



METRO

Agenda

MEETING: METRO COUNCIL
DATE: December 03, 2009
DAY: Thursday
TIME: 2:00 p.m.
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. TRAVEL PORTLAND PRESENTATION

4. CONSENT AGENDA

4.1 Consideration of Minutes for the November 19, 2009 Metro Council Regular Meeting.

4.2 **Resolution No. 09-4093**, For the Purpose of Granting an Easement to the City of Portland's Bureau of Environmental Services for the Placement of a 22' Sewer Outfall Tunnel Through Metro Property.

5. RESOLUTIONS

5.1 **Resolution No. 09-4086**, For the Purpose of Amending the 2008-11 Metropolitan Transportation Improvement Program (MTIP) to Add the SW Moody Avenue Widening and Harbor Drive/River Parkway Intersection Projects and Eliminate the I-5 @ North MacAdam Access Project. Collette

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for December 3, 2009 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 – Community Access Network www.tvctv.org – (503) 629-8534 2 p.m. Thursday, December 3 (Live)</p>	<p>Portland Channel 30 (CityNet 30) – Portland Community Media www.pcmv.org – (503) 288-1515 8:30 p.m. Sunday, December 6 2 p.m. Monday, December 7</p>
<p>Gresham Channel 30 – MCTV www.mctv.org – (503) 491-7636 2 p.m. Monday, December 7</p>	<p>Washington County Channel 30 – TVC-TV www.tvctv.org – (503) 629-8534 11 p.m. Saturday, December 5 11 p.m. Sunday, December 6 6 a.m. Tuesday, December 8 4 p.m. Wednesday, December 9</p>
<p>Oregon City, Gladstone Channel 28 – Willamette Falls Television www.wftvaccess.com – (503) 650-0275 Call or visit website for program times.</p>	<p>West Linn Channel 30 – Willamette Falls Television www.wftvaccess.com – (503) 650-0275 Call or visit website for program times.</p>

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order in which they are listed. If you have questions about the agenda, please call the Council Office at (503) 797-1540. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Council Office to be included in the decision record. Documents may be submitted by e-mail, fax, mail or in person at the Council Office. For additional information about testifying before the Metro Council, and for other public comment opportunities, please go to this section of the Metro website www.oregonmetro.gov/participate. For assistance per the American Disabilities Act (ADA), dial Metro’s TDD line (503) 797-1804 or (503) 797-1540 for the Council Office.

Agenda Item Number 3.0

TRAVEL PORTLAND PRESENTATION

Metro Council Meeting
Thursday, December 3, 2009
Metro Council Chamber

Agenda Item Number 4.1

**Consideration of Minutes for the November 19, 2009 Metro Council
Regular Meeting.**

Consent Agenda

Metro Council Meeting
Thursday, December 3, 2009
Metro Council Chamber

MINUTES OF THE METRO COUNCIL MEETING

Thursday, November 19, 2009
Metro Council Chamber

Councilors Present: Kathryn Harrington, Robert Liberty, Rex Burkholder, Rod Park, Carl Hosticka, Carlotta Collette

Councilors Absent: President David Bragdon (excused)

Deputy Council President Harrington convened the Regular Council Meeting at 2:00 p.m.

1. INTRODUCTIONS

Councilor Collette introduced High Capacity Transit (HCT) staff and introduced an important award they had won. Robin McArthur, Planning and Development Director; Ross Roberts, Deputy Planning Director; and Tony Mendoza, Principal Planner were recognized.

2. CITIZEN COMMUNICATIONS

R.J. Claus, Sherwood, provided testimony on issues related to the City of Sherwood.

3. RESULTS OF ZOO BOND MEASURE AUDIT: BRIEFING

Suzanne Flynn, Metro Auditor, provided background and specifics on the Metro Zoo Audit (see meeting packet). She described findings and recommendations.

Scott Robinson, Deputy COO; Mike Keele, Interim Zoo Director; and Craig Stroud, Zoo Bond Manager, provided the Metro Management report in response to the audit. Councilor Liberty asked about management specifics. Councilor Collette asked about zoo capacity to complete large projects. Councilor Burkholder discussed management structure changes. Councilor Harrington discussed implementation and finalizing new processes and employee placement. Councilor Park talked about next steps both for the Oregon Zoo and Metro. He discussed process stages for different Metro projects. Councilor Liberty noted the importance of public discussion.

4. CONSENT AGENDA

4.1 Consideration of minutes of the November 12, 2009, Regular Council Meeting.

Motion:

Councilor Harrington moved to adopt the meeting minutes of the November 12, 2009 Regular Metro Council meeting.

Vote:

Councilors Burkholder, Harrington, Liberty, Park, Collette, and Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.

Councilor Collette motioned that Resolution No. 09-4091 be removed from the Consent Agenda. No one opposed.

5. RESOLUTIONS I

- 5.1 **Resolution No. 09-4091**, For the Purpose of Confirming the Council President's Appointments and Reappointment to the Transportation Policy Advisory Committee (TPAC) for 2010-2011.

Motion:	Councilor Collette moved to adopt Resolution No. 09-4091.
Seconded:	Councilor Liberty seconded the motion.

Councilor Collette discussed the commitment required of TPAC members and introduced new and existing members. Councilors thanked members for their time and service.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, and Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.

6. ORDINANCES – SECOND READING

Councilor Collette motioned ordinances be read and voted on in a block. No one opposed. Ordinances were read and voted en block.

- 6.1 **Ordinance No. 09-1224**, Amending the FY 2009-10 Budget and Appropriations Schedule Providing Increased Appropriations in the MERC Fund and Declaring an Emergency.
- 6.2 **Ordinance No. 09-1225**, Amending the FY 2009-10 Budget and Appropriations Schedule to Revise the Third Floor Remodel Capital Projects, Move Funding from Contingency, Amend the FY 2009-10 Through FY 2013-14 Capital Improvement Plan and Declaring an Emergency.
- 6.3 **Ordinance No. 09-1226**, Amending the FY 2009-10 Budget and Appropriations Schedule to Provide for Approved Capital Projects, Recognizing New Grants, and Declaring an Emergency.
- 6.4 **Ordinance No. 09-1227**, Amending the FY 2009-10 Budget and Appropriations Realigning Program Staff, Transferring Budget Authority and Declaring an Emergency.
- 6.5 **Ordinance No. 09-1228**, Amending the FY 2009-10 Budget and Appropriations Schedule to Create a Limited Duration Principal Planner Position with the Research Center for the Purpose of Managing the Regional Indicators Project and Declaring an Emergency.

Motion:	Councilor Collette moved to adopt Ordinance Nos. 09-1224, 09-1225, 09-1226, 09-1227, 09-1228.
Seconded:	Councilor Burkholder seconded the motion.

Councilor Collette described specific budget details related to the ordinances.

Deputy Council President Harrington opened a public hearing on Ordinance Nos. 09-1224, 09-1225, 09-1226, 09-1227, 09-1228.

Deputy Council President Harrington closed the public hearing.

Councilor Hosticka asked about strategic project planning for capital projects. Councilor Park discussed the language “Declaring an Emergency.”

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, and Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.

7. RESOLUTIONS II

7.1 **Resolution No. 09-4092**, For the Purpose of Amending the Key Milestone Schedule that Guides Metro’s Participation in the Designation of Urban and Rural Reserves.

Councilor Harrington introduced and moved Resolution No. 09-4092A.

Motion:	Councilor Harrington moved to adopt Resolution No. 09-4092A.
Seconded:	Councilor Liberty seconded the motion

Councilor Harrington discussed specifics of the resolution and specific changes to the original version. Councilor Park asked about future processes and timelines. Councilors discussed specific timeline steps.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, and Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.

8. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, noted the beginning of Zoo Lights at the Oregon Zoo on November 27th.

9. COUNCILOR COMMUNICATION

Councilors discussed events and meetings they had attended. They discussed Metropolitan Policy Advisory Committee (MPAC) attendance and specifics.

10. ADJOURN

There being no further business to come before the Metro Council, Deputy Council President Harrington adjourned the meeting at 3:45 p.m.

Prepared by



Tony Andersen
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
November 19, 2009**

Item	Topic	Doc. Date	Document Description	Doc. Number
3.0	Statement	11/19/09	To: Metro Council From: Phil Prowett Re: Zoo Audit Date: November 19, 2009	111909c-1
2.0	Packet	11/19/09	To: Metro Council From: R. James Claus, Ph.D. Re: City of Sherwood, citizen input Date: November 19, 2009	111909c-2

Agenda Item Number 4.2

Resolution No. 09-4093, For the Purpose of Granting an Easement to the City of Portland's Bureau of Environmental Services for the Placement of a 22' Sewer Outfall Tunnel Through Metro Property.

Consent Agenda

Metro Council Meeting
Thursday, December 3, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING
AN EASEMENT TO THE CITY OF
PORTLAND'S BUREAU OF
ENVIRONMENTAL SERVICES FOR
THE PLACEMENT OF A 22-FT.
SEWER OUTFALL TUNNEL
THROUGH METRO PROPERTY.

RESOLUTION NO. 09-4093

Introduced by Chief Operating Officer
Michael J. Jordan, with the concurrence of
Council President David Bragdon

WHEREAS, Metro owns natural area real property along the OMSI to Springwater Trail corridor in the City of Portland, Multnomah County, State of Oregon (herein the "Metro Property"); and

WHEREAS, The City of Portland's Bureau of Environmental Services (BES) is requesting a 52-foot wide and 4,092-foot long (212,784 sq. ft.) permanent easement through Metro Property to construct a 22-foot diameter sewer overflow tunnel approximately 74-99 feet below the existing ground surface as part of its East Side Combined Sewer Overflow Tunnel Project (ESCSO), and has submitted an Application for Permanent Easement for Non-Park Uses for that purpose; and

WHEREAS, The easement will have no surface disturbance nor natural resource impacts on Metro Property as all work will be done underground; and

WHEREAS, The easement will not restrict any current or future above ground / surface uses of Metro Property; and

WHEREAS, Staff has determined no reasonable alternative alignment routes exists outside of Metro Property; and

WHEREAS, BES will pay Metro staff costs for processing this request as well as compensating Metro on the fair market value of the easement; and

WHEREAS, Metro Parks and Environmental Services has determined that this easement request has met the criteria in Resolution No. 97-2539B, "For the Purpose of Approving General Policies Related to the Review of Easements, Right of Ways, and Leases for Non-Park Uses Through Properties Managed by the Regional Parks and Greenspaces Department," adopted by the Metro Council on November 6, 1997 (the "Easement Policy"), as identified in Attachment 1 to the Staff Report to this resolution, and can be accommodated with minimal impact to natural resources, cultural resources, recreational resources, recreational facilities, recreational opportunities or their operation and management, and recommends approval; and

WHEREAS, the Easement Policy requires review of all easement requests by the full Metro Council, now therefore

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to grant a permanent subsurface sewer pipeline easement to the City of Portland's Bureau of Environmental Services as depicted in Exhibit A, as shall be further set forth in an instrument approved by the Office of Metro Attorney.

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

David Bragdon, Council President

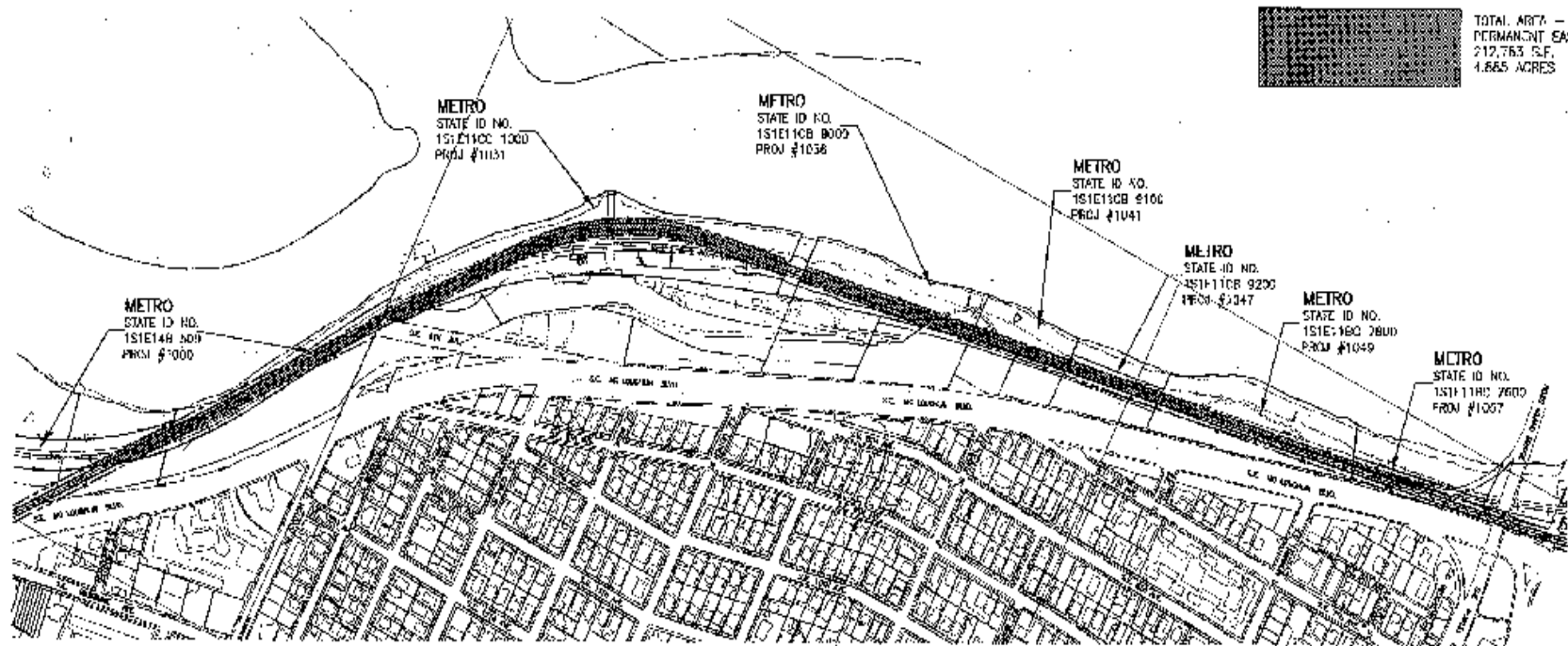
Approved as to Form:


Daniel B. Cooper, Metro Attorney

Exhibit A Depiction and Illustration of Proposed Permanent Easement

6928753, 655748, 1287300, 1272374,
R32781, R32780, R32782

STATE ID NOS:
 1S1E10-00000
 1S1E10-01000
 1S1E10-02000
 1S1E10-03000
 1S1E10-04000
 1S1E10-05000
 1S1E10-06000



	APPROVED BY: _____ DATE: _____ COUNTY: _____ CITY: _____ PROJECT NO.: _____ SHEET NO.: _____	DESIGNED BY: _____ DRAWN BY: _____ CHECKED BY: _____ DATE: _____	CITY OF PORTLAND ENVIRONMENTAL SERVICES WILLAMETTE RIVER CSO CONTROL PROJECT		PB PORTLAND ENGINEERS 411 N. 10th Ave., Portland, OR 97227	EAST SIDE CSO PROJECT TUNNEL EASEMENT MAPS PROJECT ID NO. VARIES AS SHOWN STATE ID NO. VARIES AS SHOWN OWNER: METRO	SHEET NO. 3531 TOTAL SHEETS 3516 DATE: 08/09
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STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4093, FOR THE PURPOSE OF GRANTING AN EASEMENT TO THE CITY OF PORTLAND'S BUREAU OF ENVIRONMENTAL SERVICES FOR THE PLACEMENT OF A 22-FOOT SEWER OUTFALL TUNNEL THROUGH METRO PROPERTY.

Date: November 12, 2009

Prepared by: Dan Kromer

BACKGROUND

Metro Parks and Environmental Services occasionally receive requests for easements, leases and right-of-ways through Metro developed park and natural area properties. These requests are reviewed and analyzed per guidance and policy established via Resolution 97-2539B, "For The Purpose Of Approving General Policies Related To The Review Of Easements, Right-Of-Ways and Leases For Non-Park Uses Through Properties Managed By Regional Parks And Greenspaces Department" adopted by Council on November 6, 1997.

Parks and Environmental Services received an easement application from City of Portland's Bureau of Environmental Services (BES) and it has been reviewed by staff (Attachment 1). BES is requesting a 52-ft. wide and 4,092-ft. long (212,784 sq. ft.) permanent easement through Metro property in the OMSI to Springwater Trail corridor for its East Side Combined Sewer Overflow Tunnel Project (ESCSO). The proposal calls for constructing a large 22-ft. diameter sewer overflow tunnel approximately 74-99 feet below the existing ground surface.

No surface disturbance or natural resource impacts will occur to the site due to the use of underground directional boring for the tunnel, and the easement will not restrict any current or future above ground / surface uses of Metro property.

Staff has determined no reasonable alternative alignment routes exists outside of Metro property and given the minimal site disturbance that will occur, supports the easement request.

ANALYSIS INFORMATION

1. **Known Opposition:** No known opposition.
2. **Legal Antecedents:** Resolution No. 97-2539B "For The Purpose Of Approving General Policies Related To The Review of Easements, Right-Of-Ways, And Leases For Non-Park Uses Through Properties Managed By The Regional Parks And Greenspaces Department" adopted November 6, 1997.
3. **Anticipated Effects:** The easement will have no site disturbance as all work will be done approximately 74-99 feet below the existing ground surface.
4. **Budget Impacts:** The City of Portland's Bureau of Environmental Services will pay Metro staff costs for processing this request as well as compensating Metro on the fair market value of the easement.

RECOMMENDED ACTION

Staff recommends that the Council grant the easement as requested.

**ATTACHMENT 1
Resolution 09-4093**

Metro Easement Policy Criteria and Staff Findings

- 1) Provide for formal review of all proposed easements, rights of ways, and leases for non-park uses to Metro Council. Notwithstanding satisfaction of the criteria set forth herein, the final determination of whether to approve a proposed easement, right of way, or lease is still subject to the review and approval by the full Metro Council.**

Staff Finding: Pursuant to Criteria 13, Metro staff is recommending an easement on Metro property be granted to the City of Portland's Bureau of Environmental Services (BES), so review and approval by the Metro Council is necessary.

- 2) Prohibit the development of utilities, transportation projects and other non-park uses within corridors or on sites which are located inside of Metro owned or managed regional parks, natural areas, and recreational facilities except as provided herein.**

Staff Finding: BES is requesting a 52-ft. wide and 4,09-ft. long (212,784 sq. ft.) permanent easement through Metro property in the OMSI to Springwater Trail corridor (see Exhibit A) for its East Side Combined Sewer Overflow Tunnel Project (ESCSO). The proposal calls for using directional boring to construct a large 22-ft. diameter sewer overflow tunnel approximately 74-99 feet below the existing ground surface.

No surface disturbance or natural resource impacts will occur to the site due to the use of underground directional boring for the tunnel and the easement will not restrict any current or future above ground / surface use of Metro property.

No temporary construction easement is being requested due to the use of underground directional boring with shafts to enter the tunnel outside of Metro property.

- 3) Reject proposals for utility easements, transportation right of ways and leases for non-park uses which would result in significant, unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management.**

Staff Finding: There will be no significant, unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management to the site by the requested easement due to the use of underground horizontal directional boring.

- 4) Accommodate utility easements, transportation right of ways or other non-park uses when the Regional Parks and Greenspaces Department (the Department) determines that a proposed easement, right of way, or non-park use can be accommodated without significant impact to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management; and that the impacts can be minimized and mitigated.**

Staff Finding: The easement being requested by BES is for a sewer outfall tunnel underneath the OMSI to Springwater Trail corridor. No surface disturbance or natural resource impacts will occur to the site due to the use of underground directional boring for the tunnel and the easement will not restrict any future above ground / surface uses of Metro property.

- 5) **Require full mitigation and related maintenance, as determined by the Department, of all unavoidable impacts to natural resources, recreational facilities, recreational opportunities or their operation and management associated with the granting of easements, right of ways, or leases to use Metro owned or managed regional parks, natural areas or recreational facilities for non-park uses.**

Staff Finding: No mitigation is necessary due to no above ground site disturbance or natural resource impacts.

- 6) **Limit rights conveyed by easements, right of ways, and leases for non-park uses to the minimum necessary to accomplish the objectives of any proposal.**

Staff Finding: The dimensions of the new permanent easement request are the minimum needed to allow for construction of the ESCSO tunnel through Metro property.

- 7) **Limit the term of easements, right of ways and leases to the minimum necessary to accomplish the objectives of any proposal.**

Staff Finding: The permanent easement being requested by BES is the minimum needed to accomplish the project while minimizing impact on Metro's property. Due to the depth of the tunnel being constructed, the easement will not restrict the current or future above ground / surface uses of Metro property.

- 8) **Require reversion, non-transferable, and removal and restoration clauses in all easements, rights of ways, and leases.**

Staff Finding: All easements include these terms.

- 9) **Fully recover all direct costs (including staff time) associated with processing, reviewing, analyzing, negotiating, approving, conveying, or assuring compliance with the terms of any easement, right of way, or lease for non-park use.**

Staff Finding: Metro staff assigned to the easement request has documented time and costs associated with reviewing the application and have informed the applicant of the policy requiring reimbursement. Easement approval is subject to satisfaction of all expenses.

- 10) **Receive no less than fair market value compensation for all easements, right of ways, or leases for non-park uses. Compensation may include, at the discretion of the Department, periodic fees or considerations other than money.**

Staff Finding: The fair market value of the easement is \$65,750 based on an appraisal report done by an accredited appraiser and reviewed by Metro. Metro will be compensated this amount by BES.

- 11) **Require full indemnification from the easement, right of way or leaseholder for all costs, damages, expenses, fines, or losses related to the use of the easement, right of way, or lease. Metro may also require insurance coverage and/or environmental assurances if deemed necessary by the Office of Metro Attorney.**

Staff Finding: The easement would include indemnification and insurance provisions.

- 12) Limit the exceptions to this policy to: grave sales, utilities or transportation projects which are included in approved master/management plans for Metro regional parks, natural areas and recreational facilities; projects designed specifically for the benefit of a Metro regional park, natural area, or recreational facility; or interim use leases as noted in the Open Spaces Implementation Work Plan.**

Staff Finding: Metro property that the easement goes through is part the OMSI to Springwater Trail corridor. The easement will not restrict any current or future above / ground uses of this property.

- 13) Provide for the timely review and analysis of proposals for non-park uses by adhering to the following process:**

- A. The applicant shall submit a detailed proposal to the Department which includes all relevant information including but not limited to: purpose, size, components, location, existing conditions, proposed project schedule and phasing, and an analysis of other alternatives which avoid the Metro owned or managed regional park, natural area or recreational facility which are considered infeasible by the applicant. Cost alone shall not constitute unfeasibility.**

Staff Finding: BES has submitted a detailed proposal evaluating alternative ESCSO alignment routes that would avoid Metro property. These alternatives were deemed unfeasible due to their public safety and community impacts, which would cause significant risks to established residential neighborhoods and business districts due to potential settlement issues, required ground improvements and shaft construction impacts.

- B. Upon receipt of the detailed proposal, the Department shall determine if additional information or a Master Plan is required prior to further review and analysis of the proposal. For those facilities, which have master plans, require that all proposed uses are consistent with the master plan. Where no master plan exist all proposed uses shall be consistent with the Greenspaces Master Plan. Deficiencies shall be conveyed to the applicant for correction.**

Staff Finding: No additional information is needed.

- C. Upon determination that the necessary information is complete, the Department shall review and analyze all available and relevant material and determine if alternative alignments or sites located outside of the Metro owned or managed regional park, natural area, or recreational facility are feasible.**

Staff Finding: Staff has determined no reasonable or feasible alternative alignment route exists outside of Metro property given the size and scope of the ESCSO tunnel project, the additional requirements/conflicts of alternative routes and the minimal site disturbance to Metro property that will occur.

- D. If outside alternatives are not feasible, the Department shall determine if the proposal can be accommodated without significant impact to park resources, facilities or their operation and management. Proposals which cannot be accommodated without significant impacts shall be rejected. If the Department determines that a proposal could be accommodated without significant impacts, staff shall initiate negotiations with the applicant to resolve all issues related to exact location, legal requirements, terms of the agreement, mitigation requirements, fair market value, site restoration, cultural resources, and any other issue**

relevant to a specific proposal or park, natural area or recreational facility. The Department shall endeavor to complete negotiations in a timely and business-like fashion.

Staff Finding: There will be no significant negative impact on Metro property.

- E. Upon completion of negotiations, the proposed agreement, in the appropriate format, shall be forwarded for review and approval. In no event shall construction of a project commence prior to formal approval of a proposal.**

Staff Finding: Construction is contingent upon approval.

- F. Upon completion of all Metro tasks and responsibilities or at intervals determined by the Department, and regardless of Metro Council action related to a proposed easement, right of way, or lease for a non-park use, the applicant shall be invoiced for all expenses or the outstanding balance on expenses incurred by Metro.**

Staff Finding: Metro costs have been documented and applicant will be billed for reimbursement.

- G. Permission from Metro for an easement or right-of-way shall not preclude review under applicable federal, state, or local jurisdiction requirements.**

Staff Finding: Criterion satisfied.

Agenda Item Number 5.1

Resolution No. 09-4086, For the Purpose of Amending the 2008-11 Metropolitan Transportation Improvement Program (MTIP) to Add the SW Moody Avenue Widening and Harbor Drive/River Parkway Intersection Projects and Eliminate the I-5 @ North MacAdam Access Project.

COUNCILOR COLLETTE

Metro Council Meeting
Thursday, December 3, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2008-) RESOLUTION NO. 09-4086
11 METROPOLITAN TRANSPORTATION)
IMPROVEMENT PROGRAM (MTIP) TO ADD) Introduced by Councilor Carlotta Collette
THE SW MOODY AVENUE WIDENING AND)
HARBOR DRIVE/RIVER PARKWAY)
INTERSECTION PROJECTS AND ELIMINATE)
THE I-5 @ NORTH MACADAM ACCESS)
PROJECT)

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council must approve the MTIP and any subsequent amendments to add new projects to the MTIP; and

WHEREAS, the JPACT and the Metro Council approved the 2008-11 MTIP on August 16, 2007; and

WHEREAS, the Cit of Portland and the Oregon Department of Transportation (ODOT) were awarded federal High Priority Project funding and Oregon Transportation Investment Act funding for a new access ramp from I-5 northbound to Macadam Avenue and the South Waterfront district; and

WHEREAS, the cost of such a project has escalated beyond the ability for those agencies to design and construct the project within; and

WHEREAS, these agencies have defined two local agency projects: SW Moody Avenue widening and Harbor Drive – River Parkway intersection project, that serve the same objective of increasing access to the South Waterfront area from I-5 northbound; and

WHEREAS, the SW Moody Avenue and Harbor Drive – River Parkway intersection projects are consistent with the Regional Transportation Plan; and

WHEREAS, these changes to programming for these projects has been shared with state and federal air quality agency staff and the Transportation Policy Alternatives Committee (TPAC) and found consistent with the State Implementation Plan for air quality; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to modify the programming of the 2008-11 Metropolitan Transportation Improvement Program to eliminate funding for the I-5/South Waterfront Access project and establish funding for the SW Moody Avenue widening project and the Naito Parkway – River Parkway intersection project, as shown in Exhibit A.

ADOPTED by the Metro Council this ___ day of November 2009.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

Exhibit A to Resolution No. 09-4086

2008-11 Metropolitan Transportation Improvement Plan Table 4.1.1 amendment

Existing Programming

Sponsor	Metro ID No.	Project Name	Project Description	Funding Source	Project Phase	2009	2010	2011
ODOT		Interstate 5 @ North Macadam	New access ramp from I-5 northbound to the North Macadam district.	HPP	PE	\$1,980,000		
				OTIA-3	PE	\$2,020,000		
				OTIA-3	Construction			\$12,980,000
				Local	Construction			\$13,020,000

Amended Programming

Sponsor	Metro ID No.	Project Name	Project Description	Funding Source	Project Phase	2009	2010	2011
City of Portland		SW Harbor Drive/SW River Parkway Improvements	Add turn lanes at intersection to increase vehicle capacity access to the South Waterfront district.	OTIA-3	PE	\$1,016,000		
					ROW/Utilities		\$1,900,000	
					Construction			\$84,000
				Local	Construction			\$2,389,000
City of Portland		SW Moody Avenue: SW River Parkway – SW Gibbs Street	Widen Moody Avenue to 5 lanes, and add sidewalks and bike lanes.	HPP	PE	\$1,980,000		
				OTIA-3	PE	\$3,780,000		
				OTIA-3	Construction			\$8,220,000
				Local	Construction			\$10,020,000

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4086, FOR THE PURPOSE OF AMENDING THE 2008-11 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO ADD THE SW MOODY AVENUE WIDENING AND HARBOR DRIVE/RIVER PARKWAY INTERSECTION PROJECTS AND ELIMINATE THE I-5 @ NORTH MACADAM ACCESS PROJECT

Date: November 2, 2009

Prepared by: Ted Leybold

BACKGROUND

The I-5 North Macadam project was initiated in 2003 to enhance access, accommodate growth and improve safety in the South Waterfront District, a highly dense, mixed use District south of the Central Business District of Portland. The project envisioned the construction of a “flyover” ramp to correct the weave-merge configuration with the exit ramp and northbound Macadam (OR-43) traffic.

The City of Portland received \$15 million OTIA III Modernization funds in 2003 with matching funds from the City and a 2006 Federal Appropriation, bringing the total project budget to \$30 million. However, the cost of the flyover project in 2007 was estimated to be double the original budget (\$60 million), so the City of Portland and The Oregon Department of Transportation worked together to develop alternative solutions that met the project goals of “enhance access, accommodate growth and improve safety” in the Waterfront District within the budget of \$30 million. After extensive evaluation PDOT and ODOT decided that the best option for achieving our objectives within our budget is to move forward with two local agency projects to improve access to the district at SW Harbor Dr/SW River Parkway and improve SW Moody Ave: SW River Parkway – SW Gibbs St to accommodate the additional traffic volumes. Exhibit A to Resolution 09-4086 demonstrates the changes to MTIP programming.

These changes to the programming for these projects has been shared with state and federal air quality agency staff and the Transportation Policy Alternatives Committee (TPAC) and found consistent with the State Implementation Plan for air quality as shown in Attachment 1 to this Staff Report.

This recommendation to modify MTIP programming for these projects was adopted, along with recommendation for the other ODOT regions in the state, by the Oregon Transportation Commission (OTC) at their October meeting. The State and Metropolitan Transportation Improvement Plans now need to be amended to reflect these changes.

ANALYSIS/INFORMATION

- 1. Known Opposition** None known at this time.
- 2. Legal Antecedents** Amends the 2008-11 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 07-3825, “For the Purpose of Approving the 2008-11 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area” adopted by Metro Council on August 16, 2007.
- 3. Anticipated Effects** Adoption of this resolution would modify the programming of the 2008-11

4. Metropolitan Transportation Improvement Program to eliminate funding for the I-5/South Waterfront Access project and establish funding for the SW Moody Avenue widening project and the Naito Parkway – River Parkway intersection project.

5. **Budget Impacts** None.

RECOMMENDED ACTION

Metro staff recommends the approval of Resolution No. 09-4086

Attachment 1

Air Quality Conformity Findings for Resolution 09-4086

TPAC Review

The City of Portland and ODOT are requesting an amendment to the MTIP to swap funding from a project to provide a new access ramp from I-5 northbound to Macadam Avenue and the South Waterfront area to two local projects at the Harbor Drive/River Parkway intersections and Moody Avenue widening. In the interim, SW Moody will function as a two-way street. As the South Waterfront District continues to develop, the extension of SW Bond to the north will need to be completed and, at that time, SW Moody and SW Bond will function as a couplet – SW Moody handling southbound traffic and SW Bond handling northbound traffic.

We are asking for your review and concurrence with this substitution as not regionally significant and not requiring further air quality consideration for the following reasons:

- 1) The two local projects would provide much improved accessibility to the same area that the conformed flyover project would and are therefore considered roughly equivalent with regard to air quality at the regional level;
- 2) The projects would include federal funding, so “hot spot” analysis of carbon monoxide would still have to be performed to demonstrate that the localized area would meet air quality standards prior to construction;
- 3) The projects will be included in the air quality conformity determination to be completed for the Metro 2035 RTP update in about six months.

Below is the table from the 2035 RTP conformity determination:

Year	Carbon Monoxide Motor Vehicle Emission Budgets (Budgets are Maximum Allowed Emissions) (pounds/ winter day)	Forecast Carbon Monoxide Motor Vehicle Emissions (pounds/ winter day)
2007	N/A	935,394
2010	1,033,578	856,054
2017	1,181,341	670,926
2025	1,181,341	801,203
2035	1,181,341	822,596

Metro forecasts a total average weekday total vehicle miles traveled (VMT) in the Metro urban growth boundary of 20,044,778 miles in the year 2005 and 27,084,711 miles in 2035 – though VMT/capita is forecast to drop from 14.23 in 2005 to 13.28. It is reasonable to assume that because the substituted projects are in the same vicinity of the replaced project and provide similar access, that these would make very little change to overall VMT or VMT per capita for the region.