

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 03-3314
AN AMENDMENT TO AN	)	
INTERGOVERNMENTAL AGREEMENT WITH	)	
TRIMET CONCERNING TRANSIT-ORIENTED	)	
DEVELOPMENT AND INCREASING THE LEVEL	)	Introduced by
OF TRANSIT SERVICE	)	Councilor Susan McLain

WHEREAS, By Resolution No. 98-2619: "For the Purpose of Authorizing Start-up Activities for the Transit-Oriented Development (TOD) Implementation Program at Metro" - the Metro Council authorized startup activities for the Transit-Oriented Development (TOD) Implementation Program;

WHEREAS, by Resolution No. 99-2791: "For the Purpose of Approving the FY 2000 MTIP Modernization Program Developed Through the Priorities 2000 Process" - the Metro Council allocated federal flexible funds to expand transit service and TOD program activities;

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

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

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

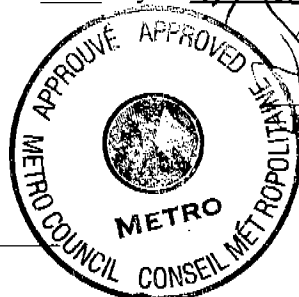
WHEREAS, by Resolution 99-2858: "For the Purpose of Authorizing a Revenue Neutral Intergovernmental Agreement with Tri-Met Concerning Transit-Oriented Development and Increasing the Level of Transit Service" - The Metro Council authorized an intergovernmental agreement (IGA) between TriMet and Metro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

WHEREAS, BY Resolution 01-3114A: "For the Purpose of Authorizing an Amendment to an Intergovernmental Agreement with Tri-Met Concerning Transit-Oriented development and Increasing the Level of Transit Service" - the parties amended the IGA to increase TOD Program funding and to increase the level of transit service on November 8, 2001; and

WHEREAS, the parties desire to increase TOD Program funding and increase the level of transit service and extend the term of the TOD IGA to December 31, 2005; now, therefore,

BE IT RESOLVED, that the Metro Council authorize the attached amendment to the existing IGA between TriMet and Metro regarding Transit-Oriented Development (TOD) activities and Improving the quality of transit service, as shown in Exhibit A, provided the budget implications for Metro remain revenue neutral.

ADOPTED by the Metro Council this 15<sup>th</sup> day of May, 2003.



*[Signature]*  
David Bragdon, Council President

Approved as Form:

*[Signature]*  
Daniel B. Cooper, Metro Attorney

AMENDMENT No. 2  
Intergovernmental Agreement  
Between TriMet and Metro  
TriMet Contract No. 00-0555I  
Metro Contract No. 921761

AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT FOR TRANSIT-ORIENTED  
DEVELOPMENT ACTIVITIES AND IMPROVING TRANSIT SERVICE

This amendment hereby modifies the above-titled contract (the "Original Agreement") between Metro; a Metropolitan Service District organized under the laws of the State of Oregon and the 1992 Metro Charter ("Metro") and the Tri-County Metropolitan Transportation District of Oregon ("TriMet").

A. Purpose: The purpose of this amendment is to modify the source and fund amount of the Original Agreement, as set forth herein.

B. Terms of Amendment:

1. Paragraph 4, page 3, Compensation to Metro for Provision of Services, is hereby amended to add \$1.5 million of additional TriMet general funds for TOD Program activities.
2. Paragraph 4, page 4 shall be amended to add: e) One million, Five Hundred Thousand (\$1,500,000) of TriMet general funds for the Metro STP Flexible Funds to be paid within 30 days of receiving approval of grant from FTA. The existing paragraph (e) shall become (f).
3. Paragraph 5. Obligation by Metro of STP Flexible Funds to TriMet is hereby amended as follows:  
Add: 8) \$1.5 million of FY 03 STP Flexible Funds allocated to Metro for the TOD Implementation Program.
4. Paragraph 11. Term of Agreement is hereby amended to change "December 31, 2003" to "December 31, 2005."

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

METRO:

TRIMET:

\_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

By \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

I HEREBY CERTIFY THAT THE FOREGOING IS A COMPLETE AND EXACT COPY OF THE ORIGINAL THEREOF.

Rebecca V. Shenawa, Clerk  
Clerk of the Metro Council

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING )  
A REVENUE NEUTRAL INTERGOVERN- )  
MENTAL AGREEMENT WITH TRI-MET )  
CONCERNING TRANSIT-ORIENTED )  
DEVELOPMENT AND INCREASING THE )  
LEVEL OF TRANSIT SERVICE )  
)

RESOLUTION NO. 99-2858

Introduced by  
Executive Officer  
Mike Burton

WHEREAS, by Resolution No. 98-2619 The Metro Council authorized startup activities for the Transit-Oriented Development Implementation Program; and

WHEREAS, by Resolution No. 99-2791, the Metro Council allocated federal flexible funds to expand transit service and TOD program activities.

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

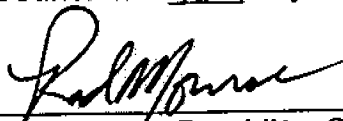
WHEREAS, high quality transit service is an effective means of increasing transit ridership, reducing congestion and improving air quality; and

WHEREAS, certain Federal Transportation funding allocations are not likely to be obligated before expiring, and Metro routinely makes technical amendments to the Metropolitan Transportation Improvement Program to avoid such expiration; and

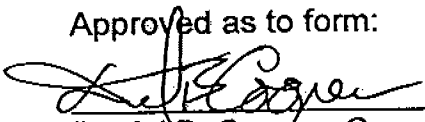
WHEREAS, both Tri-Met and Metro participate in TOD planning review, advocacy, technical assistance and development review, and they wish to coordinate these TOD activities; now, therefore,

BE IT RESOLVED, that the Metro Council authorizes an intergovernmental agreement between Tri-Met and Metro regarding Transit-Oriented Development (TOD) activities and improving the quality of transit service, (as substantially shown in Exhibit A), provided the budget implications for Metro are revenue neutral.

ADOPTED by the Metro Council this 18<sup>th</sup> day of November, 1999.

  
\_\_\_\_\_  
Rod Monroe, Presiding Officer

Approved as to form:

  
\_\_\_\_\_  
Daniel B. Cooper, General Counsel

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 03-3314, FOR THE PURPOSE OF AUTHORIZING AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH TRIMET CONCERNING TRANSIT-ORIENTED DEVELOPMENT AND INCREASING THE LEVEL OF TRANSIT SERVICE.

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Date: April 8, 2003

Prepared by: Phil Whitmore

## BACKGROUND

Metro's pioneering TOD Implementation Program is the first in the United States to use Federal Transit Administration funds to acquire sites for implementation of transit-oriented development. Since the Metro Council authorized TOD Program start up activities in April 1998, the program has begun work on thirteen projects along the light rail from Hillsboro to Gresham. With approval of the current MTIP application, the program will expand to Interstate MAX and the South Corridor Project, when the locally Preferred Alternative is selected.

Projects funded by the TOD Program average more than three times the housing density than typical suburban apartment development. While most of the projects are 65-85 units/acre, some are significantly higher: Buckman Terrace (Sandy & 16<sup>th</sup>) at 137 units/acre and Lloyd mixed-use (MLK Boulevard and Multnomah Street) at 198 units/acre. In addition, 11 of the 13 projects are mixed-use. These kind of high density projects with mixed-use and high quality transit service result in nearly 10 times more transit ridership and nearly 3 times more walking trips than development in the remainder of the region.

While mixed-use and higher density projects located adjacent to transit increases transit ridership and may add vitality to an area, a nearby community does not always view the issue of increasing density as positive. Therefore, design excellence is an important aspect of whether such projects are accepted by the local community. Two TOD Program funded projects received awards for design excellence. Central Point in downtown Gresham and Center Commons at 60<sup>th</sup> and Glisan received Governor's Livability Awards. In addition, Center Commons also received a HUD Secretary's Mixed-Use, Mixed-Income Award and an AIA Design Citation.

In November 1999, TriMet and Metro entered into an Intergovernmental Agreement for the purpose of improving transit service and further funding of the TOD program. Metro provided STP flexible funds, CMAQ funds and other federal funds in the amount of \$3,896,000 for improving transit service. TriMet provided a like amount of local funds to Metro to leverage current TOD program activities. The IGA was amended November 8, 2001 for an additional \$2.0M. This proposed action is to amend the IGA for an additional \$1.5 million for these same purposes, and to extend the term of the IGA for an additional two years.

## ANALYSIS/INFORMATION

1. **Known Opposition:** There have been two previous actions: an initial IGA with TriMet in November 1999 and an amendment in November 2001, neither of which had opposition. Since the measure is revenue neutral and both parties have agreed to the terms and conditions, there is not expected to be opposition.

2. **Legal Antecedents:** The Metro Council authorized startup activities March 1998, by Resolution No. 98-2619 for the Metro TOD Program.

The Metro Council authorized an Intergovernmental Agreement (IGA) between TriMet and Metro regarding Transit-Oriented Development (TOD) activities and improving the quality of transit service on November 22, 1999, by Resolution No. 01-3114A (APF 1596) and amended the IGA on November 8, 2001, by Resolution No. 01-3114A.

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

#### **RECOMMENDED ACTION**

The Chief Operating Officer recommends approval of Metro Resolution No. 03-3314.