known as Project Sponsors.

RECITALS

1. The Portland-Lake Oswego Transit Corridor Project ("Project") was authorized in the reauthorization of the Transportation Bill ("SAFETEA-LU") signed into law on August 10, 2005. This Agreement concerns the completion of the Draft Environmental Impact Statement ("DEIS") and Federal Transit Administration ("FTA") approval to enter into and commence preliminary engineering ("PE").
2. The Regional Transportation Plan, adopted by the Metro Council in 2004, called for a corridor refinement plan for evaluation of high capacity transit options for the Lake Oswego to Portland Highway 43 corridor.
3. In 2004, the Joint Policy Advisory Committee on Transportation ("JPACT") and the Metro Council allocated \$1.16 million to study the transit and trail alternatives in the Lake Oswego to Portland Willamette Shore Line Corridor.
4. In 2005, Metro initiated an alternatives analysis consistent with FTA requirements to assess the feasibility of transit and trail alternatives between Lake Oswego and Portland.
5. A wide range of alternatives was evaluated in the alternatives analysis, including No-Build, Bus Rapid Transit with multiple alignments, Streetcar with multiple alignments, River Transit, and accompanying trail alignments.
6. On December 13, 2007, Metro Council adopted the *Lake Oswego to Portland Transit and Trail Alternatives Analysis: Alternatives to Be Advanced into a Draft Environmental Impact Statement and Work Program Considerations*, which is attached hereto as Exhibit A and incorporated by this reference herein, which required that Metro perform further study of the alignment in the John's Landing neighborhood (the Refinement Study").
7. In the reauthorization of SAFETEA-LU signed into law on August 10, 2005, Metro received Streetcar Corridor Funding that has been used to support work on the Portland Lake Oswego Transit Study. Work on the Refinement Study began in December 2008, with a budget of \$471,000. Work on the Refinement Study is to be conducted from December 2008 to June 2009, and will prepare information in support of the DEIS.
8. The parties desire to enter into this Agreement for their mutual benefit.

NOW, THEREFORE, the premises being in general as stated in the foregoing Recitals, which shall be considered a part of the Agreement, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT; PROJECT DESCRIPTION & COSTS

1. The beginning date of this Agreement is December 1, 2008. The termination date of this Agreement is December 31, 2013. Metro is leading the Refinement Study, which will identify the options that will be formally considered in the DEIS. Once the Refinement Study is completed, TriMet will assume the lead contracting role for the Project, with Metro as lead agency for NEPA work. Metro has received federal funding for the Refinement Study. Local funding has been committed by Portland (\$57,000) and by Lake Oswego (\$57,000). Metro shall comply with all applicable federal laws, regulations, executive orders, rules, policies, procedures and directives, whether or not expressly set forth in this Agreement.
2. This Agreement is subject to a financial assistance agreement between TriMet and the Federal Transit Administration (FTA). TriMet shall comply with all applicable federal laws, regulations, executive orders, rules, policies, procedures and directives, whether or not expressly set forth in this Agreement, including but not limited to the following, which are incorporated into and made a part hereof: (1) the terms and conditions applicable to a "recipient" set forth in the October 1, 2008 FTA Master Agreement between TriMet and the FTA; (2) 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; (3) OMB Circular A-87, Cost Principles Applicable to Grants and Contracts with State and Local Governments; and (4) FTA Circular 5010.1D.
3. Costs incurred after December 1, 2008, which are deemed allowable costs for this Project, will be reimbursed once all parties have signed this Agreement. Metro shall maintain the budget, contracts and reporting for the Refinement Study phase of the project. TriMet shall maintain the budget for the DEIS phase and each additional phase of the Project as determined by the Project Sponsors.
4. Upon Metro's completion of the Refinement Study, TriMet will assume the lead contracting role for the Project, on behalf of the Project Sponsors, beginning with the DEIS. Metro, as lead agency for NEPA work, shall participate, guide and support TriMet on the DEIS. Metro's role as lead agency for NEPA work shall be further defined by an Intergovernmental Agreement (the "DEIS-LPA IGA") between Metro and TriMet. The initial funding is intended to complete the DEIS and receive FTA approval to enter and commence PE for the entire Project. The Project is described in Exhibit B, which is attached hereto and incorporated by this reference herein. The Project Sponsors agree to establish a Steering Committee to establish the policy commitments and a project management group to oversee the preparation of the technical analysis and recommendations.
5. The Portland-Lake Oswego Transit Corridor Project is intended to address the transit access needs for the entire corridor. The process calls for the analysis of options, preparation of the DEIS, selection of the locally preferred alternative, application to the FTA for capital funding, engineering design and construction of the locally preferred alternative. While the Project may be developed in phases, all Project Sponsors are

committed to selecting a solution that best suits the entire corridor and support its consideration as a single project.

6. A combination of funding sources will be used to finance the Project. Funding in the amount of \$465,355 to support the Refinement Study, which will be conducted in 2009, is identified and committed in this Agreement. The Refinement Study will be funded as follows: \$351,355 existing federal streetcar funds from Metro, \$57,000 of local match funds from Portland, and \$57,000 of local match funds from Lake Oswego. Approximately \$21,000 of the local match funds provided by the Portland and Lake Oswego will be used as match for Refinement Study expenses incurred prior to December 1, 2008. Portland and Lake Oswego will pay these local match funds to Metro no later than April 15, 2009. Work on the Refinement Study will be performed by both TriMet and Metro, and will be further described in Amendment No. 3 to the Agreement between TriMet and Metro for Lake Oswego Transit Alternatives Analysis (Metro Contract No. 927168 and TriMet Contract No. GH070180TL). Other than the Refinement Study work described in this Paragraph, no funds will be obligated or expended until the DEIS-LPA IGA is executed between TriMet and Metro.
7. Funding in the amount of \$5,586,000 has been identified to support the DEIS, FTA application and Preliminary Engineering. The Project Sponsors agree to pursue additional grants from the FTA 5339 program for \$4,000,000 toward funding the DEIS and concept design in order to reallocate MTIP and local match toward the completion of the FEIS and engineering design of the Project. The Project Sponsors agree to seek alternative sources of funding in the event the Section 5339 funds are not obtained.
8. Federal sources of funding are proposed and pending approval from Metro and FTA. Federal FY 12-13 regional flexible transportation funding through the Metro allocation process totaling \$4,000,000 will be sought to support the Project, with final Metro approval anticipated by August 2009. Due to the need for program funding for this Project before October 1, 2009, Metro will seek to execute funding commitments to advance \$972,673 of funds to the Project by reprogramming funds from other transportation projects such as Portland's Central Eastside Bridgeheads (Key #13528).

Regional flexible transportation funding of \$1,227,327 is being sought for the DEIS/FTA Application portion of the Project. Funding approved through this process can be obligated beginning October 1, 2009. It is understood that if funds are expended at that time, the reimbursement from these funds would not occur until FY 2012-13. In that case, one of the Project Sponsors in this Agreement will have to advance funding to enable expenditure as scheduled. In that case, the Project Sponsors agree to work in good faith to identify an advance funding source and arrangements for repayment. If no such funding source is identified by August 30, 2009, work on the Project will stop after October 31, 2009 until such funds are identified.

Metro approval of the proposed and pending federal sources of funding set forth in this paragraph is expressly conditioned upon the execution of a mutually satisfactory DEIS-LPA IGA with TriMet.

9. Clackamas County commits \$850,000 to the Project, of which \$220,000 is committed to match funding for the DEIS phase of the project, which will be paid to TriMet no later than April 1, 2009. The remaining \$630,000 will be provided to support the preliminary engineering phase of the project, and will be paid to TriMet no later than March 31, 2010.

10. Lake Oswego commits \$150,000 in support of the Project, as follows: \$57,000 payable to Metro by April 15, 2009 to support the Refinement Study; \$37,000 for the DEIS/FTA Application, which shall be paid to TriMet upon notification from TriMet that full funding for the DEIS/FTA Application phase is secured, with the anticipated payment to be made on November 1, 2009; and \$56,000 for the FEIS and preliminary engineering work, which will be paid to TriMet no later than March 31, 2010. Lake Oswego also agrees to advance \$1,500,000 to TriMet to support the DEIS, which will be provided to TriMet in monthly draws in 2009 based upon verification of expenditures for the DEIS with draws anticipated from April 2009 to September 2009. Lake Oswego's obligation to provide these advance payments is contingent upon TriMet securing a commitment for \$1.8 million in MTIP funding for FY 2012 for preventive maintenance. TriMet agrees to repay \$1,500,000 to Lake Oswego by September 30, 2012. The amount of the repayment shall be \$1,800,000. TriMet's repayment will be in unrestricted general funds subject to the condition that \$1.8 million of MTIP funding in FY 2012 is provided for preventive maintenance. If TriMet fails to make the repayment by September 30, 2012, interest on the outstanding amount owed shall accrue at the rate of 9% per year.
11. Metro agrees that, conditioned upon the execution of a mutually satisfactory DEIS-LPA IGA with TriMet, Metro will request programming of regional flexible transportation funds for FY 2012-13 that support the Lake Oswego Transit Corridor Project totaling \$4,000,000. Funding would be apportioned \$972,673 to City of Portland for street improvements listed in item 13528 of the STP, \$1,227,327 for Portland Lake Oswego Transit Corridor Project, and \$1,800,000 to TriMet for STP funding for preventive maintenance.
12. Portland has identified the sources of funding for the full commitment contained in this agreement through the DEIS process. This includes \$57,000 payable to Metro by April 15, 2009 to support the Refinement Study and \$83,000 (\$23,000 payment and \$60,000 in-kind services) for the DEIS and FTA application as match for MTIP funding of \$1,227,327. The DEIS payment shall be due on November 1, 2009 upon notification from TriMet that the regional flexible transportation funding can be utilized to support the DEIS work. Portland agrees to seek an additional \$860,000 from the Portland City Council in the FY 10-11 budget to support the FEIS and preliminary engineering.
13. The sources of funding for the DEIS, DEIS and FTA Application and FEIS/Preliminary Engineering are attached hereto as Exhibit C, which is incorporated by this reference herein.

TRIMET RESPONSIBILITIES

1. TriMet shall perform the work and provide the deliverables adopted by the Steering Committee. The description of phases is included in Exhibit B, which is attached hereto and incorporated herein by this reference.
2. TriMet shall perform the work under this Agreement as an independent contractor. TriMet shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work and for providing for employment-related benefits and deductions that are required by law, including, but not limited to, federal and state income tax withholdings, unemployment taxes, workers' compensation coverage, and contributions to any retirement system.

3. In the event that TriMet believes that the funding set forth in this Agreement is insufficient to complete the work, TriMet shall so notify the other Project Sponsors. In such event, the other Project Sponsors agree to work in good faith in order to authorize sufficient funding to complete the work. If sufficient funding is not promptly forthcoming, TriMet may terminate this Agreement.
4. TriMet shall present progress reports and deliverables, as applicable, to the Project Sponsors once a month.
5. TriMet shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles. In addition, TriMet shall maintain any other records pertinent to this Agreement in such a manner as to clearly document TriMet's performance. TriMet acknowledges and agrees that Project Sponsors and FTA shall have access to such fiscal records and other books, documents, papers, plans, and writings that are pertinent to this Agreement to perform examinations and audits and make copies, excerpts and transcripts. TriMet also acknowledges and agrees that TriMet shall retain such documents for a period of three years after termination of this Agreement, or such longer period as may be required by applicable law. In the event of, any audit, controversy or litigation arising out of or related to this Agreement, TriMet shall retain such documents until the conclusion thereof. Copies of applicable records shall be made available to Project Sponsors upon request.
6. If TriMet engages a personal services contractor(s) to accomplish any of its work under this Agreement, TriMet shall:
 - a. Provide Project Sponsors with the opportunity to participate in the personal services contractor selection process;
 - b. Select personal services contractor(s) in accordance with TriMet procedures and applicable law, and advise Project Sponsors of TriMet's recommendation;
 - c. Provide a TriMet project manager to:
 - i) be TriMet's principal contact person for the personal services contractor(s) for the Project;
 - ii) monitor and coordinate the work of the personal services contractor(s);
 - iii) review and approve bills and deliverables (work products) produced and submitted by the personal services contractor(s); and
 - iv) advise Project Sponsors regarding payments to the personal services contractor(s).
7. All work products that result from TriMet's agreement(s) with personal service contractor(s) for TriMet's work under this Agreement shall be considered the joint work products of the Project Sponsors. The Project Sponsors intend that such work products be deemed "work made for hire" of which the Project Sponsors shall be jointly deemed the author. If, for any reason, the work products produced by any personal service contractor(s) are not deemed "work made for hire," TriMet agrees to jointly assign rights, title, and interest in and to any and all of the work products to the Project Sponsors, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine.

8. TriMet shall ensure that any work products produced pursuant to this Agreement include the following statement:

This Project is partially funded by the Federal Transit Administration.

9. TriMet shall submit two hard copies of all final work products produced in accordance with this Agreement to Project Sponsors.
10. Within 30 days after the termination date of this Agreement, TriMet shall provide Project Sponsors with a completion report. The report must contain:
 - a. A summary of qualified costs incurred for the Project, including reimbursable costs and matching amount;
 - b. The intended location of records (which may be subject to audit); and
 - c. A list of final deliverables.
11. Without limiting the generality of the foregoing, TriMet expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Sections V and 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS.659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
12. All employers, including TriMet, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. TriMet shall require each of its contractors to comply with these requirements.

METRO RESPONSIBILITIES

1. Metro shall perform the work and provide the deliverables for the Refinement Study, as set forth in the attached Exhibit B, which is incorporated herein by this reference.
2. Metro shall perform the work under this Agreement as an independent contractor. Metro shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work and for providing for employment-related benefits and deductions that are required by law, including, but not limited to, federal and state income tax withholdings, unemployment taxes, workers' compensation coverage, and contributions to any retirement system.
3. In the event that Metro believes that the funding set forth in this Agreement is insufficient to complete the work, Metro shall so notify the other Project Sponsors. In such event, the Project Sponsors agree to work in good faith in order to authorize sufficient funding to complete the work. If sufficient funding is not promptly forthcoming, Metro may terminate this Agreement.
4. Metro shall present progress reports and deliverables, as applicable, to the Project Sponsors once a month.

5. Metro shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles. In addition, Metro shall maintain any other records pertinent to this Agreement in such a manner as to clearly document Metro's performance. Metro acknowledges and agrees that Project Sponsors and FTA shall have access to such fiscal records and other books, documents, papers, plans, and writings that are pertinent to this Agreement to perform examinations and audits and make copies, excerpts and transcripts. Metro also acknowledges and agrees that Metro shall retain such documents for a period of three years after termination of this agreement, or such longer period as may be required by applicable law. In the event of, any audit, controversy or litigation arising out of or related to this agreement, Metro shall retain such documents until the conclusion thereof. Copies of applicable records shall be made available to Project Sponsors upon request.
6. If Metro engages a personal services contractor(s) to accomplish any of its work under this Agreement, Metro shall:
 - a. Provide Project Sponsors with the opportunity to participate in the personal services contractor selection process;
 - b. Select personal services contractor(s) in accordance with Metro procedures and applicable law, and advise Project Sponsors of Metro's recommendation;
 - c. Provide a Metro project manager to:
 - i) be Metro's principal contact person for the personal services contractor(s) for the Project;
 - ii) monitor and coordinate the work of the personal services contractor(s);
 - iii) review and approve bills and deliverables (work products) produced and submitted by the personal services contractor(s); and
 - iv) advise Project Sponsors regarding payments to the personal services contractor(s).
7. All work products that result from Metro's agreement(s) with personal service contractor(s) for its work under this Agreement shall be considered the joint work products of the Project Sponsors. The Project Sponsors intend that such work products be deemed "work made for hire" of which the Project Sponsors shall be jointly deemed the author. If, for any reason, the work products produced by any personal service contractor(s) are not deemed "work made for hire," Metro agrees to jointly assign rights, title, and interest in and to any and all of the work products to the Project Sponsors, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine.
8. Metro shall ensure that any work products produced pursuant to this Agreement include the following statement:

This Project is partially funded by the Federal Transit Administration.
9. Metro shall submit two hard copies of all final work products produced in accordance with this Agreement to Project Sponsors.
10. Within 30 days after the termination date of this Agreement, Metro shall provide Project Sponsors with a completion report. The report must contain:

- a. A summary of qualified costs incurred for the Project, including reimbursable costs and matching amount;
 - b. The intended location of records (which may be subject to audit); and
 - c. A list of final deliverables.
11. Without limiting the generality of the foregoing, Metro expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Sections V and 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS.659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
12. All employers, including Metro, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Metro shall require each of its contractors to comply with these requirements.

GENERAL PROVISIONS

- 1. Budget modifications and major adjustments from the work described in Exhibit B must, as applicable, be processed as written amendments to this Agreement signed by all Project Sponsors and as written amendments to any personal services contract(s).
- 2. This Agreement may be terminated by mutual written consent of all parties.
- 3. Metro may terminate this Agreement effective upon delivery of written notice to Project Sponsors, or at such later date as may be established by Metro, under, but not limited to, any of the conditions set forth in this Paragraph.

TriMet may terminate this Agreement effective upon delivery of written notice to Project Sponsors, or at such later date as may be established by TriMet under, but not limited to, any of the following conditions:

- a. Failing to timely receive financial commitments from Project Sponsors as specified in this Agreement.
- b. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or either Metro or TriMet is prohibited from paying for such work from the planned funding source.
- c. If TriMet or Metro fails to receive appropriations, limitations or other expenditure authority sufficient to allow TriMet or Metro, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this agreement.
- d. TriMet has performed its obligations under Paragraph 3 of TriMet Responsibilities, above, and the parties are unable to obtain sufficient funding to complete the work.
- e. Metro has performed its obligations under Paragraph 3 of Metro Responsibilities, above, and the parties are unable to obtain sufficient funding to complete the work.

Any termination of this agreement shall not prejudice any right or obligations accrued to the parties prior to termination.

4. In the event of litigation by or against a third party or parties related to this Agreement or the work or work products created hereunder, the Project Sponsors agree to work in good faith to establish a fair allocation of costs to be shared associated with such litigation, including but not limited to attorney fees and expert witness fees.
5. Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same, postage prepaid, to each Project Sponsor at the address or number set forth below, or to such other addresses or numbers as any party may hereafter indicate by giving notice in accordance with this Paragraph. Any communication or notice so addressed and mailed is considered to have been delivered five (5) days after the date postmarked. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine and confirmed by telephone notice to the Project Sponsor representative. Any communication or notice by personal delivery shall be deemed to be given when actually delivered.
6. All communications between the parties regarding this agreement shall be directed to the parties' respective Project Sponsor representatives as indicated below:

TriMet – Joe Recker
 710 NE Holladay Street
 Portland, OR 97232
 Phone (503) 962-2893

Metro – Ross Roberts
 600 N.E. Grand Avenue
 Portland OR 97232
 Phone (503) 797-1752

Lake Oswego – Brant Williams
 380 A Avenue
 P.O. Box 369
 Lake Oswego, OR 97024
 Phone (503) 635-6138

Clackamas County – Elissa Gertler
 Public Services Building
 2051 Kaen Road
 Oregon City, OR 97045
 Phone (503) 742-5900

Portland – Paul Smith
 1120 S.W. Fifth Avenue, #800
 Portland, OR 97204
 Phone (503) 823 7736

7. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to any jurisdiction's conflict of law principles, rules or doctrines. Any claim, action, suit or proceeding (collectively, "Claim") between any Project Sponsors that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Multnomah County for the State of Oregon or the United States District Court for the District of Oregon in Portland, Oregon, as applicable. In no event shall this section be construed as a waiver by any the parties of any form of defense or immunity from any claim or from the jurisdiction of any court.
8. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind any party unless in writing and signed by all parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The

failure of any party to enforce any provision of this Agreement shall not constitute a waiver by that party of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and their seals as of the day and year hereinafter written.

Clackamas County

Lake Oswego

By: _____
Lynn Peterson, Chair
Clackamas County Commission

By: _____
Jack Hoffman
Mayor

Metro

By: _____
Michael Jordan
Chief Operating Officer

City of Portland

TriMet

By: _____
Sam Adams
Mayor

By: _____
Fred Hansen
General Manager

By: _____
Gary Blackmer
City Auditor

APPROVED AS TO FORM FOR CITY OF PORTLAND: APPROVED AS TO FORM FOR TRIMET:

By: _____
Mark Moline
Deputy City Attorney

By: _____
Lance Erz
Assistant General Counsel

Exhibit A

Please see Exhibit A to Resolution No. 09-4040A

Portland to Lake Oswego Transit and Trail Alternatives Analysis
Project Description
Exhibit B

The Portland to Lake Oswego Transit and Trails Alternatives Analysis is intended to identify the feasibility of a federally eligible project for improving access in the Highway 43/Willamette Shore Corridor connecting Lake Oswego to Portland.

Metro has conducted the alternatives analysis to date and will continue to lead the refinement analysis, Draft Environmental Impact Statement and selection of the Locally Preferred Alternative.

TriMet will serve as the contracting agency commencing with the Draft Environmental Impact Statement. Lake Oswego, Portland and Clackamas County will participate in the Steering Committee with TriMet, metro and the Portland Streetcar, Inc. (operator of the current streetcar in Portland) to conduct the analysis and participate in the implementation of the locally preferred alternative.

The project intends to seek federal support through the Federal Transit Administration capital grants program. TriMet will be the grant recipient.

The project will be conducted in phases based upon selection of alternatives. Funding has been identified for the initial phases of the analysis. The agreement includes provisions that allow for conducting the engineering and construction of the locally preferred alternative. Funding for subsequent phases can only be identified once the LPA is selected.

The following phases have funding identified in the agreement:

Refinement: Metro has received \$351,355 in Streetcar Corridor Funding money from FTA which has been matched by \$57,000 from the City of Portland and \$57,000 from Lake Oswego. The purpose of the refinement study is prepare alternatives for the Draft Environmental Impact Statement (DEIS). The refinement will also address the role of the trail considerations in the DEIS.

Draft Environmental Impact Statement: Metro will serve as lead and TriMet will serve as contracting agency for the conduct of the DEIS and selection of the Locally Preferred Alternative (LPA). A combination of MTIP, Lake Oswego loan to TriMet and match from Clackamas County will fund this effort which is scheduled to be published in March 2010.

Final Environmental Impact Statement and FTA Application: The Final Environmental Impact Statement and submittal of the grant application to FTA would be prepared in this phase based upon the selection of the LPA. Partial funding for this phase would come from MTIP and match provided by the City of Portland.

Preliminary Engineering: With approval from FTA to proceed with preliminary engineering, TriMet would authorize design work to begin on the LPA. Partial funding for this phase has been identified which includes a request for FTA Section 5339 funding, City of Portland, Clackamas County and Lake Oswego funds.

**Portland Lake Oswego Transit Corridor
Cost of Phases**

EXHIBIT C

| METRO CONTRACTING | |
|--------------------------|----------------------|
| Refinement Study | Dec 08-Apr 09 |
| Corridor Funding | \$351,355 |
| City of Portland | \$57,000 |
| Lake Oswego | \$57,000 |
| Total | \$465,355 |

| TRIMET CONTRACTING | |
|---------------------------|--------------------|
| DEIS | Apr-Nov 09 |
| MTIP | \$2,472,673 |
| <i>COP Swap 13528</i> | \$272,779 |
| <i>COP Swap 13528</i> | \$699,894 |
| Lake Oswego Advance Pmt | \$1,500,000 |
| Clackamas | \$220,000 |
| Total | \$2,692,673 |

| DEIS Publication | Nov 09-Mar 10 |
|-------------------------|----------------------|
| MTIP | \$1,227,327 |
| Lake Oswego | \$37,000 |
| City of Portland | \$83,000 |
| Total | \$1,347,327 |

| FTA Application/FEIS/PE | Mar-Dec 10 |
|--------------------------------|--------------------|
| City of Portland | \$860,000 * |
| Clackamas | \$630,000 |
| Lake Oswego | \$56,000 |
| | \$1,546,000 |

5339 Funding \$4,000,000 **Requested**

Total Funding Committed to TriMet \$5,586,000

TriMet pays Lake Oswego in 2012 \$1,800,000

| 2009 MTIP Recommendation | | |
|---------------------------------|-------------|-------------|
| Lake Oswego Transit | \$1,227,327 | |
| TriMet (STP Funding) | \$1,800,000 | |
| City of Portland | \$972,673 | \$4,000,000 |

* Contingent upon Portland City Council approval in the FY10-11 budget.

**PORTLAND TO LAKE OSWEGO TRANSIT CORRIDOR
DRAFT ENVIRONMENTAL IMPACT STATEMENT – LOCALLY PREFERRED ALTERNATIVE
INTERGOVERNMENTAL SERVICES AGREEMENT**

TriMet Intergovernmental Agreement No. _____

This Intergovernmental Agreement (this “Agreement”) is between the **Tri-County Metropolitan Transportation District of Oregon** (“TriMet”) and **Metro** (“Metro”), collectively referred to as the “Parties.”

ARTICLE I - RECITALS

1. TriMet is a mass transit district organized under the laws of the State of Oregon as codified in ORS Chapter 267.
2. Metro is an Oregon metropolitan service district organized under the laws of the state of Oregon and the Metro Charter.
3. The Portland to Lake Oswego Transit Corridor Project (“Project”) proposes improvements to existing transit service by extending the streetcar on the Willamette Shoreline right of way, Macadam Avenue or parts of both, or by enhancing bus service. The alternatives analysis phase of the Project was completed in December 2007 when the Metro Council considered which alternatives should advance into a Draft Environmental Impact Statement (“DEIS”). On December 13, 2007, the Metro Council approved options to advance for further study that include enhanced bus, streetcar, and no-build alternatives as well as recommendations on actions to advance a bicycle and pedestrian trail in the corridor; work tasks related to refining streetcar alignments through Johns Landing; and steps to secure funding for the environmental analysis.
4. In the reauthorization of SAFETEA-LU signed into law on August 10, 2005, Metro received Streetcar Corridor Funding that has been used to support work on the Project. Work on the Refinement Study began in December 2008, with a budget of \$465,355. The Refinement Study is to be conducted from December 2008 to June 2009, and will prepare information in support of the DEIS.
5. TriMet, Metro, the City of Lake Oswego, Clackamas County, and the City of Portland have entered into an intergovernmental agreement that defines roles and responsibilities for the Project and for the completion of the DEIS and Federal Transit Administration (“FTA”) approval to enter into and commence PE. In accordance with that agreement, upon Metro’s completion of the Refinement Study, TriMet will assume the lead contracting role for the Project beginning with the DEIS. Metro will assume the lead National Environmental Policy Act (“NEPA”) role for the Project (“NEPA Work”).
6. TriMet has agreed to contract with Metro for services related to preparation and publishing of a DEIS that will refine and evaluate the transportation effectiveness and environmental impacts of the options approved for advanced study and result in a Locally Preferred Alternative (“LPA”) to be advanced into the Final Environmental Impact Statement (“FEIS”) under the provisions of NEPA. The Parties desire to enter into this Agreement to define Metro’s role as lead agency for NEPA Work on the Project and to document each Party’s understanding related to the services to be performed under this Agreement. The NEPA

Work to be performed by Metro is described in Exhibit A, which is attached hereto and incorporated by this reference herein

7. The Project is, or will be, subject to budgetary limitations imposed by the U.S. Department of Transportation, FTA, and local financing agreements.

ARTICLE II – TERM

The term of this Agreement will be from April 1, 2009 through June 30, 2010, unless terminated sooner or extended under the provisions of this Agreement.

ARTICLE III – TRIMET OBLIGATIONS

- A. Except as otherwise provided herein, TriMet shall retain responsibility as the grantee for any Federal funding appropriated for this Project.
- B. TriMet will have the authority to initiate the work tasks set forth herein in Exhibit A by giving Metro a written task order and Notice To Proceed with the tasks. TriMet's task orders must be consistent with Exhibit A. TriMet shall not control the methods for the services requested from Metro under this Agreement.
- C. The general work scope of the tasks to be ordered by TriMet and performed by Metro is established in Exhibit A. If necessary, TriMet will work with Metro to develop a more specific scope of work prior to issuing each written task order and Notice to Proceed. TriMet must provide Metro with written notice 60 days prior to the scheduled start date of each task set forth in Exhibit A if TriMet intends to delay or eliminate the initiation of a work task.
- D. TriMet agrees to pay for the services requested at the rates set forth in Exhibit B, which is attached hereto and incorporated herein by this reference. Any modifications to the services set forth in Exhibit A or payment for those services will be effective only if made by a written amendment to this Agreement signed by both Parties.

ARTICLE IV – METRO OBLIGATIONS

- A. Upon issuance of a Notice to Proceed and a written task order from TriMet, Metro agrees to designate the staff members necessary to complete the tasks identified in Exhibit A in a timely manner.
- B. Metro agrees to use its best efforts to assist TriMet in maintaining the Project schedule, and will work with TriMet to develop a more specific scope of work for each task order issued by TriMet.
- C. Metro shall deliver the specific work products for each task identified in Exhibit A, and shall not exceed the costs budgeted for each task set forth in Exhibit A without prior written approval from TriMet.
- D. The Metro Project Manager shall exercise good faith efforts to manage the Metro services within the budget specified in this Agreement. In the event that Metro believes that its work on any particular task will exceed the authorized budget, it shall promptly inform TriMet of this belief and work with TriMet to develop a strategy to complete the task on budget.

ARTICLE V – COMPENSATION AND PAYMENT

- A. Compensation. Metro's compensation for services to be provided under this Agreement must not exceed ONE MILLION, TWO HUNDRED FORTY-NINE THOUSAND, EIGHT HUNDRED AND FORTY AND 00/100 DOLLARS (\$1,249,840.00) without prior written authorization of TriMet. This amount is based upon the Staffing Plan, staff rates and services identified in Exhibit B attached hereto and incorporated herein by this reference. In the event Metro anticipates that it will exceed this maximum amount, it shall promptly inform TriMet of this belief and work with TriMet to develop a strategy to complete the work task on budget or identify and allocate more funding to pay to complete the work tasks. If Metro cannot complete the work task on budget, and no funds are identified and allocated as set forth above, Metro may terminate this Agreement, effective upon delivery of written notice. The Parties recognize that funding for this Project is constrained and agree to use their best efforts to minimize costs consistent with the timely completion of the required tasks.
- B. Method of Payment. Subject to the requirements set forth elsewhere in this Agreement, TriMet agrees to pay for the services performed by Metro, and for the Material and Services costs described in Exhibit B.
- C. Invoices. Metro shall submit invoices detailed with reasonable particularity regarding work performed to TriMet monthly for reimbursable costs incurred since the previous invoice. TriMet shall pay Metro the balance due within thirty (30) days of receipt of a proper invoice. Financial reports accompanying requests for reimbursement must be in accordance with FTA requirements. TriMet shall review records for suitability and provide assistance as necessary to ensure compliance with FTA requirements. Invoices must be supported by current time sheets, supporting documentation for direct costs included in the invoice, and a summary of activities performed for each month, or any other documentation reasonably required by TriMet. Invoices must be itemized by task as set forth in Exhibit A. The Project Managers shall review the invoices against the project budget to provide real time cost tracking and budget management. All invoices shall be submitted to TriMet's Finance Department at the following address:

TriMet Finance Department
Attn: Accounts Payable
4012 SE 17th Avenue
Portland, OR 97202

Metro shall not invoice overtime to TriMet unless TriMet's Project Manager has specifically authorized overtime in advance of the work.

- D. Budget Reports. Metro agrees to provide to TriMet's Project Manager and the Project Manager Consultant (Shiels Oblatz Johnsen) regular budget reports within 21 days of the end of each calendar month. Such reports will outline expenditures incurred during the previous month, total costs to date and a projection of costs through the end of the term of this Agreement. In the event expenditures in a given month exceed the budget or are projected to exceed the maximum amount authorized under this Agreement or subsequent task orders, Metro will work with TriMet's Project Manager and the Project Manager Consultant on adjustments necessary to maintain compliance with the approved budget.

ARTICLE VI - PROJECT MANAGEMENT

- A. TriMet designates Joe Recker as its Project Manager and Metro designates Bridget Wieghart as its Project Manager. Project Managers are responsible for coordinating all aspects of their respective work scopes for the Project and all the respective employees assigned to the Project. The Project Managers: 1) shall ensure the Project and the tasks related thereto are completed expeditiously and economically; 2) shall be the contact persons through whom TriMet and Metro officially communicate; and 3) have the authority to make decisions and resolve disputes related to the Project. In the event a disagreement or dispute occurs between the Project Managers, they shall refer it to TriMet's Executive Director for Capital Projects and Metro's Planning and Development Director for resolution.

ARTICLE VII - GENERAL PROVISIONS

- A. **Liability.** TriMet shall hold harmless and indemnify Metro and its officers, agents, and employees against any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim arising out of TriMet's work under this Agreement within the maximum liability limits set forth under the Oregon Tort Claims Act. Metro shall hold harmless and indemnify TriMet and its officers, agents, and employees against any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim arising out of Metro's work under this Agreement within the maximum liability limits under the Oregon Tort Claims Act.
- B. **Interest of Members of Congress.** No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising therefrom.
- C. **Interest of Public Officials.** No member, officer, or employee of Metro or TriMet during his or her tenure or for one (1) year thereafter will have any interest, direct or indirect, in this Agreement or the proceeds thereof.
- D. **Disadvantaged Business Enterprise.** In connection with the performance of this Agreement, Metro will cooperate with TriMet and use its best efforts to ensure disadvantaged business enterprises have the maximum practicable opportunity to compete for subcontract work under this Agreement.
- E. **Equal Employment Opportunity.** In connection with the execution of this Agreement, neither Metro nor TriMet will discriminate against any employee or applicant for employment because of race, religion, color, sex, age, or natural origin. Such actions include, but shall not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; raise or pay or other forms of compensation; or selection for training, including apprenticeship.
- F. **Termination for Convenience.** Metro or TriMet may terminate this Agreement in whole or in part at any time by providing sixty (60) days written notice to the other party. In the event of such termination, TriMet shall pay Metro's costs incurred prior to the date of termination, including any costs necessarily incurred by Metro in terminating its work or the work of others under contract to Metro. Metro shall promptly submit its termination claim to TriMet. If Metro has any property in its possession belonging to TriMet, Metro shall account for it and dispose of it in the manner TriMet directs.

G. Termination for Default. If Metro fails to perform in the manner called for in this Agreement, or if Metro fails to comply with any other provisions of this Agreement, TriMet may terminate this Agreement for default. Termination will be effected by serving a notice of termination on Metro setting forth the manner in which Metro is in default. Metro will be paid only the Agreement price for services performed in accordance with the manner of performance set forth in this Agreement.

If it is later determined by TriMet that Metro had an excusable reason for not performing, such as a strike, fire, flood, or events that are not the fault of, or are beyond the control of Metro, TriMet may establish a new performance schedule and allow Metro to continue work, or treat the termination as a termination for convenience.

H. Termination by Mutual Agreement. TriMet and Metro, by mutual agreement, may terminate this Agreement at any time and for any reason.

I. Maintenance of Records. Metro shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles. In addition, Metro shall maintain any other records pertinent to this Agreement in such a manner as to clearly document Metro's performance. Metro acknowledges and agrees that TriMet and FTA shall have access to such fiscal records and other books, documents, papers, plans, and writings that are pertinent to this Agreement to perform examinations and audits and make copies, excerpts and transcripts. Metro also acknowledges and agrees that it shall retain such documents for a period of three years after termination of this Agreement, or such longer period as may be required by applicable law. In the event of, any audit, controversy or litigation arising out of or related to this Agreement, Metro shall retain such documents until the conclusion thereof. J. Audit and Inspection of Records. Metro shall permit the authorized representatives of TriMet, the United States Department of Transportation, and the Comptroller General of the United States to inspect and audit all data and records of Metro relating to its performance under this Agreement. TriMet shall be responsible for all auditing costs.

K. Documents. All records, reports, data, documents, systems, and concepts, whether in the form of writings, figures, graphs, or models that are prepared or developed in connection with this Agreement will become public property. All design drawings and documents prepared by Metro staff under this Agreement will be the property of TriMet. Nothing herein will prevent Metro from retaining original design drawings and providing reproducible copies to TriMet.

L. Relationship of Parties. Each of the Parties hereto shall be deemed an independent contractor for purposes of this Agreement. No representative, agent, employee, or contractor of one Party shall be deemed to be an employee, agent or contractor of the other Party for any purpose, except to the extent specifically provided herein. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture, or any similar relationship, and each Party hereby specifically disclaims any such relationship.

M. No Third-Party Beneficiary. Except as set forth herein, this Agreement is between the Parties and creates no third-party beneficiaries. Nothing in this Agreement gives or will be construed to give or provide any benefit, direct, indirect, or otherwise to third parties unless such third parties are expressly described as intended to be beneficiaries of its terms.

N. Compliance with Laws. The Parties shall comply with all Federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, to the extent applicable, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530, and 279C.580, which are hereby incorporated in their entirety by reference.

Without limiting the generality of the foregoing, the Parties expressly agree to comply with: (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659.425; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of Federal and state civil rights and rehabilitation statutes, rules, and regulations.

- O. Oregon Law, Dispute Resolution and Forum. This Agreement is to be construed according to the laws of the State of Oregon. TriMet and Metro shall negotiate in good faith to resolve any dispute arising out of this Agreement. If the Parties are unable to resolve any dispute within fourteen (14) calendar days, the Parties are free to pursue any legal remedies that may be available. Any litigation between Metro and TriMet arising under this Agreement or out of work performed under this Agreement will occur, if in the state courts, in the Multnomah County Circuit Court, and if in the Federal courts, in the United States District Court for the District of Oregon located in Portland, Oregon.
- P. Assignment. Neither TriMet nor Metro may assign this Agreement, in whole or in part, or any right or obligation hereunder, without the prior written approval of the other.
- Q. Interpretation of Agreement. This Agreement will not be construed for or against any Party by reason of authorship or alleged authorship of any provision. The Section headings contained in this Agreement are for ease of reference only and may not be used in constructing or interpreting this Agreement.
- R. Entire Agreement; Modification; Waiver. This Agreement and attached Exhibits constitute the entire agreement between the Parties on the subject matter hereof and supersede all prior or contemporaneous written or oral understandings, representations, or communications of every kind. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No course of dealing between the Parties and no usage of trade will be relevant to supplement any term used in this Agreement. No waiver, consent, modification, or change of terms of this Agreement will bind either Party unless in writing and signed by both Parties. Such waiver, consent, modification, or change, if made, will be effective only in the specific instance and for the specific purpose given. The failure of a Party to enforce any provision of this Agreement will not constitute a waiver by a Party of that or any other provision.
- S. Severability/Survivability. If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless will remain in full force and effect and the illegal or unenforceable provision will be stricken. All provisions concerning indemnity survive the termination of this Agreement for any cause.

METRO

**TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT
OF OREGON**

By: _____
Michael Jordan, Chief Operating Officer

By: _____
Neil McFarlane, Executive Director

Dated: _____

Dated: _____

Approved as to form:

Metro Attorney

Approved as to form:

TriMet Legal Department

**PORTLAND TO LAKE OSWEGO TRANSIT CORRIDOR
DRAFT ENVIRONMENTAL IMPACT STATEMENT – LOCALLY PREFERRED ALTERNATIVE
INTERGOVERNMENTAL SERVICES AGREEMENT**

Exhibit A

Task 1. Preparation of the Draft Environmental Impact Statement (DEIS): Metro will provide a lead role and support the Project Manager through the preparation of the DEIS. Metro will provide strategic advice regarding the environmental process; coordinate with the Federal Transit Administration (FTA) reviews and approvals; provide transportation modeling products required for the environmental process; coordinate the public information process; and provide quality assurance and quality control (QA/QC) through the preparation of the DEIS.

Timeframe: April 1, 2009 through October 31, 2009

Estimated Cost: \$578,959

Task 2. DEIS Publication, Public Outreach and Initiation of the New Starts Application: Metro will provide review and QA/QC for the environmental analysis and publication of the DEIS; provide strategic advice, coordination and participation through the public outreach supporting the DEIS; provide coordination with FTA review and approvals; and provide transportation modeling support in preparation of the New Starts submittal to FTA.

Timeframe: November 1, 2009 through March 31, 2010

Estimated Cost: \$432,913

Task 3. Public Comment Period, Locally Preferred Alternative (LPA) Adoption Process and New Starts Submittal: Metro will provide support during the public comment period after the publication of the DEIS; provide support and participate in the LPA adoption process; and provide support for the New Starts submittal to FTA to enter preliminary engineering.

Timeframe: April 1, 2010 through June 30, 2010

Estimated Cost: \$237,968

Total: \$1,249,840

**PORTLAND TO LAKE OSWEGO TRANSIT CORRIDOR
DRAFT ENVIRONMENTAL IMPACT STATEMENT – LOCALLY PREFERRED ALTERNATIVE
INTERGOVERNMENTAL SERVICES AGREEMENT**

Exhibit B

Staffing Plan and Budget

The following staffing plan and budget details an estimate of Metro’s expenditures in support of the DEIS for the Portland to Lake Oswego Transit Corridor Draft Environmental Impact Statement – Locally Preferred Alternative Project (“Project”):

Staffing Plan and Billing Rates

| Task / Job Classification | Estimated FTE | Hourly Billing Rates | |
|---|------------------|----------------------|----------|
| | | Minimum | Maximum |
| Policy and Project Management - FTA and Council Liaison | | | |
| Policy Advisor II | 0.0125 | \$125.61 | \$182.15 |
| Director | 0.0125 | \$125.61 | \$182.15 |
| Deputy Director | 0.1250 | \$114.19 | \$165.59 |
| Transit Project Manager II | 0.3750 | \$94.38 | \$136.85 |
| Alternative development, NEPA review, document preparation | | | |
| Principal Transportation Planner | 1.1625 | \$65.27 | \$87.37 |
| Senior Transportation Planner | 1.1625 | \$62.21 | \$83.22 |
| Graphics/GIS production | | | |
| Associate Transportation Planner | 0.6250 | \$53.77 | \$71.93 |
| Transportation Research & Modeling | | | |
| Manager II | 0.0600 | \$86.85 | \$123.36 |
| Manager I | 0.3125 | \$78.96 | \$112.14 |
| Principal Transportation Modeler | 0.1900 | \$65.27 | \$87.37 |
| Senior Transportation Modeler | 1.1200 | \$62.21 | \$83.22 |
| Senior Transportation Planner | 1.3750 | \$62.21 | \$83.22 |
| Public Involvement and Outreach | | | |
| Manager I | 0.3100 | \$78.96 | \$112.14 |
| Associate Public Involvement Specialist | 1.2475 | \$48.74 | \$65.27 |
| Administration | | | |
| Senior Management Analyst | 0.1625 | \$53.77 | \$71.93 |
| Administrative Specialist II | 1.0000 | \$32.97 | \$44.06 |

Project Budget

| | |
|----------------------------|------------------------|
| Professional and Technical | \$ 1,189,840.00 |
| Materials and Services* | \$ 60,000.00 |
| Total Agreement | \$ 1,249,840.00 |

*Materials and Services include, but are not limited to, printing, travel (FTA meetings), and public outreach expenses (public outreach expenses may include modest refreshments; such refreshments will include only non-alcoholic beverages and light snacks).

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4040A, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS ESTABLISHING THE ROLES, RESPONSIBILITIES, AND FUNDING FOR THE JOHNS LANDING REFINEMENT STUDY AND DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LAKE OSWEGO TO PORTLAND TRANSIT PROJECT

Date: March 18, 2009

Prepared by: Ross Roberts, 503.797.1752
Bridget Wiegart 503.797.1775
Jamie Snook 503.797.1751

BACKGROUND

Previous Council Actions

The Lake Oswego to Portland Transit and Trail Alternatives Analysis was initiated in July 2005 by Metro and the cities of Lake Oswego and Portland, Clackamas and Multnomah Counties, TriMet and the Oregon Department of Transportation (ODOT). The project was funded by Federal Transit Administration (FTA) grants and local matching funds. The alternatives analysis was identified in the 2004 Metro Regional Transportation Plan (RTP) as a priority for the development of high capacity transit as way to improve mobility in the highly congested and constrained corridor. The Lake Oswego to Portland Transit Corridor *Draft Environmental Impact Statement* (DEIS) follows this two and half year transit and trail alternatives analysis process.

On December 13, 2007, the Metro Council approved alternatives to advance for further study in an environmental analysis. The alternatives included enhanced bus, streetcar and no-build alternatives as well as recommendations on actions to advance a bicycle and pedestrian trail in the corridor; work tasks related to refining streetcar alignments through Johns Landing; and steps to secure funding for the environmental analysis. The following actions have been taken pursuant to the Metro resolution:

- On April 16, 2008 the FTA published a *Notice of Intent to Prepare a Draft Environmental Impact Statement* for the project in the *Federal Register*. This action put the project under the umbrella of the National Environmental Policy Act (NEPA), and ensured that the work done in the Alternatives Analysis to narrow alternatives would be part of the NEPA documentation for the project.
- Metro and our project partners initiated the Johns Landing Refinement Study in December 2008. The purpose of the study is to refine and potentially narrow the streetcar alignments through the Johns Landing neighborhood. Potential new streetcar alignments are being developed to avoid impacts created by the proximity of the Willamette Shore Line (WSL) right-of-way to residences in a portion of the Johns Landing neighborhood. The technical design and cost estimating work is anticipated to be completed by June 2009, prior to the start of the DEIS.
- The Lake Oswego to Portland Trail Refinement Study began in March 2009 and is estimated to be completed in April 2009. The trail refinement study will fall into three main tasks: 1) a technical evaluation of alignment options; 2) stakeholder involvement; and 3) an action plan/next steps to move the trail forward including phasing and funding sources.

- Additionally, prior to the start of the Lake Oswego to Portland Transit Project (Project) DEIS, the City of Lake Oswego has expressed a desire to narrow the range of terminus options in Lake Oswego. This work will be completed by June 2009 to support the DEIS.

The Lake Oswego to Portland Transit Project (Project) DEIS is a multi-jurisdictional effort to bring high quality transit service to the Lake Oswego to Portland transportation corridor. TriMet, Metro, the cities of Lake Oswego and Portland, Multnomah and Clackamas counties, ODOT and Portland Streetcar, Inc. (PSI) (the Project Partners) are working together in the development of federally-required environmental analyses and reports, preliminary engineering and public outreach associated with the project.

Current Context for Expediting the Project

Metro had planned and budgeted for the Lake Oswego to Portland Transit Project to move forward as the regions next transit priority after the Portland to Milwaukie Light Rail Project and the Columbia River Crossing Project, as a Metro-led project Metro's staff were programmed to start work on the Lake Oswego to Portland DEIS after they completed the Portland to Milwaukie Light Rail Project *Final Environmental Impact Statement* (FEIS), approximately nine months from now.

Given anticipated changes to FTA's funding programs and the possibility of a new category of funding to build streetcar projects that would be separate and distinct from the existing New Starts and Small Starts programs, it became apparent to some of our project partners that the project could benefit from these funds if a DEIS and Locally Preferred Alternative could be completed about the same time as the new surface transportation bill is passed by Congress, projected to be around the end of calendar 2009. The need to expedite the project and the workload of TriMet and Metro staff from the Milwaukie LRT and Columbia Crossing project FEIS documents meant that a new model of project delivery needed to be developed that relies more heavily on the private sector. Project consultants will be expected to shoulder a greater burden in the overall process of preparing the environmental documentation for the Project.

Within this streamlined process, the consultant team will report to, and be coordinated by an independent Project Manager. TriMet, as the procuring agency, will retain primary responsibility for contract compliance between TriMet and the selected contractors. Metro will have substantive involvement in the overall environmental review process as the lead agency for such work in the Portland Region. However, Metro's primary roles will be to: a) provide overall strategic advice to the Project Team regarding the environmental process; b) work with TriMet in coordinating FTA reviews and approvals; c) provide all transportation modeling products required for the Project; d) coordinate the public information process for the project; and e) provide quality assurance and quality control (QA/QC) for the work performed by the environmental consultants.

Through this Intergovernmental Agreement between the Project Partners they have agreed on a project structure meant to support the multi-jurisdictional nature of the project and a commitment to expedite the process for preparation of environmental documentation and funding approvals for the project in order to capture potential, near-term funding opportunities.

ANALYSIS/INFORMATION

Typically during this phase of the project, Metro would have the role as contracting agency and a greater portion of the work would be done in-house. With this agreement, the Project Partners have agreed to both start the project earlier than originally scheduled and allow for contractors to perform more of the work. Additionally, TriMet would act as the contracting agency and the Project Management role would be outsourced to contractors. Metro would provide a leadership role in overall strategy for the environmental analysis and public outreach, coordination with FTA and quality control and quality assurance. Metro would allocate about half of the staff then would be typical.

Metro has a number of strong interests that our staff will work to forward through this process:

- Metro has a strong interest in developing a project that meets all appropriate FTA funding program requirements and which maintains Metro's successful 25-year working relationship with the FTA;
- Metro has a strong interest in being positioned to pursue High Capacity transit according to the 30-year plan to be adopted in summer 2009. Implementation of the plan will rely heavily on strong relationships with FTA and local jurisdictions.
- Metro has strong interests in the regional, multi-jurisdictional nature of this project that would connect the Portland Central City to the Lake Oswego Town Center as designated in the Region 2040 Growth Concept;
- Metro has a strong interest in attaining the substantial regional benefits that could occur with this project including creation of a continuous high quality pedestrian and bicycle trail through the corridor, improved transit travel time and reliability, improved transit operating efficiency and reduced operating costs, and realization of the substantial economic development potential in Johns Landing and downtown Lake Oswego.
- Metro will complete specific work program elements as set forth in Exhibit B of this resolution, and will provide direction to the Project to ensure the following; a) that all FTA program requirements are met and that Metro's successful relationship and partnership with FTA is maintained; b) that all requirements of the NEPA are met by providing strategic advice and providing quality assurance and quality control (QA/QC) services to the Project ; c) that FTA funding and environmental reviews and approvals are obtained by working closely with TriMet; d) that all transportation modeling products required for the Project are of high quality and are produced in a timely manner in compliance with FTA requirements; and e) that the public involvement process for the project is open, transparent and complies with all applicable FTA requirements.

At the conclusion of the process, after receiving recommendations from the other Project Partners, Metro Council will hold a formal public hearing and select a Locally Preferred Alternative (LPA).

Legal Antecedents

The proposed action, initiating a DEIS in the Lake Oswego to Portland Corridor would fall under the jurisdiction of the National Environmental Policy Act (NEPA) and would be undertaken in accordance with FTA policies, guidance and rules. Furthermore, there are several Metro Council resolutions that provide legal antecedents including the following:

Resolution No. 86-715 For the Purpose of Entering Into an Intergovernmental Agreement and Expending Funds to Preserve the Southern Pacific Right-of-Way (Jefferson Street Branch) Between Portland and Lake Oswego.

Resolution No. 05-3569 For the Purpose of Confirming Metro Council Representatives to the Eastside and Portland/Lake Oswego Transit Alternatives Analysis Steering Committee and Identifying Other Representative Categories to the Committee.

Resolution No. 05-3647 For the Purpose of Approving a Consultant Services For the Lake Oswego to Portland Transit Alternatives Analysis.

Resolution No. 07-3887A For the Purpose of Identifying Alternatives to Advance into a Draft Environmental Impact Statement for the Portland to Lake Oswego Corridor Transit Project.

Budget Impacts

The Project Partners have agreed to allocate \$465,355, through the five-party IGA, directly to Metro to complete the Johns Landing Refinement Study. The five party IGA also includes proposed Project Funding Plan of \$5,586,000 to pay for the DEIS process, the selection of the LPA, and the FTA application process needed to begin Preliminary Engineering. However, the \$5,586,000 is conditioned upon the allocation of Federal fiscal year 2012-13 regional flexible transportation funds through the Metro allocation process.

The DEIS-LPA Services IGA includes \$1,249,840 to be allocated to Metro to complete the DEIS and provide professional services as described above.

In addition to these two IGAs, the Project Partners have also agreed to pursue an additional \$4,000,000 in federal funding to pay for Preliminary Engineering and continue the Project development process.

RECOMMENDED ACTION

The recommended action for the Metro council is to approve Resolution 09-4040, For The Purpose of Authorizing the Chief Operating Officer to Enter in to Intergovernmental Agreements Establishing the Roles, Responsibilities, and Funding for the Johns Landing Refinement Study and Draft Environmental Impact Statement providing for the entry by Metro into the following intergovernmental agreements:

- Approval of the Intergovernmental Agreement between TriMet, Metro, City of Lake Oswego, Clackamas County and City of Portland for the Portland Lake Oswego Transit Corridor Project, as agreed to by Project Partners, to allow the project to move forward with the completion of the Lake Oswego to Portland Transit Project completion of the Draft Environmental Impact Statement (DEIS) and the Federal Transit Administration (FTA) approval to enter into and commence preliminary engineering (PE).
- Approval of the Portland to Lake Oswego Transit Corridor Draft Environmental Impact Statement – Locally Preferred Alternative Intergovernmental Services Agreement outlining the agreement between TriMet and Metro regarding funding for Metro to assist with the DEIS, provide transportation modeling, coordinate with FTA, coordinate the public information process, and provide quality assurance and quality control (QA/QC) for the duration between April 1, 2009 and June 30, 2010.

BEFORE THE METRO COUNCIL

| | | |
|---------------------------------------|---|--|
| FOR THE PURPOSE OF AUTHORIZING THE |) | RESOLUTION NO. 09-4040 |
| CHIEF OPERATING OFFICER TO ENTER INTO |) | |
| INTERGOVERNMENTAL AGREEMENTS |) | Introduced by Councilor Robert Liberty and |
| ESTABLISHING THE ROLES, |) | Councilor Carlotta Collette |
| RESPONSIBILITIES, AND FUNDING FOR THE |) | |
| JOHNS LANDING REFINEMENT STUDY AND |) | |
| DRAFT ENVIRONMENTAL IMPACT |) | |
| STATEMENT FOR THE LAKE OSWEGO TO |) | |
| PORTLAND TRANSIT PROJECT |) | |

WHEREAS, the 2040 Growth Concept, adopted by Metro Council in 1996, sets forth a land use plan for the region which focuses growth in activity centers connected by high quality transit connections;

WHEREAS, the Regional Transportation Plan, adopted by the Metro Council in 2004, called for a corridor refinement plan for evaluation of high capacity transit options for the Lake Oswego to Portland Highway 43 corridor;

WHEREAS, in 2005, Metro initiated an alternatives analysis consistent with Federal Transit Administration (“FTA”) requirements to assess the feasibility of transit and trail alternatives between Lake Oswego and Portland;

WHEREAS, on December 13, 2007, via Resolution 07-3887A, attached as Exhibit A, Metro Council adopted the *Lake Oswego to Portland Transit and Trail Alternatives Analysis: Alternatives to Be Advanced into a Draft Environmental Impact Statement and Work Program Considerations*, approving options to advance for further study, including enhanced bus, streetcar, and no-build alternatives as well as recommendations on actions to advance a bicycle and pedestrian trail in the corridor and work tasks relating to refining streetcar alignments through Johns Landing (the “Johns Landing Refinement Study”);

WHEREAS, on April 16, 2008, the Federal Transit Administration published in the *Federal Register* a Notice of Intent to Prepare a Draft Environmental Impact Statement for the Lake Oswego to Portland Transit Corridor;

WHEREAS, in December 2008, Metro began work on the Johns Landing Refinement Study, Lake Oswego Terminus Refinement Study and the Lake Oswego to Portland Trail Refinement Study requested by Metro Council, which will be completed in June 2009, and which will prepare information in support of the Draft Environmental Impact Statement (“DEIS”);

WHEREAS, Metro, TriMet, City of Lake Oswego, Clackamas County and the City of Portland (the “Project Partners”) propose a \$5,586,000 Project funding plan to pay for the DEIS process, the selection of the Locally Preferred Alternative, and the FTA application process needed to begin Preliminary Engineering, and have also agreed to pursue an additional \$4,000,000 in federal funding to pay for Preliminary Engineering and continue the Project development process;

WHEREAS, the Project Partners have proposed a unique management structure and funding plan for the Project which incorporates the multi-jurisdictional nature of the Project and includes a commitment to expedite the Project in order to take full advantage of potential near-term federal funding opportunities;

WHEREAS, the five-party IGA attached hereto as Exhibit B (the "Project IGA") governing the preparation of the Project's DEIS proposes a departure from the 'typical' process for environmental analysis and conceptual design for transit infrastructure projects in the Portland Metropolitan Region, in that TriMet will serve as Project lead contractor and will agree to pay \$1,249,840 to Metro for DEIS services;

WHEREAS, the Project IGA allocates \$465,355 directly to Metro to complete the Johns Landing Refinement Study, followed by a funding plan to provide \$1,249,840, for the Project DEIS, conditioned upon the allocation of Federal fiscal year 2012-13 regional flexible transportation funds through the Metro allocation process;

WHEREAS, an additional Intergovernmental Agreement between TriMet, as the Project lead contractor, and Metro as NEPA lead, is proposed to govern Metro's provision of DEIS services and TriMet's payment of \$1,249,840 for those services, attached hereto as Exhibit C (the "DEIS-LPA Services IGA");

WHEREAS, the DEIS-LPA Service IGA calls for Metro to provide a "lead role and support" Project lead contractor TriMet through the provision of professional services during the DEIS process, through the FTA application process needed to begin Preliminary Engineering, and by providing environmental analysis, public outreach, FTA coordination, transportation modeling, and quality assurance and quality control (the "DEIS-LPA Metro Workplan Elements");

WHEREAS, Metro Council recognizes and has a strong interest in the regional, multi-jurisdictional nature of this project that would connect the Portland Central City to the Lake Oswego Town Center as designated in the Region 2040 Growth Concept;

WHEREAS, Metro Council has a strong interest in developing a project that meets all appropriate FTA funding program requirements and which maintains Metro's successful 25-year working relationship with the FTA;

WHEREAS, Metro Council will soon adopt a High Capacity Transit plan which will rely on continued regional cooperation and a strong relationship with FTA given current or future FTA requirements;

WHEREAS, Metro Council has a strong interest in attaining the substantial regional benefits that could occur with this project, including: improved transit travel time and reliability, improved transit operating efficiency and reduced operating costs, realization of the substantial economic development potential in Johns Landing and downtown Lake Oswego, and providing for the future creation of a continuous high quality pedestrian and bicycle trail connecting Portland to Lake Oswego;

WHEREAS Metro Council will select the Locally Preferred Alternative by vote at the conclusion of a formal public hearing on the DEIS after receiving recommendations from the Project Partners; now therefore:

BE IT RESOLVED, the Metro Council authorizes the Chief Operating Officer to enter into the "Intergovernmental Agreement between TriMet, Metro, City of Lake Oswego, Clackamas County and City of Portland for the Portland Lake Oswego Transit Corridor Project," attached as Exhibit B, establishing the roles, responsibilities, and funding for the Johns Landing Refinement Study and Draft Environmental Impact Statement for the Project;

BE IT FURTHER RESOLVED, that Metro Council authorizes the Metro Chief Operating Officer to enter into the "Portland to Lake Oswego Transit Corridor Environmental Impact Statement – Locally Preferred Alternative Intergovernmental Service Agreement," attached as Exhibit C, to provide a lead role and support to the Project in preparing the DEIS, transportation modeling, FTA coordination, public involvement process coordination, and quality assurance and quality control (QA/QC) between April 1, 2009 and June 30, 2010;

BE IT FURTHER RESOLVED, that Metro will complete the DEIS Metro Work Program Elements as set forth in Exhibit C of this resolution, and will provide a lead role and support to the creation of a regional project with regional benefits and will ensure the following;

- a) that all Federal Transit Administration funding program requirements are met and that Metro's successful relationship and partnership with FTA is maintained;
- b) that all requirements of the National Environmental Policy Act are met by providing strategic advice and providing quality assurance and quality control (QA/QC) services to the Project;
- c) that Federal Transit Administration funding and environmental reviews and approvals are obtained by working closely with TriMet;
- d) that all transportation modeling products required for the Project are of high quality and are in compliance with FTA requirements; and
- e) that the the public involvement process for the project is open, transparent and complies with all applicable FTA and NEPA requirements;

BE IT RESOLVED, that Metro will participate in the project committees, including but not limited to the technical advisory committee, the Project Management Group and the Project Steering Committee, and hold a formal public hearing at the conclusion of the DEIS process to adopt the Locally Preferred Alternative.

ADOPTED by the Metro Council this _____ day of _____ 2009.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

BEFORE THE METRO COUNCIL

| | | |
|------------------------------------|---|--|
| FOR THE PURPOSE OF IDENTIFYING |) | RESOLUTION NO. 07-3887A |
| ALTERNATIVES TO ADVANCE INTO A |) | |
| DRAFT ENVIRONMENTAL IMPACT |) | |
| STATEMENT FOR THE PORTLAND TO LAKE |) | |
| OSWEGO CORRIDOR TRANSIT PROJECT |) | Introduced by Councilor Rex Burkholder |
| |) | |

WHEREAS, in 1988 a consortium of seven government agencies purchased the Willamette Shore Line right-of-way for the purpose of preserving the right of way for future rail transit in the geographically constrained Portland to Lake Oswego Highway 43 corridor; and

WHEREAS, the Willamette Shore Line right-of-way has appreciated significantly in value since its purchase and can be used as local match for federal transit funds, and

WHEREAS, the Regional Transportation Plan, adopted by the Metro Council in 2004 called for a corridor refinement plan for evaluation of high capacity transit options for the Lake Oswego to Portland Highway 43 corridor;

WHEREAS, in 2004 the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council allocated \$1.16 million to study the transit and trail alternatives in the Lake Oswego to Portland Willamette Shore Line Corridor; and

WHEREAS, in 2005, Metro initiated an alternatives analysis consistent with Federal Transportation Administration (FTA) requirements to assess the feasibility of transit and trail alternatives between Lake Oswego and Portland; and

WHEREAS, a wide range of alternatives was evaluated in the alternatives analysis that included No-Build, Bus Rapid Transit with multiple alignments, Streetcar with multiple alignments, River Transit, and accompanying trail alignments; and

WHEREAS, the alternatives analysis confirmed that highway widening in the Highway 43 corridor is infeasible and costly, and that reversible lanes are not warranted, and

WHEREAS, ridership and cost information was developed in the alternatives analysis that evaluated an extension of the proposed Milwaukie light rail line to the Albertsons terminus on an alignment parallel to the Portland and Western Railroad; and

WHEREAS, an extensive public involvement process was undertaken from July 2005 to the present that included testimony before and after every meeting of the Lake Oswego to Portland Project Advisory Committee (LOPAC), community design workshops, open houses, small group meetings, neighborhood group meetings, individual property owner meetings, a bus rider survey, newsletters, and targeted mailings, resulting in over 1,200 direct citizen contacts; and

WHEREAS, on July 16, 2007, a public hearing was held by the Steering Committee and public comments were received on the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary Public Review Draft*; and

WHEREAS, on July 31, 2007, the Lake Oswego to Portland Project Advisory Committee (LOPAC) adopted their recommendation to the Steering Committee regarding transit and trail alternatives to advance for further study in a Draft Environmental Impact Statement; and

WHEREAS, on August 29, 2007 the Lake Oswego to Portland Project Management Group (PMG) adopted their recommendation to the Steering Committee regarding transit and trail alternatives to advance for further study in a Draft Environmental Impact Statement; and

WHEREAS, on September 10, 2007 the Steering Committee, after consideration of LOPAC and PMG recommendations, public input, the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Draft Public Comment Summary* report, and the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary Public Review Draft* report; adopted the *Steering Committee Recommendations on Alternatives to be Advanced into a Draft Environmental Impact Statement and Work Program Considerations*, attached as Exhibit A; and

WHEREAS, the transit alternatives adopted by the Steering Committee on September 10, 2007 included No-Build, Enhanced Bus and Streetcar, including streetcar alignment alternatives on SW Macadam Avenue, the Willamette Shore Line right-of-way, or combinations of the two that may include all or parts of the Johns Landing Masterplan alignment through Johns Landing, a temporary minimum operable segment terminus in the vicinity of Nevada Street in Johns Landing, the Willamette Shore Line right-of-way from the vicinity of Nevada Street to the existing trolley barn and south to the Albertsons terminus option or west via A and B Avenues to the Safeway terminus option in Lake Oswego; and

WHEREAS, the Lake Oswego to Portland Corridor Project could be the region's next priority for FTA funding, following the Portland Streetcar Loop Project and Milwaukie to Portland Light Rail Project; and

WHEREAS, the bicycle and pedestrian trail element of the alternatives analysis received a high level of public support, and the Steering Committee Recommendation from September 10, 2007 included a recommendation to advance and refine the pedestrian and bicycle trail options in the corridor, including additional design work, cost reduction strategies, potential trail phasing strategies, resolution of legal issues and identification of construction funding sources; and

WHEREAS, on November 19, 2007, the Steering Committee amended their September 10, 2007 recommendation to add a permanent Johns Landing terminus to the alternatives to be advanced, and to initiate a Refinement Study in the Johns Landing area prior to the start of the Draft Environmental Impact Statement, attached as Exhibit A, based on public comment and recommendations from the LOPAC Chair and Vice-chairs, and

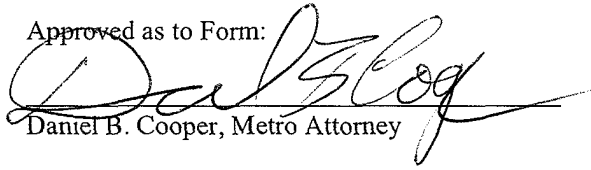
WHEREAS, the Lake Oswego City Council, Portland City Council, TriMet Board of Directors, Multnomah County Board of Commissioners and Clackamas County Board of Commissioners submitted letters of support and/or resolutions endorsing the Steering Committee recommendations, attached as Exhibit B, and

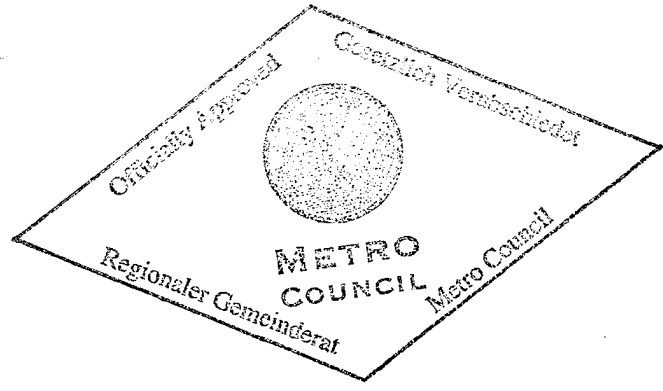
WHEREAS, the Metro Council has considered previous public comments, public testimony at this hearing, and public agency endorsements of the Steering Committee Recommendation as amended November 19, 2007; now therefore

BE IT RESOLVED, that the Metro Council adopts the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Alternatives to be Advanced into a Draft Environmental Impact Statement and Work Program 19, Considerations* dated December 13, 2007, attached as Exhibit A.

ADOPTED by the Metro Council this 13th day of December 2007.


David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney



Lake Oswego to Portland Transit and Trail Alternatives Analysis

Metro Council Action

Alternatives to be Advanced into a
Draft Environmental Impact Statement and
Work Program Considerations

Adopted December 13, 2007



METRO

Metro Council Action

*Alternatives to Advance into a Draft Environmental Impact Statement
Adopted December 13, 2007*

I. OVERVIEW

This document presents the Metro Council adoption of alternatives to be advanced into a Draft Environmental Impact Statement (DEIS) for the Lake Oswego to Portland corridor. The transit alternatives and their accompanying trail components have been fully evaluated against the project's purpose and need and goals and objectives, and this evaluation is documented in the Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary Public Review Draft dated July 12, 2007. The Metro Council action considers recommendations from the Transit Alternatives Analysis Steering Committee dated November 19, 2007, the Lake Oswego to Portland Project Advisory Committee (LOPAC) dated July 31, 2007, the findings of the Project Management Group dated September 3, 2007, public input received during the two public open houses held on June 27 and 28, 2007, a public hearing before the Steering Committee held on July 16, 2007, testimony before the Council on December 13, 2007 as well as all other comments received as described in the Public Comment Summary dated September 10, 2007 and updated to include public comments through December 13, 2007.

This action by the Metro Council selects transit mode, terminus of the transit project and specific alignments to be studied in a Draft Environmental Impact Statement. In addition, a strategy is presented for further development of a trail connection in the corridor. The **mode** section presents findings and recommendations regarding the No-Build, Bus Rapid Transit (BRT) and Streetcar alternatives. The **terminus** section presents findings and recommendations about the three terminus options including the Trolley, Safeway and Albertsons termini sites. The **alignment** section describes findings and recommendations for the three potential streetcar alignments within the Johns Landing area; the Willamette Shore Line right of way, SW Macadam Avenue and the Johns Landing Master Plan alignment.

II. FINDINGS

Context

The Lake Oswego to Portland corridor is environmentally, topographically and physically constrained. Future roadway expansion is not anticipated and previous planning studies have concluded that a high capacity transit improvement is needed to provide additional capacity. In 1988, a consortium of seven government agencies purchased the Willamette Shore Line right of way connecting Lake Oswego to Portland for the purpose of preserving the rail right of way for future rail transit service. The 2004 Regional Transportation Plan (RTP) identified the need for a corridor refinement plan for a high capacity transit option for this corridor, which was the genesis of this alternatives analysis.

Existing and future traffic conditions in this corridor are projected to worsen as population and employment projections for Portland, Lake Oswego and areas south of Lake Oswego in Clackamas County continue to grow. The corridor already experiences long traffic queues, poor levels of service and significant capacity constraints at key locations. Travel times in the corridor are unreliable due to congestion on Highway 43.

Project Sequencing

A transit project in the Lake Oswego to Portland Corridor is one of several regional projects that would seek funding through Federal Transit Administration's (FTA) New Starts and Small Starts funding programs. The financial analysis prepared during this alternatives analysis evaluated the sequencing of funding for this project based on current regional commitments. The Milwaukie to Portland Light Rail Project is the region's top priority for FTA New Starts funding following projects currently funded and under construction. The Columbia Crossing Project would also include a New Starts transit component and is proceeding concurrently with the Milwaukie to Portland LRT Project. The Portland Streetcar Loop project is the region's priority project for FTA Small Starts funding.

The Lake Oswego to Portland Corridor Project could be the region's next priority for FTA funding, with construction funding capacity becoming available starting in 2012 and continuing through 2017. In order to fit into the regional sequence of projects, the Metro Council recognizes that the Portland to Lake Oswego Corridor Draft Environmental Impact Statement would need to be initiated in Fall 2008 as the Milwaukie to Portland Light Rail Project Final Environmental Impact Statement nears completion. In the Work Program Considerations section of these Metro Council findings, a number of steps are outlined which would need to be taken prior to the initiation of the DEIS, including preparation of a more detailed schedule that identifies key New Starts milestones and deliverables for the project.

Willamette Shoreline Right of Way

The Willamette shoreline rail right of way was purchased from the Southern Pacific Railroad in 1988 for \$2 million dollars by a consortium of local governments including Metro, the cities of Lake Oswego and Portland, Clackamas and Multnomah counties, the Oregon Department of Transportation (ODOT) and TriMet. Knowing that the Highway 43 corridor is very constrained; the purchase was made with the intent of preserving the corridor for future transit use.

The value of the right-of way has increased dramatically over 20 years. TriMet estimates currently value the right-of-way at \$75 million in 2007 dollars. This value is critical to a transit project that would use the right-of-way because the value of the right of way can be counted as local match for federal funds. A request for New Starts project funding from the Federal Transit Administration would typically be for 60 percent of a project's capital cost leaving 40 percent to be supplied locally. If \$75 million in right of way value were applied as part of local match, the remaining share of local funds required would be significantly reduced.

For the reasons stated above, whether an alternative uses the Willamette Shore Line right –of way is a significant factor in project funding. For the Streetcar alternative, the \$75 million value of the Willamette Shore Line right of way could leverage as much as \$112.5 million in federal funds. Because it would not be using the right of way, the BRT alternative would not be able to leverage value of the right of way as part of its funding plan.

A. Transit Mode: Streetcar

Streetcar is the transit mode that best meets the project's purpose and need and the goals and objectives for the Lake Oswego to Portland Transit and Trail Alternatives Analysis.

The Metro Council finds that the **Streetcar mode** should advance for further study in a DEIS because:

- Streetcar would have the highest ridership of all the transit alternatives.
- Streetcar travel times would be up to 18 minutes faster between key corridor destinations and would be more reliable than the other transit alternatives. In peak travel periods, the Streetcar would provide faster travel times than autos between downtown and Lake Oswego. Faster travel time and higher reliability is gained through operation of streetcar in exclusive right of way on the Willamette Shore Line.
- Streetcar would have the lowest operating and maintenance costs of any alternative, including the No-Build. This is due to the marginal cost of extending a line that already operates in the corridor, the carrying capacity of the Streetcar vehicles compared to buses and the travel time advantage over BRT and No-Build. The Streetcar also replaces some corridor bus service, which results in a cost savings.
- The Streetcar alternative could leverage up to 3.3 million square feet of total new transit supportive development within three blocks of the proposed alignments.
- Streetcar is compatible with the existing transit system and would operate as an extension of the existing streetcar line that operates between NW 23rd Avenue and the South Waterfront.
- The \$75 million of value in the Willamette Shoreline right of way could leverage as much as \$112.5 million in federal funds if the project proceeds as a Federal Transit Administration (FTA) News Starts project.

The Metro Council finds that the **Bus Rapid Transit (BRT) mode** should not advance for further study in a DEIS because:

- It may not be a practical option to achieve the travel time and ridership as modeled in this alternatives analysis. The queue bypass lanes used to bypass congestion at key intersections in the BRT alternative would have to be extended to between 500 and 1,000 feet instead of the 200 feet in the current designs and cost estimates.
- The BRT alternative would include property impacts at the key intersections where transit improvements are constructed. There would be additional property impacts associated with the additional queue jump length required to bypass congestion. This also would include removal of trees within the sidewalk area.
- Initial BRT capital costs were the lowest of all the transit alternatives, however, these do not include the additional costs of the longer queue jump lanes, which would be required.
- The BRT alternative would have the highest operating cost due to the greater number of vehicles required to meet demand, and the fact that the BRT line would require added service, unlike the Streetcar alternative which would replace existing bus service.
- For the entire length of the corridor, BRT travel times are subject to the same delays and congestion as the general traffic in areas where queue jump lanes are not provided, resulting in decreased reliability.
- The BRT alternative would not leverage transit supportive economic development beyond what would be expected with the No-Build alternative.
- The BRT alternative would not leverage the \$75 million value of Willamette Shore Line right of way, which could match federal transit funding of up to \$112.5 million.

The Metro Council finds that an **enhanced bus** alternative should be studied as a more practical option for this constrained corridor. Such an option would avoid the property impacts of the BRT while providing improved service, bus pullouts where possible and better shelters and lighting at stations. Enhanced bus would act as the base case for comparison

to Streetcar alternatives in the DEIS. It would operate in mixed traffic, though this has implications for travel time, reliability and long-term efficiency of the line.

B. Alignments: Willamette Shore Line and SW Macadam Avenue

During the alternatives analysis process three alignments were evaluated in the John's Landing area: the Willamette Shore Line right of way, SW Macadam Avenue and the John's Landing Master Plan alignment. The Metro Council recommends that two alignment options be studied further in the John's Landing area north of the Sellwood Bridge: the Willamette Shore Line right of way alignment and the SW Macadam Avenue alignment.

In addition, combinations of the two alignments should be evaluated to maximize the potential benefits and minimize impacts in the John's Landing area. The Metro Council recognizes that alignments, which would avoid or minimize impacts through John's Landing, may need to be developed that are not part of either the Macadam Avenue or Willamette Shoreline alignments. These could include all or portions of the John's Landing Master Plan alignment or other rights of way.

The Metro Council finds that the **Willamette Shore Line right of way alignment** should advance for further study for the following reasons:

- Streetcar on the Willamette Shore Line right of way would yield higher reliability and faster travel times than the other alignments due to the 100% exclusive right of way. In the DEIS, Issues of pedestrian and vehicle safety and proximity to private properties must be considered in the analysis of this alignment..
- The Willamette Shore Line right of way is in public ownership and could potentially be used as local match towards the capital cost of the project. Current estimates value the entire right of way at \$75 million. For the portion north of SW Nevada Street, the value of the right of way is estimated at approximately \$35 million, which could leverage an additional \$58 million in federal funds.
- The Willamette Shore Line Right-of-Way alignment has received public support from Lake Oswego residents because it has faster travel time, better reliability and less impact to Highway 43 traffic operations and safety than an alignment that would use Macadam Avenue in John's Landing.

The Metro Council finds that the **SW Macadam Avenue alignment** should advance for further study for the following reasons:

- The SW Macadam Avenue alignment was the preferred alignment of the LOPAC based on community support, development potential, and the ability to avoid residential impacts of the Willamette Shore Line alignment. The LOPAC emphasized that the alignment should be on SW Macadam Avenue for as much of the length of the route as possible from the South Waterfront to the vicinity of the intersection of SW Macadam Avenue and SW Nevada Street.
- The SW Macadam Avenue alignment would leverage the most potential transit supportive development, approximately 2.2 million square feet of total new development in John's Landing.
- The SW Macadam Avenue alignment would avoid some of the potential property impacts associated with use of the Willamette Shore Line right of way.
- The SW Macadam Avenue alignment has emerged with the most public support from residents and businesses in John's Landing.

- As LOPAC recommended, a bicycle and pedestrian trail could be established along the Willamette Shore Line with the Macadam Avenue alignment. This trail has the potential to reduce conflicts between recreational and commuter user groups on the existing Willamette River Greenway trail by providing a more direct route through Johns Landing.

Note: The Metro Council recognizes ODOT's expressed concerns regarding the SW Macadam Avenue alignment option and will ensure that questions related to potential streetcar operations in mixed traffic on SW Macadam Avenue are addressed.

South of the John's Landing area and north of the Trolley Terminus site in Lake Oswego, the Willamette Shore Line right of way was the only alignment to advance to the completion of the alternatives analysis. As part of its design option narrowing decision, Steering Committee eliminated Highway 43 south of John's Landing from consideration as a Streetcar alignment for safety and operational reasons, making the Willamette Shore Line alignment the only option in this segment of the corridor. The *Evaluation Summary Report* contains a description of the alternative and design option narrowing decisions that were made during the alternatives analysis.

C. Lake Oswego Full-Length Termini: Albertsons and Safeway

The Metro Council finds that the Albertsons and Safeway termini should advance into the DEIS. The Trolley terminus should not be advanced into the DEIS. These termini options are preferred because they would serve more population and employment, have higher ridership, disperse park and ride spaces, and have greater potential for transit-supportive development while demonstrating similar traffic impacts.

The Metro Council finds that the **Albertsons terminus should** advance for further study for the following reasons:

- The Albertsons terminus would allow for the possible future extension of Streetcar south to West Linn or Oregon City.
- The Albertsons terminus has strong public support from the residents south of Lake Oswego and citizens within Lake Oswego. In 2006, Lake Oswego's Downtown Transit Alternatives Analysis Committee (DTAAC) recommended the Albertsons terminus site, partly because it would intercept traffic from the south before it reaches the center of downtown.
- The Albertsons terminus could generate substantial transit supportive development in Lake Oswego (0.9 million square feet).

The Metro Council finds that the **Safeway terminus should** advance for further study for the following reasons:

- The Safeway terminus would allow for the possible future extension of Streetcar to the west.
- The Safeway terminus could provide park and ride access west of downtown Lake Oswego, intercepting traffic before it reaches the center of downtown.
- The Safeway site could leverage the most potential transit supportive development (1.1 million square feet in Lake Oswego), as compared to the Albertsons or Trolley terminus options.

- The Safeway site would allow the Streetcar to act as a circulator for trips within downtown Lake Oswego between the Foothills district and the west end of downtown.

The Metro Council acknowledges that an at-grade crossing of streetcar with Highway 43 under the Safeway terminus option would require additional study and coordination with ODOT and the City of Lake Oswego to ensure that a safe and efficient crossing is feasible.

Additionally, the Metro Council acknowledges that it may be necessary to construct a project that would utilize the **Trolley Terminus** as a **temporary interim terminus** while joint development construction plans are finalized at either the Albertsons or Safeway terminus sites.

D. Temporary Johns Landing Short Terminus - Minimum Operable Segment (MOS)

If a full-length project cannot be built for financial or other reasons, the FTA allows for Minimum Operable Segments (MOS) to be considered as interim termini for a project. In this corridor, preliminary analysis was done for a MOS for Streetcar that would terminate in the vicinity of Nevada Street in John's Landing on either the Willamette Shore Line right-of-way or the Macadam Avenue alignments. A streetcar terminus in Johns Landing should include enhanced bus service to Lake Oswego as part of the complete alternative. The Metro Council finds that this alternative advance for further study for the following reasons:

- Significant public support was expressed for this option from participants in the process all through the corridor.
- A minimum operable segment (MOS) provides flexibility to initiate a project with available funding while pursuing additional funding to complete the remainder.

E. Johns Landing Permanent Terminus

A permanent terminus in Johns Landing was selected by the LOPAC along with a full-length Streetcar alternative as their preferred options to be advanced into the DEIS. The LOPAC preference was that this terminus be paired with the Macadam Avenue alignment; in Johns Landing however this terminus option could be paired with either the Willamette Shoreline or Macadam alignments. A streetcar terminus in Johns Landing should include enhanced bus service to Lake Oswego as part of the complete alternative.. The Metro Council finds that this alternative should be advanced into the DEIS for the following reasons:

- There is strong community support for this option in both Johns Landing and Dunthorpe.
- Analysis of a permanent terminus in addition to a temporary Minimum Operable Segment terminus would allow a full range of choices that could respond to funding constraints, environmental impacts and community preferences.
- This terminus option could maintain the ability to cross a new or reconstructed Sellwood Bridge in the future.

III. TRAIL CONSIDERATIONS

Context

As part of the Willamette River Greenway vision, a trail was proposed to run along the Willamette Shore Line right of way from Willamette Park in Portland to downtown Lake Oswego between Highway 43 and the Willamette River. As part of this Alternatives Analysis, the feasibility of a continuous trail between Portland and Lake Oswego was evaluated. Each transit alternative carried with it a complementary trail component. The BRT alternative would have used the Willamette Shore Line right of way for exclusive trail use. The Streetcar alternative, which the Metro Council advances for further study, would require shared use of the Willamette Shoreline between Streetcar and a trail. The discussion below focuses on the trail components that would accompany the Streetcar alignments.

A. Trail Component

The bike and pedestrian trail component of this study has received tremendous community support. A trail in the corridor would provide a critical link in the regional transportation system, connecting other regional and local trails. A continuous, safe and level trail component is a desired outcome in this corridor.

However, as currently designed, the trail component may not be practical to build for its entire length because of the high capital costs associated with shifting the Streetcar alignment to accommodate the trail in a tightly constrained right of way and very difficult topography. Because some portions of the trail are more easily implemented than others, and because funding for the entire trail may not be available at one time, the trail may need to be developed in phases.

B. Trail Component Refinement Next Steps

The Metro Council finds that a trail component should be advanced for further study. However, additional refinement is needed to determine how to advance the trail and the transit alternatives, either together or separately. The following identifies additional considerations for the trail and next steps:

- Further consideration is required to determine trail project sponsors and potential funding sources. Metro may or may not be the appropriate agency to lead the effort to advance a trail in the corridor.
- Additional design work is needed to identify ways to design and construct a trail in this corridor with lower capital costs and impacts while still accommodating the transit project. The trail design should change and adapt to constraints in the corridor. The width of the trail does not need to be the same for the entire alignment and flexibility will be required with regard to various jurisdictions design standards and requirements.
- Trail phasing should be considered so that the most cost-effective segments could move forward. The additional design work required for the more difficult and expensive portions will take more time and effort.

- Additional study is needed to evaluate the potential for the Portland and Western railroad bridge and an eastside connection to the Sellwood Bridge to provide a useful pedestrian and bike trail connection between Lake Oswego and Portland
- Further study is needed regarding the outstanding legal questions in order to facilitate decisions about the Willamette Shore Line right of way and its use for a trail.

IV. WORK PROGRAM CONSIDERATIONS

The Metro Council finds that several actions are needed prior to advancing the project into the *Draft Environmental Impact Statement* phase of project development. Because a DEIS for the Lake Oswego to Portland Corridor is not included in Metro's current fiscal year budget, it is recognized that there will be a gap before the DEIS can commence.

1. **The Metro Council finds that the following actions are necessary to advance the project into the *Draft Environmental Impact Statement*:**
 - a. **Metro should work with the FTA to Publish a *Notice of Intent to Prepare a Draft Environmental Impact Statement* in the Federal Register**, and initiate the DEIS Scoping Process. The FTA has recommended that this action be taken immediately. This action would ensure that all of the work completed during the alternatives analysis would be documented under the National Environmental Policy Act (NEPA). Public comment received prior to the Metro Council action on advancing the project into the DEIS phase would also be included as part of the NEPA record. The Scoping phase of a DEIS includes meetings with the public as well as local, state and federal agencies and affected tribal jurisdictions. The dates of the public, agency and tribal meetings would be published along with the notice of intent. The Scoping meetings present proposed alternatives and solicit input on potential additional alternatives that could be included in a DEIS.
 - b. **Metro should prepare a work scope, budget and schedule for the DEIS.** In order to secure funding for a DEIS, a cost estimate is required. The estimate is based on a scope of work and schedule that meet all appropriate FTA and NEPA requirements. This DEIS will need to meet new requirements for public and agency participation covered under Section 6002 of the SAFETEA-LU Act. Metro staff will convene the PMG to discuss and review the scope of work, schedule and budget, including agency roles and responsibilities during the DEIS phase.
 - c. **Metro should work with project partners, through the Project Management Group, to identify and secure funding for the DEIS.** Along with the scope, schedule and budget, Metro will work with project partners to identify potential sources of funding for the DEIS, as well as the next phases of project development, Preliminary Engineering and the Final Environmental Impact Statement. Potential sources of funding include FTA Section 5339 or other funds through the MTIP process, and local jurisdiction, TriMet, or ODOT contributions.

2. **In order to advance the goal of implementing a bicycle and pedestrian trail that connects Portland and Lake Oswego, the Metro Council directs that the following steps be taken:**
 - a. **Metro, with assistance from project partners through the TAC and PMG, should develop a process to undertake the *Trail Refinement Next Steps* listed above.** The result of this process would be to resolve key issues and determine the relationship of the trail and the transit project during the DEIS phase. Of particular importance are:
 - i. Involvement of the public and advocacy groups in improving the trail concept
 - ii. Definition of the lead agency for advancement of a trail
 - iii. Development of an approach to reduce capital costs
 - iv. Analysis of possible phasing of trail segments
 - v. Identification of potential trail capital funding sources
3. **The Metro Council finds that prior to initiation of the DEIS, Metro, with the assistance of the PMG, should develop actions or conditions for each participating agency that would help to ensure that the project can meet FTA thresholds with regard to ridership and financing and achieve the important development objectives for the Corridor.**

These could include:

- a. Development of local funding mechanisms
 - b. Demonstrated progress toward development objectives
 - c. Resolution of technical issues, e.g. ODOT concerns regarding the SW Macadam Avenue alignment
 - d. Threshold criteria for selecting a full-length option over an MOS or vice versa
4. **The Metro Council finds that the following concerns need to be addressed by Metro and its project partners as the project moves forward into a DEIS:**
 - a. The alternative should be constructed in such a manner as to allow coordination with transportation alternatives across the Sellwood Bridge or its replacement.
 - b. Maximize the alternative to establish a safe and attractive transit, pedestrian and bicycle route from Lake Oswego to Portland. Minimize negative impacts to residents and property values.
 - c. The DEIS should include an analysis of the conflicts between use of the corridor as a commuter route and the stated desire of Johns Landing residents for a more pedestrian and retail friendly environment.
 - d. Continue to analyze redevelopment opportunities in Johns Landing and Lake Oswego.
 - e. Strive for closer integration of Johns Landing and South Waterfront urban planning and work to improve pedestrian, bicycle, automobile and streetcar connections.

- 5. The Metro Council finds that the PMG should undertake a Johns Landing Alignment Refinement Study that would precede the start of the DEIS. This study would support the DEIS detailed definition of alternatives and should focus on:**
- a. The operational, design and cost trade-offs between the various alignment options in the Johns Landing segment.
 - b. Financial mechanisms to capture the full value of the Willamette Shore Line so that the current value of the WSL right of way could be used to leverage federal dollars and be applied to a project as local match. These mechanisms could include purchase by adjoining property owners, formation of a local improvement district and/ or a right of way trade that could be counted as local match
 - c. Design solutions through and/or around the most constrained parts of the Willamette Shore Line alignment
 - d. Initial operating concepts for the Streetcar in Macadam Avenue that address ODOT concerns regarding shared traffic operations.
 - e. Refinement of temporary and permanent Johns Landing terminus locations.
 - f. Funding for the refinement study should be equitably shared by the participating agencies.

RESOLUTION 07-57**A RESOLUTION OF THE LAKE OSWEGO CITY COUNCIL SUPPORTING THE LAKE OSWEGO TO PORTLAND TRANSIT AND TRAIL ALTERNATIVES ANALYSIS STEERING COMMITTEE RECOMMENDATIONS FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT STUDY FOR THE HIGHWAY 43 CORRIDOR.**

WHEREAS, the Regional Transportation Plan (RTP) designates Highway 43 between Portland and Lake Oswego as a planned frequent bus line and the Willamette Shore Line Rail right of way as a planned/proposed streetcar line; and

WHEREAS, in 1988, the City of Lake Oswego, along with six other agencies, purchased the Willamette Shore Line rail right of way for the purpose of preserving the line for future high capacity transit ; and

WHEREAS, the City of Lake Oswego has adopted a Transportation System Plan as a component of its Comprehensive Plan that indicates that Hwy. 43 is a congested corridor, and that the Willamette Shore Line right of way should be preserved for future high capacity transit; and

WHEREAS, the City of Lake Oswego, along with other regional partners, has through its actions over the past 19 years, supported efforts to encourage future high capacity transit between Lake Oswego and Portland by contracting with the Oregon Electrical Railway Historical Society to operate a seasonal trolley on the Willamette Shore Line right of way in order to preserve its use for future high capacity transit; and

WHEREAS, in 2004, the City Council of the City of Lake Oswego appointed a Downtown Transit Alternatives Advisory Committee (DTAAC), consisting of neighborhood, business and transportation representatives, which examined preferred transit options for the City of Lake Oswego; and

WHEREAS, in 2005, Metro applied for and attained Metropolitan Transportation Improvement Program funds in order to conduct a Transit and Trail Alternatives Analysis to examine transit and trail options in the Highway 43 Corridor, including the Willamette Shore Line right-of-way, and the City of Lake Oswego contributed funding for a portion of the local match, along with the City of Portland and TriMet; and

WHEREAS, an Alternatives Analysis, consistent with Federal Transit Administration requirements, was conducted; and

WHEREAS, representatives on the Transit and Trail Steering Committee, consisting of elected and appointed members from the City of Lake Oswego, the City of Portland, Multnomah and Clackamas Counties, TriMet, Metro, Oregon Department of

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Section 4. Effective Date. This Resolution shall take effect upon passage.

Considered and enacted at the meeting of the City Council of the City of Lake Oswego held on the 2nd day of October, 2007.

AYES: Mayor Hammerstad, McPeak, Groznik, Hennagin, Jordan, Johnson

NOES: none

EXCUSED: Turchi

ABSTAIN: none




Judie Hammerstad, Mayor

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



David Powell
City Attorney



Martha Schrader
Chair

Lynn Peterson
Commissioner

Bill Kennemer
Commissioner

BOARD OF COUNTY COMMISSIONERS

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

December 7, 2007

David Bragdon, President
Metro Council
600 NE Grand Ave.
Portland, OR 97232-2736

Dear President Bragdon:

The Clackamas County Board of Commissioners has reviewed the Lake Oswego Transit and Trail Alternatives Analysis Steering Committee recommendation to advance alternatives into a Draft Environmental Impact Statement and we support the recommendation of the Steering Committee. While we are supportive of this recommendation, we would like to emphasize several issues.

We agree with the need to continue to study a Streetcar as the preferred mode, especially recognizing the limitations of bus rapid transit. However, we believe it is important to study all modes more thoroughly in the next stage of analysis. Additionally, though we have agreed to further study of a minimum operable segment to Nevada Street, we believe that this would not meet the purpose and need of the project and would add significantly more cost to the project.

Regarding the alignments through the Johns Landing area, we support continued study of both the Willamette Shore Line right of way and SW Macadam Avenue. We recognize and want to maximize the value of the Willamette Shore Line right of way but also realize that a Macadam Avenue alignment could potentially provide a positive tradeoff between benefits and impacts.

While the segment of the corridor that is within unincorporated Clackamas County does not anticipate increased development, there are key development opportunities in the Lake Oswego town center. The county supports further study of both terminus locations in order to better understand the benefits and impacts of both options. Additionally, we are fully supportive of the redevelopment efforts currently underway by the City of Lake Oswego.

Providing a bicycle/pedestrian component is very important to Clackamas County. We recognize the physical constraints involved as well as the possible legal issues of the Willamette Shore Line right of way. We are willing and eager to play a leadership role with Metro, project partners and the public to address the challenges of creating a safe, continuous trail through the corridor at a reasonable cost. We look forward to future opportunities to develop and consider creative options and make recommendations as appropriate.

We thank you for this opportunity to lend our support to this project that will provide new transportation choices in the corridor and beyond, into broader Clackamas County, where our population and employment continue to grow and demand additional transportation capacity.

Sincerely,

Martha Schrader
Chair

Lynn Peterson
Commissioner

Bill Kennemer
Commissioner



Ted Wheeler, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
Phone: (503) 988-3308
Email: mult.chair@co.multnomah.or.us

November 26, 2007

David Bragdon, President
Metro Council
600 NE Grand Avenue
Portland, OR 97232-2736

Dear President Bragdon:

The Multnomah County Board of Commissioners has reviewed both LOPAC's and the Steering Committee Recommendation for the Lake Oswego to Portland Transit and Trails Alternatives Analysis. This letter will offer alternatives into a Draft Environmental Impact Statement and provide the following recommendation.

After reviewing the Steering Committee Revised Recommendation we agree with the need to continue to study a Streetcar as the preferred mode, especially recognizing the limitations of bus rapid transit. That said, we encourage that a streetcar to Johns Landing and enhanced bus to Lake Oswego be studied as an alternative for this corridor, as well as the Steering Committee's recommendation of studying Streetcar to Lake Oswego as an alternative. Regarding the alignments through the South Waterfront area, we support continued study of the Willamette Shore Line right of way and SW Macadam alignments. We recognize the value of the Willamette Shore Line right of way, but we do not wish to see its value as the driving force, only that it and the SW Macadam Avenue alignments each be given full consideration.

With respect to a terminus in Lake Oswego we believe that a Trolley Terminus be considered while the advantages of the other two locations (Safeway and Albertsons) receive further study. We recognize that there are several advantages that accompany streetcar development. First is the transit demand at the terminus as well as the potential for continuation of the line, and second the potential for economic development that might occur along an alignment. Therefore, consideration of a Trolley Terminus is also important to allow some flexibility before committing to one terminus or the other.

At our briefing we also heard from citizens from unincorporated Multnomah County as well as members of LOPAC and wish to support their recommendation. While their recommendation(s) is included in the Steering Committee's Revised Recommendation, there are some key differences that bear consideration. First, we would like to reiterate our desire to see the SW Macadam alignment studied as per LOPAC's recommendation. Second, while we wish to see the Trolley Terminus as an alternative, we again concur that studying a terminus in Johns Landing should also be reviewed as an alternative with enhanced bus service to south to Lake Oswego.

Providing a bicycle/pedestrian component is very important to Multnomah County. We recognize the physical constraints involved as well as the possible legal issues of the Willamette Shore Line right of way. We encourage establishing a subcommittee to closely review the options and make recommendations as appropriate.

Finally, the effect of any of the alternatives on the environment must be a component of the DEIS. We continued to be concerned about the potential impact any of the alternatives may have on the environment and believe that the preferred alternative be one that also meets key sustainability measures.

Multnomah County supports moving ahead with the DEIS as recommended by both LOPAC and the Steering Committee. We thank you for this opportunity to lend our support.

Sincerely,

A handwritten signature in black ink that reads "TED WHEELER". The signature is written in a cursive, slightly slanted style.

Ted Wheeler
Multnomah County Chair

TW/ml



CITY OF

PORTLAND, OREGON

OFFICE OF PUBLIC UTILITIES

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Metro Council
600 NE Grand Ave.
Portland, OR 97232

Honorable President Bragdon and Metro Councilors:

As Commissioner in charge of the Portland Office of Transportation and City of Portland representative in the Lake Oswego to Portland Transit and Trail Alternatives Analysis Steering Committee, I support the Steering Committee recommendations as amended and approved at the November 19th, 2007 meeting.

In advancing the Steering Committee's Recommendations, I appreciate the hard work that citizens of Portland and along the corridor put into the project for over two years.

I understand that planning for high capacity transit in this corridor has been a controversial endeavor going back to the master planning efforts of the 1970s. Given this history, the recommendations of the Lake Oswego to Portland Project Advisory Committee and the Steering Committee are important steps toward a workable solution.

Though this study resolved many issues, many questions remained unanswered. I believe this refinement study is the best way to continue to explore options with the community and try to build towards an agreement on the options to be studied as part of the environmental impact study work (EIS).

In advancing this project to the next level of planning, the City of Portland is interested in a process that will lead to solutions that meet the City's and the region's transportation and land use objectives and reflect the needs and aspirations of stakeholders along the corridor.

As such, I am recommending that as part of the refinement study referred to in the Steering Committee's recommendations, the following elements be incorporated:

1. This refinement study is for the area of Johns Landing between South Waterfront and the Sellwood Bridge, and should be conducted with active participation from businesses and residents along the corridor.
2. The refinement study should be consistent and supportive of the NEPA process;
3. The refinement study work should be scoped for and executed so that the end result will be a narrowing of streetcar alignments in the Johns Landing segment to be advanced into the EIS;
4. The refinement study should be conducted concurrently with trail planning, and if that is not possible, the refinement study should consider the impacts on trail development in its alternative selection process;
5. Opportunities and constraints to build a citywide streetcar system should be part of the criteria for alternative selection; and
6. The scope of work and execution of the refinement study should be done in a cooperative effort with the City of Portland, Metro, TriMet, ODOT and the public at large.

Sincerely,

Commissioner Sam Adams

December 11, 2007

Metro Council
600 NE Grand Avenue
Portland, OR 97232-2736

Dear President Bragdon:

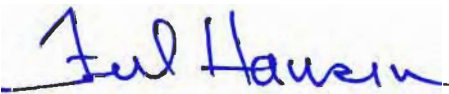
On behalf of TriMet, I recommend that you adopt the Lake Oswego to Portland Steering Committee Recommendations as amended on November 19, 2007. These recommendations propose a sound range of project alternatives that present the public and decision-makers with sensible choices on how to proceed with transit improvements in the Lake Oswego to Portland Corridor. Each of the alternatives will benefit from the careful analysis of impacts and mitigations that can only take place within the NEPA process.

As the project moves forward, TriMet, Metro and our regional partners will seek to develop creative design solutions that address the community concerns expressed during the alternatives analysis, while maintaining reliable and quick transit options through the corridor. Balancing the regional transportation needs with local impacts will be particularly challenging in this highly constrained corridor.

TriMet also wants to emphasize its belief that the value of the Willamette Shore Line railroad right of way should be preserved as local match for FTA funds and not given up prematurely. Whether the match is created through direct use of the right of way or by separate funding that ensures that the value is captured by other means, capture of the right of way's value will need to be addressed as we advance into the DEIS.

We look forward to working with you on this important project.

Sincerely,



Fred Hansen
General Manager

BEFORE THE METRO COUNCIL

| | | |
|------------------------------------|---|--|
| FOR THE PURPOSE OF IDENTIFYING |) | RESOLUTION NO. 07-3887 |
| ALTERNATIVES TO ADVANCE INTO A |) | |
| DRAFT ENVIRONMENTAL IMPACT |) | |
| STATEMENT FOR THE PORTLAND TO LAKE |) | |
| OSWEGO CORRIDOR TRANSIT PROJECT |) | Introduced by Councilor Rex Burkholder |
| |) | |

WHEREAS, in 1988 a consortium of seven government agencies purchased the Willamette Shore Line right-of-way for the purpose of preserving the right of way for future rail transit in the geographically constrained Portland to Lake Oswego Highway 43 corridor; and

WHEREAS, the Willamette Shore Line right-of-way has appreciated significantly in value since its purchase and can be used as local match for federal transit funds, and

WHEREAS, the Regional Transportation Plan, adopted by the Metro Council in 2004 called for a corridor refinement plan for evaluation of high capacity transit options for the Lake Oswego to Portland Highway 43 corridor;

WHEREAS, in 2005, Metro initiated an alternatives analysis consistent with FTA requirements to assess the feasibility of transit and trail alternatives between Lake Oswego and Portland; and

WHEREAS, a wide range of alternatives was evaluated in the alternatives analysis that included No-Build, Bus Rapid Transit with multiple alignments, Streetcar with multiple alignments, River Transit, and accompanying trail alignments; and

WHEREAS, the alternatives analysis confirmed that highway widening in the Highway 43 corridor is infeasible and costly, and that reversible lanes are not warranted, and

WHEREAS, ridership and cost information was developed in the alternatives analysis that evaluated an extension of the proposed Milwaukie light rail line to the Albertsons terminus on an alignment parallel to the Portland and Western Railroad; and

WHEREAS, an extensive public involvement process was undertaken from July 2005 to the present that included testimony before and after every meeting of the Lake Oswego to Portland Project Advisory Committee (LOPAC), community design workshops, open houses, small group meetings, neighborhood group meetings, individual property owner meetings, a bus rider survey, newsletters, and targeted mailings, resulting in over 1,200 direct citizen contacts; and

WHEREAS, on July 16, 2007, a public hearing was held by the Steering Committee and public comments were received on the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary Public Review Draft*; and

WHEREAS, on July 31, 2007, the Lake Oswego to Portland Project Advisory Committee (LOPAC) adopted their recommendation to the Steering Committee regarding transit and trail alternatives to advance for further study in a Draft Environmental Impact Statement; and

WHEREAS, on August 29, 2007 the Lake Oswego to Portland Project Management Group (PMG) adopted their recommendation to the Steering Committee regarding transit and trail alternatives to advance for further study in a Draft Environmental Impact Statement; and

WHEREAS, on September 10, 2007 the Steering Committee, after consideration of LOPAC and PMG recommendations, public input, the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Draft Public Comment Summary* report, and the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary Public Review Draft* report; adopted the *Steering Committee Recommendations on Alternatives to be Advanced into a Draft Environmental Impact Statement and Work Program Considerations*, attached as Exhibit A; and

WHEREAS, the transit alternatives adopted by the Steering Committee on September 10 2007 included No-Build, Enhanced Bus and Streetcar, including streetcar alignment alternatives on SW Macadam Avenue, the Willamette Shore Line right-of-way, or combinations of the two that may include all or parts of the Johns Landing Masterplan alignment through Johns Landing, a temporary minimum operable segment terminus in the vicinity of Nevada Street in Johns Landing, the Willamette Shore Line right-of-way from the vicinity of Nevada Street to the existing trolley barn and south to the Albertsons terminus option or west via A and B Avenues to the Safeway terminus option in Lake Oswego; and

WHEREAS, the Lake Oswego to Portland Corridor Project would be the region's next priority for FTA funding, following the Portland Streetcar Loop Project and Milwaukie to Portland Light Rail Project; and

WHEREAS, the bicycle and pedestrian trail element of the alternatives analysis received a high level of public support, and the Steering Committee Recommendation from September 10, 2007 included a recommendation to advance and refine the pedestrian and bicycle trail options in the corridor, including additional design work, cost reduction strategies, potential trail phasing strategies, resolution of legal issues and identification of construction funding sources; and

WHEREAS, on November 19, 2007, the Steering Committee amended their September 10, 2007 recommendation to add a permanent Johns Landing terminus to the alternatives to be advanced, and to initiate a Refinement Study in the Johns Landing area prior to the start of the Draft Environmental Impact Statement, attached as Exhibit A, based on public comment and recommendations from the LOPAC Chair and Vice-chairs, and

WHEREAS, the Lake Oswego City Council, Portland City Council, TriMet Board of Directors, Multnomah County Board of Commissioners and Clackamas County Board of Commissioners submitted letters of support and/or resolutions endorsing the Steering Committee recommendations, attached as Exhibit B, and

WHEREAS, the Metro Council has considered previous public comments, public testimony at this hearing, and public agency endorsements of the Steering Committee Recommendation as amended November 19, 2007; now therefore

BE IT RESOLVED, that the Metro Council adopts the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Steering Committee Recommendation and Work Program Considerations*, as adopted September 10, 2007 and amended November 19, 2007, attached as Exhibit A.

ADOPTED by the Metro Council this ____ day of December 2007.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

Lake Oswego to Portland Transit and Trail Alternatives Analysis

Steering Committee Recommendation

Alternatives to be Advanced into a
Draft Environmental Impact Statement

Work Program Considerations

Adopted September 10, 2007

Amended November 19, 2007



METRO

Steering Committee Recommendation

Alternatives to Advance into a Draft Environmental Impact Statement

Adopted September 10, 2007

I. OVERVIEW

This document presents the recommendations of the Steering Committee to the Metro Council for alternatives to be advanced into a *Draft Environmental Impact Statement* for the Lake Oswego to Portland corridor. The transit alternatives and their accompanying trail components have been fully evaluated against the project's purpose and need and goals and objectives, and this evaluation is documented in the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary Public Review Draft* dated July 12, 2007. The Steering Committee recommendations also consider recommendations from the Lake Oswego to Portland Project Advisory Committee (LOPAC) dated July 31, 2007, the findings of the Project Management Group dated September 3, 2007, public input received during the two public open houses held on June 27 and 28, 2007 and the public hearing held on July 16, 2007 as well as all other comments received as described in the *Public Comment Summary* dated September 10, 2007.

This recommendation discusses transit mode, terminus of the transit project and specific alignments. In addition, a strategy is presented for further development of a trail connection in the corridor. The **mode** section presents findings and recommendations regarding the No-Build, Bus Rapid Transit (BRT) and Streetcar alternatives. The **terminus** section presents findings and recommendations about the three terminus options including the Trolley, Safeway and Albertsons termini sites. The **alignment** section describes findings and recommendations for the three potential streetcar alignments within the John's Landing area; the Willamette Shore Line right of way, SW Macadam Avenue and the John's Landing Master Plan alignment.

II. FINDINGS AND RECOMMENDATIONS

Context

The Lake Oswego to Portland corridor is environmentally, topographically and physically constrained. Future roadway expansion is not anticipated and previous planning studies have concluded that a high capacity transit improvement is needed to provide additional capacity. In 1988, a consortium of seven government agencies purchased the Willamette Shore Line right of way connecting Lake Oswego to Portland for the purpose of preserving the rail right of way for future rail transit service. The 2004 Regional Transportation Plan (RTP) identified the need for a corridor refinement plan for a high capacity transit option for this corridor, which was the genesis of this alternatives analysis.

Existing and future traffic conditions in this corridor are projected to worsen as population and employment projections for Portland, Lake Oswego and areas south of Lake Oswego in Clackamas County continue to grow. The corridor already experiences long traffic queues, poor levels of service and significant capacity constraints at key locations. Travel times in the corridor are unreliable due to congestion on Highway 43.

Project Sequencing

A transit project in the Lake Oswego to Portland Corridor is one of several regional projects that would seek funding through FTA's New Starts and Small Starts funding programs. The financial analysis prepared during this alternatives analysis evaluated the sequencing of funding for this project based on current regional commitments. The Milwaukie to Portland Light Rail Project is the region's top priority for FTA New Starts funding following projects currently funded and under construction. The Columbia Crossing Project would also include a New Starts transit component and is proceeding concurrently with the Milwaukie to Portland LRT Project. The Portland Streetcar Loop project is the region's priority project for FTA Small Starts funding.

The Lake Oswego to Portland Corridor Project would be the region's next priority for FTA funding, with construction funding capacity becoming available starting in 2012 and continuing through 2017. In order to fit into the regional sequence of projects, the Steering Committee recognizes that the Portland to Lake Oswego Corridor Draft Environmental Impact Statement would need to be initiated in Fall 2008 as the Milwaukie to Portland Light Rail Project Final Environmental Impact Statement nears completion. In the Work Program Considerations section of these Steering Committee findings and recommendations, a number of steps are outlined which would need to be taken prior to the initiation of the DEIS, including preparation of a more detailed schedule that identifies key New Starts milestones and deliverables for the project.

Willamette Shoreline Right of Way

The Willamette shoreline rail right of way was purchased from the Southern Pacific Railroad in 1988 for \$2 million dollars by a consortium of local governments including Metro, the cities of Lake Oswego and Portland, Clackamas and Multnomah counties, the Oregon Department of Transportation (ODOT) and TriMet. Knowing that the Highway 43 corridor is very constrained; the purchase was made with the intent of preserving the corridor for future transit use.

The value of the right-of way has increased dramatically over 20 years. TriMet estimates currently value the right-of-way at \$75 million in 2007 dollars. This value is critical to a transit project that would use the right-of-way because the value of the right of way can be counted as local match for federal funds. A request for New Starts project funding from the Federal Transit Administration would typically be for 60 percent of a project's capital cost leaving 40 percent to be supplied locally. If \$75 million in right of way value were applied as part of local match, the remaining share of local funds required would be significantly reduced.

For the reasons stated above, whether an alternative uses the Willamette Shore Line right-of-way is a significant factor in project funding. For the Streetcar alternative, the \$75 million value of the Willamette Shore Line right of way could leverage as much as \$112.5 million in federal funds. Because it would not be using the right of way, the BRT alternative would not be able to leverage value of the right of way as part of its funding plan.

A. Transit Mode: Streetcar

Streetcar is the transit mode that best meets the project's purpose and need and the goals and objectives for the Lake Oswego to Portland Transit and Trail Alternatives Analysis.

The Steering Committee recommends that the **Streetcar mode** advance for further study in a Draft Environmental Impact Statement (DEIS) because:

- Streetcar would have the highest ridership of all the transit alternatives.
- Streetcar travel times would be up to 18 minutes faster between key corridor destinations and would be more reliable than the other transit alternatives. In peak travel periods, the Streetcar would provide faster travel times than autos between downtown and Lake Oswego. Faster travel time and higher reliability is gained through operation of streetcar in exclusive right of way on the Willamette Shore Line.
- Streetcar would have the lowest operating and maintenance costs of any alternative, including the No-Build. This is due to the marginal cost of extending a line that already operates in the corridor, the carrying capacity of the Streetcar vehicles compared to buses and the travel time advantage over BRT and No-Build. The Streetcar also replaces some corridor bus service, which results in a cost savings.
- The Streetcar alternative could leverage up to 3.3 million square feet of total new transit supportive development within three blocks of the proposed alignments.
- Streetcar is compatible with the existing transit system and would operate as an extension of the existing streetcar line that operates between NW 23rd Avenue and the South Waterfront.
- The \$75 million of value in the Willamette Shoreline right of way could leverage as much as \$112.5 million in federal funds if the project proceeds as a Federal Transit Administration (FTA) News Starts project.

The Steering Committee recommends that the **Bus Rapid Transit (BRT) mode** not advance for further study in a DEIS because:

- It may not be a practical option to achieve the travel time and ridership as modeled in this alternatives analysis. The queue bypass lanes used to bypass congestion at key intersections in the BRT alternative would have to be extended to between 500 and 1,000 feet instead of the 200 feet in the current designs and cost estimates.
- The BRT alternative would include property impacts at the key intersections where transit improvements are constructed. There would be additional property impacts associated with the additional queue jump length required to bypass congestion. This also would include removal of trees within the sidewalk area.
- Initial BRT capital costs were the lowest of all the transit alternatives, however, these do not include the additional costs of the longer queue jump lanes, which would be required.
- The BRT alternative would have the highest operating cost due to the greater number of vehicles required to meet demand, and the fact that the BRT line would require added service, unlike the Streetcar alternative which would replace existing bus service.
- For the entire length of the corridor, BRT travel times are subject to the same delays and congestion as the general traffic in areas where queue jump lanes are not provided, resulting in decreased reliability.
- The BRT alternative would not leverage transit supportive economic development beyond what would be expected with the No-Build alternative.
- The BRT alternative would not leverage the \$75 million value of Willamette Shore Line right of way, which could match federal transit funding of up to \$112.5 million.

The Steering Committee recommends that an **enhanced bus** alternative be studied as a more practical option for this constrained corridor. Such an option would avoid the property impacts of the BRT while providing improved service, bus pullouts where possible and better shelters and lighting at stations. Enhanced bus would act as the base case for comparison

to Streetcar alternatives in the DEIS. It would operate in mixed traffic, though this has implications for travel time, reliability and long-term efficiency of the line.

B. Alignments: Willamette Shore Line and SW Macadam Avenue

During the alternatives analysis process three alignments were evaluated in the John's Landing area: the Willamette Shore Line right of way, SW Macadam Avenue and the John's Landing Master Plan alignment. The Steering Committee recommends that two alignment options be studied further in the John's Landing area north of the Sellwood Bridge: the Willamette Shore Line right of way alignment and the SW Macadam Avenue alignment.

In addition, combinations of the two alignments should be evaluated to maximize the potential benefits and minimize impacts in the John's Landing area. The Steering Committee recognizes that alignments, which would avoid or minimize impacts through John's Landing, may need to be developed that are not part of either the Macadam Avenue or Willamette Shoreline alignments. These could include all or portions of the John's Landing Master Plan alignment or other rights of way.

The Steering Committee recommends that the **Willamette Shore Line right of way alignment** advance for further study for the following reasons:

- Streetcar on the Willamette Shore Line right of way would yield higher reliability and faster travel times than the other alignments due to the 100% exclusive right of way. In the DEIS, Issues of pedestrian and vehicle safety and proximity to private properties must be considered in the analysis of this alignment..
- The Willamette Shore Line right of way is in public ownership and could potentially be used as local match towards the capital cost of the project. Current estimates value the entire right of way at \$75 million. For the portion north of SW Nevada Street, the value of the right of way is estimated at approximately \$35 million, which could leverage an additional \$58 million in federal funds.
- The Willamette Shore Line Right-of-Way alignment has received public support from Lake Oswego residents because it has faster travel time, better reliability and less impact to Highway 43 traffic operations and safety than an alignment that would use Macadam Avenue in John's Landing.

The Steering Committee recommends that the **SW Macadam Avenue alignment** advance for further study for the following reasons:

- The SW Macadam Avenue alignment was the preferred alignment of the LOPAC based on community support, development potential, and the ability to avoid residential impacts of the Willamette Shore Line alignment. The LOPAC emphasized that the alignment should be on SW Macadam Avenue for as much of the length of the route as possible from the South Waterfront to the vicinity of the intersection of SW Macadam Avenue and SW Nevada Street.
- The SW Macadam Avenue alignment would leverage the most potential transit supportive development, approximately 2.2 million square feet of total new development in John's Landing.
- The SW Macadam Avenue alignment would avoid some of the potential property impacts associated with use of the Willamette Shore Line right of way.
- The SW Macadam Avenue alignment has emerged with the most public support from residents and businesses in John's Landing.

- As LOPAC recommended, a bicycle and pedestrian trail could be established along the Willamette Shore Line with the Macadam Avenue alignment. This trail has the potential to reduce conflicts between recreational and commuter user groups on the existing Willamette River Greenway trail by providing a more direct route through Johns Landing.

Note: The Steering Committee recognizes ODOT's expressed concerns regarding the SW Macadam Avenue alignment option and will ensure that questions related to potential streetcar operations in mixed traffic on SW Macadam Avenue are addressed.

South of the John's Landing area and north of the Trolley Terminus site in Lake Oswego, the Willamette Shore Line right of way was the only alignment to advance to the completion of the alternatives analysis. As part of its design option narrowing decision, The Steering Committee eliminated Highway 43 south of John's Landing from consideration as a Streetcar alignment for safety and operational reasons, making the Willamette Shore Line alignment the only option in this segment of the corridor. The *Evaluation Summary Report* contains a description of the alternative and design option narrowing decisions that were made during the alternatives analysis.

C. Lake Oswego Full-Length Termini: Albertsons and Safeway

The Steering Committee recommends that the Albertsons and Safeway termini should advance into the DEIS. The Trolley terminus should not be advanced into the DEIS. These termini options are preferred because they would serve more population and employment, have higher ridership, disperse park and ride spaces, and have greater potential for transit-supportive development while demonstrating similar traffic impacts.

The Steering Committee recommends that the **Albertsons terminus** advance for further study for the following reasons:

- The Albertsons terminus would allow for the possible future extension of Streetcar south to West Linn or Oregon City.
- The Albertsons terminus has strong public support from the residents south of Lake Oswego and citizens within Lake Oswego. In 2006, Lake Oswego's Downtown Transit Alternatives Analysis Committee (DTAAC) recommended the Albertsons terminus site, partly because it would intercept traffic from the south before it reaches the center of downtown.
- The Albertsons terminus could generate substantial transit supportive development in Lake Oswego (0.9 million square feet).

The Steering Committee recommends that the **Safeway terminus** advance for further study for the following reasons:

- The Safeway terminus would allow for the possible future extension of Streetcar to the west.
- The Safeway terminus could provide park and ride access west of downtown Lake Oswego, intercepting traffic before it reaches the center of downtown.
- The Safeway site could leverage the most potential transit supportive development (1.1 million square feet in Lake Oswego), as compared to the Albertsons or Trolley terminus options.

- The Safeway site would allow the Streetcar to act as a circulator for trips within downtown Lake Oswego between the Foothills district and the west end of downtown.

The Steering Committee acknowledges that an at-grade crossing of streetcar with Highway 43 under the Safeway terminus option would require additional study and coordination with ODOT and the City of Lake Oswego to ensure that a safe and efficient crossing is feasible.

Additionally, the Steering Committee acknowledges that it may be necessary to construct a project that would utilize the **Trolley Terminus** as a **temporary interim terminus** while joint development construction plans are finalized at either the Albertsons or Safeway terminus sites.

D. Temporary Johns Landing Short Terminus - Minimum Operable Segment (MOS)

If a full-length project cannot be built for financial or other reasons, the FTA allows for Minimum Operable Segments (MOS) to be considered as interim termini for a project. In this corridor, preliminary analysis was done for a MOS for Streetcar that would terminate in the vicinity of Nevada Street in John's Landing on either the Willamette Shore Line right-of-way or the Macadam Avenue alignments. A streetcar terminus in Johns Landing should include enhanced bus service to Lake Oswego as part of the complete alternative. The Steering Committee recommends that this alternative advance for further study for the following reasons:

- Significant public support was expressed for this option from participants in the process all through the corridor.
- A minimum operable segment (MOS) provides flexibility to initiate a project with available funding while pursuing additional funding to complete the remainder.

E. Johns Landing Permanent Terminus

A permanent terminus in Johns Landing was selected by the LOPAC along with a full-length Streetcar alternative as their preferred options to be advanced into the DEIS. The LOPAC preference was that this terminus be paired with the Macadam Avenue alignment; in Johns Landing however this terminus option could be paired with either the Willamette Shoreline or Macadam alignments. A streetcar terminus in Johns Landing should include enhanced bus service to Lake Oswego as part of the complete alternative.. The Steering Committee recommends that this alternative be advanced into the DEIS for the following reasons:

- There is strong community support for this option in both Johns Landing and Dunthorpe.
- Analysis of a permanent terminus in addition to a temporary Minimum Operable Segment terminus would allow a full range of choices that could respond to funding constraints, environmental impacts and community preferences.
- This terminus option could maintain the ability to cross a new or reconstructed Sellwood Bridge in the future.

III. TRAIL CONSIDERATIONS

Context

As part of the Willamette River Greenway vision, a trail was proposed to run along the Willamette Shore Line right of way from Willamette Park in Portland to downtown Lake Oswego between Highway 43 and the Willamette River. As part of this Alternatives Analysis, the feasibility of a continuous trail between Portland and Lake Oswego was evaluated. Each transit alternative carried with it a complementary trail component. The BRT alternative would have used the Willamette Shore Line right of way for exclusive trail use. The Streetcar alternative, which the Steering Committee recommends further study, would require shared use of the Willamette Shoreline between Streetcar and a trail. The discussion below focuses on the trail components that would accompany the Streetcar alignments.

A. Trail Component

The bike and pedestrian trail component of this study has received tremendous community support. A trail in the corridor would provide a critical link in the regional transportation system, connecting other regional and local trails. A continuous, safe and level trail component is a desired outcome in this corridor.

However, as currently designed, the trail component may not be practical to build for its entire length because of the high capital costs associated with shifting the Streetcar alignment to accommodate the trail in a tightly constrained right of way and very difficult topography. Because some portions of the trail are more easily implemented than others, and because funding for the entire trail may not be available at one time, the trail may need to be developed in phases.

B. Trail Component Refinement Next Steps

The Steering Committee recommends that a trail component advance for further study. However, additional refinement is needed to determine how to advance the trail and the transit alternatives, either together or separately. The following identifies additional considerations for the trail and next steps:

- Further consideration is required to determine trail project sponsors and potential funding sources. Metro may or may not be the appropriate agency to lead the effort to advance a trail in the corridor.
- Additional design work is needed to identify ways to design and construct a trail in this corridor with lower capital costs and impacts while still accommodating the transit project. The trail design should change and adapt to constraints in the corridor. The width of the trail does not need to be the same for the entire alignment and flexibility will be required with regard to various jurisdictions design standards and requirements.
- Trail phasing should be considered so that the most cost-effective segments could move forward. The additional design work required for the more difficult and expensive portions will take more time and effort.

- Additional study is needed to evaluate the potential for the Portland and Western railroad bridge and an eastside connection to the Sellwood Bridge to provide a useful pedestrian and bike trail connection between Lake Oswego and Portland
- Further study is needed regarding the outstanding legal questions in order to facilitate decisions about the Willamette Shore Line right of way and its use for a trail.

IV. WORK PROGRAM CONSIDERATIONS

Several actions are needed prior to advancing the project into the *Draft Environmental Impact Statement* phase of project development. Because a DEIS for the Lake Oswego to Portland Corridor is not included in Metro's current fiscal year budget, it is recognized that there will be a gap before the DEIS can commence.

1. **The following actions are recommended by the Steering Committee to advance the project into the *Draft Environmental Impact Statement*:**
 - a. **Metro should work with the FTA to Publish a *Notice of Intent to Prepare a Draft Environmental Impact Statement* in the Federal Register**, and initiate the DEIS Scoping Process. The FTA has recommended that this action be taken immediately. This action would ensure that all of the work completed during the alternatives analysis would be documented under the National Environmental Policy Act (NEPA). Public comment received prior to the Metro Council action on advancing the project into the DEIS phase would also be included as part of the NEPA record. The Scoping phase of a DEIS includes meetings with the public as well as local, state and federal agencies and affected tribal jurisdictions. The dates of the public, agency and tribal meetings would be published along with the notice of intent. The Scoping meetings present proposed alternatives and solicit input on potential additional alternatives that could be included in a DEIS.
 - b. **Metro should prepare a work scope, budget and schedule for the DEIS.** In order to secure funding for a DEIS, a cost estimate is required. The estimate is based on a scope of work and schedule that meet all appropriate FTA and NEPA requirements. This DEIS will need to meet new requirements for public and agency participation covered under Section 6002 of the SAFETEA-LU Act. Metro staff will convene the PMG to discuss and review the scope of work, schedule and budget, including agency roles and responsibilities during the DEIS phase.
 - c. **Metro should work with project partners, through the Project Management Group, to identify and secure funding for the DEIS.** Along with the scope, schedule and budget, Metro will work with project partners to identify potential sources of funding for the DEIS, as well as the next phases of project development, Preliminary Engineering and the Final Environmental Impact Statement. Potential sources of funding include FTA Section 5339 or other funds through the MTIP process, and local jurisdiction, TriMet, or ODOT contributions.

2. **In order to advance the goal of implementing a bicycle and pedestrian trail that connects Portland and Lake Oswego, the Steering Committee recommends that the following steps should be taken:**

- a. **Metro, with assistance from project partners through the TAC and PMG, should develop a process to undertake the *Trail Refinement Next Steps* listed above.** The result of this process would be to resolve key issues and determine the relationship of the trail and the transit project during the DEIS phase. Of particular importance are:

- i. Involvement of the public and advocacy groups in improving the trail concept
- ii. Definition of the lead agency for advancement of a trail
- iii. Development of an approach to reduce capital costs
- iv. Analysis of possible phasing of trail segments
- v. Identification of potential trail capital funding sources

3. **Prior to initiation of the DEIS, Metro, with the assistance of the PMG, should develop actions or conditions for each participating agency that would help to ensure that the project can meet FTA thresholds with regard to ridership and financing and achieve the important development objectives for the Corridor.**

These could include:

- a. Development of local funding mechanisms
- b. Demonstrated progress toward development objectives
- c. Resolution of technical issues, e.g. ODOT concerns regarding the SW Macadam Avenue alignment
- d. Threshold criteria for selecting a full-length option over an MOS or vice versa

4. **The following Steering Committee concerns need to be addressed by Metro and its project partners as the project moves forward into a DEIS:**

- a. The alternative should be constructed in such a manner as to allow coordination with transportation alternatives across the Sellwood Bridge or its replacement.
- b. Maximize the alternative to establish a safe and attractive transit, pedestrian and bicycle route from Lake Oswego to Portland. Minimize negative impacts to residents and property values.
- c. The DEIS should include an analysis of the conflicts between use of the corridor as a commuter route and the stated desire of Johns Landing residents for a more pedestrian and retail friendly environment.
- d. Continue to analyze redevelopment opportunities in Johns Landing and Lake Oswego.
- e. Strive for closer integration of Johns Landing and South Waterfront urban planning and work to improve pedestrian, bicycle, automobile and streetcar connections.

- 5. Metro, TriMet, ODOT and the City of Portland should undertake a Johns Landing Alignment Refinement Study that would precede the start of the DEIS. This study would support the DEIS detailed definition of alternatives and should focus on:**
- a. The operational, design and cost trade-offs between the various alignment options in the Johns Landing segment.
 - b. Financial mechanisms to capture the value of the Willamette Shore Line so that the current value of the WSL right of way could be used to leverage federal dollars and be applied to a project as local match. These mechanisms could include purchase by adjoining property owners, formation of a local improvement district and/ or a right of way trade that could be counted as local match
 - c. Design solutions through and/or around the most constrained parts of the Willamette Shore Line alignment
 - d. Initial operating concepts for the Streetcar in Macadam Avenue that address ODOT concerns regarding shared traffic operations.
 - e. Refinement of temporary and permanent Johns Landing terminus locations.

RESOLUTION 07-57

A RESOLUTION OF THE LAKE OSWEGO CITY COUNCIL SUPPORTING THE LAKE OSWEGO TO PORTLAND TRANSIT AND TRAIL ALTERNATIVES ANALYSIS STEERING COMMITTEE RECOMMENDATIONS FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT STUDY FOR THE HIGHWAY 43 CORRIDOR.

WHEREAS, the Regional Transportation Plan (RTP) designates Highway 43 between Portland and Lake Oswego as a planned frequent bus line and the Willamette Shore Line Rail right of way as a planned/proposed streetcar line; and

WHEREAS, in 1988, the City of Lake Oswego, along with six other agencies, purchased the Willamette Shore Line rail right of way for the purpose of preserving the line for future high capacity transit ; and

WHEREAS, the City of Lake Oswego has adopted a Transportation System Plan as a component of its Comprehensive Plan that indicates that Hwy. 43 is a congested corridor, and that the Willamette Shore Line right of way should be preserved for future high capacity transit; and

WHEREAS, the City of Lake Oswego, along with other regional partners, has through its actions over the past 19 years, supported efforts to encourage future high capacity transit between Lake Oswego and Portland by contracting with the Oregon Electrical Railway Historical Society to operate a seasonal trolley on the Willamette Shore Line right of way in order to preserve its use for future high capacity transit; and

WHEREAS, in 2004, the City Council of the City of Lake Oswego appointed a Downtown Transit Alternatives Advisory Committee (DTAAC), consisting of neighborhood, business and transportation representatives, which examined preferred transit options for the City of Lake Oswego; and

WHEREAS, in 2005, Metro applied for and attained Metropolitan Transportation Improvement Program funds in order to conduct a Transit and Trail Alternatives Analysis to examine transit and trail options in the Highway 43 Corridor, including the Willamette Shore Line right-of-way, and the City of Lake Oswego contributed funding for a portion of the local match, along with the City of Portland and TriMet; and

WHEREAS, an Alternatives Analysis, consistent with Federal Transit Administration requirements, was conducted; and

WHEREAS, representatives on the Transit and Trail Steering Committee, consisting of elected and appointed members from the City of Lake Oswego, the City of Portland,

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Section 4. Effective Date. This Resolution shall take effect upon passage.

Considered and enacted at the meeting of the City Council of the City of Lake Oswego held on the 2nd day of October, 2007.

AYES:

NOES:

EXCUSED:

ABSTAIN:

Judie Hammerstad, Mayor

ATTEST:

Robyn Christie, City Recorder

APPROVED AS TO FORM:

David Powell
City Attorney



Ted Wheeler, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
Phone: (503) 988-3308
Email: mult.chair@co.multnomah.or.us

November 26, 2007

David Bragdon, President
Metro Council
600 NE Grand Avenue
Portland, OR 97232-2736

Dear President Bragdon:

The Multnomah County Board of Commissioners has reviewed both LOPAC's and the Steering Committee Recommendation for the Lake Oswego to Portland Transit and Trails Alternatives Analysis. This letter will offer alternatives into a Draft Environmental Impact Statement and provide the following recommendation.

After reviewing the Steering Committee Revised Recommendation we agree with the need to continue to study a Streetcar as the preferred mode, especially recognizing the limitations of bus rapid transit. That said, we encourage that a streetcar to Johns Landing and enhanced bus to Lake Oswego be studied as an alternative for this corridor, as well as the Steering Committee's recommendation of studying Streetcar to Lake Oswego as an alternative. Regarding the alignments through the South Waterfront area, we support continued study of the Willamette Shore Line right of way and SW Macadam alignments. We recognize the value of the Willamette Shore Line right of way, but we do not wish to see its value as the driving force, only that it and the SW Macadam Avenue alignments each be given full consideration.

With respect to a terminus in Lake Oswego we believe that a Trolley Terminus be considered while the advantages of the other two locations (Safeway and Albertsons) receive further study. We recognize that there are several advantages that accompany streetcar development. First is the transit demand at the terminus as well as the potential for continuation of the line, and second the potential for economic development that might occur along an alignment. Therefore, consideration of a Trolley Terminus is also important to allow some flexibility before committing to one terminus or the other.

At our briefing we also heard from citizens from unincorporated Multnomah County as well as members of LOPAC and wish to support their recommendation. While their recommendation(s) is included in the Steering Committee's Revised Recommendation, there are some key differences that bear consideration. First, we would like to reiterate our desire to see the SW Macadam alignment studied as per LOPAC's recommendation. Second, while we wish to see the Trolley Terminus as an alternative, we again concur that studying a terminus in Johns Landing should also be reviewed as an alternative with enhanced bus service to south to Lake Oswego.

Providing a bicycle/pedestrian component is very important to Multnomah County. We recognize the physical constraints involved as well as the possible legal issues of the Willamette Shore Line right of way. We encourage establishing a subcommittee to closely review the options and make recommendations as appropriate.

Finally, the effect of any of the alternatives on the environment must be a component of the DEIS. We continued to be concerned about the potential impact any of the alternatives may have on the environment and believe that the preferred alternative be one that also meets key sustainability measures.

Multnomah County supports moving ahead with the DEIS as recommended by both LOPAC and the Steering Committee. We thank you for this opportunity to lend our support.

Sincerely,

A handwritten signature in black ink that reads "TED WHEELER". The signature is written in a cursive, slightly slanted style.

Ted Wheeler
Multnomah County Chair

TW/ml

STAFF REPORT

IN CONSIDERATION OF RESOLUTION 07-3887, FOR THE PURPOSE OF IDENTIFYING ALTERNATIVES TO ADVANCE INTO A DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PORTLAND TO LAKE OSWEGO CORRIDOR TRANSIT PROJECT

Date: December 13, 2007

Prepared by: Ross Roberts

BACKGROUND

Council Action

This resolution would effectively advance the Lake Oswego to Portland Corridor into the Draft Environmental Impact Statement phase of project development, and would identify transit mode, terminus and alignments to be studied in the DEIS. In addition, this action would set in motion activities to prepare for the DEIS including development of work program, budget, schedule, and funding plan for the DEIS. At the completion of the DEIS, the Council would select a locally preferred alternative.

Policy Context

The Region 2040 Growth Concept calls for high capacity transit connections between centers. The 2004 Regional Transportation Plan called for a corridor refinement plan in the Lake Oswego to Portland Corridor to examine high capacity transit improvements. Subsequently, the Lake Oswego to Portland Transit and Trail Alternatives Analysis was initiated by Metro in July 2005 to evaluate transit alternatives that would connect the Portland Central City with the Lake Oswego Town Center. The Council funded the alternatives analysis through two MTIP allocations. Metro is lead agency for the project, and TriMet, ODOT, the cities of Lake Oswego and Portland, Multnomah and Clackamas Counties and Portland Streetcar Inc are project partners.

Project Decision-Making

The Metro Council has final authority for this project decision and is acting on a recommendation by the Transit Alternatives Analysis Steering Committee. The Steering Committee provides policy oversight and includes elected officials or executives from all of the project partners. Councilors Burkholder and Colette are the Council's representatives on the committee and serve as co-chairs. In addition to the project partners, the chairs of the Lake Oswego to Portland Project Advisory Committee (LOPAC) and the Portland Streetcar Loop Project Advisory Committee have seats on the Steering Committee. The LOPAC and the Project Management Group, made up of jurisdiction senior staff, made recommendations to the Steering Committee on alternatives to be advanced into a Draft Environmental Impact Statement (DEIS). The Steering Committee considered those recommendations as well as technical analysis from the *Evaluation Summary Report Public Review Draft*, and public comment as heard at a public hearing in July 2007, and as summarized in the *Public Comment Report*.

Public Involvement

An extensive public involvement process was undertaken from July 2005 to the present that included testimony before and after every meeting of the LOPAC. Community design workshops were held early in the process in May 2006 to identify a wide range of alternatives for transit and trail options in the corridor. Small group meetings followed from September to November 2006 to refine alignments. Project staff met with neighborhood groups throughout the corridor, including West Linn. Two open

houses were held to review the technical analysis in June 2007. Individual property owner meetings were held as needed throughout the process. A bus rider survey was completed of 670 transit users in the corridor. The project also utilized newsletters, and targeted mailings to advertise meetings and provide updates. In all, the public involvement effort resulted in over 1,200 direct citizen contacts.

Steering Committee Recommendation

The Steering Committee Recommendation was adopted on September 10, 2007. Subsequent to that adoption, concerns were raised by Chair and Vice-Chairs of LOPAC and residents of Dunthorpe. After meetings with the interested parties that included Council President Bragdon and Councilor Burkholder, a proposed amendment to the recommendation was forwarded to the Steering Committee by Councilor Burkholder, and was adopted on November 19, 2007. The amendment added the permanent Johns Landing terminus preferred by LOPAC to the alternatives to be studied in the DEIS and added language to the work program considerations that would add an alignment refinement study in Johns Landing that would precede the DEIS and be undertaken by Metro, TriMet, the City of Portland and ODOT.

The Steering Committee Recommendation, as amended is summarized below:

- **Context.** After the Portland to Milwaukie Light Rail Project and Portland Streetcar Loop, the Lake Oswego to Portland Corridor would be the region's next priority for Federal Transit Administration funding. The publicly owned Willamette Shore Line right-of-way is valued at \$75 million (2007 dollars) and as local match for FTA New Starts funding, it could leverage as much as \$112.5 million (2007 dollars) in federal funds.
- **Transit Mode.** Streetcar was recommended to be advanced for further study because it would have the highest ridership, fastest travel times, highest reliability, and lowest operating and maintenance costs of any alternative including the No-Build. Streetcar could leverage substantial development - up to 3.3 million square feet of total new transit supportive development within three blocks of the alignment. Streetcar would also be compatible with the existing transit system, operating as an extension of the existing streetcar line. The Steering Committee did not recommend that Bus Rapid Transit be advanced due to the impracticality of proposed queue jump lanes, but did recommend that an enhanced bus alternative be studied further in the DEIS.
- **Alignment.** Two alignments were recommended to be studied further in Johns Landing: the Willamette Shore Line right-of-way and SW Macadam Avenue – with combinations of the two primary alignments and all or part of the Johns Landing Masterplan alignment to be evaluated to maximize the potential benefits and minimize adverse impacts in the Johns Landing area. The Willamette Shore Line was recommended because it would provide higher reliability and faster travel times, and could be used for \$75 million (2007 dollars) in local match. This alignment received a high level of public support from Lake Oswego residents. The SW Macadam Avenue alignment was selected because it was the preferred alignment of LOPAC, could leverage the most potential transit supportive development and would avoid proximity impacts of the Willamette Shore Line alignment. This alignment received a high level of public support from residents and businesses in Johns Landing.
- **Terminus.** The Steering Committee recommended two Lake Oswego full-length terminus options, the Albertsons and Safeway sites. A Temporary Johns Landing Terminus option was included as an interim step to a full length project. A Permanent Johns Landing Terminus option was added by the November 19, 2007 amendment.
- **Trail.** A continuous, safe bike and pedestrian trail between Lake Oswego and Portland's South Waterfront area received tremendous community support. However, as currently designed, high

capital costs make trail implementation difficult. Additional refinement is needed to determine how to advance the trail either separately or with the transit alternatives. Other refinement issues include identification of funding sources, determination of lead agency, additional design work, development of a trail segment phasing strategy, evaluation of the potential for use of the Portland and Western railroad bridge and an eastside connection to the Sellwood Bridge and evaluation of outstanding legal questions.

- Work Program Considerations. The Steering Committee Recommendation also includes activities would be initiated by Metro and our project partners in preparation for the DEIS:
 - Initiate the FTA Draft Environmental Impact Statement process.
 - Prepare DEIS scope, budget and schedule.
 - Develop actions or conditions for each participating agency that would help to ensure that the project can meet FTA thresholds with regard to ridership and financing and achieve the important development objectives for the Corridor.
 - Undertake a Johns Landing Refinement Study prior to the start of the DEIS
 - Develop a process to refine trail options in the corridor
 - Continue coordination with the Sellwood Bridge project and ongoing planning activities in South Waterfront
 - Ensure that impacts to residents and property values are minimized
 - Continue to analyze redevelopment opportunities in Johns Landing and Lake Oswego.

ANALYSIS/INFORMATION

1. Known Opposition

- Opposition may be encountered from Johns Landing residents, business interests or LOPAC members that have advocated for removing the Willamette Shore Line from further study in the Johns Landing segment. The LOPAC recommendation would have taken the Willamette Shore Line off the table in favor of a SW Macadam alignment. The Steering Committee felt that the Willamette Shore Line's value as local match, shortest travel times and highest reliability made it too valuable to drop at this early stage of project development. The Macadam alignment is included in the Steering Committee recommendations, however added work is needed to refine the alignment and address operational challenges on SW Macadam. In their November 19 amendment, the Steering Committee called for Metro to undertake a Johns Landing Alignment Refinement Study along with PDOT, ODOT and TriMet prior to the start of the DEIS.
- Dunthorpe opposition could be encountered, although the inclusion of a permanent streetcar terminus alternative in Johns Landing is an option that could end the project north of Dunthorpe. Opposition to the full-length streetcar alternative can be expected.
- Clackamas County and Lake Oswego voted against the November 19 amendment to add a permanent Johns Landing terminus to the Steering Committee recommendation, citing the project's purpose and need to connect Lake Oswego and Portland.

2. Legal Antecedents

The proposed action, initiating a DEIS in the Lake Oswego to Portland Corridor would fall under the jurisdiction of the National Environmental Policy Act (NEPA) and would be undertaken in accordance with Federal Transit Administration policies, guidance and rules.

Further, there are several Metro Council resolutions that provide legal antecedents including the following:

Resolution No. 86-715 For the Purpose of Entering Into an Intergovernmental Agreement and Expending Funds to Preserve the Southern Pacific Right-of-Way (Jefferson Street Branch) Between Portland and Lake Oswego.

Resolution No. 05-3569 For the Purpose of Confirming Metro Council Representatives to the Eastside and Portland/Lake Oswego Transit Alternatives Analysis Steering Committee and Identifying Other Representative Categories to the Committee.

Resolution No. 05-3647 For the Purpose of Approving a Consultant Services For the Lake Oswego to Portland Transit Alternatives Analysis.

3. Anticipated Effects

Adoption of the Steering Committee recommendation would define the alternatives to be evaluated in the DEIS and direct staff to prepare a DEIS scope, schedule and budget. Staff would also begin the Johns Landing alignment refinement study and begin to seek funding for the DEIS from FTA and local partner jurisdictions. In addition, work would begin to refine the trail alternatives and find funding sources for trail construction.

4. Budget Impacts

Metro's FY 2008 budget includes the second half of the SAFETEA-LU Streetcar Earmark, and some of those funds can be used for the Lake Oswego to Portland Corridor. This funding should be sufficient for the alignment refinement study in Johns Landing and to prepare for DEIS start-up. Approximately \$5.5 million would be required for the DEIS, based on recent experience with the Portland to Milwaukie Light Rail SDEIS. Metro staff prepared an appropriations request for \$4.0 million in FTA Section 5339 funding for FY 09. The remainder of the DEIS funding would be sought from local partners.

RECOMMENDED ACTION

Approve Resolution No. 07-3887, For The Purpose of Identifying Alternatives to Advance to A Draft Environmental Impact Statement for the Portland to Lake Oswego Corridor Transit Project.

**INTERGOVERNMENTAL AGREEMENT
BETWEEN TRIMET, METRO, CITY OF LAKE OSWEGO, CLACKAMAS COUNTY AND CITY
OF PORTLAND FOR
THE PORTLAND LAKE OSWEGO TRANSIT CORRIDOR PROJECT**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into by and between Tri-County Metropolitan Transportation District, a mass transit district organized under the laws of the State of Oregon, hereinafter referred to as "TriMet," Metropolitan Service District hereinafter referred to as Metro, Clackamas County, hereinafter referred to as "Clackamas", City of Lake Oswego, a municipal corporation of the State of Oregon, hereinafter referred to as "Lake Oswego", and the City of Portland, a municipal corporation of the State of Oregon, hereinafter referred to as "Portland". The parties to this Agreement are collectively known as Project Sponsors.

RECITALS

1. The Portland-Lake Oswego Transit Corridor Project ("Project") was authorized in the reauthorization of the Transportation Bill ("SAFETEA-LU") signed into law on August 10, 2005. This Agreement concerns the completion of the Draft Environmental Impact Statement ("DEIS") and Federal Transit Administration ("FTA") approval to enter into and commence preliminary engineering ("PE").
2. The Regional Transportation Plan, adopted by the Metro Council in 2004, called for a corridor refinement plan for evaluation of high capacity transit options for the Lake Oswego to Portland Highway 43 corridor.
3. In 2004, the Joint Policy Advisory Committee on Transportation ("JPACT") and the Metro Council allocated \$1.16 million to study the transit and trail alternatives in the Lake Oswego to Portland Willamette Shore Line Corridor.
4. In 2005, Metro initiated an alternatives analysis consistent with FTA requirements to assess the feasibility of transit and trail alternatives between Lake Oswego and Portland.
5. A wide range of alternatives was evaluated in the alternatives analysis, including No-Build, Bus Rapid Transit with multiple alignments, Streetcar with multiple alignments, River Transit, and accompanying trail alignments.
6. On December 13, 2007, Metro Council adopted the *Lake Oswego to Portland Transit and Trail Alternatives Analysis: Alternatives to Be Advanced into a Draft Environmental Impact Statement and Work Program Considerations*, which is attached hereto as Exhibit A and incorporated by this reference herein, which required that Metro perform further study of the alignment in the John's Landing neighborhood (the Refinement Study).
7. In the reauthorization of SAFETEA-LU signed into law on August 10, 2005, Metro received Streetcar Corridor Funding that has been used to support work on the Portland Lake Oswego Transit Study. Work on the Refinement Study began in December 2008, with a budget of \$471,000. Work on the Refinement Study is to be conducted from December 2008 to June 2009, and will prepare information in support of the DEIS.
8. The parties desire to enter into this Agreement for their mutual benefit.

NOW, THEREFORE, the premises being in general as stated in the foregoing Recitals, which shall be considered a part of the Agreement, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT; PROJECT DESCRIPTION & COSTS

1. The beginning date of this Agreement is December 1, 2008. The termination date of this Agreement is December 31, 2013. Metro is leading the Refinement Study, which will identify the options that will be formally considered in the DEIS. Once the Refinement Study is completed, TriMet will assume the lead contracting role for the Project, with Metro as lead agency for NEPA work. Metro has received federal funding for the Refinement Study. Local funding has been committed by Portland (\$57,000) and by Lake Oswego (\$57,000). Metro shall comply with all applicable federal laws, regulations, executive orders, rules, policies, procedures and directives, whether or not expressly set forth in this Agreement.
2. This Agreement is subject to a financial assistance agreement between TriMet and the Federal Transit Administration (FTA). TriMet shall comply with all applicable federal laws, regulations, executive orders, rules, policies, procedures and directives, whether or not expressly set forth in this Agreement, including but not limited to the following, which are incorporated into and made a part hereof: (1) the terms and conditions applicable to a "recipient" set forth in the October 1, 2008 FTA Master Agreement between TriMet and the FTA; (2) 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; (3) OMB Circular A-87, Cost Principles Applicable to Grants and Contracts with State and Local Governments; and (4) FTA Circular 5010.1D.
3. Costs incurred after December 1, 2008, which are deemed allowable costs for this Project, will be reimbursed once all parties have signed this Agreement. Metro shall maintain the budget, contracts and reporting for the Refinement Study phase of the project. TriMet shall maintain the budget for the DEIS phase and each additional phase of the Project as determined by the Project Sponsors.
4. Upon Metro's completion of the Refinement Study, TriMet will assume the lead contracting role for the Project, on behalf of the Project Sponsors, beginning with the DEIS. Metro, as lead agency for NEPA work, shall participate, guide and support TriMet on the DEIS. Metro's role as lead agency for NEPA work shall be further defined by an Intergovernmental Agreement (the "DEIS-LPA IGA") between Metro and TriMet. The initial funding is intended to complete the DEIS and receive FTA approval to enter and commence PE for the entire Project. The Project is described in Exhibit B, which is attached hereto and incorporated by this reference herein. The Project Sponsors agree to establish a Steering Committee to establish the policy commitments and a project management group to oversee the preparation of the technical analysis and recommendations.
5. The Portland-Lake Oswego Transit Corridor Project is intended to address the transit access needs for the entire corridor. The process calls for the analysis of options, preparation of the DEIS, selection of the locally preferred alternative, application to the FTA for capital funding, engineering design and construction of the locally preferred alternative. While the Project may be developed in phases, all Project Sponsors are

committed to selecting a solution that best suits the entire corridor and support its consideration as a single project.

6. A combination of funding sources will be used to finance the Project. Funding in the amount of \$465,355 to support the Refinement Study, which will be conducted in 2009, is identified and committed in this Agreement. The Refinement Study will be funded as follows: \$351,355 existing federal streetcar funds from Metro, \$57,000 of local match funds from Portland, and \$57,000 of local match funds from Lake Oswego. Approximately \$21,000 of the local match funds provided by the Portland and Lake Oswego will be used as match for Refinement Study expenses incurred prior to December 1, 2008. Portland and Lake Oswego will pay these local match funds to Metro no later than April 15, 2009. Work on the Refinement Study will be performed by both TriMet and Metro, and will be further described in Amendment No. 3 to the Agreement between TriMet and Metro for Lake Oswego Transit Alternatives Analysis (Metro Contract No. 927168 and TriMet Contract No. GH070180TL). Other than the Refinement Study work described in this Paragraph, no funds will be obligated or expended until the DEIS-LPA IGA is executed between TriMet and Metro.
7. Funding in the amount of \$5,586,000 has been identified to support the DEIS, FTA application and Preliminary Engineering. The Project Sponsors agree to pursue additional grants from the FTA 5339 program for \$4,000,000 toward funding the DEIS and concept design in order to reallocate MTIP and local match toward the completion of the FEIS and engineering design of the Project. The Project Sponsors agree to seek alternative sources of funding in the event the Section 5339 funds are not obtained.
8. Federal sources of funding are proposed and pending approval from Metro and FTA. Federal FY 12-13 regional flexible transportation funding through the Metro allocation process totaling \$4,000,000 will be sought to support the Project, with final Metro approval anticipated by August 2009. Due to the need for program funding for this Project before October 1, 2009, Metro will seek to execute funding commitments to advance \$972,673 of funds to the Project by reprogramming funds from other transportation projects such as Portland's Central Eastside Bridgeheads (Key #13528).

Regional flexible transportation funding of \$1,227,327 is being sought for the DEIS/FTA Application portion of the Project. Funding approved through this process can be obligated beginning October 1, 2009. It is understood that if funds are expended at that time, the reimbursement from these funds would not occur until FY 2012-13. In that case, one of the Project Sponsors in this Agreement will have to advance funding to enable expenditure as scheduled. In that case, the Project Sponsors agree to work in good faith to identify an advance funding source and arrangements for repayment. If no such funding source is identified by August 30, 2009, work on the Project will stop after October 31, 2009 until such funds are identified.

Metro approval of the proposed and pending federal sources of funding set forth in this paragraph is expressly conditioned upon the execution of a mutually satisfactory DEIS-LPA IGA with TriMet.

9. Clackamas County commits \$850,000 to the Project, of which \$220,000 is committed to match funding for the DEIS phase of the project, which will be paid to TriMet no later than April 1, 2009. The remaining \$630,000 will be provided to support the preliminary engineering phase of the project, and will be paid to TriMet no later than March 31, 2010.

10. Lake Oswego commits \$150,000 in support of the Project, as follows: \$57,000 payable to Metro by April 15, 2009 to support the Refinement Study; \$37,000 for the DEIS/FTA Application, which shall be paid to TriMet upon notification from TriMet that full funding for the DEIS/FTA Application phase is secured, with the anticipated payment to be made on November 1, 2009; and \$56,000 for the FEIS and preliminary engineering work, which will be paid to TriMet no later than March 31, 2010. Lake Oswego also agrees to advance \$1,500,000 to TriMet to support the DEIS, which will be provided to TriMet in monthly draws in 2009 based upon verification of expenditures for the DEIS with draws anticipated from April 2009 to September 2009. Lake Oswego's obligation to provide these advance payments is contingent upon TriMet securing a commitment for \$1.8 million in MTIP funding for FY 2012 for preventive maintenance. TriMet agrees to repay \$1,500,000 to Lake Oswego by September 30, 2012. The amount of the repayment shall be \$1,800,000. TriMet's repayment will be in unrestricted general funds subject to the condition that \$1.8 million of MTIP funding in FY 2012 is provided for preventive maintenance. If TriMet fails to make the repayment by September 30, 2012, interest on the outstanding amount owed shall accrue at the rate of 9% per year.
11. Metro agrees that, conditioned upon the execution of a mutually satisfactory DEIS-LPA IGA with TriMet, Metro will request programming of regional flexible transportation funds for FY 2012-13 that support the Lake Oswego Transit Corridor Project totaling \$4,000,000. Funding would be apportioned \$972,673 to City of Portland for street improvements listed in item 13528 of the STP, \$1,227,327 for Portland Lake Oswego Transit Corridor Project, and \$1,800,000 to TriMet for STP funding for preventive maintenance.
12. Portland has identified the sources of funding for the full commitment contained in this agreement through the DEIS process. This includes \$57,000 payable to Metro by April 15, 2009 to support the Refinement Study and \$83,000 (\$23,000 payment and \$60,000 in-kind services) for the DEIS and FTA application as match for MTIP funding of \$1,227,327. The DEIS payment shall be due on November 1, 2009 upon notification from TriMet that the regional flexible transportation funding can be utilized to support the DEIS work. Portland agrees to seek an additional \$860,000 from the Portland City Council in the FY 10-11 budget to support the FEIS and preliminary engineering.
13. The sources of funding for the DEIS, DEIS and FTA Application and FEIS/Preliminary Engineering are attached hereto as Exhibit C, which is incorporated by this reference herein.

TRIMET RESPONSIBILITIES

1. TriMet shall perform the work and provide the deliverables adopted by the Steering Committee. The description of phases is included in Exhibit B, which is attached hereto and incorporated herein by this reference.
2. TriMet shall perform the work under this Agreement as an independent contractor. TriMet shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work and for providing for employment-related benefits and deductions that are required by law, including, but not limited to, federal and state income tax withholdings, unemployment taxes, workers' compensation coverage, and contributions to any retirement system.

3. In the event that TriMet believes that the funding set forth in this Agreement is insufficient to complete the work, TriMet shall so notify the other Project Sponsors. In such event, the other Project Sponsors agree to work in good faith in order to authorize sufficient funding to complete the work. If sufficient funding is not promptly forthcoming, TriMet may terminate this Agreement.
4. TriMet shall present progress reports and deliverables, as applicable, to the Project Sponsors once a month.
5. TriMet shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles. In addition, TriMet shall maintain any other records pertinent to this Agreement in such a manner as to clearly document TriMet's performance. TriMet acknowledges and agrees that Project Sponsors and FTA shall have access to such fiscal records and other books, documents, papers, plans, and writings that are pertinent to this Agreement to perform examinations and audits and make copies, excerpts and transcripts. TriMet also acknowledges and agrees that TriMet shall retain such documents for a period of three years after termination of this Agreement, or such longer period as may be required by applicable law. In the event of, any audit, controversy or litigation arising out of or related to this Agreement, TriMet shall retain such documents until the conclusion thereof. Copies of applicable records shall be made available to Project Sponsors upon request.
6. If TriMet engages a personal services contractor(s) to accomplish any of its work under this Agreement, TriMet shall:
 - a. Provide Project Sponsors with the opportunity to participate in the personal services contractor selection process;
 - b. Select personal services contractor(s) in accordance with TriMet procedures and applicable law, and advise Project Sponsors of TriMet's recommendation;
 - c. Provide a TriMet project manager to:
 - i) be TriMet's principal contact person for the personal services contractor(s) for the Project;
 - ii) monitor and coordinate the work of the personal services contractor(s);
 - iii) review and approve bills and deliverables (work products) produced and submitted by the personal services contractor(s); and
 - iv) advise Project Sponsors regarding payments to the personal services contractor(s).
7. All work products that result from TriMet's agreement(s) with personal service contractor(s) for TriMet's work under this Agreement shall be considered the joint work products of the Project Sponsors. The Project Sponsors intend that such work products be deemed "work made for hire" of which the Project Sponsors shall be jointly deemed the author. If, for any reason, the work products produced by any personal service contractor(s) are not deemed "work made for hire," TriMet agrees to jointly assign rights, title, and interest in and to any and all of the work products to the Project Sponsors, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine.

8. TriMet shall ensure that any work products produced pursuant to this Agreement include the following statement:

This Project is partially funded by the Federal Transit Administration.

9. TriMet shall submit two hard copies of all final work products produced in accordance with this Agreement to Project Sponsors.
10. Within 30 days after the termination date of this Agreement, TriMet shall provide Project Sponsors with a completion report. The report must contain:
 - a. A summary of qualified costs incurred for the Project, including reimbursable costs and matching amount;
 - b. The intended location of records (which may be subject to audit); and
 - c. A list of final deliverables.
11. Without limiting the generality of the foregoing, TriMet expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Sections V and 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS.659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
12. All employers, including TriMet, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. TriMet shall require each of its contractors to comply with these requirements.

METRO RESPONSIBILITIES

1. Metro shall perform the work and provide the deliverables for the Refinement Study, as set forth in the attached Exhibit B, which is incorporated herein by this reference.
2. Metro shall perform the work under this Agreement as an independent contractor. Metro shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work and for providing for employment-related benefits and deductions that are required by law, including, but not limited to, federal and state income tax withholdings, unemployment taxes, workers' compensation coverage, and contributions to any retirement system.
3. In the event that Metro believes that the funding set forth in this Agreement is insufficient to complete the work, Metro shall so notify the other Project Sponsors. In such event, the Project Sponsors agree to work in good faith in order to authorize sufficient funding to complete the work. If sufficient funding is not promptly forthcoming, Metro may terminate this Agreement.
4. Metro shall present progress reports and deliverables, as applicable, to the Project Sponsors once a month.

5. Metro shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles. In addition, Metro shall maintain any other records pertinent to this Agreement in such a manner as to clearly document Metro's performance. Metro acknowledges and agrees that Project Sponsors and FTA shall have access to such fiscal records and other books, documents, papers, plans, and writings that are pertinent to this Agreement to perform examinations and audits and make copies, excerpts and transcripts. Metro also acknowledges and agrees that Metro shall retain such documents for a period of three years after termination of this agreement, or such longer period as may be required by applicable law. In the event of, any audit, controversy or litigation arising out of or related to this agreement, Metro shall retain such documents until the conclusion thereof. Copies of applicable records shall be made available to Project Sponsors upon request.
6. If Metro engages a personal services contractor(s) to accomplish any of its work under this Agreement, Metro shall:
 - a. Provide Project Sponsors with the opportunity to participate in the personal services contractor selection process;
 - b. Select personal services contractor(s) in accordance with Metro procedures and applicable law, and advise Project Sponsors of Metro's recommendation;
 - c. Provide a Metro project manager to:
 - i) be Metro's principal contact person for the personal services contractor(s) for the Project;
 - ii) monitor and coordinate the work of the personal services contractor(s);
 - iii) review and approve bills and deliverables (work products) produced and submitted by the personal services contractor(s); and
 - iv) advise Project Sponsors regarding payments to the personal services contractor(s).
7. All work products that result from Metro's agreement(s) with personal service contractor(s) for its work under this Agreement shall be considered the joint work products of the Project Sponsors. The Project Sponsors intend that such work products be deemed "work made for hire" of which the Project Sponsors shall be jointly deemed the author. If, for any reason, the work products produced by any personal service contractor(s) are not deemed "work made for hire," Metro agrees to jointly assign rights, title, and interest in and to any and all of the work products to the Project Sponsors, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine.
8. Metro shall ensure that any work products produced pursuant to this Agreement include the following statement:

This Project is partially funded by the Federal Transit Administration.
9. Metro shall submit two hard copies of all final work products produced in accordance with this Agreement to Project Sponsors.
10. Within 30 days after the termination date of this Agreement, Metro shall provide Project Sponsors with a completion report. The report must contain:

- a. A summary of qualified costs incurred for the Project, including reimbursable costs and matching amount;
 - b. The intended location of records (which may be subject to audit); and
 - c. A list of final deliverables.
11. Without limiting the generality of the foregoing, Metro expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Sections V and 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS.659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
 12. All employers, including Metro, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Metro shall require each of its contractors to comply with these requirements.

GENERAL PROVISIONS

1. Budget modifications and major adjustments from the work described in Exhibit B must, as applicable, be processed as written amendments to this Agreement signed by all Project Sponsors and as written amendments to any personal services contract(s).
2. This Agreement may be terminated by mutual written consent of all parties.
3. Metro may terminate this Agreement effective upon delivery of written notice to Project Sponsors, or at such later date as may be established by Metro, under, but not limited to, any of the conditions set forth in this Paragraph.

TriMet may terminate this Agreement effective upon delivery of written notice to Project Sponsors, or at such later date as may be established by TriMet under, but not limited to, any of the following conditions:

- a. Failing to timely receive financial commitments from Project Sponsors as specified in this Agreement.
- b. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or either Metro or TriMet is prohibited from paying for such work from the planned funding source.
- c. If TriMet or Metro fails to receive appropriations, limitations or other expenditure authority sufficient to allow TriMet or Metro, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this agreement.
- d. TriMet has performed its obligations under Paragraph 3 of TriMet Responsibilities, above, and the parties are unable to obtain sufficient funding to complete the work.
- e. Metro has performed its obligations under Paragraph 3 of Metro Responsibilities, above, and the parties are unable to obtain sufficient funding to complete the work.

Any termination of this agreement shall not prejudice any right or obligations accrued to the parties prior to termination.

4. In the event of litigation by or against a third party or parties related to this Agreement or the work or work products created hereunder, the Project Sponsors agree to work in good faith to establish a fair allocation of costs to be shared associated with such litigation, including but not limited to attorney fees and expert witness fees.
5. Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same, postage prepaid, to each Project Sponsor at the address or number set forth below, or to such other addresses or numbers as any party may hereafter indicate by giving notice in accordance with this Paragraph. Any communication or notice so addressed and mailed is considered to have been delivered five (5) days after the date postmarked. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine and confirmed by telephone notice to the Project Sponsor representative. Any communication or notice by personal delivery shall be deemed to be given when actually delivered.
6. All communications between the parties regarding this agreement shall be directed to the parties' respective Project Sponsor representatives as indicated below:

TriMet – Joe Recker
 710 NE Holladay Street
 Portland, OR 97232
 Phone (503) 962-2893

Metro – Ross Roberts
 600 N.E. Grand Avenue
 Portland OR 97232
 Phone (503) 797-1752

Lake Oswego – Brant Williams
 380 A Avenue
 P.O. Box 369
 Lake Oswego, OR 97024
 Phone (503) 635-6138

Clackamas County – Elissa Gertler
 Public Services Building
 2051 Kaen Road
 Oregon City, OR 97045
 Phone (503) 742-5900

Portland – Paul Smith
 1120 S.W. Fifth Avenue, #800
 Portland, OR 97204
 Phone (503) 823 7736

7. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to any jurisdiction's conflict of law principles, rules or doctrines. Any claim, action, suit or proceeding (collectively, "Claim") between any Project Sponsors that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Multnomah County for the State of Oregon or the United States District Court for the District of Oregon in Portland, Oregon, as applicable. In no event shall this section be construed as a waiver by any the parties of any form of defense or immunity from any claim or from the jurisdiction of any court.
8. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind any party unless in writing and signed by all parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The

failure of any party to enforce any provision of this Agreement shall not constitute a waiver by that party of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and their seals as of the day and year hereinafter written.

Clackamas County

Lake Oswego

By: _____
Lynn Peterson, Chair
Clackamas County Commission

By: _____
Jack Hoffman
Mayor

Metro

By: _____
Michael Jordan
Chief Operating Officer

City of Portland

TriMet

By: _____
Sam Adams
Mayor

By: _____
Fred Hansen
General Manager

By: _____
Gary Blackmer
City Auditor

APPROVED AS TO FORM FOR CITY OF PORTLAND: APPROVED AS TO FORM FOR TRIMET:

By: _____
Mark Moline
Deputy City Attorney

By: _____
Lance Erz
Assistant General Counsel

Portland to Lake Oswego Transit and Trail Alternatives Analysis
Project Description
Exhibit B

The Portland to Lake Oswego Transit and Trails Alternatives Analysis is intended to identify the feasibility of a federally eligible project for improving access in the Highway 43/Willamette Shore Corridor connecting Lake Oswego to Portland.

Metro has conducted the alternatives analysis to date and will continue to lead the refinement analysis, Draft Environmental Impact Statement and selection of the Locally Preferred Alternative.

TriMet will serve as the contracting agency commencing with the Draft Environmental Impact Statement. Lake Oswego, Portland and Clackamas County will participate in the Steering Committee with TriMet, metro and the Portland Streetcar, Inc. (operator of the current streetcar in Portland) to conduct the analysis and participate in the implementation of the locally preferred alternative.

The project intends to seek federal support through the Federal Transit Administration capital grants program. TriMet will be the grant recipient.

The project will be conducted in phases based upon selection of alternatives. Funding has been identified for the initial phases of the analysis. The agreement includes provisions that allow for conducting the engineering and construction of the locally preferred alternative. Funding for subsequent phases can only be identified once the LPA is selected.

The following phases have funding identified in the agreement:

Refinement: Metro has received \$351,355 in Streetcar Corridor Funding money from FTA which has been matched by \$57,000 from the City of Portland and \$57,000 from Lake Oswego. The purpose of the refinement study is prepare alternatives for the Draft Environmental Impact Statement (DEIS). The refinement will also address the role of the trail considerations in the DEIS.

Draft Environmental Impact Statement: Metro will serve as lead and TriMet will serve as contracting agency for the conduct of the DEIS and selection of the Locally Preferred Alternative (LPA). A combination of MTIP, Lake Oswego loan to TriMet and match from Clackamas County will fund this effort which is scheduled to be published in March 2010.

Final Environmental Impact Statement and FTA Application: The Final Environmental Impact Statement and submittal of the grant application to FTA would be prepared in this phase based upon the selection of the LPA. Partial funding for this phase would come from MTIP and match provided by the City of Portland.

Preliminary Engineering: With approval from FTA to proceed with preliminary engineering, TriMet would authorize design work to begin on the LPA. Partial funding for this phase has been identified which includes a request for FTA Section 5339 funding, City of Portland, Clackamas County and Lake Oswego funds.

**Portland Lake Oswego Transit Corridor
Cost of Phases**

EXHIBIT C

| METRO CONTRACTING | |
|--------------------------|----------------------|
| Refinement Study | Dec 08-Apr 09 |
| Corridor Funding | \$351,355 |
| City of Portland | \$57,000 |
| Lake Oswego | \$57,000 |
| Total | \$465,355 |

| TRIMET CONTRACTING | |
|---------------------------|--------------------|
| DEIS | Apr-Nov 09 |
| MTIP | \$2,472,673 |
| <i>COP Swap 13528</i> | \$272,779 |
| <i>COP Swap 13528</i> | \$699,894 |
| Lake Oswego Advance Pmt | \$1,500,000 |
| Clackamas | \$220,000 |
| Total | \$2,692,673 |

| DEIS Publication | Nov 09-Mar 10 |
|-------------------------|----------------------|
| MTIP | \$1,227,327 |
| Lake Oswego | \$37,000 |
| City of Portland | \$83,000 |
| Total | \$1,347,327 |

| FTA Application/FEIS/PE | Mar-Dec 10 |
|--------------------------------|--------------------|
| City of Portland | \$860,000 * |
| Clackamas | \$630,000 |
| Lake Oswego | \$56,000 |
| | \$1,546,000 |

5339 Funding \$4,000,000 **Requested**

Total Funding Committed to TriMet \$5,586,000

TriMet pays Lake Oswego in 2012 \$1,800,000

| 2009 MTIP Recommendation | | |
|---------------------------------|-------------|-------------|
| Lake Oswego Transit | \$1,227,327 | |
| TriMet (STP Funding) | \$1,800,000 | |
| City of Portland | \$972,673 | \$4,000,000 |

* Contingent upon Portland City Council approval in the FY10-11 budget.

**PORTLAND TO LAKE OSWEGO TRANSIT CORRIDOR
DRAFT ENVIRONMENTAL IMPACT STATEMENT – LOCALLY PREFERRED ALTERNATIVE
INTERGOVERNMENTAL SERVICES AGREEMENT**

TriMet Intergovernmental Agreement No. _____

This Intergovernmental Agreement (this “Agreement”) is between the **Tri-County Metropolitan Transportation District of Oregon** (“TriMet”) and **Metro** (“Metro”), collectively referred to as the “Parties.”

ARTICLE I - RECITALS

1. TriMet is a mass transit district organized under the laws of the State of Oregon as codified in ORS Chapter 267.
2. Metro is an Oregon metropolitan service district organized under the laws of the state of Oregon and the Metro Charter.
3. The Portland to Lake Oswego Transit Corridor Project (“Project”) proposes improvements to existing transit service by extending the streetcar on the Willamette Shoreline right of way, Macadam Avenue or parts of both, or by enhancing bus service. The alternatives analysis phase of the Project was completed in December 2007 when the Metro Council considered which alternatives should advance into a Draft Environmental Impact Statement (“DEIS”). On December 13, 2007, the Metro Council approved options to advance for further study that include enhanced bus, streetcar, and no-build alternatives as well as recommendations on actions to advance a bicycle and pedestrian trail in the corridor; work tasks related to refining streetcar alignments through Johns Landing; and steps to secure funding for the environmental analysis.
4. In the reauthorization of SAFETEA-LU signed into law on August 10, 2005, Metro received Streetcar Corridor Funding that has been used to support work on the Project. Work on the Refinement Study began in December 2008, with a budget of \$465,355. The Refinement Study is to be conducted from December 2008 to June 2009, and will prepare information in support of the DEIS.
5. TriMet, Metro, the City of Lake Oswego, Clackamas County, and the City of Portland have entered into an intergovernmental agreement that defines roles and responsibilities for the Project and for the completion of the DEIS and Federal Transit Administration (“FTA”) approval to enter into and commence PE. In accordance with that agreement, upon Metro’s completion of the Refinement Study, TriMet will assume the lead contracting role for the Project beginning with the DEIS. Metro will assume the lead National Environmental Policy Act (“NEPA”) role for the Project (“NEPA Work”).
6. TriMet has agreed to contract with Metro for services related to preparation and publishing of a DEIS that will refine and evaluate the transportation effectiveness and environmental impacts of the options approved for advanced study and result in a Locally Preferred Alternative (“LPA”) to be advanced into the Final Environmental Impact Statement (“FEIS”) under the provisions of NEPA. The Parties desire to enter into this Agreement to define Metro’s role as lead agency for NEPA Work on the Project and to document each Party’s understanding related to the services to be performed under this Agreement. The NEPA

Work to be performed by Metro is described in Exhibit A, which is attached hereto and incorporated by this reference herein

7. The Project is, or will be, subject to budgetary limitations imposed by the U.S. Department of Transportation, FTA, and local financing agreements.

ARTICLE II – TERM

The term of this Agreement will be from April 1, 2009 through June 30, 2010, unless terminated sooner or extended under the provisions of this Agreement.

ARTICLE III – TRIMET OBLIGATIONS

- A. Except as otherwise provided herein, TriMet shall retain responsibility as the grantee for any Federal funding appropriated for this Project.
- B. TriMet will have the authority to initiate the work tasks set forth herein in Exhibit A by giving Metro a written task order and Notice To Proceed with the tasks. TriMet's task orders must be consistent with Exhibit A. TriMet shall not control the methods for the services requested from Metro under this Agreement.
- C. The general work scope of the tasks to be ordered by TriMet and performed by Metro is established in Exhibit A. If necessary, TriMet will work with Metro to develop a more specific scope of work prior to issuing each written task order and Notice to Proceed. TriMet must provide Metro with written notice 60 days prior to the scheduled start date of each task set forth in Exhibit A if TriMet intends to delay or eliminate the initiation of a work task.
- D. TriMet agrees to pay for the services requested at the rates set forth in Exhibit B, which is attached hereto and incorporated herein by this reference. Any modifications to the services set forth in Exhibit A or payment for those services will be effective only if made by a written amendment to this Agreement signed by both Parties.

ARTICLE IV – METRO OBLIGATIONS

- A. Upon issuance of a Notice to Proceed and a written task order from TriMet, Metro agrees to designate the staff members necessary to complete the tasks identified in Exhibit A in a timely manner.
- B. Metro agrees to use its best efforts to assist TriMet in maintaining the Project schedule, and will work with TriMet to develop a more specific scope of work for each task order issued by TriMet.
- C. Metro shall deliver the specific work products for each task identified in Exhibit A, and shall not exceed the costs budgeted for each task set forth in Exhibit A without prior written approval from TriMet.
- D. The Metro Project Manager shall exercise good faith efforts to manage the Metro services within the budget specified in this Agreement. In the event that Metro believes that its work on any particular task will exceed the authorized budget, it shall promptly inform TriMet of this belief and work with TriMet to develop a strategy to complete the task on budget.

ARTICLE V – COMPENSATION AND PAYMENT

- A. Compensation. Metro's compensation for services to be provided under this Agreement must not exceed ONE MILLION, TWO HUNDRED FORTY-NINE THOUSAND, EIGHT HUNDRED AND FORTY AND 00/100 DOLLARS (\$1,249,840.00) without prior written authorization of TriMet. This amount is based upon the Staffing Plan, staff rates and services identified in Exhibit B attached hereto and incorporated herein by this reference. In the event Metro anticipates that it will exceed this maximum amount, it shall promptly inform TriMet of this belief and work with TriMet to develop a strategy to complete the work task on budget or identify and allocate more funding to pay to complete the work tasks. If Metro cannot complete the work task on budget, and no funds are identified and allocated as set forth above, Metro may terminate this Agreement, effective upon delivery of written notice. The Parties recognize that funding for this Project is constrained and agree to use their best efforts to minimize costs consistent with the timely completion of the required tasks.
- B. Method of Payment. Subject to the requirements set forth elsewhere in this Agreement, TriMet agrees to pay for the services performed by Metro, and for the Material and Services costs described in Exhibit B.
- C. Invoices. Metro shall submit invoices detailed with reasonable particularity regarding work performed to TriMet monthly for reimbursable costs incurred since the previous invoice. TriMet shall pay Metro the balance due within thirty (30) days of receipt of a proper invoice. Financial reports accompanying requests for reimbursement must be in accordance with FTA requirements. TriMet shall review records for suitability and provide assistance as necessary to ensure compliance with FTA requirements. Invoices must be supported by current time sheets, supporting documentation for direct costs included in the invoice, and a summary of activities performed for each month, or any other documentation reasonably required by TriMet. Invoices must be itemized by task as set forth in Exhibit A. The Project Managers shall review the invoices against the project budget to provide real time cost tracking and budget management. All invoices shall be submitted to TriMet's Finance Department at the following address:

TriMet Finance Department
Attn: Accounts Payable
4012 SE 17th Avenue
Portland, OR 97202

Metro shall not invoice overtime to TriMet unless TriMet's Project Manager has specifically authorized overtime in advance of the work.

- D. Budget Reports. Metro agrees to provide to TriMet's Project Manager and the Project Manager Consultant (Shiels Oblatz Johnsen) regular budget reports within 21 days of the end of each calendar month. Such reports will outline expenditures incurred during the previous month, total costs to date and a projection of costs through the end of the term of this Agreement. In the event expenditures in a given month exceed the budget or are projected to exceed the maximum amount authorized under this Agreement or subsequent task orders, Metro will work with TriMet's Project Manager and the Project Manager Consultant on adjustments necessary to maintain compliance with the approved budget.

ARTICLE VI - PROJECT MANAGEMENT

- A. TriMet designates Joe Recker as its Project Manager and Metro designates Bridget Wiegart as its Project Manager. Project Managers are responsible for coordinating all aspects of their respective work scopes for the Project and all the respective employees assigned to the Project. The Project Managers: 1) shall ensure the Project and the tasks related thereto are completed expeditiously and economically; 2) shall be the contact persons through whom TriMet and Metro officially communicate; and 3) have the authority to make decisions and resolve disputes related to the Project. In the event a disagreement or dispute occurs between the Project Managers, they shall refer it to TriMet's Executive Director for Capital Projects and Metro's Planning and Development Director for resolution.

ARTICLE VII - GENERAL PROVISIONS

- A. **Liability.** TriMet shall hold harmless and indemnify Metro and its officers, agents, and employees against any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim arising out of TriMet's work under this Agreement within the maximum liability limits set forth under the Oregon Tort Claims Act. Metro shall hold harmless and indemnify TriMet and its officers, agents, and employees against any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim arising out of Metro's work under this Agreement within the maximum liability limits under the Oregon Tort Claims Act.
- B. **Interest of Members of Congress.** No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising therefrom.
- C. **Interest of Public Officials.** No member, officer, or employee of Metro or TriMet during his or her tenure or for one (1) year thereafter will have any interest, direct or indirect, in this Agreement or the proceeds thereof.
- D. **Disadvantaged Business Enterprise.** In connection with the performance of this Agreement, Metro will cooperate with TriMet and use its best efforts to ensure disadvantaged business enterprises have the maximum practicable opportunity to compete for subcontract work under this Agreement.
- E. **Equal Employment Opportunity.** In connection with the execution of this Agreement, neither Metro nor TriMet will discriminate against any employee or applicant for employment because of race, religion, color, sex, age, or natural origin. Such actions include, but shall not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; raise or pay or other forms of compensation; or selection for training, including apprenticeship.
- F. **Termination for Convenience.** Metro or TriMet may terminate this Agreement in whole or in part at any time by providing sixty (60) days written notice to the other party. In the event of such termination, TriMet shall pay Metro's costs incurred prior to the date of termination, including any costs necessarily incurred by Metro in terminating its work or the work of others under contract to Metro. Metro shall promptly submit its termination claim to TriMet. If Metro has any property in its possession belonging to TriMet, Metro shall account for it and dispose of it in the manner TriMet directs.

G. Termination for Default. If Metro fails to perform in the manner called for in this Agreement, or if Metro fails to comply with any other provisions of this Agreement, TriMet may terminate this Agreement for default. Termination will be effected by serving a notice of termination on Metro setting forth the manner in which Metro is in default. Metro will be paid only the Agreement price for services performed in accordance with the manner of performance set forth in this Agreement.

If it is later determined by TriMet that Metro had an excusable reason for not performing, such as a strike, fire, flood, or events that are not the fault of, or are beyond the control of Metro, TriMet may establish a new performance schedule and allow Metro to continue work, or treat the termination as a termination for convenience.

H. Termination by Mutual Agreement. TriMet and Metro, by mutual agreement, may terminate this Agreement at any time and for any reason.

I. Maintenance of Records. Metro shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles. In addition, Metro shall maintain any other records pertinent to this Agreement in such a manner as to clearly document Metro's performance. Metro acknowledges and agrees that TriMet and FTA shall have access to such fiscal records and other books, documents, papers, plans, and writings that are pertinent to this Agreement to perform examinations and audits and make copies, excerpts and transcripts. Metro also acknowledges and agrees that it shall retain such documents for a period of three years after termination of this Agreement, or such longer period as may be required by applicable law. In the event of, any audit, controversy or litigation arising out of or related to this Agreement, Metro shall retain such documents until the conclusion thereof. J. Audit and Inspection of Records. Metro shall permit the authorized representatives of TriMet, the United States Department of Transportation, and the Comptroller General of the United States to inspect and audit all data and records of Metro relating to its performance under this Agreement. TriMet shall be responsible for all auditing costs.

K. Documents. All records, reports, data, documents, systems, and concepts, whether in the form of writings, figures, graphs, or models that are prepared or developed in connection with this Agreement will become public property. All design drawings and documents prepared by Metro staff under this Agreement will be the property of TriMet. Nothing herein will prevent Metro from retaining original design drawings and providing reproducible copies to TriMet.

L. Relationship of Parties. Each of the Parties hereto shall be deemed an independent contractor for purposes of this Agreement. No representative, agent, employee, or contractor of one Party shall be deemed to be an employee, agent or contractor of the other Party for any purpose, except to the extent specifically provided herein. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture, or any similar relationship, and each Party hereby specifically disclaims any such relationship.

M. No Third-Party Beneficiary. Except as set forth herein, this Agreement is between the Parties and creates no third-party beneficiaries. Nothing in this Agreement gives or will be construed to give or provide any benefit, direct, indirect, or otherwise to third parties unless such third parties are expressly described as intended to be beneficiaries of its terms.

N. Compliance with Laws. The Parties shall comply with all Federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, to the extent applicable, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530, and 279C.580, which are hereby incorporated in their entirety by reference.

Without limiting the generality of the foregoing, the Parties expressly agree to comply with: (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659.425; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of Federal and state civil rights and rehabilitation statutes, rules, and regulations.

- O. Oregon Law, Dispute Resolution and Forum. This Agreement is to be construed according to the laws of the State of Oregon. TriMet and Metro shall negotiate in good faith to resolve any dispute arising out of this Agreement. If the Parties are unable to resolve any dispute within fourteen (14) calendar days, the Parties are free to pursue any legal remedies that may be available. Any litigation between Metro and TriMet arising under this Agreement or out of work performed under this Agreement will occur, if in the state courts, in the Multnomah County Circuit Court, and if in the Federal courts, in the United States District Court for the District of Oregon located in Portland, Oregon.
- P. Assignment. Neither TriMet nor Metro may assign this Agreement, in whole or in part, or any right or obligation hereunder, without the prior written approval of the other.
- Q. Interpretation of Agreement. This Agreement will not be construed for or against any Party by reason of authorship or alleged authorship of any provision. The Section headings contained in this Agreement are for ease of reference only and may not be used in constructing or interpreting this Agreement.
- R. Entire Agreement; Modification; Waiver. This Agreement and attached Exhibits constitute the entire agreement between the Parties on the subject matter hereof and supersede all prior or contemporaneous written or oral understandings, representations, or communications of every kind. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No course of dealing between the Parties and no usage of trade will be relevant to supplement any term used in this Agreement. No waiver, consent, modification, or change of terms of this Agreement will bind either Party unless in writing and signed by both Parties. Such waiver, consent, modification, or change, if made, will be effective only in the specific instance and for the specific purpose given. The failure of a Party to enforce any provision of this Agreement will not constitute a waiver by a Party of that or any other provision.
- S. Severability/Survivability. If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless will remain in full force and effect and the illegal or unenforceable provision will be stricken. All provisions concerning indemnity survive the termination of this Agreement for any cause.

METRO

**TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT
OF OREGON**

By: _____
Michael Jordan, Chief Operating Officer

By: _____
Neil McFarlane, Executive Director

Dated: _____

Dated: _____

Approved as to form:

Metro Attorney

Approved as to form:

TriMet Legal Department

**PORTLAND TO LAKE OSWEGO TRANSIT CORRIDOR
DRAFT ENVIRONMENTAL IMPACT STATEMENT – LOCALLY PREFERRED ALTERNATIVE
INTERGOVERNMENTAL SERVICES AGREEMENT**

Exhibit A

Task 1. Preparation of the Draft Environmental Impact Statement (DEIS): Metro will provide a lead role and support the Project Manager through the preparation of the DEIS. Metro will provide strategic advice regarding the environmental process; coordinate with the Federal Transit Administration (FTA) reviews and approvals; provide transportation modeling products required for the environmental process; coordinate the public information process; and provide quality assurance and quality control (QA/QC) through the preparation of the DEIS.

Timeframe: April 1, 2009 through October 31, 2009

Estimated Cost: \$578,959

Task 2. DEIS Publication, Public Outreach and Initiation of the New Starts Application: Metro will provide review and QA/QC for the environmental analysis and publication of the DEIS; provide strategic advice, coordination and participation through the public outreach supporting the DEIS; provide coordination with FTA review and approvals; and provide transportation modeling support in preparation of the New Starts submittal to FTA.

Timeframe: November 1, 2009 through March 31, 2010

Estimated Cost: \$432,913

Task 3. Public Comment Period, Locally Preferred Alternative (LPA) Adoption Process and New Starts Submittal: Metro will provide support during the public comment period after the publication of the DEIS; provide support and participate in the LPA adoption process; and provide support for the New Starts submittal to FTA to enter preliminary engineering.

Timeframe: April 1, 2010 through June 30, 2010

Estimated Cost: \$237,968

Total: \$1,249,840

**PORTLAND TO LAKE OSWEGO TRANSIT CORRIDOR
DRAFT ENVIRONMENTAL IMPACT STATEMENT – LOCALLY PREFERRED ALTERNATIVE
INTERGOVERNMENTAL SERVICES AGREEMENT**

Exhibit B

Staffing Plan and Budget

The following staffing plan and budget details an estimate of Metro’s expenditures in support of the DEIS for the Portland to Lake Oswego Transit Corridor Draft Environmental Impact Statement – Locally Preferred Alternative Project (“Project”):

Staffing Plan and Billing Rates

| Task / Job Classification | Estimated FTE | Hourly Billing Rates | |
|---|------------------|----------------------|----------|
| | | Minimum | Maximum |
| Policy and Project Management - FTA and Council Liaison | | | |
| Policy Advisor II | 0.0125 | \$125.61 | \$182.15 |
| Director | 0.0125 | \$125.61 | \$182.15 |
| Deputy Director | 0.1250 | \$114.19 | \$165.59 |
| Transit Project Manager II | 0.3750 | \$94.38 | \$136.85 |
| Alternative development, NEPA review, document preparation | | | |
| Principal Transportation Planner | 1.1625 | \$65.27 | \$87.37 |
| Senior Transportation Planner | 1.1625 | \$62.21 | \$83.22 |
| Graphics/GIS production | | | |
| Associate Transportation Planner | 0.6250 | \$53.77 | \$71.93 |
| Transportation Research & Modeling | | | |
| Manager II | 0.0600 | \$86.85 | \$123.36 |
| Manager I | 0.3125 | \$78.96 | \$112.14 |
| Principal Transportation Modeler | 0.1900 | \$65.27 | \$87.37 |
| Senior Transportation Modeler | 1.1200 | \$62.21 | \$83.22 |
| Senior Transportation Planner | 1.3750 | \$62.21 | \$83.22 |
| Public Involvement and Outreach | | | |
| Manager I | 0.3100 | \$78.96 | \$112.14 |
| Associate Public Involvement Specialist | 1.2475 | \$48.74 | \$65.27 |
| Administration | | | |
| Senior Management Analyst | 0.1625 | \$53.77 | \$71.93 |
| Administrative Specialist II | 1.0000 | \$32.97 | \$44.06 |

Project Budget

| | |
|----------------------------|------------------------|
| Professional and Technical | \$ 1,189,840.00 |
| Materials and Services* | \$ 60,000.00 |
| Total Agreement | \$ 1,249,840.00 |

*Materials and Services include, but are not limited to, printing, travel (FTA meetings), and public outreach expenses (public outreach expenses may include modest refreshments; such refreshments will include only non-alcoholic beverages and light snacks).

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4040, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS ESTABLISHING THE ROLES, RESPONSIBILITIES, AND FUNDING FOR THE JOHNS LANDING REFINEMENT STUDY AND DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LAKE OSWEGO TO PORTLAND TRANSIT PROJECT

Date: March 18, 2009

Prepared by: Ross Roberts, 503.797.1752
Bridget Wieghart 503.797.1775
Jamie Snook 503.797.1751

BACKGROUND

Previous Council Actions

The Lake Oswego to Portland Transit and Trail Alternatives Analysis was initiated in July 2005 by Metro and the cities of Lake Oswego and Portland, Clackamas and Multnomah Counties, TriMet and the Oregon Department of Transportation (ODOT). The project was funded by Federal Transit Administration (FTA) grants and local matching funds. The alternatives analysis was identified in the 2004 Metro Regional Transportation Plan (RTP) as a priority for the development of high capacity transit as way to improve mobility in the highly congested and constrained corridor. The Lake Oswego to Portland Transit Corridor *Draft Environmental Impact Statement* (DEIS) follows this two and half year transit and trail alternatives analysis process.

On December 13, 2007, the Metro Council approved alternatives to advance for further study in an environmental analysis. The alternatives included enhanced bus, streetcar and no-build alternatives as well as recommendations on actions to advance a bicycle and pedestrian trail in the corridor; work tasks related to refining streetcar alignments through Johns Landing; and steps to secure funding for the environmental analysis. The following actions have been taken pursuant to the Metro resolution:

- On April 16, 2008 the FTA published a *Notice of Intent to Prepare a Draft Environmental Impact Statement* for the project in the *Federal Register*. This action put the project under the umbrella of the National Environmental Policy Act (NEPA), and ensured that the work done in the Alternatives Analysis to narrow alternatives would be part of the NEPA documentation for the project.
- Metro and our project partners initiated the Johns Landing Refinement Study in December 2008. The purpose of the study is to refine and potentially narrow the streetcar alignments through the Johns Landing neighborhood. Potential new streetcar alignments are being developed to avoid impacts created by the proximity of the Willamette Shore Line (WSL) right-of-way to residences in a portion of the Johns Landing neighborhood. The technical design and cost estimating work is anticipated to be completed by June 2009, prior to the start of the DEIS.
- The Lake Oswego to Portland Trail Refinement Study began in March 2009 and is estimated to be completed in April 2009. The trail refinement study will fall into three main tasks: 1) a technical evaluation of alignment options; 2) stakeholder involvement; and 3) an action plan/next steps to move the trail forward including phasing and funding sources.

- Additionally, prior to the start of the Lake Oswego to Portland Transit Project (Project) DEIS, the City of Lake Oswego has expressed a desire to narrow the range of terminus options in Lake Oswego. This work will be completed by June 2009 to support the DEIS.

The Lake Oswego to Portland Transit Project (Project) DEIS is a multi-jurisdictional effort to bring high quality transit service to the Lake Oswego to Portland transportation corridor. TriMet, Metro, the cities of Lake Oswego and Portland, Multnomah and Clackamas counties, ODOT and Portland Streetcar, Inc. (PSI) (the Project Partners) are working together in the development of federally-required environmental analyses and reports, preliminary engineering and public outreach associated with the project.

Current Context for Expediting the Project

Metro had planned and budgeted for the Lake Oswego to Portland Transit Project to move forward as the regions next transit priority after the Portland to Milwaukie Light Rail Project and the Columbia River Crossing Project, as a Metro-led project Metro's staff were programmed to start work on the Lake Oswego to Portland DEIS after they completed the Portland to Milwaukie Light Rail Project *Final Environmental Impact Statement* (FEIS), approximately nine months from now.

Given anticipated changes to FTA's funding programs and the possibility of a new category of funding to build streetcar projects that would be separate and distinct from the existing New Starts and Small Starts programs, it became apparent to some of our project partners that the project could benefit from these funds if a DEIS and Locally Preferred Alternative could be completed about the same time as the new surface transportation bill is passed by Congress, projected to be around the end of calendar 2009. The need to expedite the project and the workload of TriMet and Metro staff from the Milwaukie LRT and Columbia Crossing project FEIS documents meant that a new model of project delivery needed to be developed that relies more heavily on the private sector. Project consultants will be expected to shoulder a greater burden in the overall process of preparing the environmental documentation for the Project.

Within this streamlined process, the consultant team will report to, and be coordinated by an independent Project Manager. TriMet, as the procuring agency, will retain primary responsibility for contract compliance between TriMet and the selected contractors. Metro will have substantive involvement in the overall environmental review process as the lead agency for such work in the Portland Region. However, Metro's primary roles will be to: a) provide overall strategic advice to the Project Team regarding the environmental process; b) work with TriMet in coordinating FTA reviews and approvals; c) provide all transportation modeling products required for the Project; d) coordinate the public information process for the project; and e) provide quality assurance and quality control (QA/QC) for the work performed by the environmental consultants.

Through this Intergovernmental Agreement between the Project Partners they have agreed on a project structure meant to support the multi-jurisdictional nature of the project and a commitment to expedite the process for preparation of environmental documentation and funding approvals for the project in order to capture potential, near-term funding opportunities.

ANALYSIS/INFORMATION

Typically during this phase of the project, Metro would have the role as contracting agency and a greater portion of the work would be done in-house. With this agreement, the Project Partners have agreed to both start the project earlier than originally scheduled and allow for contractors to perform more of the work. Additionally, TriMet would act as the contracting agency and the Project Management role would be outsourced to contractors. Metro would provide a leadership role in overall strategy for the environmental analysis and public outreach, coordination with FTA and quality control and quality assurance. Metro would allocate about half of the staff than would be typical.

Metro has a number of strong interests that our staff will work to forward through this process:

- Metro has a strong interest in developing a project that meets all appropriate FTA funding program requirements and which maintains Metro's successful 25-year working relationship with the FTA;
- Metro has a strong interest in being positioned to pursue High Capacity transit according to the 30-year plan to be adopted in summer 2009. Implementation of the plan will rely heavily on strong relationships with FTA and local jurisdictions.
- Metro has strong interests in the regional, multi-jurisdictional nature of this project that would connect the Portland Central City to the Lake Oswego Town Center as designated in the Region 2040 Growth Concept;
- Metro has a strong interest in attaining the substantial regional benefits that could occur with this project including creation of a continuous high quality pedestrian and bicycle trail through the corridor, improved transit travel time and reliability, improved transit operating efficiency and reduced operating costs, and realization of the substantial economic development potential in Johns Landing and downtown Lake Oswego.
- Metro will complete specific work program elements as set forth in Exhibit B of this resolution, and will provide direction to the Project to ensure the following: a) that all FTA program requirements are met and that Metro's successful relationship and partnership with FTA is maintained; b) that all requirements of the NEPA are met by providing strategic advice and providing quality assurance and quality control (QA/QC) services to the Project ; c) that FTA funding and environmental reviews and approvals are obtained by working closely with TriMet; d) that all transportation modeling products required for the Project are of high quality and are produced in a timely manner in compliance with FTA requirements; and e) that the public involvement process for the project is open, transparent and complies with all applicable FTA requirements.

At the conclusion of the process, after receiving recommendations from the other Project Partners, Metro Council will hold a formal public hearing and select a Locally Preferred Alternative (LPA).

Legal Antecedents

The proposed action, initiating a DEIS in the Lake Oswego to Portland Corridor would fall under the jurisdiction of the National Environmental Policy Act (NEPA) and would be undertaken in accordance with FTA policies, guidance and rules. Furthermore, there are several Metro Council resolutions that provide legal antecedents including the following:

Resolution No. 86-715 For the Purpose of Entering Into an Intergovernmental Agreement and Expending Funds to Preserve the Southern Pacific Right-of-Way (Jefferson Street Branch) Between Portland and Lake Oswego.

Resolution No. 05-3569 For the Purpose of Confirming Metro Council Representatives to the Eastside and Portland/Lake Oswego Transit Alternatives Analysis Steering Committee and Identifying Other Representative Categories to the Committee.

Resolution No. 05-3647 For the Purpose of Approving a Consultant Services For the Lake Oswego to Portland Transit Alternatives Analysis.

Resolution No. 07-3887A For the Purpose of Identifying Alternatives to Advance into a Draft Environmental Impact Statement for the Portland to Lake Oswego Corridor Transit Project.

Budget Impacts

The Project Partners have agreed to allocate \$465,355, through the five-party IGA, directly to Metro to complete the Johns Landing Refinement Study. The five party IGA also includes proposed Project Funding Plan of \$5,586,000 to pay for the DEIS process, the selection of the LPA, and the FTA application process needed to begin Preliminary Engineering. However, the \$5,586,000 is conditioned upon the allocation of Federal fiscal year 2012-13 regional flexible transportation funds through the Metro allocation process.

The DEIS-LPA Services IGA includes \$1,249,840 to be allocated to Metro to complete the DEIS and provide professional services as described above.

In addition to the these two IGAs, the Project Partners have also agreed to pursue an additional \$4,000,000 in federal funding to pay for Preliminary Engineering and continue the Project development process.

RECOMMENDED ACTION

The recommended action for the Metro council is to approve Resolution 09-4040, For The Purpose of Authorizing the Chief Operating Officer to Enter in to Intergovernmental Agreements Establishing the Roles, Responsibilities, and Funding for the Johns Landing Refinement Study and Draft Environmental Impact Statement providing for the entry by Metro into the following intergovernmental agreements:

- Approval of the Intergovernmental Agreement between TriMet, Metro, City of Lake Oswego, Clackamas County and City of Portland for the Portland Lake Oswego Transit Corridor Project, as agreed to by Project Partners, to allow the project to move forward with the completion of the Lake Oswego to Portland Transit Project completion of the Draft Environmental Impact Statement (DEIS) and the Federal Transit Administration (FTA) approval to enter into and commence preliminary engineering (PE).
- Approval of the PORTLAND TO LAKE OSWEGO TRANSIT CORRIDOR DRAFT ENVIRONMENTAL IMPACT STATEMENT – LOCALLY PREFERRED ALTERNATIVE INTERGOVERNMENTAL SERVICES AGREEMENT outlining the agreement between TriMet and Metro regarding funding for Metro to assist with the DEIS, provide transportation modeling, coordinate with FTA, coordinate the public information process, and provide quality assurance and quality control (QA/QC) for the duration between April 1, 2009 and June 30, 2010.