

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2010-)	RESOLUTION NO. 10-4201
13 METROPOLITAN TRANSPORTATION)	
IMPROVEMENT PROGRAM (MTIP) TO)	Introduced by Councilor Robert Liberty
INCLUDE FUNDING OF INITIAL LAND)	
ACQUISITION, CONSTRUCTION AND)	
RELATED COSTS FOR THE PORTLAND-)	
MILWAUKIE LIGHT RAIL 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 or significantly change the scope of existing projects in the MTIP; and

WHEREAS, the JPACT and the Metro Council approved the 2010-13 MTIP on September 16, 2010; and

WHEREAS, the JPACT and Metro Council awarded \$72 million of funding authority to TriMet to perform preliminary engineering and complete the environmental impact statement for the Locally Preferred Alternative, a 7.3 mile light rail project from Park Avenue in Clackamas County to downtown Portland approved by the Metro Council July 2008; and

WHEREAS, the awarding of these funds is adopted in the 2010-13 MTIP as Programming Table 3.1.3; and

WHEREAS, preliminary engineering has been completed and application made to the Federal Transit Administration for permission to enter final design work; and

WHEREAS, Metro, working with TriMet has completed a draft Final Environmental Impact Statement and submitted this document to the Federal Transit Administration for approval and to complete all of the requirements of the National Environmental Policy Act, other federal environmental regulations and policies and; and

WHEREAS, the Project team, working with its local partners, have designed a capital revenue package of likely local and federal sources that is sufficient to complete the Project, and this information will be published as a part of the Final Environmental Impact Statement for the Project; and

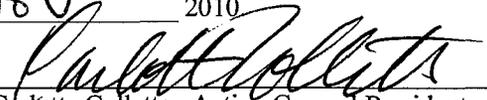
WHEREAS, in order to maintain schedule and minimize costs, the Portland-Milwaukie Light Rail Project needs to demonstrate that initial acquisition, construction and related costs associated with the Project are included in the MTIP in order to be grant eligible; and

WHEREAS, likely federal and local funding sources and Project design have now been suitably defined in order to align one with the other; now, therefore,

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to modify the Programming Table, Section 3.1.3, of the 2010-13 Metropolitan Transportation Improvement

Program to add the land acquisition, construction and related costs to initiate right-of-way acquisition and construction associated with the Project, as set forth in Exhibit A to this resolution.

ADOPTED by the Metro Council this 18 day of NOV 2010



Carlotta Collette, Acting Council President

Approved as to Form:


Alison Kean Campbell, Deputy Metro Attorney

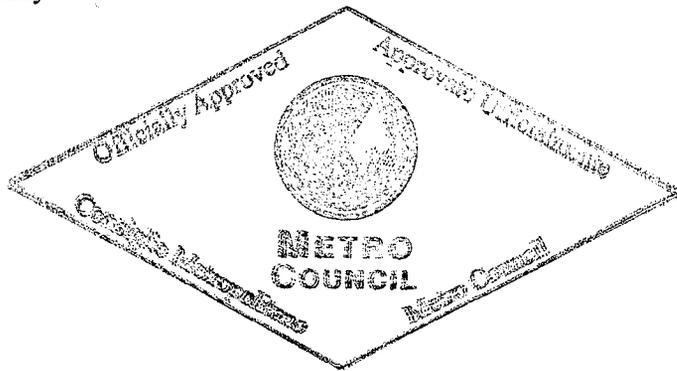


Exhibit A

**2010-13 Metropolitan Transportation Improvement Program
Table 3.1.3 amendments**

South Corridor Phase 2 (Portland to Milwaukie)

Current Programming

Top of Form

Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total
Other (explain)	2010			\$0	\$300,000	\$300,000
		STATE-GEN		\$0	\$300,000	\$300,000
Preliminary engineering	2010		\$177,468	\$20,312	\$71,771,091	\$71,968,871
		CMAQ	\$177,468	\$20,312	\$3,771,091	\$3,968,871
		STATE LOTTERY	\$0	\$0	\$68,000,000	\$68,000,000
Totals >>			\$177,468	\$20,312	\$72,071,091	\$72,268,871

Bottom of Form

Amended Programming

Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total
Preliminary Engineering	2010		\$	\$	\$	\$
		CMAQ	\$ 177,468	\$20,312	\$	\$197,780
		CMAQ	\$10,000,000	\$1,144,545	\$	\$11,144,545
		STATE LOTTERY	\$	\$	\$68,000,000	\$68,000,000
Final Design, ROW, Construction and Related (e.g.vehicles)	2011		\$	\$	\$	\$
		STATE LOTTERY	\$	\$	\$182,000,000	\$182,000,000
	2012	GARVEE BOND (CMAQ/STP)	\$99,753,000	\$11,417,000	\$	\$111,170,000
Totals >>			\$109,930,468	\$12,581,857	\$250,000,000	\$372,512,325

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4201, FOR THE PURPOSE OF AMENDING THE 2010-13 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO INCLUDE FUNDING OF INITIAL LAND ACQUISITION, CONSTRUCTION AND RELATED COSTS FOR THE PORTLAND-MILWAUKIE LIGHT RAIL PROJECT

Date: September 24, 2010

Prepared by: Mark Turpel

BACKGROUND

On July 24, 2008 the Metro Council approved Resolution No. 08-3959, For the Purpose of Approving the 2008 Portland-Milwaukie Light Rail Project Locally Preferred Alternative and Finding Consistency with the Metro 2035 Regional Transportation Plan. This action set into motion additional tasks to advance the Portland-Milwaukie LRT (PMLR) Project (“Project”) including preliminary engineering and a Final Environmental Impact Statement (FEIS).

TriMet, in coordination with its project partners, Clackamas County, the cities of Milwaukie and Portland and Metro, has now completed preliminary engineering. Based on the preliminary engineering, Metro and TriMet completed a FEIS and have submitted it to the Federal Transit Administration (FTA) for approval. Further, likely federal and local funding sources and Project design have now been suitably defined in order to align one with the other and is included in the FEIS. The application to enter final design has also been submitted to the FTA.

In order to minimize costs, qualify for Section 5309 New Starts grant eligibility and maintain the schedule, including meeting the July to October in-water work window for a 2015 opening, TriMet has requested that the FY 2010-13 Metropolitan Transportation Improvement Program (MTIP) be amended to reflect the funding of the initial right-of-way acquisition, construction and related costs. This Resolution would amend the MTIP so that available funding sources for some right-of-way acquisition and some initial construction steps is authorized for the Project. Exhibit A to the resolution includes both the current Project programming as well as the proposed amended funding and is consistent with previous Project funding policies approved by JPACT and Metro Council. Assuming that in the future the Federal Transit Administration approves a New Starts funding for the Project, an additional future MTIP amendment will be needed. However, waiting for this action would preclude the key right-of-way acquisition and initial construction steps that are vital to maintaining schedule and minimizing Project costs.

The air quality conformity analysis that was completed and approved by the Metro Council on June 10, 2010 for the Metro Regional Transportation Plan included the PMLR Project. Accordingly, the requirement to demonstrate conformity of the Project with the Clean Air Act for this Project has already been satisfied.

ANALYSIS/INFORMATION

- 1. Known Opposition** This 7.3 mile Project has been assessed for potential impacts and, where needed, mitigation proposed to address such impacts. However, there are a number of individuals who have expressed continuing concerns about the Project with regard to potential impacts such as traffic,

parking, noise, visual, safety and navigation impacts. Efforts will continue in final design to examine whether further methods can be deployed to address such concerns. That said, the Project is forecast to provide reduced travel times for over 22,000 new weekday transit riders between Park Avenue and PSU, as well as improved connections for walkers and bicyclists.

- 2. Legal Antecedents.** Resolution No 1-4185, For the Purpose of Approving a Supplemental Multi-Year Commitment of Regional Flexible Funding for the Years 2015-2027, Funding the Portland-Milwaukie Light Rail Transit Project, and Project Development for the Portland – Lake Oswego Transit Project, and the Southwest Corridor and Authorizing Execution of an Amendment to the Existing Intergovernmental Agreement with Trimet Regarding the Multi-Year Commitment of Regional Flexible Funds is pending before Council. This Resolution, if approved, would expand and extend the multi-year stream of regional flexible funds currently committed to TriMet to support three regional high capacity transit priority projects, including the Portland-Milwaukie Light Rail Project. Resolution No. 08-3942 established a multi-year commitment to TriMet of regional flexible funds for the purpose of providing a \$72.5 million to the Portland-Milwaukie Light Rail Project (“PMLRT”) and \$13.3 million for the Commuter Rail Project. On July 24, 2008 the Metro Council approved Resolution No. 08-3959, For the Purpose of Approving the 2008 Portland-Milwaukie Light Rail Project Locally Preferred Alternative and Finding Consistency with the Metro 2035 Regional Transportation Plan. Resolution No. 10-4133 authorized execution of an intergovernmental agreement between Metro and TriMet regarding the multi-year commitment of funds approved by Resolution No. 08-3942. The 2004 Regional Transportation Plan (RTP) prioritized preparation of a high capacity transit plan for the Lake Oswego-Portland corridor and Resolution No. 07-3887A adopted the Lake Oswego-Portland corridor high capacity transit alternatives to be evaluated in a Draft Environmental Impact Statement. Resolution No. 10-4179 funded the Southwest Corridor Refinement Plan as part of a larger Southwest Corridor Plan that includes the preparation of Alternatives Analysis, Preliminary Engineering, and Environmental Impact studies for the Southwest Corridor. Resolution No. 10-4160 established a policy framework for the 2014-2015 allocation of regional flexible funds. Further, Resolution No. 04-3498 endorsed the supplemental multi-year funding commitment of MTIP funds for the I-205/Mall project is an earlier example of reserving a portion for future flexible funding for specific high capacity transit projects.
- 3. Anticipated Effects** Adoption of this resolution will allow the Portland-Milwaukie Light Rail Project to advance into pre-construction and construction work and maintain a year 2015 completion and opening.
- 4. Budget Impacts** No Metro funds are obligation by this resolution.

RECOMMENDED ACTION

Metro staff recommends the approval of Resolution No. 10-4201.