

Metro | Agenda

Meeting: Metro Council
Date: Thursday, August 16, 2012
Time: **3:30 p.m. * Note late start time**
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

- 1. INTRODUCTIONS**
- 2. CITIZEN COMMUNICATION**
- 3. CONSIDERATION OF THE MINUTES FOR AUGUST 9, 2012**
- 4. ORDINANCES – SECOND READ**
- 4.1 **Ordinance No. 12-1283**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule to Create a 0.75 FTE Limited Duration Position in Communication.

Public Hearing

- 5. RESOLUTIONS**
- 5.1 **Resolution No. 12-4363**, For the Purpose of Updating the Transit-Oriented Development (TOD) Program Work Plan to Implement the TOD Strategic Plan and Improve Program Transparency. **Collette**
- 5.2 **Resolution No. 12-4364**, For the Purpose of Approving an Application for Easements from TriMet for the Construction of the Portland-Milwaukie Light Rail Project. **Collette**

- 6. CHIEF OPERATING OFFICER COMMUNICATION**
- 7. COUNCILOR COMMUNICATION**

ADJOURN

Television schedule for August 16, 2012 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Thursday, August 16</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, August 19, 7:30 p.m. <i>Date:</i> Monday, August 20, 9 a.m.</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, August 20, 2 p.m.</p>	<p>Washington County Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Saturday, August 18, 11 p.m. <i>Date:</i> Sunday, August 19, 11 p.m. <i>Date:</i> Tuesday, August 21, 6 a.m. <i>Date:</i> Wednesday, August 22, 4 p.m.</p>
<p>Oregon City, Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>	<p>West Linn Channel 30 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site 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. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement Coordinator to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).

Agenda Item No. 3.0

Consideration of the Minutes for August 9, 2012

Metro Council Meeting
Thursday, August 16, 2012
Metro, Council Chamber

Agenda Item No. 4.1

Ordinance No. 12-1283, For the Purpose of Amending the FY
2012-13 Budget and Appropriations Schedule to Create a 0.75
FTE Limited Duration Position in Communication.

Ordinances – Second Reading

Metro Council Meeting
Thursday, August 16, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2012-13 BUDGET AND) ORDINANCE NO. 12-1283
APPROPRIATIONS SCHEDULE TO CREATE A)
0.75 FTE LIMITED DURATION POSITION IN) Introduced by Martha Bennett, Chief
COMMUNICATIONS) Operating Officer, with the concurrence of
) Council President Tom Hughes

WHEREAS, Metro Code chapter 2.02.040 requires Metro Council approval to add any new position to the budget; and

WHEREAS, the Metro Council has reviewed and considered the need to add FTE within the FY 2012-13 Budget; and

WHEREAS, the need for the additional FTE has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2012-13 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of increasing 0.75 limited duration FTE in the Communications Department.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____ 2012.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recording Secretary

Alison Kean Campbell, Metro Attorney

Exhibit A
Ordinance No. 12-1283

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Communications							
<i>Personnel Services</i>							
SALWGE	<i>Salaries & Wages</i>						
5010	Reg Employees-Full Time-Exempt						
	Administrative Specialist IV	1.00	57,953	-	0	1.00	57,953
	Associate Public Affairs Specialist	7.00	429,697	0.75	0	7.75	429,697
	Associate Visual Communications Designer	1.00	60,837	-	0	1.00	60,837
	Director	1.00	132,300	-	0	1.00	132,300
	Manager II	3.00	277,195	-	0	3.00	277,195
	Program Supervisor II	1.00	81,624	-	0	1.00	81,624
	Senior Management Analyst	1.00	63,899	-	0	1.00	63,899
	Senior Public Affairs Specialist	6.00	433,558	-	0	6.00	433,558
	Senior Visual Communications Designer	1.00	62,500	-	0	1.00	62,500
5089	Salary Adjustments					0	
	Merit/COLA Adjustment (non-rep)		12,769			0	12,769
	Step Increases (AFSCME)		17,735			0	17,735
	COLA (represented employees)		28,819			0	28,819
FRINGE	<i>Fringe Benefits</i>						
5110	Fringe Benefits - Payroll Taxes		139,320			0	139,320
5120	Fringe Benefits - Retirement PERS		232,663			0	232,663
5130	Fringe Benefits - Health & Welfare		298,310			0	298,310
5140	Fringe Benefits - Unemployment		1,972			0	1,972
5150	Fringe Benefits - Other Benefits		8,934			0	8,934
Total Personnel Services		22.00	\$2,340,085	0.75	\$0	22.75	\$2,340,085
<i>Materials & Services</i>							
GOODS	<i>Goods</i>						
	5201 Office Supplies		33,500			0	33,500
	5205 Operating Supplies		4,550			0	4,550
	5210 Subscriptions and Dues		2,850			0	2,850
SVCS	<i>Services</i>						
	5240 Contracted Professional Svcs		173,500			0	173,500
	5246 Sponsorships		0			0	0
	5251 Utility Services		2,900			0	2,900
	5260 Maintenance & Repair Services		5,400			0	5,400
	5265 Rentals		0			0	0
	5280 Other Purchased Services		21,750			0	21,750
OTHEXP	<i>Other Expenditures</i>						
	5450 Travel		2,000			0	2,000
	5455 Staff Development		7,550			0	7,550
	5490 Miscellaneous Expenditures		7,500			0	7,500
Total Materials & Services			\$261,500		\$0		\$261,500
TOTAL REQUIREMENTS		22.00	\$2,601,585	0.75	\$0	22.75	\$2,601,585

Exhibit B
Ordinance 12-1283
Schedule of Appropriations

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Revised</u> <u>Appropriation</u>
GENERAL FUND			
Communications	2,601,585	0	2,601,585
Council Office	3,964,829	0	3,964,829
Finance & Regulatory Services	4,218,275	0	4,218,275
Human Resources	2,167,032	0	2,167,032
Information Services	3,640,353	0	3,640,353
Metro Auditor	708,748	0	708,748
Office of Metro Attorney	1,927,172	0	1,927,172
Oregon Zoo	30,862,025	0	30,862,025
Parks & Environmental Services	6,681,825	0	6,681,825
Planning and Development	14,477,196	0	14,477,196
Research Center	3,880,935	0	3,880,935
Sustainability Center	4,086,762	0	4,086,762
Former ORS 197.352 Claims & Judgments	0	0	0
Special Appropriations	4,896,187	0	4,896,187
Non-Departmental			
Debt Service	1,654,290	0	1,654,290
Interfund Transfers	7,721,525	0	7,721,525
Contingency	3,771,000	0	3,771,000
<i>Total Appropriations</i>	97,259,739	0	97,259,739
Unappropriated Balance	12,660,845	0	12,660,845
Total Fund Requirements	\$109,920,584	\$0	\$109,920,584

*NOTE : No change in the appropriation schedule is necessary as a result of this amendment.
All appropriations remain as previously adopted*

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE FY 2012-13 BUDGET AND APPROPRIATIONS SCHEDULE TO CREATE A 0.75 FTE LIMITED DURATION POSITION IN COMMUNICATIONS.

Date: July 23, 2012

Prepared by: Pam Peck, 503-797-1866

BACKGROUND

Communications requests the creation of a 0.75 FTE limited duration Associate Public Affairs Specialist position to backfill for a staff member on parental leave. During FY 2012-13, the leave will be full time for six months (Sept. 14, 2012, to March 30, 2013), and part time for three months (April 1 to June 30, 2013). It is anticipated the leave will extend into FY 2013-14 part-time for three additional months. The limited duration position is requested for a duration not to exceed September 30, 2013.

The requested position would start one month in advance of the leave to provide time for training, as well as coverage should the leave need to start prior to September 14. The hours needed to backfill the position exceed the allowable limit for temporary positions.

The incumbent provides communications, marketing and contract management support to the Regional Travel Options program and several solid waste programs, including MetroPaint, the Recycling Information Center and the toxics reduction program. She is leading development of a coordinated marketing strategy for these and several other programs. Work to be completed during the leave period includes development of individual program marketing plans consistent with the overall strategy, with implementation of the plans to begin in early 2013.

The Regional Travel Options program has significant communications support needs during this time frame as well, including wrap up and evaluation of the Vámonos project, implementation of marketing and media initiatives that support partner programs, support for marketing Drive Less/Save More and Drive Less Connect in the Portland metropolitan region, and project management and communications support for the Bike There! map update.

The cost of the position will be fully offset by savings and a small shift in existing RTO materials and services funding (see table below for details). Additional appropriations will not be required.

Total expense for backfill in FY 2012-13: \$58,444

Revenue sources	
Savings during parental leave	\$45,000
Savings from short-term vacancy and other reductions	13,444
Total revenue	\$58,444

ANALYSIS/INFORMATION

- 1. Known Opposition:** None Known
- 2. Legal Antecedents:** Metro code chapter 2.02.040 requires the Metro Council to approve the addition of any position to the budget
- 3. Anticipated Effects:** This action adds a limited duration 0.75 FTE position to Communications in FY 2012-13 to provide backfill for an employee on parental leave. The duration of the position is authorized not to exceed September 30, 2013.
- 4. Budget Impacts:** This action will be funded by savings from the leave, a vacant position and a shift in existing funding, and will not require additional appropriations.

RECOMMENDED ACTION

The Chief Operating Office recommends adoption of this Ordinance.

Agenda Item No. 5.1

Resolution No. 12-4363, For the Purpose of Updating the Transit-Oriented Development (TOD) Program Work Plan to Implement the TOD Strategic Plan and Improve Program Transparency.

Resolutions

Metro Council Meeting
Thursday, August 16, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF UPDATING THE
TRANSIT-ORIENTED DEVELOPMENT (TOD)
PROGRAM WORK PLAN TO IMPLEMENT
THE TOD STRATEGIC PLAN AND
IMPROVE PROGRAM TRANSPARENCY

RESOLUTION NO. 12-4363

Introduced by Metro Councilor Carlotta
Collette with the concurrence of Metro
Council President Tom Hughes

WHEREAS, on April 9, 1998, the Metro Council adopted Resolution No. 98-2619 (For the Purpose of Authorizing Start-Up Activities for the Transit-Oriented Development (TOD) Implementation Program at Metro), which authorized start-up activities and set forth the operating parameters of the TOD Program in a Work Plan providing for selection criteria for TOD projects; and

WHEREAS, the TOD Work Plan was amended: (1) to include provision for a site improvements category by Resolution 00-2906 (For the Purpose of Amending the TOD Program Procedures to Facilitate TOD Projects Including the Round at Beaverton Central,) adopted March 9, 2000; (2) to include additional light rail corridors, streetcar, frequent bus, urban centers and green buildings by Resolution No. 04-3479 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Expand the TOD Program Area and Initiate An Urban Centers Program,) adopted July 15, 2004; (3) to add selection criteria for frequent bus line projects by Resolution No. 05-3563 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Apply Additional Selection Criteria to TOD Program Frequent Bus Line Projects), adopted May 19, 2005; (4) to allow a process for unsolicited proposals by Resolution No. 05-3617 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Allow a Process for Consideration of Unsolicited Development Proposals for Metro TOD & Centers Program Owned Land), adopted September 13, 2005; and (5) to establish the Urban Living Infrastructure program and designate focus centers by Resolution 07-3861 (For the Purpose of Amending the Transit Oriented Development (TOD) and Urban Centers Implementation Program to Designate Focus Centers, Establish an Urban Living Infrastructure Program, and Make Technical Changes), adopted November 1, 2007; and

WHEREAS, the TOD Program provides Metro with a set of development tools that help implement Metro's Region 2040 Growth Concept by being a public partner in higher density, mixed use development projects in regional and town centers, in light rail station communities and along frequent bus corridors; and

WHEREAS, the Metro TOD Program Strategic Plan establishes an objective, research-based investment framework that identifies areas facing similar challenges and directs program activities where they will be most effective in stimulating private investment to create the vibrant communities envisioned in the Region's 2040 Growth Concept; and

WHEREAS, the Transit Oriented Development Program Work Plan has been updated to implement the strategic investment framework and other key recommendations from the TOD Strategic Plan,

BE IT RESOLVED, that the Metro Council adopts the updated Transit-Oriented Development Program Work Plan.

ADOPTED by the Metro Council this 16th day of August 2012.

Tom Hughes, Council President

Approved as to Form:

Alison Campbell, Metro Attorney

TOD PROGRAM WORK PLAN

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1. INTRODUCTION

The TOD program has a unique and critical role in implementing the region's 2040 growth concept of vibrant, urban centers and station areas linked by transit. TOD Program activities help to optimize the existing transit system through bringing more people to live, work and shop in areas with a functional pedestrian connection to transit. The core program activity is providing development project funding to stimulate construction of higher-density and mixed-use projects near transit, in areas where the real estate market is not yet able to support those higher cost development forms. Related program activities include opportunity site acquisition, investment in urban living infrastructure, and technical assistance.

The purpose of this workplan is to set forth the policy, governance and operating framework for the Transit Oriented Development Program, as approved by the Metro Council.

2. PROGRAM MISSION, OBJECTIVES & STRATEGIES

2.1 MISSION

The core mission of the TOD program is to stimulate private sector investment to create the vibrant communities envisioned in the Region's 2040 Growth Concept

TOD program investments help achieve six desired outcomes for our region: vibrant communities; economic prosperity; safe and reliable transportation; leadership on climate change; clean air and water; and equity.

2.2 OBJECTIVES

- A. Optimize transit system efficiency through increased ridership.
- B. Create new market comparables for higher density buildings near transit and in centers.
- C. Build community acceptance of urban style buildings through high quality design
- D. Develop developers with expertise in compact and mixed-use development.
- E. Improve availability of urban living infrastructure retail services and amenities.
- F. Carry out placemaking and contribute to local identity.
- G. Remove barriers to compact and mixed-use development.
- H. Attract investment, create jobs, and strengthen local tax bases.

2.3 STRATEGIES

- A. Strategically target project investments by identifying and prioritizing areas based upon their likelihood of supporting transit lifestyles and catalyzing private investment in the near term.
- B. Act as a strong development partner by responding quickly to project funding proposals in order to respect development timelines.
- C. Adapt investment activities in response to changing market cycles, variable local conditions, and availability of funds.
- D. Prudently manage program resources and make cost-effective project investments.
- E. Provide education and technical assistance to local jurisdictions and development partners to encourage compact transit-supportive development.

3. GOVERNANCE

3.1 METRO CHARTER

In accordance with Section 4 of the Metro charter, the Metro Council has determined that implementing transit-oriented development is a matter of metropolitan concern and has authorized the operation of the Metro Transit-Oriented Development and Urban Centers Implementation Program. (Ordinance 08-1204A, For the Purpose of Determining that Implementing Transit-Oriented Development is a Matter of Metropolitan Concern, adopted January 15, 2009.)

3.2 METRO COUNCIL

The Metro Council provides policy direction for the TOD program by:

- A. Adoption and approval of TOD Workplan to set forth the policy, governance and operating framework for the Transit Oriented Development Program.
- B. Adoption of the operating budget, as part of the Metro budgeting process, to approve the annual financial, organizational and performance plan for the TOD program.
- C. Authorization of the Metropolitan Transportation Improvements Program to allocate federal transportation funds to finance TOD & urban centers project investments.
- D. Approval of intergovernmental agreements with TriMet to coordinate and periodically exchange federal funds with TriMet General Funds to support the efficient operation of the TOD Program.
- E. Approval of intergovernmental agreements with local jurisdictions, as needed, to formalize partnerships for land acquisition, TOD project development and related activities.
- F. Assignment of a Metro Councilor to serve as a voting member of the TOD Steering Committee and directly participate in project funding decisions.
- G. Review of TOD Seven-Day Notices issued by the Metro Chief Operating Officer to inform the Metro Council of project funding decisions, property acquisitions/dispositions, and TOD Workplan changes. The Council shall have seven (7) days from issuance to request that the COO schedule a Council briefing and/or bring the matter forward for formal Council action. The decision becomes final after seven (7) days if no Councilor(s) requests it be presented to the full Metro Council for review. The Metro Council may allow the decision stand, send the decision back for reconsideration, or take formal action to deny or approve the decision.
- H. Metro Council briefings and, as needed, legislative action to review and provide direction to the TOD Program regarding strategic plans, priorities, program initiatives, project funding, and other matters of policy concern.

3.3 CHIEF OPERATING OFFICER

The Metro Chief Operating Officer is authorized by the Metro Council to implement this TOD Program Workplan and conduct all activities set forth herein, including policy implementation, program administration and financial oversight of the TOD program by:

- A. Issuance of TOD Seven-day Notices to inform the Metro Council of project funding decisions, property acquisitions or dispositions, and TOD Workplan changes.
- B. Appointment of TOD Steering Committee members and chair:
 - 1. One Metro Councilor, as designated by the Metro President and confirmed by the Council.
 - 2. Two governmental agency representatives, one from Oregon Housing and Community Services and one from TriMet.
 - 3. Four to six additional members to provide additional expertise, as needed, in transit-oriented development, urban revitalization, public-private partnerships, or real estate economics.
 - 4. Committee member (re)appointments shall be for staggered 3 year terms.
 - 5. Committee chair (re)appointments shall be for 1 year terms.
- C. Other activities consistent with the role and responsibilities of the COO position.

3.4 TOD STEERING COMMITTEE

The TOD Steering Committee provides expert guidance, review and approval of TOD Program investment activities by:

- A. Provision of expert advice regarding real estate economics and transit-oriented development.
- B. Approval of development project funding, including TOD projects, ULI projects, green building projects and others, in accordance with the TOD workplan.
- C. Approval of property acquisitions/dispositions.
- D. Approval of developer selection for properties owned by Metro.

3.5 METRO STAFF

Metro staff administers the TOD Program under the direction of the Metro COO and departmental management by operation of the program in accordance with the:

- A. TOD Workplan, to align with the policy and governance framework approved by the Metro Council.
- B. TOD Program Procedures Manual, to support efficient, transparent, and accountable program practices.
- C. TOD Program Strategic Plan, as updated at least every five years, to clarify and communicate updated TOD typology analysis results and strategic investment priorities.
- D. Grant program requirements, as applicable.

4. PROGRAM ACTIVITIES

4.1 TOD PROJECT INVESTMENTS

The region's growth concept encourages development in compact urban centers and station areas – higher density areas that combine housing, employment, retail, cultural, and recreational activities in a walkable environment that is well served by transit. The regional benefits of compact development include: increased transit, walk and bike trips; reduction of VMT; better air quality; protection of farm and forest land; and more efficient provision of public services. Mixed-use areas also maintain property values, create a sense of community, and attract new businesses. However, despite these longer-term benefits, development of mixed-use and higher density buildings has higher costs than the market can support in many parts of the region. Expanding affordable housing opportunities in areas where there is not an existing concentration of poverty improves equity and strengthens our community fabric. Introducing workforce and market rate housing increases market demand and attracts urban living infrastructure businesses to underserved areas.

- A. TOD project investments are site-specific development project investments to provide incentives for compact development of buildings that would not otherwise proceed.
- B. TOD projects are categorized as Catalytic, Catalytic Plus, Housing Choice, or Site Improvement projects in order to identify the related investment guidelines:
 1. Catalytic TOD projects -- projects with relatively modest public financial participation, generally of less than 20% total development costs, that are expected to improve the financial feasibility of future private sector projects within the real estate submarket.
 2. Catalytic Plus TOD projects – projects which qualify as Catalytic TOD projects and, in addition, significantly contribute to place-making or serve as a new prototype for development in that submarket.
 3. Housing Choice TOD projects - projects with higher levels of public financial participation, such as low income housing tax credits, that are expected to expand the income diversity of households in a particular area by producing additional affordable or workforce housing units.
 4. Site improvement projects -- site preparation or improvement projects which are separated in time, responsibility, or financing structure from TOD project development.
- C. TOD project investments may support costs related to land acquisition, site improvements, and development costs. Predevelopment costs are ineligible unless the site is owned, in whole or in part, by Metro.
- D. TOD Easements shall be recorded against the property to secure public benefits by requiring TOD supportive uses for a period of not less than 30 years.
- E. TOD project investments may be funded by federal funding for the TOD Program (either as localized through a fund exchange with TriMet or as direct grant funding) or by other funds approved by the Metro Council.

4.2 OPPORTUNITY SITES

Metro TOD Program acquisition and ownership of property is expected to support transit-oriented development through facilitating parcel assembly, ensuring transit-supportive design and land uses, or providing an avenue for financial assistance.

- A. Opportunity sites are properties considered for acquisition by Metro, alone or in partnership with local jurisdictions, other public agencies, or a private development partner for the purposes of land banking, parcel assembly, TOD project development, short or long-term lease, or future sale.
- B. Opportunity site investments may support costs related to due diligence, property acquisition and closing costs, property maintenance and repair, site improvements, environmental remediation, redevelopment planning, and other predevelopment activities.
- C. Opportunity site investments may be funded by federal funding for the TOD Program (either as localized through a fund exchange with TriMet or as direct grant funding) or by other funds approved by the Metro Council.

4.3 URBAN LIVING INFRASTRUCTURE

Locations with a rich array of retail services and other amenities within a comfortable walking distance offer the urban lifestyle experience that attracts people to live in urban centers and station areas. Empirical research has demonstrated that investment in the services and amenities that comprise a basic urban living infrastructure (theatre, restaurant, café, bookstore, grocery store, bakery, flower shop, etc.) can be a cost-effective strategy to catalyze higher density and mixed use development.

- A. Urban Living Infrastructure (ULI) project investments are site-specific development project investments to provide incentives to attract ULI businesses to improve the mix and convenience of retail services available to residents.
- B. ULI project investments may include the full or partial costs of improvements through construction or renovation that will remain with the building. The program shall not fund inventory or operating costs.
- C. ULI Easements shall be recorded against the property to secure the public benefits by requiring continuation of eligible uses for a period of not less than 5 years.
- D. ULI project investments are funded by interest earned on TOD Program revenues, or by other funds approved by the Metro Council.

4.4 TECHNICAL ASSISTANCE AND OUTREACH

Technical assistance and outreach activities that make communities more development ready can support achievement of the 2040 framework plan goals and help areas transition to higher density development patterns over time. The objectives of this work may include: to remove regulatory barriers to compact development; to advance pedestrian-oriented station area planning; to share innovative development practices; to improve understanding of development economics; to provide expertise in public-private development partnerships; to attract development; to leverage funding; and to encourage local jurisdictions to develop financial tools to support TOD development.

Technical assistance and outreach investments are funded by Metro general funds or by other funds approved by the Metro Council.

4.5 OTHER RELATED ACTIVITIES

As funding permits, the TOD program may engage in other related activities that are consistent with the program mission and core areas of program expertise. These may include program initiatives or events such: the Development Opportunity Fund supported by Metro general funds; green building investments supported by earned income from the Oregon Business Energy Tax Credit program; special events and tours supported by sponsorships; station area planning and redevelopment supported by FTA grants; and other activities, as opportunities arise and funding is available.

5. INVESTMENT GUIDELINES

5.1 TOD TYPOLOGY & STRATEGIC INVESTMENT FRAMEWORK

The TOD Program has a responsibility to promote TOD on a region-wide scale, but not all parts of the region are equally prepared to support TOD. Differences in real estate market strength and transit oriented land uses require different strategies and program activities. Applying objective research-based approaches, TOD Program staff analyze regional data to determine the current real estate market strength and transit orientation conditions in station areas, transit corridors and urban centers. TOD typology place types are assigned for station areas and transit corridors as part of the TOD Strategic Plan update process. However, since the region's urban centers vary greatly in size and land uses, it is most appropriate to evaluate the place type characteristics of specific locations within urban centers to determine if the proposed project location qualifies for investment.

As illustrated in Figure 1, the TOD typology place types can be grouped into three clusters that face similar challenges and would benefit from similar investment strategies: Plan and Partner; Catalyze and Connect; and Infill and Enhance. Figure 2 presents the TOD program strategic investment framework, illustrating the investment strategies which are eligible or conditionally eligible in each TOD typology cluster.

A. Plan and Partner Areas

Plan and Partner areas lack many of the key market and physical features needed to ensure that Metro TOD Program investments will leverage further investment or catalyze an emerging market. Technical assistance and outreach is needed in these areas to improve the prospects for the full value of transit investments to be captured in the future. These areas are generally not appropriate for development project investments, but consideration may be given to funding projects that are part of a large initiative to transform the area where the project is located.

1. Eligible activities:
 - a. Technical assistance and outreach activities; and
 - b. Opportunity site investments.
2. Conditionally allowable program activities:
 - a. Catalytic TOD, Catalytic Plus TOD, and site improvement project investments may be considered when the area has emerging transit orientation characteristics, and the project is part of a large scale investment initiative that is expected to move forward in a timely manner and is expected to substantially improve the TOD readiness characteristics of the area.
 - c. Housing Choice TOD project investments may be considered when the area has emerging transit orientation characteristics, the project is part of a large scale investment initiative that is expected to move forward in a timely manner and substantially improve the TOD readiness characteristics of the area, and the project would not exacerbate an existing concentration of poverty in the area.
 - d. Other related program activities may be provided, or become conditionally available, if new funding sources become available.

Figure 1. TOD Typology Clusters

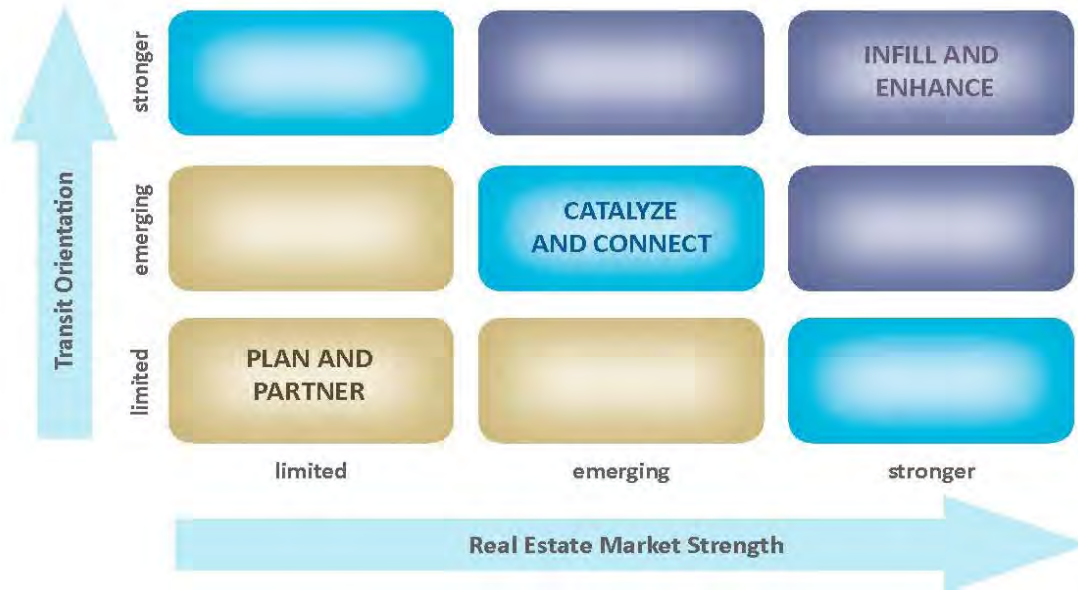


Figure 2. TOD Program Strategic Investment Framework

Program activities	Eligible Typology areas			Conditionally Eligible areas		
Catalytic TOD projects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catalytic plus TOD projects	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing choice TOD projects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Opportunity site investments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Urban living infrastructure projects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Technical assistance and outreach activities	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. Catalyze and Connect Areas

Catalyze and Connect areas offer some physical and/or market foundation for supporting transit oriented development, but are not yet able to achieve TOD building types without public participation, due to the current market or physical context. In general, these are the prime areas for investment in projects that help to catalyze future private development, and to increase activity levels through density and/or urban living infrastructure.

1. Eligible activities
 - a. Catalytic TOD project, Catalytic Plus TOD project, and site improvement project investments.
 - b. Opportunity site acquisitions.
 - c. Technical assistance and outreach activities.
2. Conditionally allowable program activities
 - a. Housing Choice TOD project investments may be considered if they would not exacerbate an existing concentration of poverty in the area.
 - b. Urban living infrastructure investments may be considered if the Metro TOD Program owns land in the vicinity or there is a larger downtown revitalization program in which the Metro TOD Program is a core partner.
 - c. Other related program activities may be provided, or become conditionally available, if new funding sources become available.

C. Infill and Enhance Areas

Infill and Enhance areas have stronger urban character including medium to higher densities, a mix of activities, quality urban form and transportation options combined with emerging to stronger market strength. However, the development economics may not be able to support local aspirations for vibrant centers, station areas and corridor communities. In general, the TOD Program is expected to make more limited investments in these areas, except in the case of important strategic opportunities that may include investments in prototypical TOD projects, urban living infrastructure or workforce/affordable housing.

1. Eligible activities
 - a. Catalytic Plus TOD project investments and site improvements.
 - b. Opportunity site acquisitions.
 - c. Technical assistance and outreach activities.
2. Conditionally allowable program activities
 - a. Housing Choice TOD project investments may be considered if it would not exacerbate an existing concentration of poverty in the area.
 - b. Urban living infrastructure investments may be considered if the Metro TOD Program owns land in the vicinity or there is a larger downtown revitalization program in which the Metro TOD Program is a core partner.
 - c. Other related program activities may be provided, or become conditionally available, if new funding sources become available.

5.2 TOD PROJECT INVESTMENT CRITERIA

A. THRESHOLD REQUIREMENTS

TOD Project investments must meet every threshold requirement, as set forth below, to be eligible for funding consideration.

1. Site control
 - a. The applicant shall be a public entity or a willing and capable developer with site control or the ability to establish site control; AND
 - b. The TOD development shall be privately owned and operated.
2. Connection to transit
 - a. Station communities - Properties must have a functional pedestrian connection between the site and existing or planned rail stations, generally less than ½ mile; OR
 - b. Frequent bus and streetcar - Properties must have a functional pedestrian connection between the site and the transit corridor, generally less than ¼ mile; OR
 - c. Urban centers - Properties must be within the boundary of an urban center, have a functional pedestrian connection to the main street or commercial core, and be within an eligible TOD typology place type as set forth in section 5.1
3. Eligible TOD typology areas
 - a. Catalytic project investments and site improvements are eligible in “Catalyze and Connect” areas and may be considered conditionally in “Plan and Partner” areas, in accordance with section 5.1; OR
 - b. Catalytic Plus project investments are eligible in “Infill and Enhance” and “Catalyze and Connect” areas and may be considered conditionally in “Plan and Partner” areas, in accordance with section 5.1; OR
 - c. Housing Choice project investments may be considered conditionally in “Infill and Enhance”, “Catalyze and connect” and “Plan and Partner” areas, in accordance with section 5.1.
4. Transportation and environmental benefits
 - a. The project development program will generate additional transit trips as a result of more intensive use of the site compared to what would occur without public participation in the proposed project; AND
 - b. The project development program is expected to reduce regional VMT compared to what would occur without public participation in the proposed project; AND
 - c. The site plan and building design enhance the pedestrian and bicyclist experience, and makes the pedestrian realm more visually attractive, active, vibrant and safe; AND
 - d. The development has the lowest reasonable parking ratio.
5. Land use efficiency
 - a. The development has the highest reasonable floor area ratio; AND
 - b. The development has the highest reasonable site coverage ratio.

6. Financial need
 - a. The project has cost premiums related to higher density, urban infill, or vertically integrated mixed use development; AND
 - b. There are not adequate local, state, or federal resources or incentives available to close the financing gap without Metro participation; AND
 - c. Metro funding shall not exceed the minimum amount necessary for the project to move forward and be constructed.
7. Cost effectiveness
 - a. Metro funding will leverage significant private investment; AND
 - b. Cost per induced transit rider is reasonable relative to other development project investments; AND
 - c. Metro's program, legal and other administrative costs are reasonably proportionate to the TOD Program development investment in the project; AND
 - d. Upon stabilization, the project is expected to be financially feasible and successful in the market.

B. COMPETITIVE INVESTMENT CRITERIA

In addition to the threshold requirements, projects will be evaluated to determine the extent to which they support the achievement of TOD Program objectives, as set forth in section 2.2 of the TOD Workplan. Competitive investment criteria allow a project to distinguish itself among other qualified projects. These criteria shall be considered by TOD staff in determining whether and what level of TOD project funding to recommend for approval, and what conditions to apply. Not all of these criteria will apply to every investment opportunity. The relative importance of these criteria will vary depending on the characteristics of the project and the area in which it is located.

1. Optimizes transit system efficiency through increased ridership:
 - a. Induces increased transit ridership from more intense development.
 - b. Incorporates features which improve the access to the transit system such as transit information services, way-finding signage, lighting, sidewalk improvements, additional bike parking/storage, or new access routes.
 - c. Integrates transportation demand management strategies such as limited or no parking, charging for parking, car sharing, bike storage, or transportation alternatives programming efforts.
 - d. Generates significant transit ridership by the creation of new employment, institutional, or entertainment destinations near transit.
2. Creates new market comparables for higher density buildings near transit and in centers:
 - a. Creates new market comparables as a result of demonstrating market acceptance of new product types, faster absorption, or higher achievable pricing.

3. Builds community acceptance of urban style buildings through high quality design:
 - a. Uses higher quality of design and/or materials than is typical in the area.
 - b. Demonstrates innovative green building elements or development practices that serve to improve the environmental impact of the development and enhance both the human and natural environment.
4. Improves availability of urban living infrastructure retail services and amenities.
 - a. Strengthens economic base to support retail services and amenities.
 - b. Integrates ULI amenities or retail services into the new development.
5. Develops developers with expertise in compact and mixed-use development:
 - a. Engages new development partners for the TOD Program.
 - b. Inspires developers to innovate in compact and mixed-use development forms.
6. Contributes to placemaking and local identity:
 - a. Incorporates elements that help create a sense of place.
 - b. Incorporates elements that reflect and/or build unique local identity.
 - c. Furthers a large scale initiative that will improve the TOD readiness of the area.
 - d. Supports downtown revitalization.
 - e. Provides affordable housing in areas where it increases housing choices and does not exacerbate concentrations of poverty.
7. Removes barriers to compact and mixed-use development:
 - a. Necessitates changes to local plans or development regulations.
 - b. Introduces product types, building materials, or building systems which are relatively new to the area.
8. Attracts investment, create jobs and strengthen local tax bases:
 - a. Attracts direct investment in development.
 - b. Creates jobs.
 - c. Leverages contributions from other public and non-profit entities such as: local government (tax abatement; tax increment financing; reduced SDCs; or support for entitlement changes); state/federal government (low income housing tax credits, public bond financing, grants); or private foundations.
 - d. Generates additional property tax revenues.

5.3 OPPORTUNITY SITE ACQUISITION CRITERIA

A. Site control

1. Metro may acquire property as sole purchaser from any willing buyer or in partnership with another public agency if the expected consequences of terminating that partnership relationship, should it become necessary, are deemed acceptable.
2. Consideration may be given to opportunity site acquisitions for properties that are not proximate to an existing or planned transit station if the site is located within an urban center with moderate to strong transit orientation characteristics.

B. Eligible TOD typology area

1. “Infill and Enhance”, “Catalyze and Connect” and “Plan and Partner” typology areas are eligible for Opportunity Site investments.

C. Transportation and environmental benefits

1. Increases transit ridership as a result of more intensive use of the site; AND
2. Reduces regional vehicle miles traveled (VMT) as a result of locating uses on the opportunity site rather than elsewhere in the region.

D. Cost effectiveness

1. Metro’s investment is expected to leverage future private investment and contributions from other public and non-profit entities, such as local governments (tax abatement; tax increment financing; reduced SDCs; or support for entitlement changes) and state/federal (low income housing tax credits, public bond financing, grants) programs; AND
2. Metro’s program, legal and other administrative costs are reasonably proportionate to the acquisition cost.

5.4 URBAN LIVING INFRASTRUCTURE INVESTMENT CRITERIA

- A. Site control
 - 1. The property must be controlled by a public entity or a willing and capable private developer; AND
 - 2. The ULI business will be operated by a willing and capable private developer.
- B. TOD typology
 - 1. ULI project investments may be considered conditionally in “Infill and Enhance” and “Catalyze and Connect” typology areas, in accordance with section 5.1., provided the Metro TOD Program owns land in the vicinity or there is a broader downtown revitalization program in which the Metro TOD Program is a core partner.
- C. Eligible ULI business types and uses of funds
 - 1. Uses such as cinema-cafes, farmer’s markets, grocery stores, bookstores, restaurants and cafes, bakeries, bike shops, garden/flower shops, and specialty retail will be eligible for program funding. Priority will be given to projects that support local or regional business. Ineligible uses include bars, liquor stores, tanning salons, adult only businesses, and offices.
 - 2. Funding supports building improvements, renovations, or the purchase of permanent fixtures that will stay with and add value to the building for future ULI type businesses. Inventory, operating costs and tenant-specific improvements are ineligible. For example, soft-shell improvements (interior walls, electrical, restrooms, etc.) or a restaurant kitchen ventilation system could be eligible, but purchase of restaurant appliances and furnishings would not be eligible.
- D. Anticipated benefits
 - 1. The ULI project will have a direct impact on the achievable pricing for one or more specifically identified higher density housing projects which are not yet stabilized or are to be developed in the area in the near future; AND
 - 2. The expected ULI use improves the mix and convenience of retail services and amenities available for residents of the area; AND
 - 3. The expected ULI use is expected to be commercially viable; AND
 - 4. The building improvements or expected ULI use contribute to placemaking; AND
 - 5. The building improvements or expected ULI use activates the pedestrian realm along the street.
- E. Cost effectiveness
 - 1. The expected marginal increase in the achievable pricing of the other specifically identified higher density housing project(s) exceeds the ULI funding amount;
 - 2. Metro’s investment leverages contributions from other public or non-profit entities, such as local governments (tax abatement; tax increment financing; reduced SDCs; or support for entitlement changes) or state/federal (low income housing tax credits, public bond financing, grants) programs; AND
 - 3. Metro’s program, legal and other administrative costs are reasonably proportionate to the acquisition cost.

5.5 MULTI-PART INVESTMENT POLICY

Any given property or development project may benefit from a multi-part investment strategy including technical assistance, opportunity site investment, TOD project investments, ULI investments, and other related activities as authorized by the TOD Workplan or Metro Council. Eligibility for services and funding awards is cumulative and shall be determined by the selection criteria established for each type of program activity. Multi-part investments differ from recurring investments in that they combine different program activities together to support one property or development project.

5.6 RECURRING INVESTMENT POLICY

A. Definitions

1. "Project Reinvestments" - Funding for a TOD project that has already received a TOD project investment, for purposes of providing an incentive to the developer to construct additional TOD Program features, or to assist the project in attaining completion and stabilization.
2. "Repeat Investments" - Funding for a new project proposed by a developer who has been the recipient of TOD project investments in the past that resulted in a satisfactorily completed project.
3. "Concurrent Investments" - Funding for a new TOD Project proposed by a developer before a prior TOD project investment with that same developer has resulted in a satisfactorily completed and stabilized development.
4. "New TOD projects" - Projects which are separate in time or location; staff shall determine whether different components of a phased project should be considered as "new." The recurring investment policy is not intended to govern a phased project.

B. TOD Project Reinvestments

The TOD Program's initial investment in projects is typically less than the calculated induced fare box revenue and often much less than the cost premiums associated with the higher density development. The funding "gap" declared by the developer in its application to the TOD Program is generally significantly more than the assistance the Metro TOD Program commits to provide. On occasion, this built-in scarcity of subsidy may result in a request for further funding. The TOD Program must maintain the flexibility to further assist a project that is under construction but has suffered from an unforeseen setback that threatens the feasibility of the project and is not within the developer's control. However, the TOD Program must not serve as a guarantor that all TOD Program supported projects will be "moneymakers." Project Reinvestments to assist the project towards completion or stabilization may only be made if, upon a review of the project's financial statements, the Program Manager determines that:

1. An unforeseen setback not in the developers control, arising out of fluctuations in financial markets, commodities markets, labor markets, or unanticipated site conditions threatens the financial feasibility of the project; and

2. It is reasonably expected, all things considered, that the Project will be completed and reach stabilization within the time period supported by project financing; and
3. The aggregate TOD investment will not exceed estimates of the lesser of the induced farebox revenues or the total TOD cost premiums for the project.

C. Repeat investment policy

TOD Program objectives may, at times, be best achieved through repeat investments with particular developer or entities organized by that developer. Development risks are better understood and may be better managed by professionals who have done similar projects within a particular jurisdiction and submarket. Further, it may take a number of public-private partnerships to stimulate a self-sustaining momentum for the private sector investment needed to create the vibrant communities envisioned in the Region's 2040 Growth Concept. The TOD Program must balance these realities against the competing objective to "recruit new developers and build expertise within the developer community in compact and mixed use development."

1. Repeat Investments with a developer or entities organized or controlled by that developer in any one regional center, town center, or defined submarket shall be limited generally to three (3) projects, unless the TOD Steering Committee provides express approval.
2. This policy imposes no limits on Repeat Investments in different regional centers, town centers, or defined submarkets.

D. Concurrent Investments

Metro TOD Project support is provided to projects rather than to developers, and each subsequent project is its own distinct financial entity, usually a different LLC, with differing equity partners. The addition and/or substitution of these new equity partners to subsequent developments spreads the financial risk of developing TODs. The TOD Program must balance this reality against its duty to ensure that a developer's ongoing project will be successful before providing support for a new project.

1. Concurrent Investments may be made if: 1) they satisfy the Repeat Investment Policy; and 2) upon review of the financial statements of the ongoing TOD Project, the TOD Program Manager determines that it is reasonably expected that the ongoing TOD Project will be completed and reach financial stabilization within the time period supported by project financing, with or without TOD Program support for the new TOD project.

5.7 LOAN POLICY

The majority of TOD transactions are structured as land dispositions with value write-down or TOD easements. However, there are certain circumstances that arise related to the specific financial arrangements of a project or a potential project that give rise to the need for the TOD Program to participate financially by utilizing a loan.

- A. Loan agreements may be entered into to provide financing for land acquisition, TOD/Centers Easements, Urban Living Infrastructure projects, and any other authorized development expense.

- B. Circumstances under which a loan will be utilized include:
1. When the TOD Program is assisting a developer in securing a TOD site for future development by way of a purchase money loan. This type of loan will be secured with a first trust deed.
 2. When the project's financial structure allows for the TOD Program to obtain a TOD Easement and still recoup some of its investment. This type of loan will be provided on terms designed to enable the development to proceed and fulfill the objectives of the TOD Program. This type of loan will typically be secured in a subordinate position and will be structured so as not to negatively impact the project loan-to-value ratio (LTV), debt coverage ratio (DCR), or short-term cash flow requirements of the construction and permanent lenders.
 3. When a financial gap arises in a TOD Project resulting from market conditions or construction cost increases, and the gap must be closed in order to facilitate completion of the project or to protect an existing TOD investment. This type of loan will be provided on terms designed to enable the development to proceed and fulfill the objectives of the TOD Program. This type of loan will typically be secured in a subordinate position and will be structured so as not to negatively impact the project loan-to-value ratios (LTV), debt coverage ratios (DCR), and short-term cash flow requirements of the construction and permanent lenders.
- C. The TOD Program will obligate the entire loan amount for program budgeting purposes.
- D. TOD loans will be secured by land, typically in a position subordinate to a prime lender's first trust deed. On occasion, institutional lenders (insurance companies) and securitized lending programs (conduit lenders) will not allow a subordinate trust deed. In such situation, the TOD loan will be unsecured, but a TOD Easement must be recorded. The loan amount and terms will depend upon the circumstances of the particular project and project lender restrictions. TOD loans resulting in aggregate LTV ratios above 1.0 on projects are allowed, in order to assist in the creation of higher market comparables. Loans can range from short term (up to 4 years) to long term (up to 50 years). Interest rates may be simple or compounding, will be below market and may range as low as 1%. Terms and rates will be individually negotiated and will be structured so as not to negatively impact the LTV, DCR, or short-term cash flow requirements of the project. The discounted interest rate, gross loan amount and the discounted present value of the repayment obligation shall be disclosed to the TOD Steering Committee and included in the seven day letter to the Metro Council.
- E. In all instances, due diligence will be performed and loan documents will be prepared by the Metro Attorney and financial controls will be maintained by the Metro Finance Officer in accordance with any applicable procedures. TOD Steering Committee approval will be obtained and a 7-day Notice issued to Metro Council in accord with standard Metro TOD Program Workplan procedures.

6. PROGRAM OPERATIONS

6.1 INFORMATION & OUTREACH

Information about TOD program activities, project selection criteria, procedures and accomplishments will be easily accessible through the Metro website and a variety of written publications. Program staff will make conference and other group presentations, as well as responding to individual requests for information.

6.2 TECHNICAL ASSISTANCE AND OUTREACH

Program staff may provide education and technical assistance to: local, national or international jurisdictions and agencies working to implement TOD programs, plans or projects; academics studying TOD and public/private partnerships; and members of the private real-estate development community. The nature and extent of assistance shall be determined by TOD program management, considering staff availability, potential leverage to support TOD program goals, and funder requirements.

6.3 PROGRAM FUNDING

A. Funding coordination with TriMet

Metro shall continue funding coordination with TriMet to support the efficient and effective operation of the TOD Program. In accordance with the terms of the Intergovernmental Agreement(s), TriMet general funds are transferred to the TOD Program in exchange for an equivalent commitment to obligate flexible federal funds to TriMet for transit related uses.

B. Other funding

Other funding sources may be utilized for current and new program activities as they become available, consistent with the TOD Work Plan and as approved by the Metro Council.

6.4 INVESTMENT TOOLS/ACTIVITIES

Operating within the Metro management structure and consistent with the TOD Work Plan, TOD Procedures Manual, other Metro policies, and any applicable laws, Metro TOD staff shall implement the TOD program utilizing a broad range of investment tools and activities including: property acquisition and disposition; site improvements, predevelopment studies and implementation planning; exclusive negotiating agreements; financing agreements structured as grants or loans; purchase of restrictive TOD or ULI Easements; disposition and development agreements; and other activities as deemed appropriate and necessary by management.

6.5 PROGRAM PROCEDURES MANUAL

A. Purpose

A program procedures manual shall be maintained to support: fair and consistent consideration of program funding requests; compliance with Metro contracting, financial and other applicable administrative policies and procedures; and continuous improvements in program operations.

B. Contents

The TOD program procedures will include, at a minimum, guidance related to:

1. Project eligibility analyses: TOD typology place types; induced ridership; vehicle miles traveled; urban living infrastructure pricing effects; and cost premiums.
2. Developer selection methods: request for expressions of interest (RFEI); request for qualifications (RFQ); Request for proposal (RFP); and unsolicited proposal submissions.
3. Inter-agency agreements: Letters of agreement; memorandums of understanding; and intergovernmental agreements.
4. Project authorizations: TOD Steering Committee staff reports and minutes; Seven-day Notices; and real estate contracts and other standard legal documents.
5. Financial reporting: TOD Steering Committee budget status reports; and information required by Metro's Office of Finance and Regulatory Services.
6. Risk controls: preconditions for contractual commitments and release of funds; project monitoring during development; loan policies; and recurring investment policies.
7. Program monitoring, evaluation and reporting: annual report; project monitoring after completion; and travel behavior studies.

6.6 INTER-AGENCY PARTNERSHIPS

The Metro TOD Program seeks opportunities to partner with other public agencies and to leverage resources to stimulate private investment in transit-oriented development. Metro may enter into inter-agency agreements and may jointly own properties. Metro may terminate those inter-agency partnerships when there is failure to make progress in a timely manner or it appears that the desired outcomes will not be achieved.

6.7 DEVELOPER SELECTION

A. Metro controlled sites

1. Developer selection processes shall be conducted in a manner that provides transparency and open access to program funding while maintaining the flexibility to respond to time-sensitive business opportunities and respecting the proprietary and confidential character of the business endeavor.
2. Developer selection processes may use one or more of the following approaches: request for expressions of interest (RFEI); request for qualifications (RFQ); request for proposal (RFP); or unsolicited proposal submissions.
3. Metro may delegate significant developer selection process responsibilities to other governmental agencies that have a co-ownership position in the subject property, but shall retain concurrent developer selection approval authority. .
4. Developer selection decisions and, as applicable, exclusive negotiating agreements and disposition and development agreements (DDAs) shall be approved by the TOD Steering Committee, Metro Chief Operating Officer, and Metro Council through the Seven-day notice process.

B. Developer controlled sites

Developers with site control may take the initiative to contact Metro directly to determine funding eligibility of TOD projects that would not be feasible without public participation. Staff will evaluate requests and determine whether or not to present a funding recommendation for TOD Steering Committee consideration.

6.8 PROPERTY ACQUISITION AND DISPOSITION

A. Property acquisition parameters

1. The landowner is a willing seller.
2. The Office of the Metro Attorney shall perform industry standard, commercially reasonable pre-acquisition due-diligence, including, but not limited, to environmental assessment and testing.
3. Purchase price
Metro intends to pay no more than fair market value for property. However, the Metro area real estate market is dynamic and the process of identifying fair market value is not exact. Metro's acquisition process should provide as much flexibility as possible to achieve the goals of the TOD Program and to reflect the actual market conditions affecting the air market value of properties. The negotiated purchase price of the property:
 - a. Shall not exceed the minimum amount necessary for the property acquisition to proceed; AND
 - b. Shall be equal to or less than the fair market value as established by the appraisal and appraisal review processes; OR

- c. Shall be expressly authorized to exceed the fair market value as established by the appraisal and appraisal review processes, provided that the acquisition of the property at the negotiated price is expressly declared in the Seven-day Notice or other Metro Council authorization action to be in the “public interest”.

B. Property disposition parameters

1. Metro may transfer, sell or convey property purchased by the TOD Program to a willing and able public agency, a development partner, or a disinterested third party, with or without TOD development requirements.
2. Sale price of property with TOD development requirements, to a public agency or development partner, shall be at a negotiated price:
 - a. Equal to or above the fair market value established by a current appraisal, or competitive auction, or open real estate listings and marketing; or
 - b. Equal to or above the as-encumbered value established by a current appraisal that takes into account the requirements, reservations, covenants, conditions, restrictions or other limitations, exclusive of zoning or land use regulations, that the Metro TOD program imposes on the development or use of the land by Development Agreement and TOD Easement; or
 - c. At the value as established through a written staff analysis, after taking into account the anticipated benefits of the related TOD project, the amount and methods of public participation required for the project to proceed, and the fair market value and the as-encumbered value as established by a current appraisal.
3. Sale price of property without TOD development requirements, to a public agency or a disinterested third party, shall be at fair market value and may be undertaken if Metro determines that ownership of the property no longer represents the best use of TOD Program resources.

C. Appraisal Requirements

1. The Office of Metro Attorney shall procure and supervise the preparation of an appraisal of property prior to Metro acquisition or disposition, unless the Metro COO provides express written approval for reliance upon an appraisal secured by another governmental agency that has a co-ownership interest in the property.
2. The Office of Metro Attorney shall procure and supervise the preparation of a review appraisal of the property if either: (1) the property’s purchase or sale price is \$250,000 or more; or (2) the Office of Metro Attorney determines, at its sole discretion, that such an appraisal review is appropriate under the circumstances of a particular proposed acquisition.
3. If the review appraiser determines that the appraisal does not meet USPAP or other general appraisal standards, the review appraiser, after consultation with and at the direction of the Office of the Metro Attorney, may either: (a) work with the appraiser to correct the deficiencies; (b) perform a second appraisal; or (c) make a final determination of the range of value for the property.

D. Authorization

1. Property acquisitions and dispositions shall be approved by the TOD Steering Committee, Metro Chief Operating Officer, and Metro Council through the Seven-day notice process.

6.9 PROJECT AUTHORIZATIONS

A. Staff analysis

Metro staff shall evaluate funding requests for TOD projects, Opportunity sites, ULI projects, and other development project investments to determine the extent to which the proposed project meets the eligibility criteria set forth in the TOD Workplan, using methods set forth in the TOD Program Procedures Manual. Staff recommendations for project funding or property acquisitions or dispositions will be presented to the TOD Steering Committee for consideration.

B. TOD Steering Committee action

Project funding and property acquisition or disposition decisions shall be approved by a majority vote of the members present at a duly noticed meeting. Steering Committee members who have the appearance of a personal or professional conflict of interest are expected to abstain from decision making. The Office of Metro Attorney shall provide advice to assist in making such determinations.

C. Metro Council action

Following project funding approval by the TOD Steering Committee, the Chief Operating Officer shall issue a Seven-day Notice to provide written notification to the Metro Council of the proposed project. The Councilors have seven (7) days from issuance to request that the COO provide an opportunity to review the decision in executive session. The decision of the TOD Steering Committee becomes final after seven (7) days if no Councilor(s) request it be presented to the full Metro Council for review. The Metro Council may allow the TOD Steering Committee decision stand, send the decision back for reconsideration, modify the decision, or deny the approval entirely.

D. Legal documents

The Metro Chief Operating Officer shall have authority to execute legal documents to implement approved projects, consistent with the advice of the Office of Metro Attorney. These may include exclusive negotiating agreements, disposition and development agreements, purchase and sale agreements, Easements, Intergovernmental agreements, grant or loan agreements, and other documents as deemed appropriate by the Office of Metro Attorney.

6.10 RECORDED EASEMENTS

Metro shall routinely record encumbrances (Easements) on the title of the private properties which are directly participating in the TOD, ULI, or potentially other programs. The encumbrances shall acknowledge the incorporation of specifically identified TOD/ULI or other program features into the project, prohibiting specified non-program uses and encumbering the project with a requirement that the program uses of the property be maintained for a specified period.

6.11 CANCELLATION OF PROJECT AUTHORIZATIONS

Projects shall be deemed eligible for cancellation if TOD program staff determine that the developer has failed to make progress, the property owner and/or developer for the project has changed or the project design or development programs are significantly different from what was approved for funding. Previous funding commitments can be terminated by TOD Steering Committee action followed by a Seven-day Notice to Metro Council, in accordance with section 3.2.G.

6.12 WORKPLAN AMENDMENTS

The TOD Workplan shall be updated, as needed, to ensure the Metro Council concurs with recommended modifications to the policy, governance or operating framework for Metro's Transit Oriented Development Program. The Chief Operating Officer shall issue a Seven-day Notice to provide written notification to the Metro Council of proposed amendments to the TOD Workplan, in accordance with section 3.2.G. The Councilors shall have seven (7) days from issuance to request that the COO schedule a Council briefing and/or bring the matter forward for formal Council action. The amendment becomes final after seven (7) days if no Councilor(s) request it be presented to the full Metro Council for review or formal action.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 12-4363, FOR THE PURPOSE OF UPDATING THE TRANSIT-ORIENTED DEVELOPMENT (TOD) PROGRAM WORK PLAN TO IMPLEMENT THE TOD STRATEGIC PLAN AND IMPROVE PROGRAM TRANSPARENCY

Date: August 16, 2012

Prepared by: Meganne Steele,
Megan Gibb

BACKGROUND

The Transit Oriented Development Program Work Plan has been updated to implement the strategic investment framework and other key recommendations from the TOD Strategic Plan, as previously presented to the Metro Council, MPAC and others. The TOD Work Plan provides the policy, governance and operating framework for Metro's Transit Oriented Development Program. Originally adopted in 1998, it has been amended four times by formal Metro Council action. Although the scope and content of the TOD Work Plan remain generally the same, it has been entirely rewritten in collaboration with the Office of Metro Attorney to improve clarity and readability.

- **Articulates program mission** – The core mission of the TOD program is stated succinctly: To stimulate private sector investment to create the vibrant communities envisioned in the Region's 2040 Growth Concept.
- **Implements TOD strategic plan investment framework** – As illustrated in Figure 1. TOD Typology Clusters and Figure 2. TOD Program Strategic Investment Framework, program activities are strategically directed toward the areas that would most benefit from each particular type of investment or technical assistance. Conditional eligibility standards are set forth, including that housing choice projects not exacerbate an existing concentration of poverty in the area.
- **Broadens eligible area along transit corridors** - Properties along transit corridors served by frequent bus and street car become eligible for consideration if they are within ¼ mile of the route and have a functional pedestrian connection; it is no longer required that properties be within 800 feet of a transit stop.
- **Clarifies program governance** – In response to a Metro Auditor's Office recommendation, the roles and responsibilities of the Metro Council, Chief Operating Officer, TOD Steering Committee, and Metro Staff are clarified to reflect current practice. Use of the 7-day notice process is expanded to facilitate efficient and transparent decision-making related to property acquisitions/dispositions and TOD Work Plan amendments.
- **Updates TOD Steering Committee membership** – The Metro Council liaison, Oregon Housing and Community Service, and TriMet positions continue. Metro's Chief Operating Office is given authority to appoint the four to six members to provide additional expertise in transit-oriented development, urban revitalization, public-private partnerships, or real estate economics. It is anticipated that all current TOD Steering Committee members will be appointed to serve staggered three year terms, starting September 2012. Two currently vacant positions may be filled by new appointments, as needed.

- **Continues the Urban Living Infrastructure program**– The Urban Living Infrastructure program, established on a pilot basis when the TOD Work Plan was amended in 2007, continues to operate as a small program with limited funding. Strategic Plan advisors recommended program continuation as an effective tool in promoting transit-oriented development. This program is funded by interest earned from TOD Program revenues.
- **Improves transparency of program eligibility criteria** – TOD project investment criteria are expanded to integrate strategic plan recommendations and explicitly communicate the full set of factors the TOD Steering Committee has historically considered in allocating limited TOD project funding.
- **Sets forth property acquisition and disposition parameters** – TOD property acquisition and disposition parameters formalize oversight responsibilities of the Office of Metro Attorney. Staff are provided more discretion in negotiating purchase and sales terms and may vary from appraised values provided the COO concurs that it is merited because of the public benefits created; this approach is modeled after the Open Spaces acquisition program. Specific transactions may be authorized through the Seven-day Notice process instead of requiring formal action at a Metro Council meeting, thereby improving the ability to respond quickly to market opportunities.
- **Incorporates broader investment policies** – In response to a Metro Auditor's Office recommendation, the TOD loan, recurring investment, and multipart investment policies are included in the Work Plan.

ANALYSIS/INFORMATION

1. **Known Opposition:** There is no known opposition.
2. **Legal Antecedents:** On April 9, 1998, the Metro Council adopted Resolution No. 98-2619 (For the Purpose of Authorizing Start-Up Activities for the Transit-Oriented Development (TOD) Implementation Program at Metro), which authorized start-up activities and set forth the operating parameters of the TOD Program in a Work Plan providing for selection criteria for TOD projects. The TOD Work Plan was amended: (1) to include provision for a site improvements category by Resolution 00-2906 (For the Purpose of Amending the TOD Program Procedures to Facilitate TOD Projects Including the Round at Beaverton Central,) adopted March 9, 2000; (2) to include additional light rail corridors, streetcar, frequent bus, urban centers and green buildings by Resolution No. 04-3479 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Expand the TOD Program Area and Initiate An Urban Centers Program,) adopted July 15, 2004; (3) to add selection criteria for frequent bus line projects by Resolution No. 05-3563 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Apply Additional Selection Criteria to TOD Program Frequent Bus Line Projects), adopted May 19, 2005; (4) to allow a process for unsolicited proposals by Resolution No. 05-3617 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Allow a Process for Consideration of Unsolicited Development Proposals for Metro TOD & Centers Program Owned Land), adopted September 13, 2005; and (5) to establish the Urban Living Infrastructure program and designate focus centers by Resolution 07-3861 (For the Purpose of Amending the Transit Oriented Development (TOD) and Urban Centers Implementation Program to Designate Focus Centers, Establish an Urban Living Infrastructure Program, and Make Technical Changes), adopted November 1, 2007.
3. **Anticipated Effects:** Metro Council adoption of the updated Work Plan is necessary to align the TOD Program policy, governance and operating framework with the TOD Strategic Plan and to improve program transparency. The TOD Program will use objective, research-based approaches to determine station typologies and direct program activities where they are most effective. With program eligibility

criteria more comprehensively explained, potential development partners will better understand the desired project characteristics that are expected to stimulate further private investment to create the vibrant communities envisioned in the Region's 2040 Growth Concept.

4. **Budget Impacts:** None.

RECOMMENDED ACTION

It is recommended that the Metro Council approve the TOD Work Plan as presented in Exhibit A.

Figure 1. TOD Typology Clusters

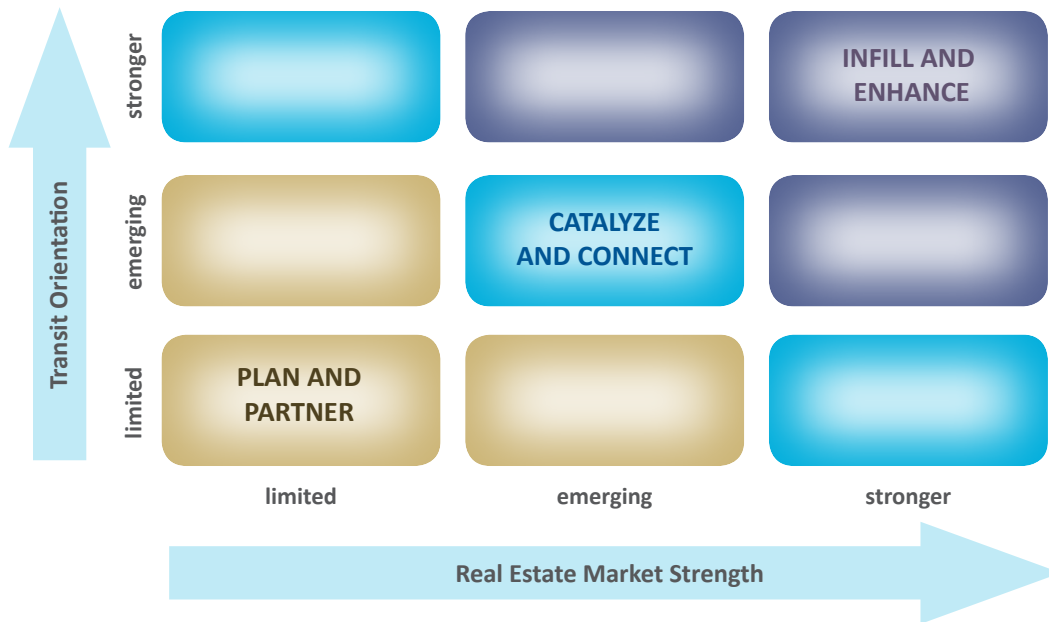


Figure 2. TOD Program Strategic Investment Framework

Program activities	Eligible Typology areas			Conditionally Eligible areas		
Catalytic TOD projects	[Blue]	[White]	[White]	[White]	[White]	[White]
	[White]	[Blue]	[White]	[Gold]	[White]	[White]
	[White]	[White]	[Blue]	[White]	[White]	[White]
Catalytic plus TOD projects	[Blue]	[Dark Blue]	[Dark Blue]	[White]	[White]	[White]
	[White]	[Blue]	[Dark Blue]	[Gold]	[White]	[White]
	[White]	[White]	[Blue]	[White]	[White]	[White]
Housing choice TOD projects	[White]	[White]	[White]	[Blue]	[Dark Blue]	[Dark Blue]
	[White]	[White]	[White]	[Gold]	[Blue]	[Dark Blue]
	[White]	[White]	[White]	[White]	[White]	[Blue]
Opportunity site investments	[Blue]	[Dark Blue]	[Dark Blue]	[White]	[White]	[White]
	[Gold]	[Blue]	[Dark Blue]	[White]	[White]	[White]
	[Gold]	[Gold]	[Blue]	[White]	[White]	[White]
Urban living infrastructure projects	[White]	[White]	[White]	[Blue]	[Dark Blue]	[Dark Blue]
	[White]	[White]	[White]	[Gold]	[Blue]	[Dark Blue]
	[White]	[White]	[White]	[Gold]	[Gold]	[Blue]
Technical assistance and outreach activities	[Blue]	[Dark Blue]	[Dark Blue]	[White]	[White]	[White]
	[Gold]	[Blue]	[Dark Blue]	[White]	[White]	[White]
	[Gold]	[Gold]	[Blue]	[White]	[White]	[White]

Agenda Item No. 5.2

Resolution No. 12-4364, For the Purpose of Approving an Application for Easements from TriMet for the Construction of the Portland-Milwaukie Light Rail Project.

Resolutions

Metro Council Meeting
Thursday, August 16, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING AN) RESOLUTION NO. 12-4364
APPLICATION FOR EASEMENTS FROM TRI-)
MET FOR THE CONSTRUCTION OF THE) Introduced by Martha J. Bennett with the
PORTLAND-MILWAUKIE LIGHT RAIL) consent of Metro Council President Tom
PROJECT) Hughes

WHEREAS, in May 1995 regional voters approved a \$135.6 million Open Spaces, Parks and Streams Bond Measure (the “1995 Open Spaces Bond Measure”) with a stated goal of acquiring land in 14 regional natural areas and six regional trails and greenway areas (“Target Areas”), including the OMSI to Springwater Corridor Target Area;

WHEREAS, Metro purchased real property in the OMSI to Springwater Corridor Target Area with proceeds from the 1995 Open Spaces Bond Measure, including an approximate 4.19-acre parcel (the “Property”) immediately east of McLoughlin Boulevard that supports a 175-foot bike-pedestrian bridge that crosses the Union Pacific rail lines and the future Portland-Milwaukie Light Rail lines below;

WHEREAS, on November 6, 1997 the Metro Council adopted 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” (“Easement Policy”), which provides for formal staff review under specified criteria of all proposed easements, rights of way and leases for non-park uses, with final review and approval by the Metro Council;

WHEREAS, the Tri-County Metropolitan Transportation District of Oregon (“TriMet”) is commencing construction of the Portland-Milwaukie Light Rail project (the “Project”), and has submitted an application under the Easement Policy for two permanent easements and one temporary easement (the “Application”) to allow for construction of the Project under the bridge on the Property that spans the rail line corridor below;

WHEREAS, the easements requested consist of a 9,099 square-foot (approximately 0.21 acres) permanent easement to accommodate light rail tracks and a retaining wall, a 3,846 square-foot permanent easement (approximately 0.09 acres) for wall footings, soil nails to anchor the footings, and future maintenance, and a 41,735 square-foot (approximately 0.96 acres) temporary easement lasting approximately 24 months to stage construction of a new connection from the future light rail station at Tacoma Street to the Springwater Corridor Trail;

WHEREAS, as required by the Easement Policy, the negative impacts of the Project and the granting of the easements will be mitigated through a connection built by TriMet to a new light rail station, and TriMet has offered to pay Metro the fair market value of the easements, as determined by an independent appraisal; and

WHEREAS, the Metro Council finds, after consideration of the policies set forth in the Easement Policy, that alternatives to the Project and the granting of the easements to TriMet are not feasible, and that the impact of the Project on the Springwater Corridor Trail will be minimized to the extent possible, and that therefore the easements can be granted to TriMet in conformance with Metro’s Easement Policy; now therefore

BE IT RESOLVED that the Metro Council approves TriMet's application for easements, in the form approved by the Metro Attorney.

ADOPTED by the Metro Council this _____ day of _____ 2012.

Tom Hughes, Council President

Approved as to Form:

Alison Kean-Campbell, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 12-4364 FOR THE PURPOSE OF APPROVING AN APPLICATION FOR EASEMENTS FROM TRI-MET FOR THE CONSTRUCTION OF THE PORTLAND-MILWAUKIE LIGHT RAIL PROJECT

Date: August 16, 2012

Prepared by: Kathleen Brennan-Hunter
(503) 797-1948

BACKGROUND

Tri-County Metropolitan Transportation District of Oregon (“Tri-Met”) requests authorization from the Metro Council to approve Tri-Met’s Application for Easements for Tri-Met’s construction of the Portland-Milwaukie Light Rail project (the “Project”). The Project crosses under the eastern portion of a Metro-owned property that contains the Springwater Corridor trail (the “Property”) where the trail crosses a bridge that spans the rail line corridor below. Tri-Met’s request is for the purchase of two permanent easements and one temporary construction easement from Metro to allow construction of the Project.

On November 6, 1997, the Metro Council adopted 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” (the “Easement Policy”), which provides for formal staff review under specified criteria of all proposed easements, right of ways and leases for non-park uses, through properties purchased with funds from the 1995 Metro Open Spaces, Parks and Streams bond measure, with final review and approval by the Metro Council.

Metro purchased the Property in December 2001 from Union Pacific Rail Road. The Property is part of the Springwater Corridor trail immediately east of McLoughlin Boulevard, where a 175-foot bike-pedestrian bridge crosses Union Pacific rail lines below. Metro purchased the Property with proceeds from the 1995 Open Spaces Bond Measure. The City of Portland manages the Property for Metro pursuant to an Intergovernmental Agreement dated October 27, 2009.

The light rail line being constructed by Tri-Met will run under the bike-pedestrian bridge without significantly impacting the trail or bridge. The Project requires a 9,099 square-foot (approx. 0.21 acres) permanent easement to accommodate the light rail tracks and a retaining wall. A second 3,846 square-foot permanent easement (approx. 0.09 acres) is requested for wall footings, soil nails to anchor the footings, and future maintenance. Also, a 41,735 square-foot (approx. 0.96 acres) temporary easement of approximately 24 months is needed to facilitate construction of a new connection from the future light rail station at Tacoma Street to the Springwater Corridor trail. Tri-Met has submitted an easement request application under the Easement Policy for the above mentioned easements as set forth in Attachment 1, attached hereto, and incorporated herein (“Application”).

Tri-Met’s application was deemed complete and was analyzed by Metro staff according to guidelines set forth in Resolution No. 97-2539B. The Project will not significantly impact the Property and its continued use for the Springwater Corridor trail. In fact, the Project will have a positive impact because Tri-Met will construct a trail connection on the Property from the Springwater Corridor to the nearby light rail station, thereby increasing access to active transportation and recreation in our regional transportation system.

Tri-Met has offered to pay Metro the fair market value of the easements, as determined by an independent appraisal, and as required by the Easement Policy. The proposed compensation for all three easements is \$ 119,912, which includes compensation for staff time, as is required by the Easement Policy.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

Metro Code Section 2.04.026(a) (2) requires that the Chief Operating Office obtain the authorization of the Metro Council prior to executing any contract for the sale of real property owned by Metro.

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.”

3. Anticipated Effects

The granting of the easements will allow for the construction of the Light Rail Project through the Metro Property with no significant impact to the Property or the Springwater Corridor trail. Pursuant to the project plans, Tri-Met will also construct on the Metro Property a trail connection from the Springwater Corridor trail to the future Light Rail station at Tacoma Street.

4. Budget Impacts

Metro will be paid the fair market value of the easements, as required under Metro policy and described above. These funds will be returned to the 1995 Opens Spaces Bond Measure acquisition fund for future natural area and/or trail acquisitions.

RECOMMENDED ACTION

Staff recommends the Application be approved and that the Metro Council adopt Resolution No. 12-4364.



METRO
OPEN SPACES
PEOPLE PLACES

Application for Easement / Right-of-Way / Lease
For Non-Park Uses

Applicant Name: <i>TRIMET</i>	Contact person Name: <i>Jenny Lyman</i>
Address: <i>710 NE Holladay</i>	Title: <i>right-of-way engineer</i>
City, State, Zip: <i>Portland, OR 97232</i>	Phone: <i>503.962.2346</i>
Phone: <i>503.962.2346</i>	Fax:

Applicant shall fully and completely explain, describe and identify the elements of its proposed easement / right-of-way / lease, for non-park uses in accord with Metro Council Resolution No. 97-2539B, attaching additional materials if necessary, as set forth below.

Type of Request: Easement Right-of-Way Lease

Describe the purpose of your request:

The purpose of this request is to obtain easements required to facilitate construction of the Portland-Milwaukie Light Rail Transit Project.

Describe proposed terms of your requested easement/lease /right of way:

The project requires one permanent easement (parcel 1) for light rail tracks and a retaining wall and one permanent easement for wall footings, soil nails, and maintenance (parcel 2). One temporary (one year) easement is also required to facilitate construction of a new connection to the springwater corridor trail.



METRO
OPEN SPACES
PEOPLE PLACES

Application for Easement / Right-of-Way / Lease For Non-Park Uses

Identify location of proposal on a base map of not less than 1"=500' showing topographical lines at 10' intervals and include significant natural and man-made features of the area:

See attached.

Describe the size of easement requested in both dimension and total area required:

See attached legal description.

Describe all components of your proposed use (grading, fill and removal, sub-surface elements, structures, etc.):

The proposed use will include all civil construction required to construct light rail tracks, retaining walls and other appurtenances. These may include stormwater facilities, landscaping, lighting, and a multi-use path connection to the springwater trail. See attached construction plans.

The light rail tracks will be at the same elevation as the freight railroad tracks in this location – underneath the springwater trail.

Describe the existing conditions of the site:

At this location, the springwater trail is on an elevated structure which crosses over existing freight railroad tracks. The area around the springwater trail is covered with vegetation.



METRO
OPEN SPACES
PEOPLE PLACES

Application for Easement / Right-of-Way / Lease
For Non-Park Uses

Describe the proposed modifications to the site that would be required to accommodate your request (e.g., tree removal, soil disturbance, stream crossing, etc.):

Modifications to the site include all civil construction required to construct the light rail tracks, retaining wall and appurtenances. Civil construction may include stormwater facilities, landscaping, landscape removal, lighting, and a multi-use path connection to the springwater trail. See attached construction plans.

Describe your proposed project schedule and phasing:

July 2012 thru December 2014

Explain your need for ongoing access. What is your proposal for accommodating this need?

TriMet will require on-going access to operate light rail trains over parcel 1. Trimet will also require on-going access to inspect and maintain the retaining wall. This will be accommodated through the permanent easements – parcels 1 and 2 on the attached legal description.



METRO
OPEN SPACES
PEOPLE PLACES

Application for Easement / Right-of-Way / Lease For Non-Park Uses

Describe your ongoing maintenance requirements:

All maintenance will be performed by TriMet or it's contractors. Requirements include access for vehicles, equipment and people to inspect and maintain the light rail tracks, retaining wall, and appurtenances.

Describe other reasonable alternative routes that avoid the park or natural area property but are believed to not be feasible:

Refer to the locally preferred alternative analysis in the project's FEIS.

What is the public benefit of this lease, easement or right-of-way?

Public benefits include improved connections to the springwater trail and better access to alternative modes of transportation including light rail.



METRO
OPEN SPACES
PEOPLE PLACES

Application for Easement / Right-of-Way / Lease
For Non-Park Uses

Include any other relevant information describing and quantifying your proposal:

See attached construction plans and legal description.

By completing, executing and submitting this Application, Applicant hereby agrees to pay all Metro costs associated with processing, reviewing, analyzing, negotiating, drafting, approving, conveying and assuring compliance with the request hereunder and any easement, right-of-way or lease approved or denied hereby, in accord with Metro Council Resolution No. 97-2539B, unless waived by the Metro Council via resolution adopted at public session.

APPLICANT

METRO
Received and Accepted

By: *M. Lyman*
Date: 2-9-12

By: *Fritz Sander*
Date: 2-1-12

Contact For Questions:

METRO Sustainability Center
Attn: Dan Moeller
600 NE Grand Avenue
Portland, Oregon 97232-2736
Telephone:
Fa[
E-Mail: dan.moeller@oregonmetro.gov

I HEREBY CERTIFY THAT THE FOREGOING IS A COMPUTED EXACT COPY OF THE ORIGINAL HEREOF.

BEFORE THE METRO COUNCIL

Rebecca V. Shemsky
METRO COUNCIL ARCHIVIST

FOR THE PURPOSE OF APPROVING GENERAL) RESOLUTION NO. 97-2539B
POLICIES RELATED TO THE REVIEW OF)
EASEMENTS, RIGHT OF WAYS, AND LEASES)
FOR NON-PARK USES THROUGH PROPERTIES)
MANAGED BY THE REGIONAL PARKS AND) Introduced by
GREENSPACES DEPARTMENT.) Mike Burton, Executive Officer

WHEREAS, Metro currently owns and manages more than 6,000 acres of regional parks, open spaces, natural areas, and recreational facilities; and

WHEREAS, additional lands are being acquired through the Open Space, Parks, and Streams Bond Measure, approved by voters in May of 1995; and

WHEREAS, the primary management objectives for these properties are to provide opportunities for natural resource dependent recreation, protection of fish, wildlife, and native plant habitat and maintenance and/or enhancement of water quality; and

WHEREAS, Metro will be approached with proposals to utilize regional parks, open spaces, natural areas, and recreational facilities property for utility, transportation, and other non-park purposes; and

WHEREAS, Metro seeks to insure that these uses have no negative impact upon the primary management objectives of Metro Regional Parks and Greenspaces properties; and

WHEREAS, it would be in Metro's best interest to provide for the orderly evaluation and consideration of proposals to utilize portions of Metro Regional Parks and Greenspaces properties for utility, transportation and other non-park uses; NOW THEREFORE,

BE IT RESOLVED, that the Metro Council hereby adopts the policy attached as Exhibit "A" for any and all requests related to formal proposals for the use of Metro Regional Parks and Greenspaces properties for the purposes noted therein.

ADOPTED by the Metro Council this (pth) day of November, 1997.

Jon Kyistad
Jon Kyistad, Presiding Officer

ATTEST:

Cheryl [Signature]
Recording Secretary

Approved as to Form:

Daniel B. Cooper
Daniel B. Cooper, General Counsel

Exhibit "A"

METRO POLICY RELATED TO THE REVIEW OF
EASEMENTS, RIGHT OF WAYS, AND LEASES
FOR NON-PARK USES

Metro owns and manages, either on its own or in partnership with other government and private entities, several thousand acres of regional parks, open spaces, natural areas and recreational facilities. These facilities are maintained to promote and preserve natural resources and recreational opportunities for the public consistent with the Greenspaces Master Plan adopted by the Metro Council in 1992, the Open Spaces Bond Measure approved by the voters in 1995 and other restrictions limiting the uses of specific properties in existence at the time of its acquisition by the public. Nothing in this policy shall be construed to allow these facilities to be used in any manner which detracts from this primary purpose. This policy is written from the perspective of Metro as the property owner, however, in those cases in which Metro co-owns a property with other entities, all decisions concerning the use of the property in question will be fully coordinated with the other owners. In addition, all new development and all proposed work within Water Quality Resource Areas or other environmentally sensitive work will be conducted in accordance with Metro or local government policies, to include where appropriate, application for permits and completion of environmental reviews. In event that local government policies are less restrictive than the Metro Model ordinances, Metro will apply the more restrictive Metro policies.

Regarding requests for easements, right of ways, and leases for non-park uses in Metro owned or managed regional parks, natural areas or recreational facilities, it is Metro's policy to:

- 1) Provide for formal review of all proposed easements, right of ways, and leases for non-park, uses by the Regional Parks and Greenspaces Advisory Committee, the Regional Facilities Committee and the full 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.
- 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.
- 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.
- 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.

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.

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

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

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

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 a non-park use.

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 monetary.

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

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.

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 infeasibility.

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 exists all proposed uses shall be consistent with the Greenspaces Master Plan. Deficiencies shall be conveyed to the applicant for correction.

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.

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.

e) Upon completion of negotiations, the proposed agreement, in the appropriate format, shall be forwarded for review and approval as noted in item "1" above. In no event shall construction of a project commence prior to formal approval of a proposal.

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.

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

Exhibit "A"

File 3608
Metro

Parcels 1, 2, 3
1 1E 25BB 8000

Portland-Milwaukie LRT Project
Jack Carlson, Otak, Inc., 12/15/2010
Amended:

Parcel 1-Permanent Easement

A tract of land in the northwest one-quarter of Section 25, Township 1 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, to wit:

That portion of the former Portland Traction Company railroad right of way described as Exhibit A, Tract 5 in that Quitclaim Deed to Metro, recorded on December 21, 2001 as Fee No. 2001-108239, Clackamas County Deed Records, lying on the easterly (right) side of the following described line:

Beginning at a point which bears North, a distance of 732.28 feet and East, a distance of 1,190.23 feet from the westerly southwest corner of the George Wills D.L.C. No. 58; thence N.07°09'13"W., a distance of 438.86 feet to the terminus of this line.

The tract of land to which this description applies contains 9,099 square feet, more or less.

Bearings are based on the Oregon Coordinate System of 1983, north zone.

Parcel 2-Permanent Easement

A strip of land in the northwest one-quarter of Section 25, Township 1 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, to wit:

That portion of the former Portland Traction Company railroad right of way described as Exhibit A, Tract 5 in that Quitclaim Deed to Metro, recorded on December 21, 2001 as Fee No. 2001-108239, Clackamas County Deed Records, contained within a 25.00 foot wide strip of land, the easterly line of said strip being described as follows:

Beginning at a point which bears North, a distance of 732.28 feet and East, a distance of 1,190.23 feet from the westerly southwest corner of the George Wills D.L.C. No. 58; thence N.07°09'13"W., a distance of 438.86 feet to the terminus of this line.

The tract of land to which this description applies contains 3,846 square feet, more or less.

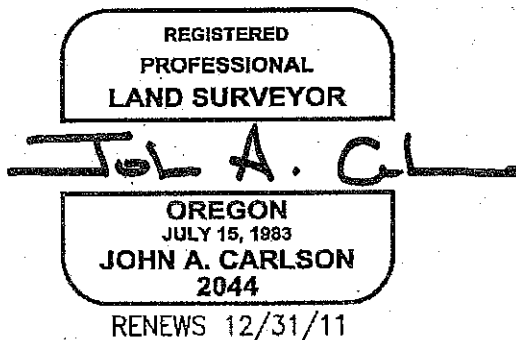
Bearings are based on the Oregon Coordinate System of 1983, north zone.

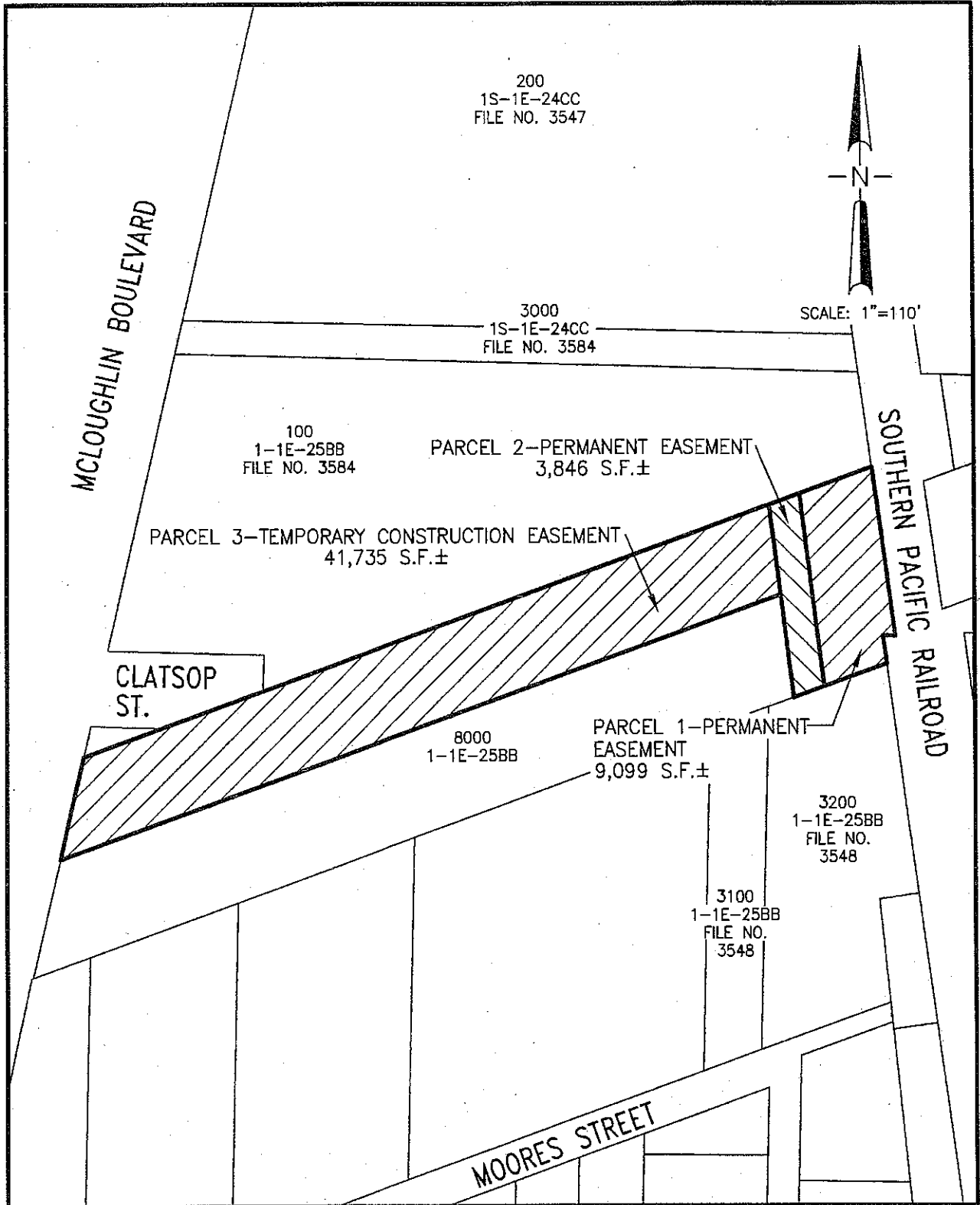
Parcel 3-Temporary Construction Easement

A strip of land, 70.00 feet wide, in the northwest one-quarter of Section 25, Township 1 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, to wit:

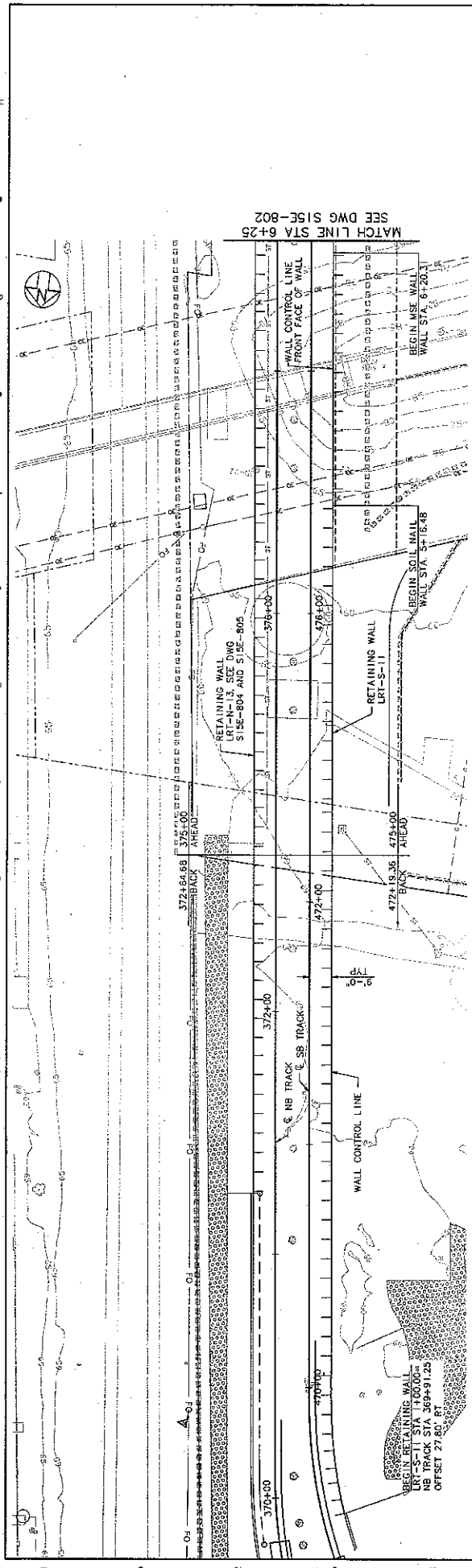
The northerly 70 feet of that portion of the former Portland Traction Company railroad right of way described as Exhibit A, Tract 5 in that Quitclaim Deed to Metro, recorded on December 21, 2001 as Fee No. 2001-108239, Clackamas County Deed Records, lying easterly of McLoughlin Boulevard and westerly of Parcel 2 as described above.

The tract of land to which this description applies contains 41,735 square feet, more or less.





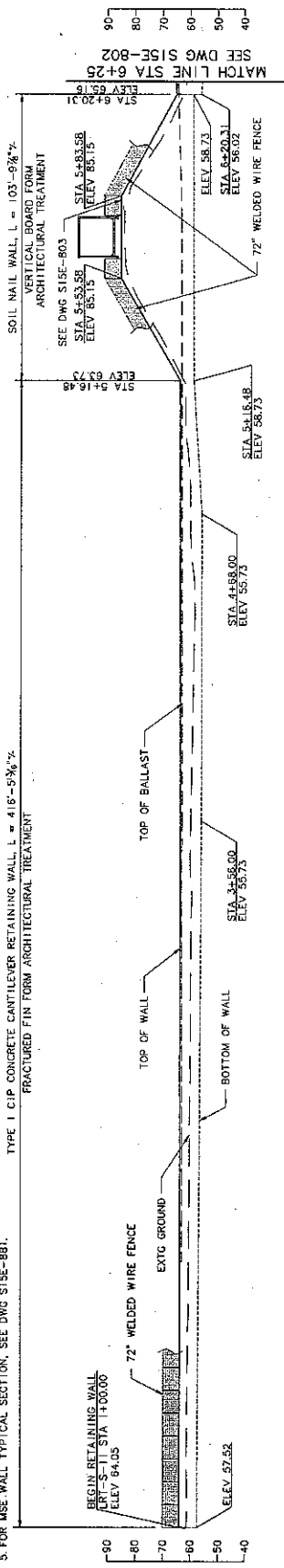
<p>TRI MET CAPITAL PROJECTS AND FACILITIES DIVISION 710 N.E. HOLLADAY STREET PORTLAND, OREGON 97232</p>	<p>ACQUISITION SKETCH PORTLAND TO MILWAUKIE LRT FILE NO. 3608</p>		<p>otak 17355 S.W. BOONES FERRY ROAD LAKE OSWEGO, OREGON 97035 (503)635-3618 FAX (503)635-5395</p>
	<p>DATE 12/14/2010</p>	<p>REVISION NO. 000</p>	



GENERAL NOTES:

1. WALL CONTROL LINE IS THE BACK FACE OF WALL AT TOP OF BALLAST, UNLESS NOTED OTHERWISE.
2. FOR GENERAL NOTES SEE DWGS S15E-880, S15E-883, AND S15E-893.
3. FOR CANTILEVER WALL TYPICAL SECTION, SEE DWG S15E-893.
4. FOR SOIL NAIL WALL TYPICAL SECTION, SEE DWG S15E-893.
5. FOR MSE WALL TYPICAL SECTION, SEE DWG S15E-881.

PLAN
SCALE: 1" = 20'-0"



NOTE:
ALL HORIZONTAL DIMENSIONS MEASURED ALONG WALL CONTROL LINE

ELEVATION
SCALE: 1" = 20'-0"

<p>TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON</p> <p>TRIMET</p> <p>CAPITAL PROJECTS DIVISION 710 NE HOLMADAY STREET PORTLAND, OREGON 97232</p>		<p>DATE: 5/14/12</p> <p>APPROVED: <i>[Signature]</i></p>	<p>DATE: 5/14/12</p> <p>APPROVED: <i>[Signature]</i></p>
<p>PROJECT NO: S15E-801</p> <p>SCALE: AS NOTED</p> <p>DATE: 5/14/12</p>		<p>PROJECT NO: RH100544B</p> <p>SHEET NO: 1</p>	<p>PROJECT NO: S15E-801</p> <p>SCALE: AS NOTED</p> <p>DATE: 5/14/12</p>

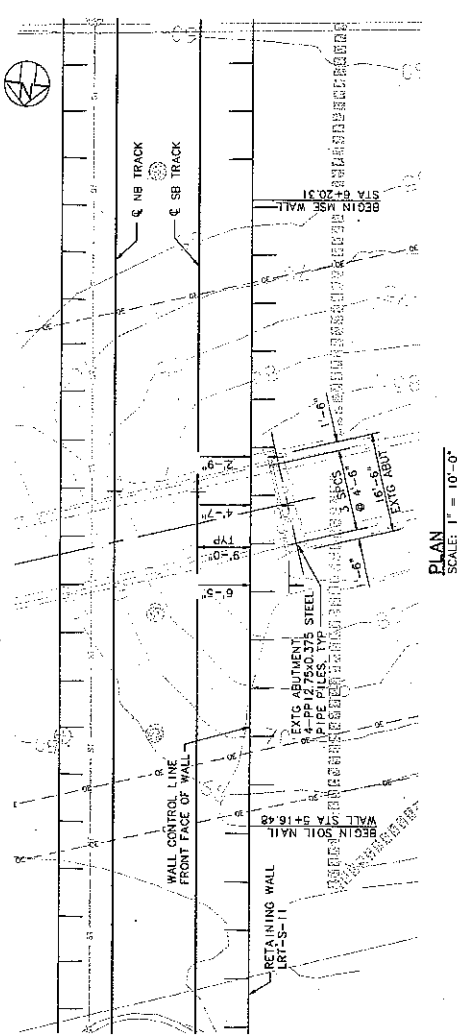
APPROVED FOR CONSTRUCTION

DATE: 5/14/12

SCALE: AS NOTED

NO.	DATE BY	APP.	DESC.

A B C D E F G H

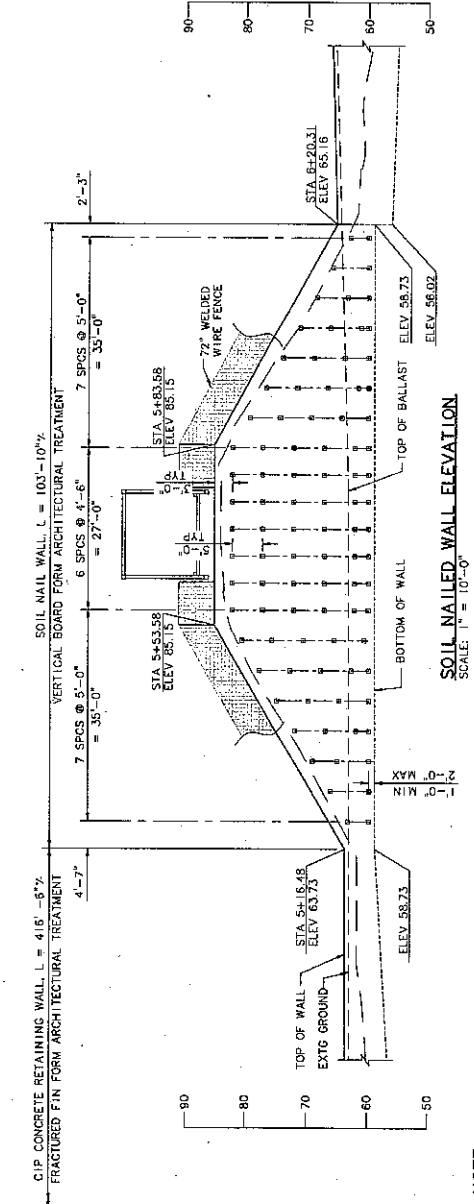


GENERAL NOTE:
FOR GENERAL NOTES AND WALL DETAILS, SEE DWGS S15E-893 - S15E-895.

SOIL NAIL DESIGN INFORMATION

MAX WALL HEIGHT (FEET)	BAR SIZE (GRADE 75)	ULTIMATE PULLOUT RESISTANCE (KIPF)	REQUIRED BAR STRENGTH F_y (KIPS)	REQUIRED BAR LENGTH (FEET)	REQUIRED HEAD STRENGTH PERMANENT (KIPS)
30	#9	2.6	75	37	45
25	#8	2.6	59	32	45
20	#8	2.6	59	26	40
15	#7	2.6	45	20	25
10	#6	3.0	33	16	20
5	#6	3.0	33	12	8

1 THE NOMINAL PULLOUT RESISTANCE IS BASED ON A 4" DIAMETER DRILLHOLE.
2 FACTORED LOAD



NOTE:
ALL HORIZONTAL DIMENSIONS MEASURED ALONG WALL CONTROL LINE

				PORTLAND TO MILWAUKIE LRT EAST SEGMENT STRUCTURAL MILWAUKIE - RETAINING WALLS PLAN AND ELEVATION - LRT-S-11 - 3 OF 3	
CAPITAL PROJECTS DIVISION 710 NE HOLLADAY STREET PORTLAND, OREGON 97232		TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON		APPROVED: 5/14/12 DATE: 5/14/12	
DAVID EVANS ENGINEERING ASSOCIATES INC.		TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON		APPROVED: 5/14/12 DATE: 5/14/12	
CAP. DESIGN: 4/28/11 DESIGN: 5/14/11 CHECK: 2/20/12 DATE: 5/14/12		TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON		APPROVED: 5/14/12 DATE: 5/14/12	
DATE OF REVISIONS:		TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON		APPROVED: 5/14/12 DATE: 5/14/12	
NO. DATE BY APP. REVISIONS		TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON		APPROVED: 5/14/12 DATE: 5/14/12	
SCALE: AS NOTED		TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON		APPROVED: 5/14/12 DATE: 5/14/12	
DRAWING NO.: S15E-893		TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON		APPROVED: 5/14/12 DATE: 5/14/12	
CORRECT NO.: RH100544.B		TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON		APPROVED: 5/14/12 DATE: 5/14/12	

A B C D E F G H

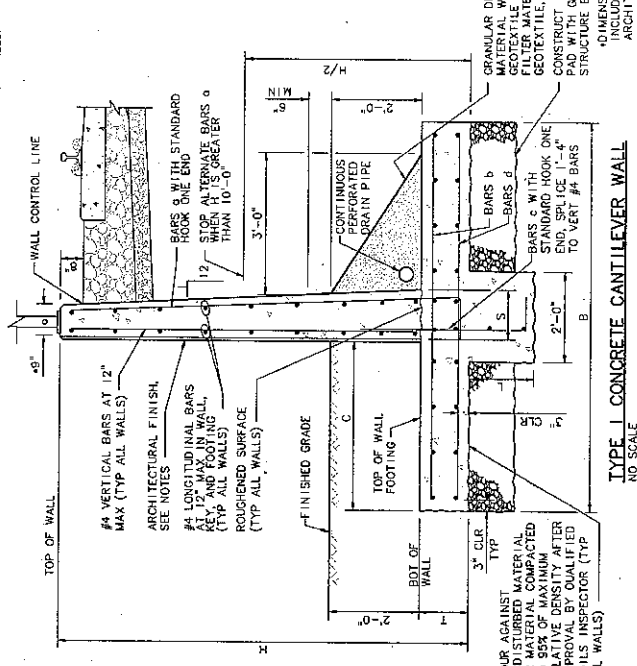
CANTILEVER WALLS, GENERAL NOTES:

- DESIGN SPECIFICATIONS--AASHTO LRFD BRIDGE DESIGN SPECIFICATIONS, FIFTH EDITION, 2010, AND TRIMET DESIGN CRITERIA, JAN. 2010 WITH MAY 2010 AND MAR. 2011 UPDATES.
- APPLY ARCHITECTURAL FINISH TO CONCRETE CANTILEVER WALLS, AT LOCATIONS SHOWN ON PLAN AND ELEVATION SHEETS.
- ASSUMED SOIL FRICTION FACTOR IS 0.50.
- THE RESISTANCE FACTOR FOR OVERTURNING IS 0.65. THE RESISTANCE FACTOR FOR SLIDING IS 1.00, AND THE RESISTANCE FACTOR FOR BEARING IS 0.45.
- DO NOT BACKFILL WALL UNTIL TRENCHING THAT MAY BE NECESSARY IN FRONT OF WALL IS BACKFILLED AND COMPACTED, AND COMPACTED FILL IS IN PLACE TO TOP OF SUBGRADE.
- CONCRETE SHALL BE CLASS 3300-1/2" OR 3/4".
- REINFORCING STEEL SHALL CONFORM TO ASTM A706 OR ASTM A615 (GRADE 60).
- #4 LONGITUDINAL BARS AND #4 VERTICAL BARS IN FRONT FACE OF WALL SHALL BE LAPPED 1'-4" AT ALL SPLICES. NO SPLICES ARE PERMITTED IN BACK FACE OF WALL. ALL BARS SHALL BE PLACED 2" CLEAR OF THE NEAREST FACE OF CONCRETE UNLESS NOTED OR SHOWN OTHERWISE.
- PLACE EXPANSION JOINTS THROUGH WALL AND FOOTING AND CONTRACTION JOINTS IN WALL ONLY. SEE JOINTS. PLACE EXPANSION JOINTS AT APPROX 96'-0" SPACING. PLACE CONTRACTION JOINTS AT APPROX 32'-0" SPACING. SEE DWG 515E-865 FOR CONTRACTION AND EXPANSION JOINT DETAILS.
- SEE DWG 515E-884 FOR BACKFILL DETAILS.
- BACKFILL/EMBANKMENT SOIL UNIT WEIGHT = 120 LBS/FT³. ANGLE OF INTERNAL FRICTION OF BACKFILL/EMBANKMENT SOIL = 32°. LIVE LOAD SURCHARGE = 240 PSF.
- THESE DIMENSIONS SHALL DETERMINE THE MINIMUM DIMENSIONS FOR CONSTRUCTION OF WALLS.

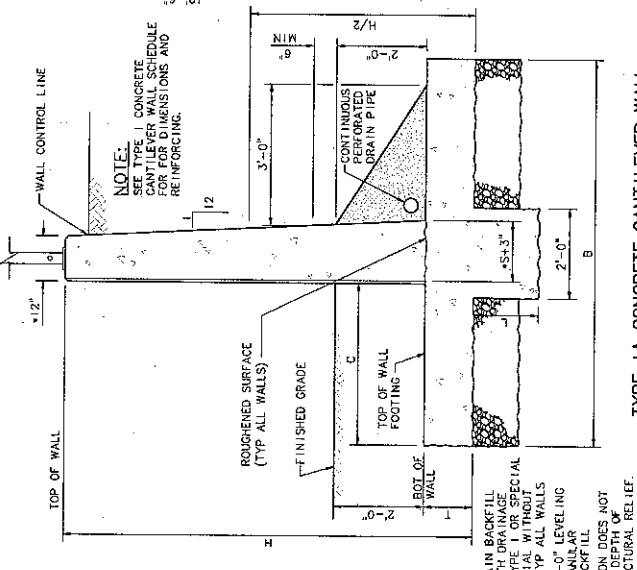
TYPE I CONCRETE CANTILEVER WALL SCHEDULE

H	B	C	S	T	L	U-VARIABLES	FROM	TO	BAR SCHEDULE	MAX SOIL PRES. (PSF)
4'-0"	5'-9"	2'-0"	12"	12"	3'-0"	4'-0"	4'-0"	4'-0"	#4 @ 18" / #5 @ 18"	530
6'-0"	6'-3"	2'-6"	14"	12"	2'-7"	4'-1"	6'-0"	6'-0"	#4 @ 18" / #5 @ 18"	835
8'-0"	7'-0"	2'-8"	16"	12"	2'-8"	6'-1"	8'-0"	8'-0"	#4 @ 18" / #5 @ 18"	1370
10'-0"	8'-6"	3'-6"	18"	14"	2'-8"	8'-1"	10'-0"	10'-0"	#4 @ 18" / #5 @ 18"	1495
12'-0"	10'-2"	4'-2"	19 1/2"	16"	2'-8"	10'-1"	12'-0"	12'-0"	#4 @ 18" / #5 @ 18"	1620
14'-0"	11'-4"	5'-4"	21 1/2"	17"	2'-8"	12'-1"	14'-0"	14'-0"	#4 @ 18" / #5 @ 18"	2005
16'-0"	13'-3"	6'-3"	23 1/2"	18"	2'-8"	14'-1"	16'-0"	16'-0"	#4 @ 18" / #5 @ 18"	2460
18'-0"	15'-1"	7'-1"	25 1/2"	19"	3'-2"	16'-1"	18'-0"	18'-0"	#4 @ 18" / #5 @ 18"	2460
20'-0"	17'-10"	8'-10"	27 1/2"	20"	3'-2"	18'-1"	20'-0"	20'-0"	#4 @ 18" / #5 @ 18"	2810

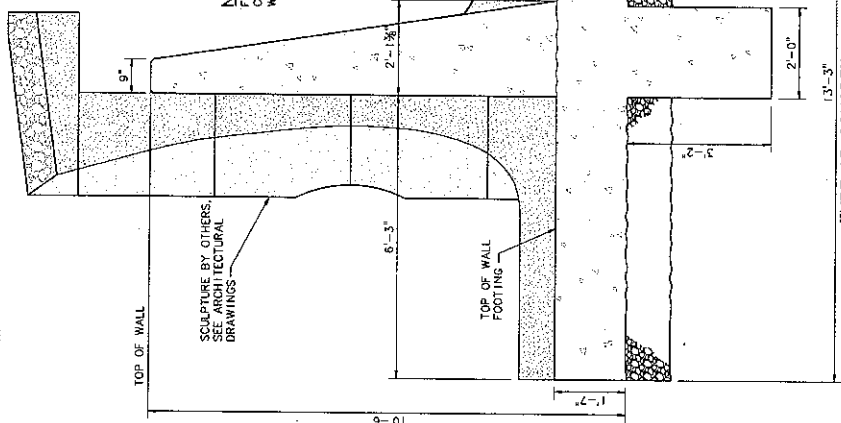
- SEE DWG 515E-884 FOR BACKFILL DETAILS.
- BACKFILL/EMBANKMENT SOIL UNIT WEIGHT = 120 LBS/FT³. ANGLE OF INTERNAL FRICTION OF BACKFILL/EMBANKMENT SOIL = 32°. LIVE LOAD SURCHARGE = 240 PSF.
- THESE DIMENSIONS SHALL DETERMINE THE MINIMUM DIMENSIONS FOR CONSTRUCTION OF WALLS.



TYPE I CONCRETE CANTILEVER WALL
NO SCALE



TYPE IA CONCRETE CANTILEVER WALL
NO SCALE



TYPE IB CONCRETE CANTILEVER WALL
NO SCALE

NOTE:
FOR REINFORCING, SEE TYPE I
CONCRETE RETAINING WALL
WITH 18'-0" HEIGHT.

SCULPTURE BY OTHERS,
SEE ARCHITECTURAL
DRAWINGS

NOTE:
SEE TYPE I CONCRETE
CANTILEVER WALL SCHEDULE
FOR DIMENSIONS AND
REINFORCING.

GRANULAR DRAIN BACKFILL
WITH PERFORATED DRAIN PIPE
AND SPECIAL
FILTER MATERIAL WITHOUT
GEOTEXTILE, TYP ALL WALLS
CONSTRUCT 1'-0" LEVELING
PAD WITH GRANULAR
STRUCTURE BACKFILL
DIMENSION DOES NOT
INCLUDE DEPTH OF
ARCHITECTURAL RELIEF.

		TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON CAPITAL PROJECTS DIVISION 710 NE HOLIDAY STREET PORTLAND, OREGON 97232	PORTLAND TO MILWAUKIE LRT EAST SEGMENT STRUCTURAL DRAWINGS STANDARD STRUCTURAL CANTILEVER WALL SECTIONS AND TABLES
DATE: 5/14/12 APPROVED: [Signature] SUBMITTED: [Signature]	DATE: 5/14/12 APPROVED: [Signature]	SCALE: AS NOTED DRAWING NO.: S 15E-883 CONTRACT NO.: RH100544-B	SHEET NO.: 13/32

GENERAL NOTES:

ALL SHOTCRETE SHALL HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF $f'_c = 4000$ PSI.
 THE CONTRACTOR SHALL VERIFY LOCATIONS OF ABUTMENT PILES TO INSTALLATION OF NAILS.
 SEE AS-CONSTRUCTED DRAWINGS FOR ABUTMENT PILE SPACING.
CONSTRUCTION NOTES:
 CONTRACTOR SHALL SELECT NAIL INSTALLATION METHOD THAT DOES NOT DAMAGE EXISTING ABUTMENT OR ABUTMENT PILES. ROTATE THE TOP THREE NAILS DIRECTLY UNDER THE ABUTMENT BY 5 DEGREES TO THE RIGHT TO AVOID INTERFERING THE NAILS IN THE ROW BELOW.
 THE CONTRACTOR SHALL VERIFY THE LOCATIONS OF EXISTING UTILITIES IN THE FIELD PRIOR TO COMMENCEMENT OF WORK.
 DELAY CONSTRUCTION OF CIP CONCRETE FACING AND MUD STRUCTURE FOR A MINIMUM OF 30 DAYS AFTER FULL COMPLETION OF SOIL NAIL WALL TO ALLOW FOR WALL DEFORMATION.
 CONTRACTOR SHALL ESTABLISH SURVEY MONUMENTS ON SHOTCRETE FACING TO MONITOR DEFORMATIONS FOR A MINIMUM OF 30 DAYS. GEOTECHNICAL ENGINEER SHALL EVALUATE DATA AND DETERMINE WHEN MUD AND CIP CONCRETE FACING CONSTRUCTION CAN PROCEED.

DESIGN CRITERIA:

UNLESS NOTED OTHERWISE, SOIL NAIL WALL DESIGN SHALL COMPLY WITH THE FOLLOWING REFERENCES:
 FHWA GEOTECHNICAL CIRCULAR NO 7, "SOIL NAIL WALLS", MARCH 2003.
 AASHTO STANDARD SPECIFICATIONS FOR HIGHWAY BRIDGES SEVENTEENTH EDITION - 2002 AND ERRATA.
 TRI-MET LIGHT RAIL DESIGN CRITERIA, JANUARY 2010 WITH MAY 2010 AND MARCH 2011 UPDATES.
 ODOT RETAINING STRUCTURES MANUAL, MARCH 1998.
 DESIGN WALL FOR AT REST EARTH PRESSURES. SEE SOIL NAIL WALL PRESSURE DIAGRAM.
 DESIGN TO PROVIDE THE FOLLOWING MINIMUM FACTORS OF SAFETY:
 GLOBAL STABILITY (LONG TERM) 1.5
 LOCAL STABILITY (EXCAVATION) 1.2
 SLIDING 1.5
 BEARING CAPACITY 3.0
 PULLOUT RESISTANCE 2.0
 PROVIDE A MINIMUM SERVICE LIFE OF 75 YEARS FOR ALL WALL COMPONENTS.
 ALL MATERIAL AND WORKMANSHIP SHALL CONFORM TO THE APPLICABLE PROJECT TECHNICAL SPECIFICATIONS.
 BOTTOM TWO ROWS OF SOIL NAILS SHALL HAVE CLASS 1 CORROSION PROTECTION AS INDICATED IN FHWA GEOTECHNICAL CIRCULAR NO 7. THE REMAINING SOIL NAILS SHALL HAVE CLASS 11 CORROSION PROTECTION.

SOIL NAIL WALL CONSTRUCTION NOTES:

- WALL SHALL BE BUILT FROM THE TOP DOWN IN ACCORDANCE WITH THE SPECIAL PROVISIONS.
- THE FOLLOWING WALL CONSTRUCTION SEQUENCE FOR EACH LEVEL SHALL BE COMPLETED PRIOR TO INITIATING WORK ON THE NEXT LEVEL UNLESS OTHERWISE APPROVED BY THE ENGINEER.
 - EXCAVATE TO STABILIZING BERM ROUGH GRADE.
 - INSTALL SOIL NAIL THROUGH STABILIZING BERM.
 - TRIM TO FINAL WALL FACE NEAR LINE.
 - INSTALL GEOCOMPOSITE CHAINAGE BOARD.
 - FACE GRADE SHALL BE LEFT UNSTABILIZED BY SHOTCRETE UNTIL THE END OF THE WORK DAY.
 - STRESS TEST NAILS PER SPECIFICATIONS AFTER SHOTCRETE HAS ACHIEVED THE SPECIFIED DESIGN STRENGTH.
- INSTALL WEEP HOLES DURING CONSTRUCTION OF THE FINAL SHOTCRETE LIFT.

GEOTECHNICAL INFORMATION:

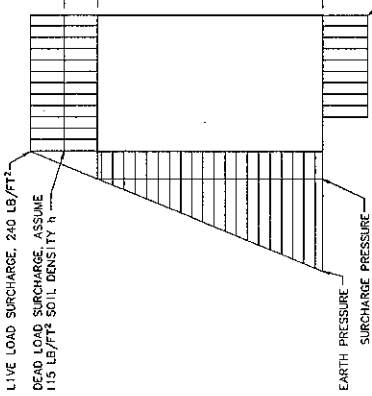
FOR SURFACE INFORMATION, SEE TRIMET DESIGN RECOMMENDATIONS FOR WALL LOT-5-11 (SOIL NAIL PORTION) SPRINGWATER CORRIDOR, SEGMENT D, DEVELOPED BY SHANNON & WILSON, INC., OCTOBER 17, 2011.

SOILS ARE ANTICIPATED TO CONSIST OF SILTY SAND AND SAND WITH FINES. THE WATER TABLE IS ESTIMATED AT ELEV 35.

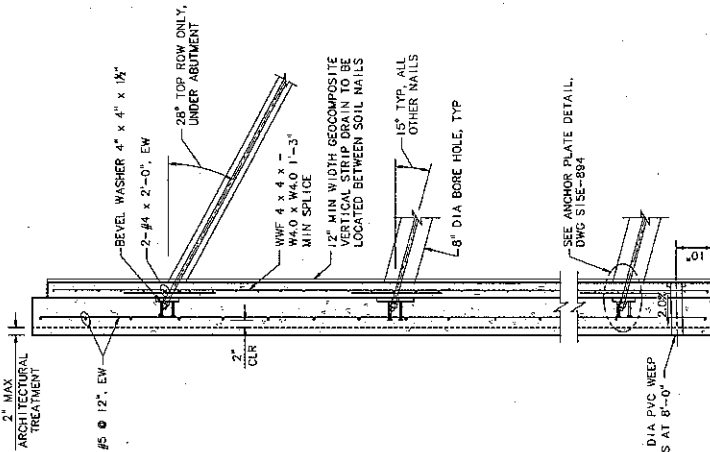
RECOMMENDED GEOTECHNICAL DESIGN PARAMETERS ARE AS FOLLOWS:

UNIT	φ	c
WEIGHT		
15 PCF	37°	0

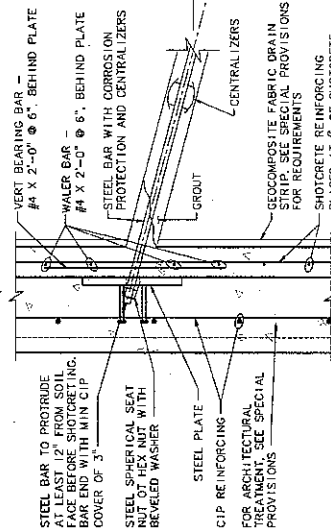
IN EXISTING SOIL AT AND BELOW TOE OF WALL SHOULD BE CONSIDERED TO HAVE STRONG CORROSION POTENTIAL.



SOIL NAIL WALL PRESSURE DIAGRAM
NO SCALE



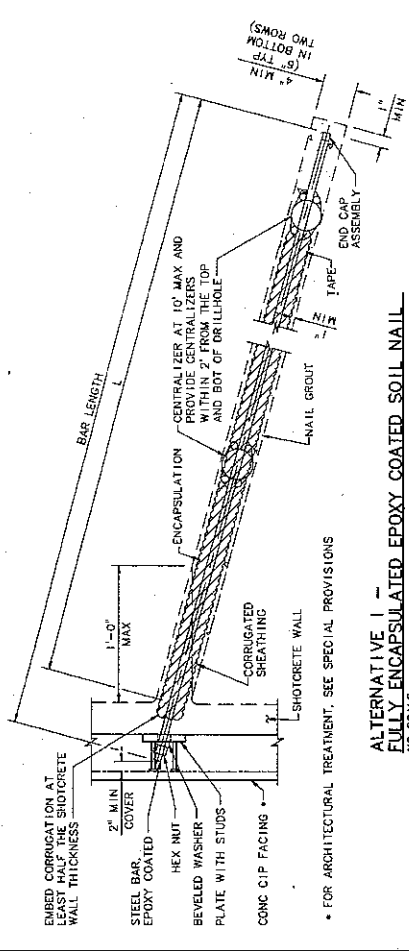
TYPICAL SOIL NAIL WALL SECTION
SCALE: 3/4" = 1'-0"



FINISHED WALL SECTION
SCALE: 1/2" = 1'-0"

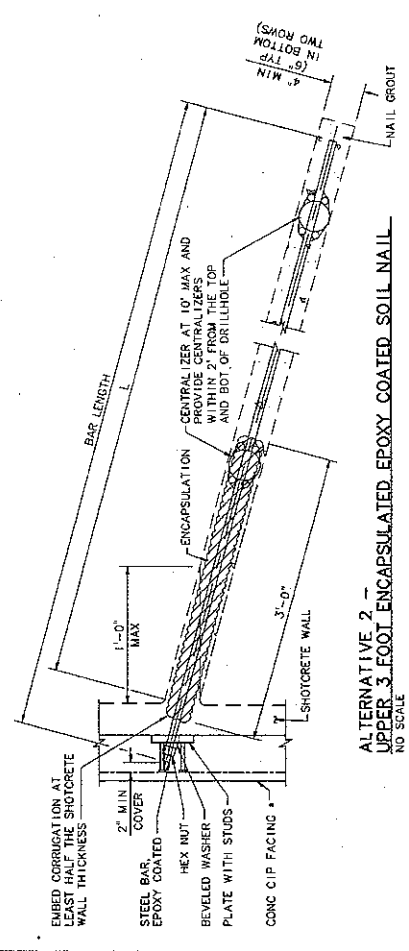
PORTLAND TO MILWAUKIE LRT EAST SEGMENT STRUCTURAL STANDARD STRUCTURE DRAWINGS SOIL NAIL WALL DETAILS 1 OF 3		SHEET NO: R11 025-44-08 CONTRACT NO: R11 025-44-08
TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON CAPITAL PROJECTS DIVISION 710 NE HOLLYWOOD STREET PORTLAND, OREGON 97232		AS NOTED 5/14/12 DATE
TRIMET		5/14/12 DATE
DAVID EVANS AND ASSOCIATES INC. ENGINEER		5/14/12 DATE
PROFESSIONAL SEAL AND SIGNATURE		5/14/12 DATE
DATE ISSUED FOR CONSTRUCTION	DATE	DATE
DATE BY INFO. REVISIONS	DATE	DATE

A B C D E F G H

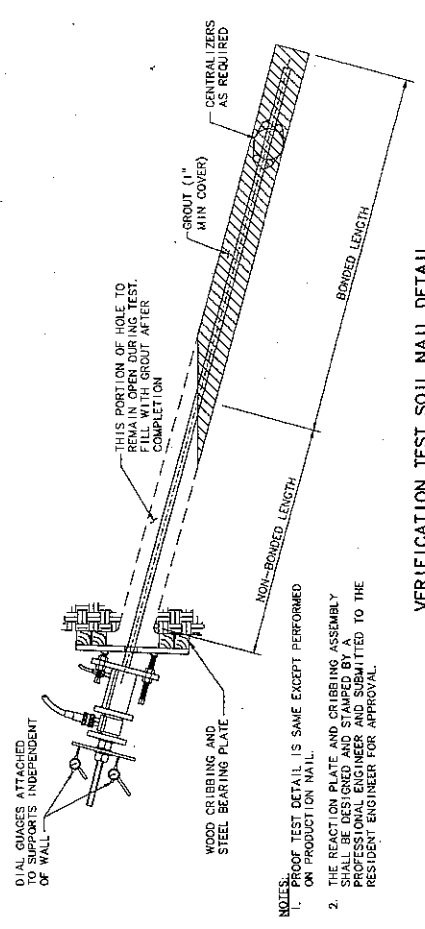


ALTERNATIVE 1 - FULLY ENCAPSULATED EPOXY COATED SOIL NAIL
NO SCALE

* FOR ARCHITECTURAL TREATMENT, SEE SPECIAL PROVISIONS



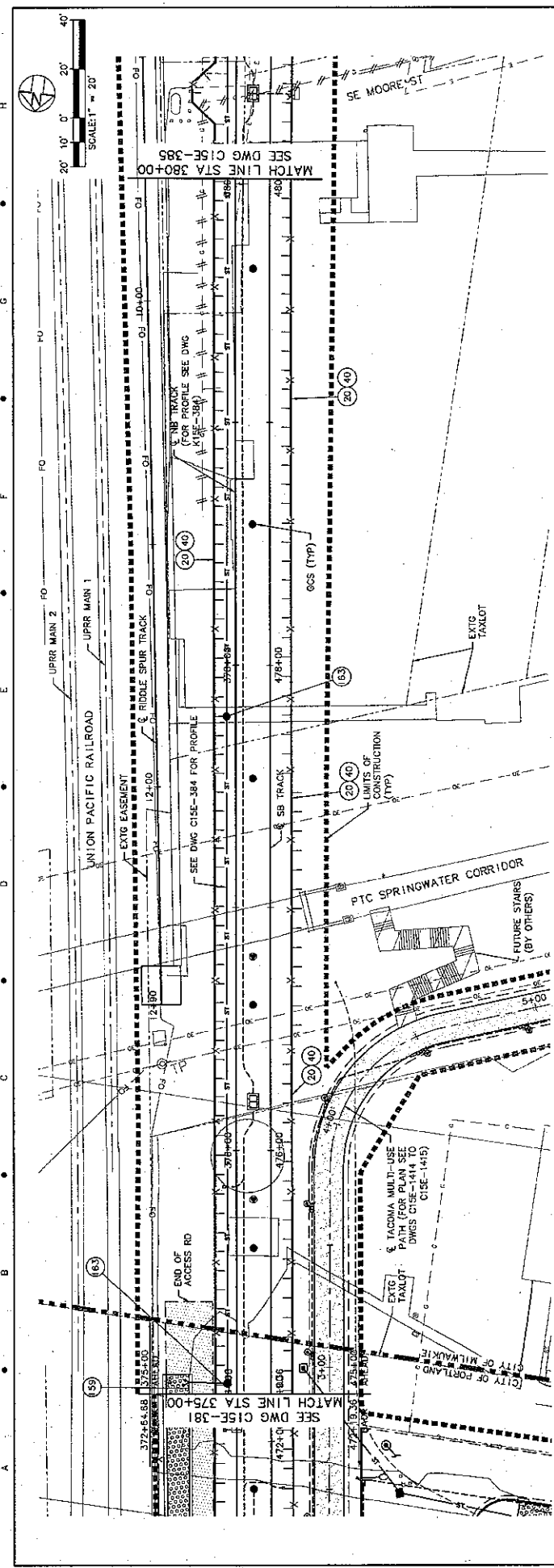
ALTERNATIVE 2 - UPPER 3 FOOT ENCAPSULATED EPOXY COATED SOIL NAIL
NO SCALE



VERIFICATION TEST SOIL NAIL DETAIL
NO SCALE

- NOTES:
1. PROOF TEST DETAIL IS SAME EXCEPT PERFORMED ON PRODUCTION NAIL.
 2. THE REACTION PLATE AND CRIBBING ASSEMBLY SHALL BE SUBMITTED TO THE PROFESSIONAL ENGINEER AND SEEMITTED TO THE RESIDENT ENGINEER FOR APPROVAL.

PORTLAND TO MILWAUKIE LRT EAST SEGMENT STRUCTURAL STANDARD STRUCTURE DRAWINGS SOIL NAIL WALL DETAILS 3 OF 3		TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON CAPITAL PROJECTS DIVISION 710 NE HOLIDAY STREET PORTLAND, OREGON 97232		TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON CAPITAL PROJECTS DIVISION 710 NE HOLIDAY STREET PORTLAND, OREGON 97232	
AS NOTED S15C-BB5		DATE 5/14/12		SHEET NO. RH100544-B	
SCALE AS NOTED		DATE 5/14/12		SHEET NO. RH100544-B	
APPROVED DAVID EVANS AND ASSOCIATES INC.		DATE 5/14/12		SHEET NO. RH100544-B	
SUBMITTED DAVID EVANS AND ASSOCIATES INC.		DATE 5/14/12		SHEET NO. RH100544-B	
ISSUED FOR CONSTRUCTION		DATE 5/14/12		SHEET NO. RH100544-B	
CHECKED DATE 5/14/12		DATE 5/14/12		SHEET NO. RH100544-B	
DATE 5/14/12		DATE 5/14/12		SHEET NO. RH100544-B	
DATE 5/14/12		DATE 5/14/12		SHEET NO. RH100544-B	
DATE 5/14/12		DATE 5/14/12		SHEET NO. RH100544-B	



GENERAL NOTES

- BASE MAPPING USED AS A BASIS FOR THE DESIGN WAS PROVIDED BY TRIMET. EXISTING TOPOGRAPHIC FEATURES WERE DEVELOPED BY TRIMET AND CH2M HILL FROM GIS DATA, AS-BUILT DRAWINGS, FIELD VISITS, AND AERIAL PHOTOGRAMMETRY. FEW COMPONENTS INCLUDE INFORMATION FROM ON THE GROUND SURVEYS. ALL INFORMATION FROM THIS PROJECT SHALL BE OBTAINED FROM TRIMET PRIOR TO STARTING CONSTRUCTION.
- FOR PROPOSED RIGHT OF WAY SEE RIGHT OF WAY PLANS, VOLUME 6.
- ALL CONSTRUCTION WITHIN THE CITY OF PORTLAND SHALL BE PER CITY OF PORTLAND STANDARDS UNLESS NOTED OTHERWISE ON PLANS ALL CONSTRUCTION WITHIN MILWAUKIE SHALL BE PER CITY OF MILWAUKIE STANDARDS UNLESS NOTED OTHERWISE.
- FIELD VERIFY ALL CONNECTIONS TO EXISTING STORM STRUCTURES AND PIPE INVERT DATA PRIOR TO CONSTRUCTION.
- ADJUST PRIVATE AND PUBLIC MANHOLES, CLEANOUTS, INLETS, JUNCTION BOXES, VALVES, VALVE BOXES, AND UTILITY BOXES TO FINISH GRADE.

LEGEND

- ▬ RCC ROADWAY/SIDEWALK/ DRIVEWAY
- ▬ CONSTRUCTION LIMITS
- ▬ GRAVEL ACCESS ROAD
- ▬ CONSTRUCT NEW INLET
- ▬ STORMWATER FACILITY
- CONSTRUCT NEW CLEANOUT
- ▬ WORK BY OTHERS

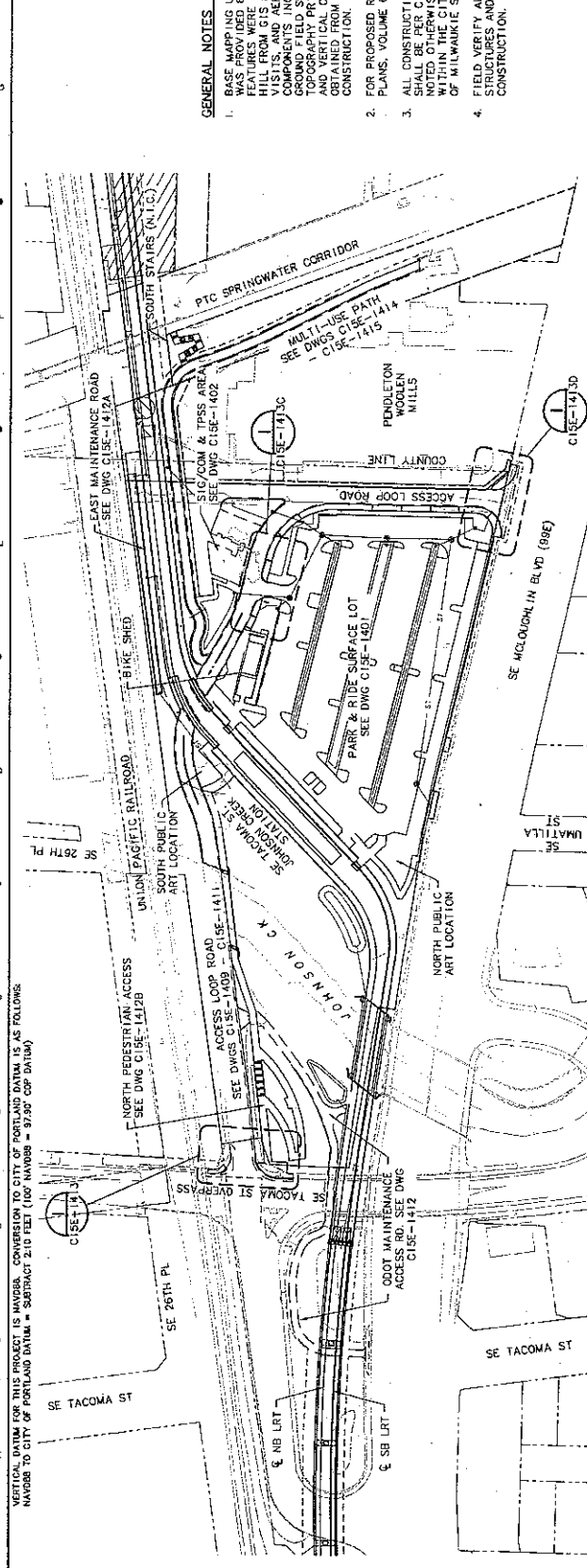
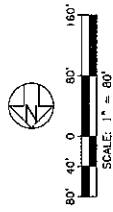
CONSTRUCTION NOTES

- (20) CONSTRUCT RETAINING WALL (SEE STRUCTURAL DWGS FOR DETAILS - VOLUME 5)
- (40) INSTALL FENCE/RAILING (SEE ARCHITECTURAL DWGS FOR DETAILS - VOLUME 4)
- (55) CONSTRUCT RIPRAP BASIN (SEE DWG CISE-675 FOR DETAILS)
- (63) CONSTRUCT STORM LATERAL CLEANOUT (SEE TRIMET DIRECTIVE DWG CTM103)

DATE		BY		FOR	
05-01-11	JAN	11	DATE	05-14-12	DATE
08-01-11	AUG	11	DATE	05-14-12	DATE
04-11-12	APR	12	DATE	05-14-12	DATE
05-14-12	MAY	12	DATE	05-14-12	DATE

	<p>DAVID EVANS AND ASSOCIATES, INC.</p> <p>REGISTERED PROFESSIONAL ENGINEER NO. 12702 EXPIRES 12/31/2015</p>
	<p>TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON</p> <p>CAPITAL PROJECTS DIVISION 716 N. HOOD STREET PORTLAND, OREGON 97232</p>
<p>APPROVED: <i>David Evans</i></p>	<p>DATE: 05-14-12</p>
<p>APPROVED: <i>Paul R. Blum</i></p>	<p>DATE: 05-14-12</p>
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<p>PROJECT: PORTLAND TO MILWAUKIE LRT EAST SEGMENT</p> <p>LOCATION: CIVIL ROADWAY AND STORM PLAN STA 375+00 TO STA 380+00</p>	<p>SCALE: 1"=20'</p>
<p>DATE: 05-14-12</p>	<p>DATE: 05-14-12</p>
<p>DATE: 05-14-12</p>	<p>DATE: 05-14-12</p>
<p>DATE: 05-14-12</p>	<p>DATE: 05-14-12</p>



GENERAL NOTES

1. BASE MAPING USED AS A BASIS FOR THE DESIGN OF THIS PROJECT. ALL METRIC FEATURES DEVELOPED BY TRIMET AND CHM HILL FROM GIS DATA AS-BUILT DRAWINGS, FIELD VISITS, AND AERIAL PHOTOGRAMMETRY. FEW GOVERNMENT RECORD INFORMATION FROM THE TOPOGRAPHY PRIOR TO CONSTRUCTION. HORIZONTAL AND VERTICAL CONTROL FOR THIS PROJECT SHALL BE OBTAINED FROM TRIMET PRIOR TO STARTING CONSTRUCTION.
2. FOR PROPOSED RIGHT OF WAY SEE RIGHT OF WAY PLANS, VOLUME 5.
3. ALL CONSTRUCTION WITHIN THE CITY OF PORTLAND SHALL BE PER CITY OF PORTLAND STANDARDS UNLESS NOTED OTHERWISE ON PLANS. ALL CONSTRUCTION WITHIN THE CITY OF MILWAUKIE SHALL BE PER CITY OF MILWAUKIE STANDARDS UNLESS NOTED OTHERWISE.
4. FIELD VERIFY ALL CONNECTIONS TO EXISTING STORM STRUCTURES AND PIPE INVERT DATA PRIOR TO CONSTRUCTION.

CONSTRUCTION NOTES

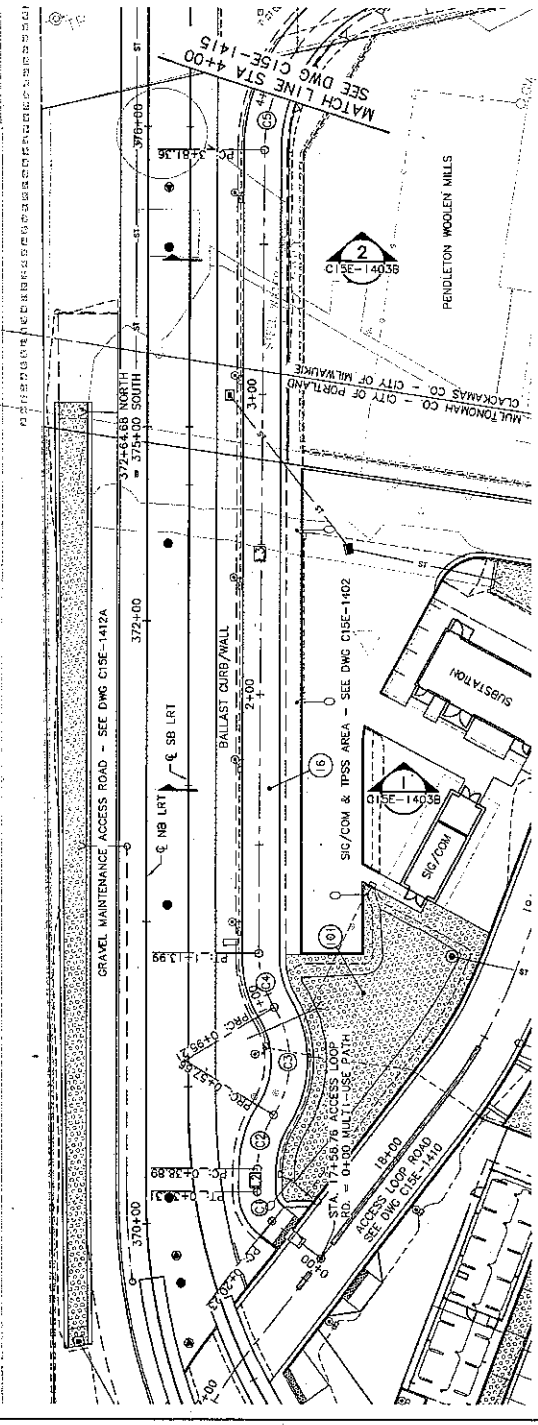
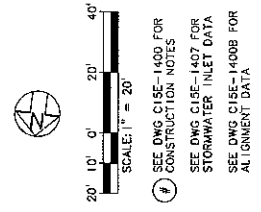
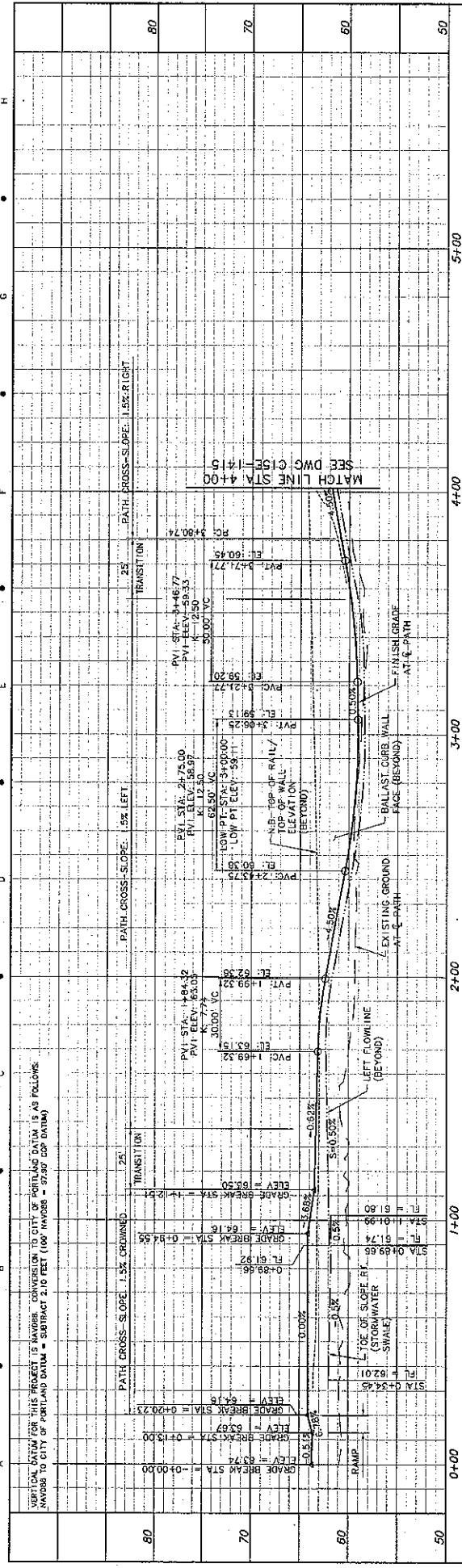
1. CONSTRUCT PCC STAIRWALK SIDEWALK (SEE COP STD DWG RD700)
2. CONSTRUCT 6" THICK PCC SIDEWALK (SECTION PER COP STD DWG P-540)
3. CONSTRUCT STANDARD CURB (SEE COP STD DWG RD700)
4. CONSTRUCT RIBBON CURB (SEE DWG C15E-480 AND TRIMET DIRECTIVE DWG C1M200)
5. CONSTRUCT CURB AND GUTTER WITH 18" GUTTER PAN (12" GUTTER PAN ADJACENT TO BIKE LANE) (SEE COP STD DWG RD700) E=6"
6. CONSTRUCT THICKENED CURB AND GUTTER WITH 18" GUTTER PAN (12" GUTTER PAN ADJACENT TO BIKE LANE) (SEE COP STD DWG P-540) E=6"
7. CONSTRUCT MOUNTABLE CURB AND GUTTER WITH 18" GUTTER PAN (12" GUTTER PAN ADJACENT TO BIKE LANE) (SEE COP STD DWG RD700) E=6"
8. CONSTRUCT MOUNTABLE CURB (SEE COP STD DWG RD700) E=6"
9. CONSTRUCT TYPE 1 BALLAST CURB (SEE TRACK DWGS FOR DETAILS - VOLUME 1)
10. CONSTRUCT CURB TRANSITION (SEE DWG C15E-480A FOR DETAILS)
11. CONSTRUCT PCC BUMP (SEE COP STD DWG RD755)
12. CONSTRUCT PCC DRIVEWAY (SEE COP STD DWG P-526)
13. CONSTRUCT CONCRETE TRAFFIC SEPARATOR - TYPE C (SEE COP STD DWG RD706)
14. CONSTRUCT ACCESS ROAD (SEE DWGS C15E-1414 TO C15E-1415 FOR DETAILS)
15. CONSTRUCT MULTI-USE PATH (SEE DWG C15E-1414 & C15E-1415 FOR DETAILS)
16. CONSTRUCT PLATFORM - (SEE DWG C15E-1706 AND ARCHITECTURAL DWGS FOR DETAILS - VOLUME 4)
17. CONSTRUCT STAIRS (SEE STRUCTURAL DWGS FOR DETAILS - VOLUME 5)
18. CONSTRUCT RETAINING WALL (SEE STRUCTURAL DWGS FOR DETAILS - VOLUME 5)
19. MODIFY EXISTING RETAINING WALL (SEE STRUCTURAL DWGS FOR DETAILS - VOLUME 5)
20. INSTALL TACTILE PAVERS (TRUNCATED DOMES) (SEE TRIMET DIRECTIVE DWG 8TMD012)
21. INSTALL CONCRETE RAIL CROSSING PANELS (SEE TRACK DWGS FOR DETAILS - VOLUME 1)
22. INSTALL AT GRADE CROSSING BY OTHERS (SEE TRACK DWGS FOR DETAILS - VOLUME 1)
23. INSTALL BOLLARD, REMOVABLE TYPE (SEE DWG C15E-462 FOR DETAILS)
24. INSTALL TRIMET CONCRETE FIELD INLET (SEE COP STD DWG P-211)
25. CONSTRUCT TRIMET CONCRETE CURB INLET (SEE DWG C15E-673 FOR DETAILS)
26. CONSTRUCT TRIMET CONCRETE INLET TYPE CHANNEL AND GRATE, SEE STORMWATER PLANS FOR LOCATIONS (SEE DWG C15E-674 FOR DETAILS)
27. CONSTRUCT TRIMET PRECAST CONCRETE MANHOLE OVER EXISTING SEWER (SEE COP STD DWG P-150)
28. CONSTRUCT TRIMET PIPED OUTFALL (SEE DWG C15E-675 FOR DETAILS)
29. CONSTRUCT TRIMET OVERFLOW (SEE DWG C15E-675 FOR DETAILS)
30. INSTALL 10" CULVERT PIPE - 25 LF, 18 LF
31. INSTALL TRENCH DRAIN, 63 LF
32. CONNECT WITH 6" HOPE, 26 LF
33. CONNECT TO EXISTING MANHOLE
34. REMOVE EXISTING CATCH BASIN
35. INSTALL TRIMET BUS STOP SHELTER
36. CONSTRUCT GRAVEL MAINTENANCE ROAD. (SEE DWGS C15E-1412 OR C15E-1412A)
37. INSTALL PAVEMENT MARKINGS AS NOTED ON PLAN PER DWG T15E-270. PARKING STRIPES SHALL BE PAINT.
38. DRAWING ONT-802 OR DWG T15E-300
39. INSTALL 6" WHEEL STOP PER DETAIL 1, C15E-1417
40. ADJUST MH TO FINISHED GRADE
41. INSTALL TRENCH DRAIN PER MANUFACTURER'S RECOMMENDATIONS

VERTICAL DATA FOR THIS PROJECT IS HANDLED. CONVERSION TO CITY OF PORTLAND DATA IS AS FOLLOWS:
 1. 100' TO 100' (NO CHANGE)
 2. 100' TO 100' (NO CHANGE)
 3. 100' TO 100' (NO CHANGE)
 4. 100' TO 100' (NO CHANGE)
 5. 100' TO 100' (NO CHANGE)

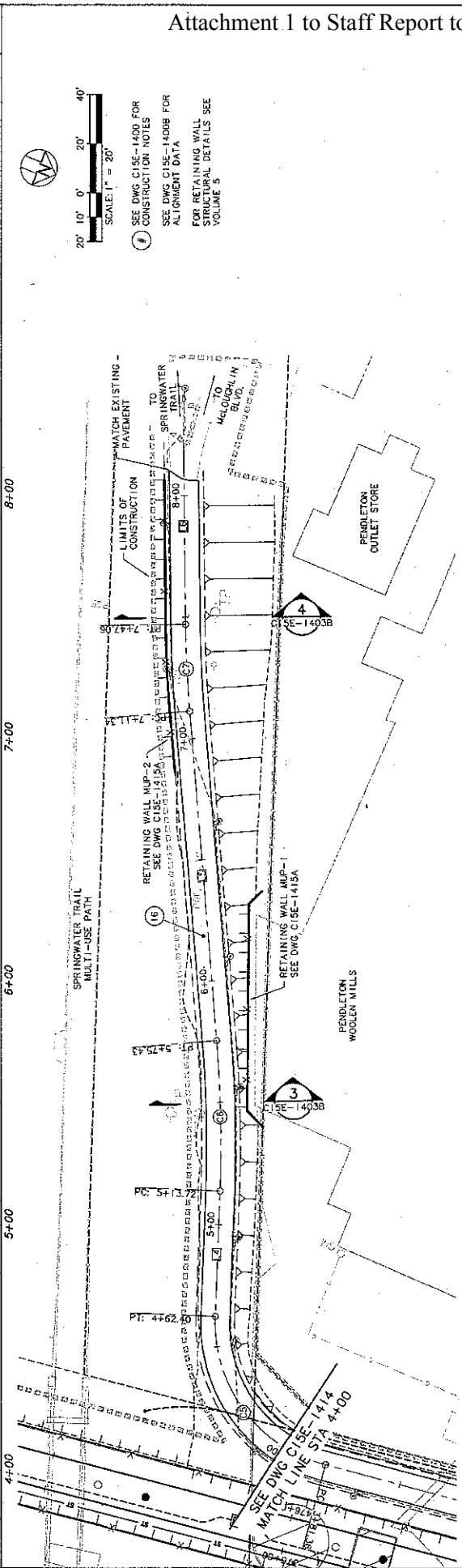
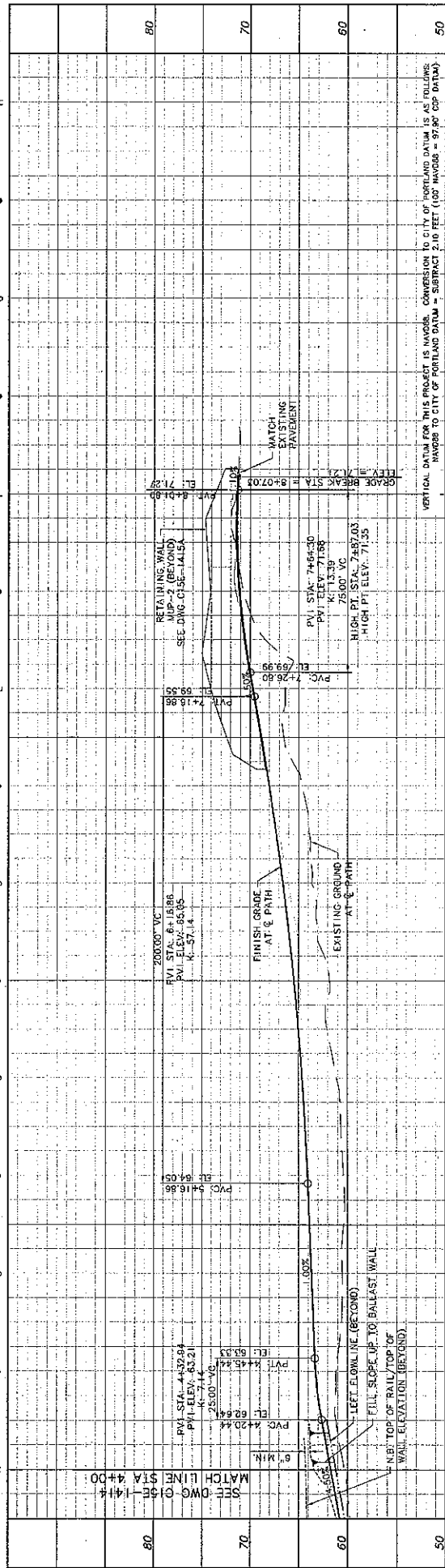
CAPITAL PROJECTS DIVISION 710 NE HOLLADAY STREET PORTLAND, OREGON 97232		DATE: 05-14-12 APPROVED: <i>David Evans</i> TRIMET	
DATE: 05-14-12 DATE: 05-14-12 DATE: 05-14-12 DATE: 05-14-12		DATE: 05-14-12 DATE: 05-14-12 DATE: 05-14-12 DATE: 05-14-12	
DATE: 05-14-12 DATE: 05-14-12 DATE: 05-14-12 DATE: 05-14-12		DATE: 05-14-12 DATE: 05-14-12 DATE: 05-14-12 DATE: 05-14-12	

PORTLAND TO MILWAUKIE LRT
 EAST SEGMENT
 CIVIL
 TACOMA PARK AND RIDE
 OVERALL SITE PLAN

SCALE: 1" = 80'
 SHEET NO.: 3/5
 CONTRACT NO.: RH100544-B
 SHEET NO.: 3/5



PORTLAND TO MILWAUKIE LRT EAST SEGMENT CIVIL TACOMA PARK AND RIDE (MULTI-USE PATH) PLAN AND PROFILE STA 0+00 TO STA 4+00		SHEET NO. 5-5 CONTRACT NO. RH 100344-B DRAWING NO. CISE-1414 SCALE: H:1"=20' V:1"=5' DATE: 05-14-12
TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON		CAPITAL PROJECTS 710 NE HOLMES STREET PORTLAND, OREGON 97232
TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON TRIMET		DATE: 05-14-12
DAVID EVANS ASSOCIATES, INC. ENGINEER		DATE: 05-14-12
DATE: 08-01-11 RFP DATE: 08-01-11 RFP DATE: 04-11-12 ISSUE DATE: 05-14-12 TAKE OFF		DATE: 05-14-12
ISSUED FOR CONSTRUCTION DATE: 08-01-12 CHK: [Signature]		DATE: 05-14-12



<p>PORTLAND TO MILWAUKIE LRT EAST SEGMENT</p>		<p>TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON</p>	
<p>CIVIL TACOMA PARK AND RIDE STA 4+00 TO STA 8+06.52 PLAN AND PROFILE STA 4+00 TO STA 8+06.52</p>		<p>CAPITAL PROJECTS 710 N. HANCOCK STREET PORTLAND, OREGON 97232</p>	
<p>DATE: 05-14-12</p>		<p>DATE: 05-14-12</p>	
<p>SCALE: HORIZ. 1"=50' VERT. 1"=5'</p>		<p>SCALE: HORIZ. 1"=50' VERT. 1"=5'</p>	
<p>PROJECT NO.: RHT10054A.8</p>		<p>PROJECT NO.: RHT10054A.8</p>	
<p>DATE: 05-14-12</p>		<p>DATE: 05-14-12</p>	
<p>DESIGNED BY: [Signature]</p>		<p>DESIGNED BY: [Signature]</p>	
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<p>APPROVED BY: [Signature]</p>		<p>APPROVED BY: [Signature]</p>	
<p>ISSUED FOR CONSTRUCTION</p>		<p>ISSUED FOR CONSTRUCTION</p>	
<p>DATE: 05-14-12</p>		<p>DATE: 05-14-12</p>	

Materials following this page were distributed at the meeting.

BRIDGE FACES A WIDE GULF

An artist's rendering (looking south) shows a plan to replace



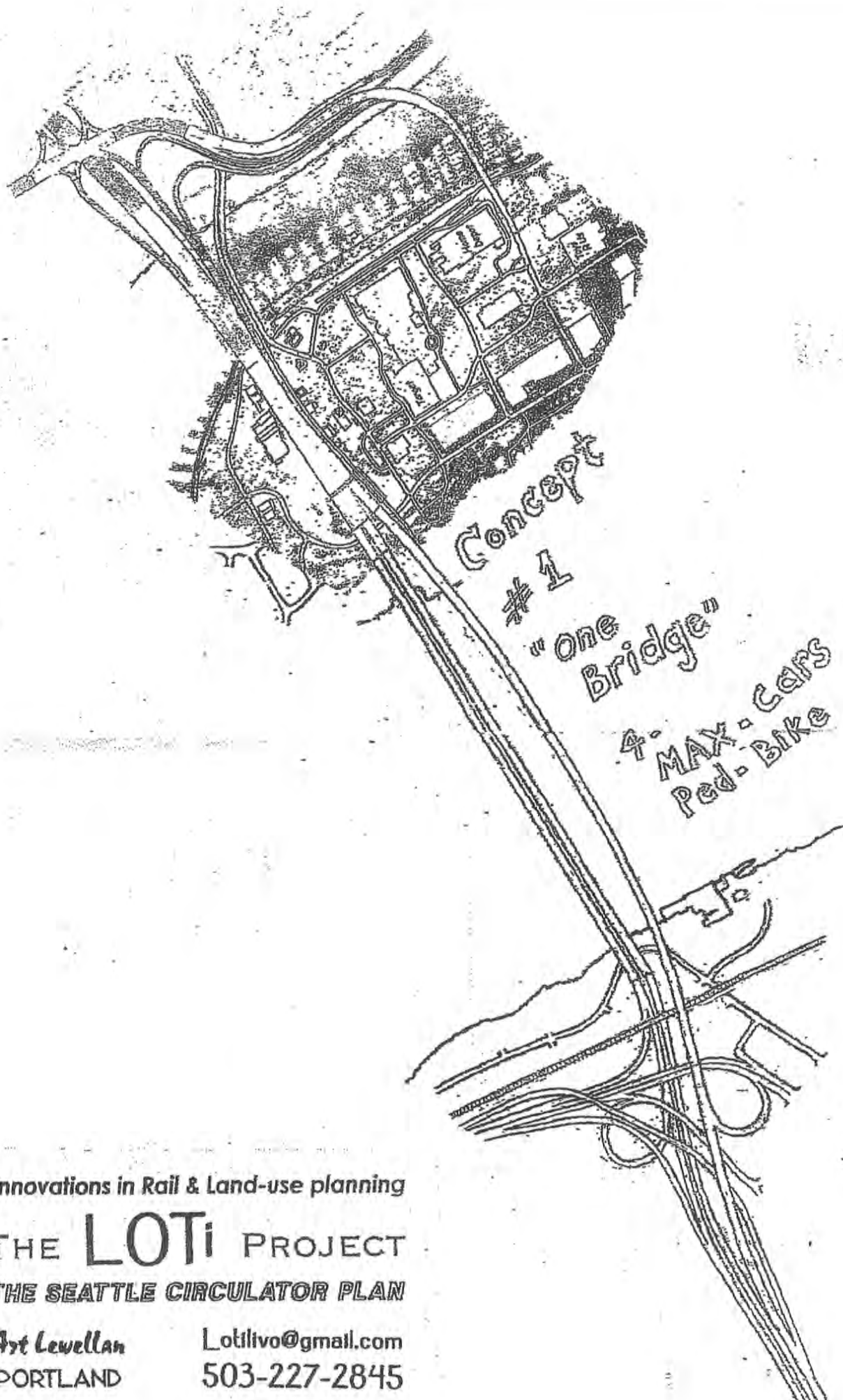
river crossing plan

on this series and for news

to re-mate

Even the Portland City Council has taken a stand, saying it will only support an option that includes a new light-rail line to Vancouver.

Rex Burkholder, a Metro Council member serving on the 39-member Columbia River Crossing Task Force that developed the five options, is surprised people didn't wait for the release of the study before making their minds.



Concept
#1

"one
Bridge"

4- MAX-CARS
Ped-BIKE

Innovations in Rail & Land-use planning

THE LOTi PROJECT
THE SEATTLE CIRCULATOR PLAN

Art Lewellan
PORTLAND

Lotilivo@gmail.com
503-227-2845



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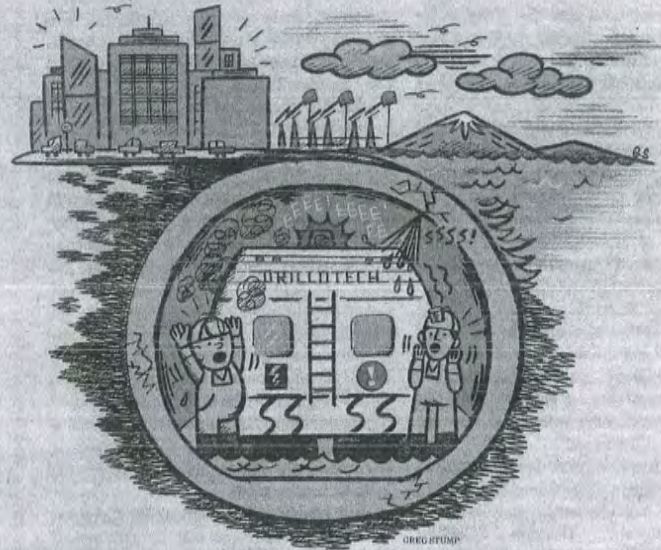
— BNSF — OPR — PNWR — PT — PTRC — UP

2010
0 500 1,000 Feet

What Could Possibly Go Wrong

The Seattle City Council is about to give the state permission to dig the world's largest deep-bore tunnel under downtown Seattle. Here's what the city council doesn't want you to know before they vote.

By Dominic Holden



You're about to get fucked, Seattle.

On a Monday between now and the middle of August, the Seattle City Council is likely to approve a contract that gives the State of Washington permission to dig a 54-foot-wide tunnel under downtown Seattle. It will be the widest deep-bore tunnel attempted anywhere, ever.

It will cost an estimated \$4.2 billion to replace the dilapidated Alaskan Way Viaduct on Seattle's waterfront, making this underground highway the most expensive megaproject in state history. The state has committed up to \$2.8 billion, the city has pledged \$937 million, and the Port of Seattle is supposed to pay \$300 million. The single most expensive element, the tunnel portion itself, will cost about \$1.9 billion.

A state law passed in 2000 says Seattle property owners must bear the expense of any cost overruns on the state's project. This is unprecedented. "The cost overruns on a state highway should not be borne by the citizens of Seattle," says state senator Ed Murray, whose district includes Capitol Hill and parts of downtown. "We have never done that to any other jurisdiction in the state." The law also says, unequivocally, that the state won't pay more than \$2.8 billion. We simply have no plan for who will pay cost overruns. Under the current rules, if something goes wrong, Seattle taxpayers are on the hook for cost overruns.

Seattle's budget was fucked this year—facing a mid-year shortfall of \$12 million, the city cut a plan to hire 20 police officers, slashed millions from parks maintenance, let staff go from libraries—and next year's budget projection is even worse. Seattle is facing an estimated \$56 million shortfall in 2011, which will require more painful cuts.

But those deficits are nothing compared to what will happen if the state's end of the tunnel goes over budget and Seattle has to find the money to cover the cost overruns. The city's taxpayers could face a \$1 billion bill.

But Governor Chris Gregoire and most members of the city council—under city council president Richard Conlin's leadership—insist that there is nothing to worry about and that any public discussion about potential cost overruns is unnecessary. So the city council is on the verge of committing Seattle to this project despite the fact that there are no complete designs yet, despite the fact that there are no bids in from contractors, despite the fact that we don't really know how much it will cost, and despite the fact that we haven't seen the state's environmental impact study.

The governor and the city council's leadership insist there won't be errors, that there won't be cost overruns, that nothing could possibly go wrong.

They're lying to you, Seattle.

Megaprojects of this scale are historically risky and expensive, prone to massive cost overruns. According to an authoritative

analysis of 258 massive transportation projects by one of the world's foremost authorities on the subject, Bent Flyvbjerg, a Danish professor at the University of Oxford, 9 out of 10 transportation megaprojects run over their estimates. For tunnel and bridge projects, Flyvbjerg found, "actual costs are on average 34 percent higher than estimated costs."

When it comes to projects like this, things going wrong—things that lead to massive cost overruns—are the rule, not the exception.

So what could possibly go wrong? Lots.

The tunnel-boring machine

A massive cylinder with a rotating face covered in blades that gnash away rock and soil, a tunnel-boring machine (TBM) churns everything in its path to paste, which cargo cars then haul to the surface. Each machine is custom-made just for the width of the tunnel it needs to dig. Our TBM will cost around \$80 million to build, and, at 56 feet in diameter, it will be the widest TBM ever constructed.

"I've been talking about a 56-foot-wide machine for a long time," says Council Member Mike O'Brien. "Then I looked at a building about five stories tall and thought, 'Holy shit, that is 56 feet. That is one big-ass fucking machine.'"

Our TBM will confront a mixture of sedimentary elements in soft soil, which are the most difficult conditions to penetrate because the loose material tends to cave in behind the machine. So as the machine grinds forward, it must simultaneously create a concrete tunnel lining behind it to hold up the earth. Those cement slabs narrow the diameter of the hole, preventing the TBM from backing up. Tunneling machines can't travel in reverse. And if the TBM's blades break, the machine can't move forward. It's stuck.

This is not only the most expensive thing that could go wrong, it's also a fairly common thing that goes wrong.

Two TBMs recently got stuck underground in King County. One was 320 feet below an elementary school in Bothell and another is still stuck at the same depth under Lake Forest Park. Both TBMs—each about 15 feet wide—hit loose, abrasive soil and clay that damaged the cutting blades and clogged the mechanisms inside while they were excavating tunnels designed to carry effluent from the Brightwater sewage-treatment facility to Puget Sound. One was immobilized for nine months, and the other hasn't budged in over a year.

"They had problems with sand and grit getting into the rotating part of the tunnel-boring machine face, and it broke down where it was very deep," says Ron Posthuma, assistant director of the King County Department of Transportation, the agency overseeing the project. The \$1.8 billion Brightwater project is currently 24 percent over budget. The tunnels were slated to be complete this year.

but now have been postponed until 2013.

The soil conditions that the Brightwater TBMs encountered—the soil conditions that disabled two of the TBMs—appear to be the same soil conditions underneath downtown Seattle.

“The soils along the alignment are composed of substantial portions of abrasive minerals including quartz grains and quartz-rich rock,” reads the state’s geotechnical report released in June by the Washington State Department of Transportation (WSDOT). “These granular soils are abrasive and are expected to cause heavy wear on equipment during excavation. There is no tunnel-industry standard applicable to quantifying the abrasivity of a soil and its impact on excavation-equipment longevity and replacement. On other tunneling projects of smaller size TBMs in the Seattle area, substantial wear occurred to the TBMs’ cutterheads.”

The state foresees other troubling conditions for the biggest TBM ever constructed.

Clay: “The clays present... pose a risk of clogging equipment.” Boulders: “Cobbles and boulders will be encountered in all [areas] along the alignment. Boulders within the soil deposits will slow TBM progress and contribute to wear and/or damage to TBM components.”

Levent Ozdemir is the author of *North American Tunneling*, a technical book that examines, among other things, TBMs getting stuck underground due to boulders. “The tunnel boring machines were stuck... a total of 12 times in 40 cases (30 percent overall stuck rate).” Ozdemir notes that “the delay and cost consequences of getting stuck are very high” in tunnels deeper than 50 feet and in those that go beneath the water table. Seattle’s tunnel will go about 120 feet deep and will go below the water table near Pioneer Square. Ozdemir cites an example of a TBM that got stuck underground near Seattle when the machine digging the Snohomish River undercrossing got stuck.

Tunnel Talk, a website that tracks tunneling projects, cites a case in the Swiss Alps. The TBM digging the Gotthard Base Tunnel got stuck in 2005 when it hit unstable, soft soils—similar to the soils under downtown Seattle—and the tunnel collapsed in front of the cutting blades.

So what happens if a TBM gets stuck under downtown Seattle? A TBM can’t be backed up, and it can’t be dismantled underground. It can only be dug out.

“I am envisioning this scenario where a 56-foot boring machine gets stuck under the Federal Building and you can’t dig it out because it is under the building,” says O’Brien.

If the TBM does stall under the Federal Building—or any one of the 300 downtown buildings it will pass under or near—a five-story-wide chasm would have to be opened in a downtown street to the depth of the stalled machine. Then a tunnel would have to be dug sideways to the stalled machine. Then the soil above this second tunnel would have to be shored up, to protect the buildings above, and only then could the broken TBM be lifted out and a new TBM lowered down into the hole—a new machine that could also break down.

“Our plan to deal with a broken machine is inadequate

Our plan to deal with a broken machine is inadequate

“In this worst-case scenario,” state consultants say in a document assessing risk released last October, “the TBM will fail and be rendered useless, resulting in the proj-

ect contractor abandoning the project and necessitating a new contractor to be found.” The state requires all of the bidders to have bonds, essentially insurance, which cover costs if they abandon the job.

But the bonds on this project may not cover those costs. Until a few years ago, the rule was that companies had to be bonded to the full amount of their contract—which makes sense. In addition to the cost of dealing with an abandoned machine and finishing a project, the bond must also pay for a new contractor who will charge more to complete the job (after all, the previous business couldn’t make it work for the amount of money the state was paying). However, the state legislature suspended its own bonding rules for five years in 2009—the time frame that our tunnel goes out to bid—and now only requires that a project be bonded up to \$500 million. The tunneling portion of the contract examined for bonding purposes is \$1.2 billion, more than double the bonding requirement.

This has a major advantage for the state: Bids come in lower because the contractors don’t have to include the cost of more expensive bonds.

This has a major disadvantage for the city: If the bonds don’t cover the cost of the TBM’s failure, there’s not enough money to pay for the project.

“It’s not the state’s risk, because they want the city to take on cost overruns,” says Mayor Mike McGinn. “They have been telling us they have been doing everything they can to reduce risk, but they’re doing

what they can with the bond requirement to put risk of overrun on Seattle taxpayers.”

The state claims it has addressed these concerns by requiring two sets of consultants to determine what the worst-case scenario would cost and whether \$500 million would cover it. And what do you know? The state says it will work out just fine. Paula Hammond, the state’s secretary of transportation, wrote in a letter to the office of financial management last November that “the state’s maximum exposure to loss is \$467 million, so a performance bond set at \$500 million is reasonable.”

But not everyone is convinced that \$500 million will cover it.

“All of the assumptions we picked are rosy,” says O’Brien. For example, the state estimates that retrieving a stuck machine could cost up to 10 percent of the remaining project cost, and inserting a new one could cost another 10 percent (20 percent total). But then—in outlining the “worst-case scenario”—the state only figures in 3 percent cost total for both of them. O’Brien says, “We round in our favor every time.”

The ground caves in

Because we’re dealing with loose soil, there is a chance that the ground could cave in behind the tunneling machine. This isn’t as likely as a TBM breaking down, but it can and does happen. In fact, it happened last year north of Seattle on the Brightwater project. A 30-foot-wide, 15-foot-deep sinkhole swallowed up Pauline Chifara’s driveway in Kenmore. Tom and Jan Glihero, who live above another one of the Brightwater tunnels in Bothell, found cracks in the brickwork in their home, their patio, and their driveway—all attributed to settling caused by the tunnel’s excavation underneath the couple’s home.

In 2003, a sinkhole opened up near a tunnel being bored in London, and people had to evacuate their homes. On March 3, 2009, a tunnel collapsed in Cologne, consuming the ▶

Nothing Has Ever Gone Right

The Alaskan Way Viaduct Has a History of Cost Overruns, Complications, and Deceit

It was in 1938, when traffic snarled the downtown waterfront, that the civic-minded first began pressing for a solution. Nine years later, Mayor William F. Devin rolled out a plan for a double-decker viaduct. It would cost \$5 million, he said. Within five months, he would bump up that estimate to \$6.3 million. A power shovel got stuck in the muddy soil shortly after construction began in 1950 and a crane had to pull it out. Fourteen months after construction began, when the true costs came into focus, estimates rose to \$10 million. The budget had doubled.

Even then, locals predicted that the four-story concrete fixture would be death to the waterfront. In 1951, the *Seattle Post-Intelligencer’s* Charles Regal warned it would be a “concrete curtain.” “The day may yet come when burly guards will be stationed at the portals of the new viaduct to examine the credentials of those who would venture into the desolate waterfront of the future,” wrote Regal.

The over-budget, ugly viaduct opened on April 4, 1953, at 1:40 p.m., purportedly to unsnarl traffic. The first traffic jam occurred 18 minutes later, requiring the intervention of police officers.

Just 16 years after it opened, a Central Waterfront Study called for the city to tear the viaduct down. Twenty years after it opened, city council member John Miller called it one of the city’s “worst mistakes.”

But the death knell rang on March 1, 2001, when the Nisqually earthquake struck, the viaduct sustained damage, and Seattle realized that another seismic bump could turn the two-tiered highway into a human juicer.

Seattle didn’t want to replace the viaduct with a tunnel. Voters rejected both a tunnel and a new elevated highway by wide margins in March 2007. A stakeholders group—people representing business and waterfront interests—convened to discuss what they wanted. Representatives from the city, county, and state transportation departments ruled out a tunnel. They elected for a smaller viaduct or a surface transit option. A deep-bore tunnel was out of the question, in part because the Washington State Department of Transportation (WSDOT) said it was too expensive. At a closing meeting of the stakeholders group, WSDOT’s David Dye made a speech, saying, “It is out of reach in the current state of affairs to make it happen.” He added, “It would be disingenuous of me to sit here representing the state to say, ‘Geez, you know, let’s go

build a deep-bore tunnel.”

The state is now on the verge of building a deep-bore tunnel.

So how did we get here? Labor unions, construction lobbies, and downtown business groups (which all had an incentive to sign multibillion-dollar contracts) charmed Governor Chris Gregoire into believing a deep-bore tunnel was feasible. Gregoire responded in early 2009 by crafting a tentative agreement with former King County executive Ron Sims and former Seattle mayor Greg Nickels to build that tunnel. Under this arrangement, each party would take responsibility for its own part of the project. For instance, Seattle would rebuild the downtown seawall and take responsibility for cost overruns on its share of the work. The state would dig the tunnel and accept liability for cost overruns on its part of the project.

But the state screwed Seattle at the last minute. One month after signing the agreement, the legislature passed the law capping spending and requiring Seattle to pay for all cost overruns—

including all cost overruns on the state’s part of what is a state highway project.

The governor also promised that the legislature would grant King County the right to raise the motor-vehicle excise tax to pay for transit near the waterfront—transit that Seattle needs to mitigate the traffic impacts of all the drivers who don’t take the tunnel to avoid tolls and because the tunnel has zero downtown exits—but when a bill came to the governor’s desk to allow more taxes for transit, she vetoed it.

“Gregoire’s promises aren’t worth the paper they’re printed on,” says Martin H. Duke, editor of *Seattle Transit Blog*. (He notes the governor vowed to tear down the viaduct in 2012; now she’s pushed the date back to 2016.)

But the governor insists Seattle needs to sign a binding contract now, and besides, what is there to worry about?

“There are things that could go wrong,” says Cary Moon, director of the People’s Waterfront Coalition and a member of the stakeholders group. And when things go wrong, “Seattle gets screwed every time.” ■



BY STEVE GRANITZ/STREET LEVEL

city's historical archives building and killing two people.

"I've seen overexcavations open up 300-meter tall caverns over the TBM, and all that dirt fell right on the machine," John Turner, chief engineer of TBM builder the Robbins Company, told *Machine Design* in 2001. "And the cave-in can go all the way to the surface, which is a real disaster." In the same article, Marco Giorelli, a product manager for another TBM builder, said, "Overexcavations can be particularly harmful in cities... They lead to settlement, and it doesn't take much settling to damage buildings."

The loose soil in downtown Seattle doesn't have driveways or single-family homes sitting on top of it. It has the historic buildings in Pioneer Square, new condo towers and hotels, and the tallest buildings in the state.

Not all the money will come through

Of the total project cost of \$4.2 billion, about \$937 million is Seattle's responsibility (to rebuild the seawall and move utilities) and \$3.1 billion is the state's responsibility. Most of the state's money is coming from gas taxes. But the state is relying on two tenuous funding sources to come up with \$700 million of its share: the Port of Seattle and bonds for future tolling of the tunnel.

The Port of Seattle is supposed to chip in \$300 million toward the project, but the state's agreement with the port is *nonbinding*. The

port passed a resolution in April that says, "To the extent feasible and authorized by the port commission," it will come up with the money, as long as it doesn't interfere with the port's other responsibilities. The port is partly funded by property taxes, which have plummeted as property values have dropped in the recession.

"The commission hasn't specified the source of funds for our contribution," says Port of Seattle spokeswoman Charla Skaggs. "A key component will be the tax levy, but commissioners have directed staff to limit the need for levy resources for the contribution as much as possible."

And if the port doesn't feel like coming through with the money or it's strained to meet its other obligations, it doesn't have to pay anything.

The tolling revenue, which is budgeted to generate up to \$400 million, is slightly more secure. The state plans to issue bonds (based on future tolls) that Ron Pannanen, who is overseeing the tunnel project, says will likely end up producing \$385 million.

Although promising, the toll money raises an obvious question: Who pays the other \$15 million? The state? Seattle? Nobody knows.

There isn't enough money set aside for cost overruns

The state and some city council members have repeatedly trumpeted \$415 million set aside to cover cost overruns. That figure sounds good. The riskiest part of the

viaduct-replacement project is the \$1.9 billion for the tunnel. And the actual tunnel excavation itself, the riskiest part of the tunnel, represents just \$350 million of the project's total cost. So the amount set aside should protect us, right?

Nope.

It turns out that more than a third of that money is actually set aside to cover the costs of inflation, leaving just \$258 million to cover cost overruns. That would leave enough to cover cost overruns of about 13 percent for the price of the tunnel—far below the 34 percent average on this sort of tunneling project. But it gets worse: The state's obligation is for about \$3 billion of work. So the money set aside for cost overruns represents less than 10 percent of the state's total project cost.

And it's not just the tunnel that could go over budget.

The downtown bus tunnel, completed in 1990, ran 56 percent over its initial projected budget, according to a report last November from the Sightline Institute. Posthuma, assistant director of King County's transportation department, points out that the tunnel itself—a very different sort of tunnel—came in 25 percent under the final estimates when it went out to bid. So what increased the costs of the project overall?

"It was partly the station finishes," he says, "and also the surface street finishes," among other expenses.

This project is much more than just a tunnel—one that involves a lot of "street finishes." Huge swaths of downtown Seattle and the waterfront are going to be rebuilt—and a lot could go wrong, and a lot of other parts of the project could come in over budget. WSDOT must pay for a 13-lane-wide tunnel portal on the south end, reconnecting the street grid on the north end, rebuilding part of the downtown waterfront where the Alaskan Way Viaduct now stands, as well

as some utility repairs and more. Those are essentially road projects that, while less risky than tunnels, frequently come in over budget. Returning to Flyvbjerg's report, the one that examined 258 megaprojects, when it comes to road projects, "actual costs are on average 20 percent higher than estimated costs."

The light-rail tunnel under Beacon Hill also ran over budget by 30 percent (from an estimated \$228.6 million to \$300 million). Many of those costs had nothing to do with the tunnel. They were attributed to station construction and elevators.

There simply isn't enough money set aside to cover "average" cost overruns, to say nothing of the catastrophic cost overruns we could face if a TBM gets stuck under downtown Seattle—or if a hole swallows a downtown office building.

Lots of other things go wrong

The ground could settle in unpredictable ways, a sewage line could break, bidders could drop out and the remaining bidders could gouge the state, there could be another earthquake, the bids could come in at a price higher than the amount the state has agreed to pay—and the project could get tied up in court. In fact, Elizabeth Campbell, a Magnolia resident and head of the group Seattle Citizens Against the Tunnel, is determined to file a lawsuit as soon as the council approves the contract.

While construction unions are backing this project, labor disputes could also get in the way. In Vancouver, BC, Billfinger Berger won a \$100 million contract to build tunnels for a water filtration system. Work began in 2004 but stopped in 2008, when falling rock injured

several workers. Metro Vancouver terminated the contract in May of 2008, claiming that Billfinger Berger had refused to resume work on the tunnel even though safety concerns had been addressed; the company claimed the stop-work order was never lifted. The upshot: A new company got the contract, but, once the tunnel opens later this year, it will cost an estimated \$400 million. That's four times its bid price.

The people who say, "Nothing will go wrong" are often wrong (or they're lying)

The top reason why transportation projects run over budget is because people who have the most to gain—developers bidding on contracts, labor unions worried about jobs, state agencies with reputations on the line, politicians looking for campaign contributions, construction unions that make campaign contributions—have an incentive to lie about risks. Once the project is under way, it is hard to stop, even if costs skyrocket. The Big Dig in Boston started with an estimate of \$2.8 billion, which grew to a final cost of \$14.6 billion, and is expected to cost \$22 billion with interest when it's finally paid off in 2038.

"The use of deception and lying as tactics in power struggles aimed at getting projects started and at making a profit appear to be explain why costs are highly and systematically underestimated in transportation infrastructure projects," says Flyvbjerg, Mette Skamris Holm, and Soren Buhl in a report from 2002. "Legislators, administrators, investors, media representatives, and members of the public who value honest numbers should not trust cost estimates and cost benefit analyses produced by project promoters."

In this case, the "project promoters" trying to muscle through the tunnel contract are Governor Gregoire and certain members of the Seattle City Council. And something else that undermines the credibility of tunnel backers: They are running from this debate. Mayor McGinn offered to debate council president Conlin about the tunnel and cost overruns, Town Hall Seattle offered to host the debate, and KING 5 was anxious to air it. Conlin refused to debate the mayor. After Conlin refused, the offer was extended to Council Member Sally Bagshaw, who made her support for the tunnel a big issue in her campaign for city council, but she also refused. Likewise, Council Member Tom Rasmussen, chair of the council's transportation committee, refused to debate the mayor.

For his part, Rasmussen says that the city has consultants who will look at various potential risks—such as those associated with relocating utility lines, soil conditions, and insurance, among other things—and make sure the city isn't exposed to undue liability.

"There will be no sugarcoating, no rose-colored glasses," Rasmussen says. "We have to know all the risks and make sure all them are honestly portrayed and explained to us... I don't want people to think that I want this so badly that we are ignoring a red flag."

The mayor's office characterizes the work of the council's consultants largely as nipping at the edges of bigger problems while ignoring some of the project's larger inherent risks—like constructing the widest deep-bore tunnel in history. In June, McGinn hired an independent consultant, tunneling risk expert Thom Neff, to look at the risk.

"I think it is important that there is at least one expert who wasn't hired by tunnel cheerleaders," McGinn says.

That Was Then

Council President Richard Conlin's Megaproject Flip-Flop

"We are rushing forward with a technology that has never been tested in a dense urban environment in the United States," Richard Conlin said in a press release, "with funding so marginal that every time we raise a question, we are told that delaying a week or adding a cost will kill the project."

Another quote from Richard Conlin: "If this project is now so fragile that taking the time to make good decisions endangers its ability to go forward, then the project is doomed to failure."

And another: "There remain concerns about the project's finances and impacts as a whole."

City council president Richard Conlin could be talking about the downtown tunnel—a project that has no bids, no completed design, no completed impact study, and no source to pay for cost overruns, and which involves unreliable technology in a dense urban environment—but all those quotes are Conlin talking about the monorail project that he helped kill.

Now Conlin calls raising questions about runaway costs on the downtown tunnel "grandstanding" and criticizes the mayor for taking an "adversarial approach." But when the city council was contemplating a bill in 2004 to allow the monorail project to move forward, Conlin deployed many of the same arguments about the monorail that he's now dismissing about the deep-bore tunnel.

Now Conlin doesn't want people at City Hall to raise questions about a project with marginal funding because those arguments have "been distorted and overblown in order to kill the project," he wrote on his blog in May. "Demands that the state stop the project and address potential cost overruns are an intentional misdirection."

But in 2004, Conlin told the *Seattle Weekly* that "raising concerns and asking that they be addressed is not obstructionist."

Conlin's concerns about a runaway megaproject were justified. The Elevated

Transportation Company estimated base costs for the monorail project at \$2 billion. But it came out later—after the sort of intense financial scrutiny that we haven't had on the tunnel—that the project would cost \$11 billion dollars with financing and take decades to pay off.

But while Conlin was for public debate, scrutiny, and getting answers when it came to building a populist mass-transit project—Conlin is opposed to public debate, scrutiny, and getting answers when it comes to building a tunnel through downtown Seattle.

"I continue to be unconvinced that the overall feasibility of this project has been demonstrated," Conlin said of the monorail six years ago. He could—and should—be saying the same things now. Maybe Conlin isn't worried. But Seattle taxpayers should be. ■



Richard Conlin

All of the city's consultants and the state's engineers are—almost certainly—doing their very best. But every megaproject that ever went over budget had plenty of diligent consultants doing their very best. The issue here isn't the number of consultants picking this project apart. It's whether the city council is going to approve a contract that financially shackles Seattle taxpayers to a state project that the city won't have any control over. Right now, the city and state don't have a plan for dealing with cost overruns. And the only thing on paper right now unequivocally states Seattle taxpayers *must* pay for all cost overruns.

But requiring a change to that state law before approving the contract, as McGinn has suggested, "is a way of definitely killing the project," Rasmussen says.

Maybe the project deserves to die

"If we were trying to cure cancer, we could say, 'Go ahead, it's worth the money,'" says Cary Moon, director of the People's Waterfront Coalition. "But for a two-mile-long stretch of what will be a not-very-well-used road—is it worth this level of significant risk and money?"

The numbers for the tunnel—once it's completed—don't look very good. The current Alaskan Way Viaduct carries about 110,000 cars a day. Once the tunnel opens in 2015, the number of cars using Highway 99 through downtown Seattle will drop to 46,000 cars a day, according to a tolling study by the state. That means 64,000 additional vehicles a day will be forced onto downtown surface

roads, along the waterfront, and onto I-5. Why? Cars that want to go downtown can't use the tunnel because it will have *no downtown exits*. And people who don't want to pay the toll won't use it. During peak hours, the trip will be \$4 one way and \$8.50 the other. That's \$7.50 to use the tunnel. Many of the cars diverted from Highway 99 will pour into Pioneer Square instead, further clogging that neighborhood's already traffic-clogged streets.



SOUTHERN TUNNEL PORTAL: 13 LANES OF CEMENT

Once the tunnel opens in 2015, the number of cars using Highway 99 will drop by more than half because it will have no downtown exits.

roads, along the waterfront, and onto I-5. Why? Cars that want to go downtown can't use the tunnel because it will have *no downtown exits*. And people who don't want to pay the toll won't use it. During peak hours, the trip will be \$4 one way and \$8.50 the other. That's \$7.50 to use the tunnel. Many of the cars diverted from Highway 99 will pour into Pioneer Square instead, further clogging that neighborhood's already traffic-clogged streets.

"There is a pretty significant amount of traffic diversion" with the tunnel, admits Ron Paananen, who is overseeing the tunnel project for WSDOT.

Ironically, many tunnel supporters have insisted that the tunnel would benefit blue-collar workers going to their jobs. But blue-collar workers are the least willing and least able to pay \$7.50 to use the tunnel. They will join the majority of drivers who pour onto surface streets.

And I know this sounds wonky, but the state hasn't finished something called an environmental impact statement, a document that may reveal that this project—a project

that is already under way, if council president Conlin and Governor Gregoire prevail—shouldn't be built at all.

Bear with me: An environmental impact study isn't just about how many birds will die. It is the definitive analysis of the impacts of the project. That study, which will come out in draft form for public comment this fall, will compare the tunnel to rebuilding an elevated highway or a cut-and-cover-tunnel option. State law requires us to complete this study before the state commits to one option. But the state, by putting the project out to bid and entering into an agreement with Seattle, is committing to one of the options without knowing if it has any major ramifications. (Remember that lawsuit? Sounds like they may have a case, huh?)

So even if everything goes right and there aren't any cost overruns, we know the project is hugely expensive, forces more than half of the traffic now on the viaduct onto surface streets, destroys the (already battered) quality of life in Pioneer Square, and diverts money that could go toward making downtown streets better for transit into building yet another freeway. And if anything should go wrong, the city could be bankrupted.

The question here shouldn't be whether the mayor has a "secret agenda" to kill the tunnel. The question should be why every elected official at City Hall doesn't also have one.

What happens next

The city council will decide the conditions of our contract with the state within the next six weeks. By approving it, the city gives the state permission to begin construction. Seattle has basically no leverage after construction begins.

Most of the city council is arguing that we don't need to fix the state law, we don't need to see bids, we don't need to see the state's environmental impact statement, we don't need to increase the bonds for the company doing the tunneling, and we don't need any provisions that allow Seattle to back out if, say, bids show the tunnel will cost too much. They also say that the time for debate has passed.

But Seattle has never debated this issue. (When Seattle voted on a slightly different tunnel in 2007, we rejected it.) There was certainly never a public debate about the terms of this contract, and Conlin has done all he can to avoid having that debate now. Conlin has also attempted—with an assist from the *Seattle Times*—to paint the mayor as an irresponsible obstructionist when, in point of fact, the mayor appears to be the only person at City Hall looking out for Seattle taxpayers.

"The bottom line for the planning process," says Thom Neff (McGinn's outside expert) and Gary Brierly in an article titled "Bullshit as Applied to Tunneling Projects" in the April issue of *TBM: Tunnel Business Magazine*, "is to let the games begin: debate, argue, make your claims and counterclaims, and do everything possible to come up with the best possible project." The authors, who are both authorities on the runaway costs of tunnels, warn that "errors in the planning effort can lead to... inadequate financing, unreasonable debt for the local citizens and agencies, and, in rare cases, a tunnel that should never have been built."

On June 28, the mayor gave a draft of the contract ordinance to the city council that says the city won't give permission to build

a deep-bore tunnel under downtown until the state legislature removes the provision that caps state spending on the project and says Seattle must pay for cost overruns. The city council disregarded the mayor's proposal as a delay tactic. Laura Lockard, spokeswoman for the city council, says the mayor's proposal was "theater."

The council is expected to remove the mayor's provision, the mayor has vowed to veto any tunneling bill that doesn't contain a provision that protects Seattle taxpayers, and the council is expected to attempt an override the mayor's veto.

But if the city council was serious about representing the citizens of Seattle, it wouldn't just leave McGinn's provision in—it would add two more.

Council Member O'Brien is pushing an amendment that would "reserve an option to void the agreement" if the bids come in too high or the environmental impact study shows that the tunnel would have enormous ramifications.

"You want me to sign a contract that is our last leverage point and you won't tell me what it says until later?" O'Brien asks about the current version of the bill. He says committing Seattle to the tunnel before impact studies are complete would be a "mockery" of the process.

Rasmussen, chair of the council's transportation committee, says he would support O'Brien's plan to let the city opt out if bids "come in way over" the state's spending cap. But he dismisses the idea of voiding a contract simply because the impact study shows the tunnel wouldn't solve transportation problems. (Think about that: The chair of city council's transportation committee is willing to spend a billion of your tax dollars—and potentially hundreds of millions more—on a transportation project that doesn't solve transportation problems.)

Meanwhile, Council Member Nick Licata is pushing a provision that would reserve \$290 million of the project budget for tearing down the Alaskan Way Viaduct and rebuilding the waterfront—and to complete the project regardless of cost. That sort of provision, Licata says, would give the city "critical assurance that the state won't spend our money on the tunnel when they should spend it on removing the Alaskan Way Viaduct and providing the new street on the waterfront."

All three amendments—making the state pay for overruns, letting Seattle opt out if the project will cost too much or if research in the next six months shows the project has major negative ramifications, and setting money aside for the waterfront improvements—should be approved. None of them kill the project, as some members of the city council would have you believe. They simply would protect Seattle's interests—which is the Seattle City Council's job.

Would the state remove the spending cap and accept responsibility for cost overruns?

"I think there is support in the senate to reform that provision," says state senator Ed Murray. "I think the mayor has a valid point. The legislature needs to get that fixed. Seattle should be treated like any other jurisdiction, it should not be required to pay cost overruns on the state highway."

Murray says he would sponsor legislation to make the city and state share the burden of cost overruns equitably. The question is whether the state house would pass it. Speaker Frank Chopp says he can't speculate. The most powerful person in the house, Chopp represents the 43rd District—comprising the central city, the same district that Murray represents—and his Seattle constituents should

press him for a deal that is fair to Seattle.

While there may be support in the legislature next year to remove the language that makes Seattle pay hypothetical cost overruns, that support could disappear if we wait until cost overruns do actually occur.

That last scenario is exactly what Council Member O'Brien—a former chief financial officer at a law firm—fears most. "I think Seattle will make a legal argument that the city is not liable. But that's not to say that there aren't ways the legislature can make Seattle pay. It is easy to imagine a scenario in which cost overruns occur and the legislature wants to put it on Seattle. The legislature says, 'We passed a law that says Seattle has to pay, so now you have to pay.'"

State law specifically states that any costs beyond \$2.8 billion on "shall be borne by property owners in the Seattle area who benefit from replacement of the existing viaduct with the deep bore tunnel." Council president Conlin wrote on his blog in May that state law "says nothing about the City [of Seattle], but instead makes a legally meaningless reference to property owners."

Attorney General Rob McKenna disagrees.

"Once [a law] is adopted," McKenna said on KUOW last fall, "it's our job to defend it. A law which is adopted by the legislature is presumptively constitutional."

There is a case to be made that Seattle isn't "on the hook" for cost overruns. "The legislature can't just tax a group of people in a geographic area," says City Attorney Pete Holmes. "This is a state highway, and the state is responsible for all the costs." If the state exceeds costs in any contracts, he says, "they could send us a bill. They can't make us pay it."

The legislature would have to take further action—but that's something some lawmakers say they may do—to force Seattle to pay.

"I will try my best, as will a number of other legislators, to live up to the law that we passed that held Seattle to these cost overruns—that is all I can say," says state senator Jim Kastama of the legislative district that encompasses Puyallup. "There is a track record of tunnels not coming in on budget, and it is not just me saying that [we're going to make Seattle pay], it is the general consensus of the legislature."

"That amendment is real," Kastama continues. "People who think it is window dressing, they don't understand the level of support for that amendment in the legislature."

As for city council members and state elected officials—including the governor—who insist that Seattle won't have to pay, regardless of the law as currently written, Kastama urges Seattle taxpayers not to believe them.

"The people who are giving you these promises aren't going to be here in a few years," Kastama says. "The people who are saying there will be no cost overruns won't be in office when it's time to be held accountable."

Conlin, who was just elected to his fourth term on the city council, will probably be long retired—along with Rasmussen, Bagshaw, and Gregoire—when the whole project is complete in 2018 and Seattle may have to grapple with a bill for a tunnel it didn't need.

"We have a \$56 million budget shortfall right now," says O'Brien. "If we have to come up with another \$50 million, \$100 million, or a half billion dollars, it would be devastating to our city. I know fellow city council members don't want that outcome, but I have been frustrated that they have not been willing to engage in a more robust dialogue to prevent that outcome." ■

THEY DON'T WANT YOU TO HAVE YOUR SAY

Seattle citizens have stopped freeways we don't need before, but this time, eight members of the city council are trying to prevent you from weighing in. Don't let them.



Richard Conlin was being heckled. The Seattle City Council president knew the crowd would be hostile and he came prepared. It was February 28 at City Hall, and the council intended to pass a bill that would commit Seattle to replacing the Alaskan Way Viaduct with a deep-bore tunnel. Even after the public comment period, when citizens in sweaters and button-up shirts spoke two to one against the project, the crowd remained vocal, many holding signs reading "Let us vote!" or "Our Project, Our Vote" or "Stop the Tunnel."

As the crowd rumbled, Conlin asked to suspend parliamentary rules to show a PowerPoint presentation. Did he seize the chance to show that the tunnel is worth \$4.2 billion or that it moves traffic better than less-expensive alternatives?

No, he didn't do that. He can't do that.

Instead, Conlin projected a photo of Oakland's Cypress Street Viaduct after a 1989 earthquake. Forty-two people died on the freeway that day, crushed to death between collapsed concrete. Seattle's waterfront viaduct faces the same risk in an earthquake, and, he argued, the tunnel is our only option to avoid that risk.

"These pictures remind us that we are talking about people's lives," Conlin intoned.

The crowd groaned at this stunt.

Then the council approved the tunnel contracts with the state by an 8-1 vote (with Mike O'Brien dissenting). Now the viaduct—a human juicer in a seismically volatile region—will be left standing for at least five more years. But the council and the state don't even know if the tunnel is feasible yet, because the impact studies won't be done until this summer.

Conlin's grandstanding—his willingness to exploit tragedy to score a political point—wasn't just patronizing, it was dishonest. Building the tunnel means that the viaduct remains up longer. Demolition had been planned for next year—in 2012—but the tunnel plan delays demolition until 2016 (or later, if the project runs behind schedule, as projects like these often do).

"The city council has chosen the option that leaves the existing viaduct up the longest," says Mayor Mike McGinn.

Meanwhile, the governor, highway officials, and eight members of the city council all say that the decision to build a deep-bore tunnel is a done deal. That a tunnel is the best option for the waterfront. That the region's economy depends on a tunnel. That we have no other option.

They're lying to us.

On every metric you could use to gauge a transportation project—cost, liability, impact—the tunnel project fails. Replacing the Alaskan Way Viaduct by optimizing surface streets and transit is cheaper and more effective. Countless cities—San Francisco, Portland, New York, Seoul, and many others—have torn down urban freeways without creating economic havoc or gridlock. Seattle can and should do the same thing. In fact, Seattle voters already rejected

plans to rebuild Highway 99 as a tunnel or a new viaduct in 2007: After voters shot down a cut-and-cover tunnel, the governor, the mayor at the time, and the county executive at the time got together and decided on a deep-bore

tunnel without asking voters.

Now the state is trying to shut down debate on the deep-bore tunnel—highway officials and the governor literally refuse to participate in debates—because, on its merits, the tunnel is indefensible.

For instance, we've been told that the tunnel will "open up the waterfront" while a surface option would clog it with traffic. But the Washington State Department of Transportation's (WSDOT) own research found that the tunnel and a surface/transit option produce identical traffic flows along the waterfront: 7,000 vehicles over three hours during the peak evening rush hour. And the state's estimate was based on the assumption that the tunnel would have no tolls. But a 2009 state study requires that \$400 million for the project be raised by tolls. According to a Supplemental Draft Environmental Impact Statement (SDEIS) released last October, 64,000 vehicles a day that currently use the viaduct could divert onto surface streets because the tunnel has zero exits and to avoid having to pay tolls. What does this mean for the waterfront? WSDOT reports, "The number of vehicles traveling on Alaskan Way each day projected to increase by 6,000 to 7,000 ▶

STOP THE INSANITY

THE DEEP-BORE TUNNEL IS INSANE. NOW IS THE TIME TO STOP IT. THERE IS A BETTER OPTION.

by Dominic Holden

vehicles" above the levels without tolls. So it's the tunnel that would clog the waterfront with traffic.

Before we spend \$1.2 billion (including \$930 million from Seattle and \$300 million from the Port of Seattle) on a tunnel we don't need, Seattle voters deserve a chance to weigh in. We deserve a real debate, an honest debate about whether the tunnel moves enough vehicles, whether it's worth the money.

There is only one way to do that honestly: put the tunnel on the ballot. Protect Seattle Now, a campaign launched the same day the council voted to approve the tunnel, has until March 28 to gather approximately 16,500 signatures to put the tunnel contracts on the August ballot. That's a lot of signatures to gather in a short amount of time. Protect Seattle Now is going to have to pay professional signature gatherers if it wants to make the deadline, which means it needs to raise money, too—quickly. If you can help, go to www.protectseattlenow.org.

Meanwhile, here's why you should care.

The Tunnel Will Make Travel Worse

Governor Chris Gregoire insists that the only way to maintain traffic flow downtown and protect streets from a flood of cars that currently use the viaduct is by building the tunnel. "The bored tunnel preserves capacity," she argues.

But the state's own estimates contradict her. Nearly two-thirds of the 110,000 vehicles a day that currently use the viaduct won't take the tunnel. Tolls of \$4 one direction and \$3.50 the other direction would cause most drivers to avoid the tunnel. (The other reason drivers will avoid the 1.7-mile tunnel is the lack of exits—more on that in a minute.)

Without tolls, the state simply can't pay for its share of the project; with tolls, most people won't use it. Most drivers will exit before getting to the 10-lane tunnel portal, clogging the streets of Pioneer Square.

"To build a giant, suburban-scale interchange next to a historic district with narrow, fragile pedestrian streets—knowing that this causes traffic mayhem, but not putting any money toward solving the problem—is absurd," says People's Waterfront Coalition director Cary Moon.

The state calls this "unworkable." The SDEIS says, "Slower vehicle times are modeled because vehicle volumes are expected to increase on these streets." (Yes, the project designed to move traffic through the city causes slower travel.)

Asked at a briefing in November how the state would manage the increase in traffic on city streets, Ron Paananen, project manager for the Alaskan Way Viaduct Replacement Project at the Washington State Department of Transportation, punted: "The City of Seattle has more power over city streets." Asked if the state had any money to mitigate this looming traffic disaster, Paananen answered, "No."

The state said this is the city's problem. So what's the city's plan to deal with the traffic pouring onto downtown streets?

City council Transportation Committee chair Tom Rasmussen hopes the state can help—the same state that says this is the city's problem.

"I think we will be working with the state, King County Metro, Port of Seattle, and any other entities that have a role in transportation to reduce the amount of traffic on those streets that could be caused by tolling,"

Rasmussen has said. The city certainly doesn't have the money to mitigate the traffic diversion. Seattle is running annual deficits around \$60 million and already has a \$630 million commitment to the project (to pay for utility relocation, building a new seawall, and helping rebuild the waterfront). The state, county and port will be no help. A 2009 law prohibits the state from chipping in any more money than the \$2.8 billion it already committed, the Port of Seattle still hasn't found a way to pay its pledged \$300 million, and King County Metro is running a budget deficit and has nothing to chip in. Not one of these entities has a way to manage downtown street traffic if the tunnel is built.

"The issues, left unaddressed, will impact accessibility to and the character of the Center City, particularly in the vicinity of Pioneer Square and the Seattle Center/South Lake Union areas," says a briefing paper presented to council members on January 25. The report, by transportation consultant Nelson Nygaard, also finds that the uptick in traffic may result in longer travel times for transit and "will increase conflict between automobiles and vulnerable road users." (In other words, frustrated drivers confronted with clogged downtown streets and longer commutes are likely to run down more cyclists and pedestrians.)

"We are spending billions of dollars to make traffic worse and doing nothing for transit service," says Craig Benjamin, a transit advocate with the group Streets for All Seattle. The city would have to spend huge sums on improving surface streets—re-paving surface roads, adding lanes on I-5, timing lights—to mitigate this flood of traffic "or this is not going to work." But the city and state won't have the dough to do that because they will have spent it all on the tunnel.

What about freight and connecting the port to the rest of the region? Tunnel supporters argue that freight mobility is vital to a port city like Seattle. But the viaduct isn't a particularly well-used freight route. Medium to heavy trucks make up less than 4 percent of viaduct trips currently (4,000 out of 110,000 per day, according to the Urban Mobility Plan drafted for the city by Nelson Nygaard in 2008). And three-fifths of that truck traffic begins or ends downtown. So the tunnel, which has no exits in downtown Seattle, wouldn't help with freight: It actually forces most of the freight traffic currently served by the viaduct onto city streets.

Seattle doesn't require a downtown bypass; it needs access into downtown. Consider the way we currently use Highway 99. Drivers take the viaduct—which has exits and on-ramps—to enter and exit downtown Seattle. According to WSDOT data from 2007, traffic rises sharply on the viaduct in the morning and evening commuting hours. Northbound traffic on the viaduct currently peaks 7:00 to 8:00 a.m., with 4,500 trips per hour dropping to about 2,200 trips an hour through midday, and then rising to 3,300 during the evening rush hour. Southbound volumes reflect a similar pattern, but with less traffic overall: traffic peaks in the morning with 2,500 trips per hour and falls midday until the evening rush hour around 5:00 p.m., diving by 7:00 p.m. This is the pattern of a morning and evening commute into the employment core of downtown Seattle.

Smart Mobility, a New England transportation engineering firm, studied traffic patterns on the viaduct and issued a report called "Alaskan Way Viaduct Analysis of No-Replacement Option." It found that 30

percent of the northbound Highway 99 traffic enters from downtown on-ramps. Likewise, 77 percent of southbound traffic gets on Highway 99 downtown. The report says, "Most of the viaduct traffic during peak traffic periods gets on or off SR 99 in central Seattle, and is not through traffic." What drivers need from Highway 99—what they use it for— isn't a bypass mechanism, but a downtown delivery system.

Despite this evidence, WSDOT has insisted, "The Alaskan Way Viaduct is a major regional highway corridor carrying long-distance trips through downtown." That's a lie and WSDOT knows it. WSDOT's own data proves it.

State Lawmakers Will Make "Damn Sure" Seattle Pays for Any Cost Overruns

The project's total cost is estimated at \$4.2 billion, assuming that it doesn't run over budget. But 9 out of 19 megaprojects do run over budget, and tunnel and bridge projects are particularly vulnerable to unexpected costs—running an average of 34 percent over budget, according to an analysis of 258 massive transportation projects by Bent Flyvbjerg, one of the world's foremost authorities on the subject.

The four-tunnel Brightwater sewage treatment facility in north King County that was supposed to be done in 2010 now won't be done until 2012 or 2013, and it's 24 percent over budget. Two of the tunnel-digging machines got stuck. If that happens to the downtown tunnel, the unsafe viaduct would be left standing until 2018, two additional years.

If Seattle's tunnel runs over budget, someone will have to pay. It's the state's project, with the city serving as a colead. But the state is facing a \$5 billion biennial deficit and state lawmakers say they won't pay.

"Will Seattle voters be on the hook for [tunnel] cost overruns?" asked KIRO reporter Essex Porter at a luncheon at the Washington Athletic Club on January 7. Onstage were Senate Majority Leader Lisa Brown, Senate Minority Leader Mike Hewitt, Representatives Larry Springer, and Representative Bruce Dammeier. Each of them had signs that said "Yes," "No," or "Waffle." They all laughed at Porter's question and lifted their "Yes" signs.

A state law passed in 2009 specifically states that any costs beyond \$2.8 billion "shall be borne by property owners in the Seattle area who benefit from replacement of the existing viaduct with the deep-bore tunnel." The law also says unequivocally that the state won't pay more than \$2.8 billion. If the tunnel exceeds those costs, the legislature has to act or leave the project unfinished. They can tap the state budget, which has been running multibillion-dollar deficits with no end in sight. Or they can do what they said they would do: collect from Seattle.

"I will be among those who make damn sure that deal stands in place," state representative Larry Sequist told Seattle's *com. Likewise, Democrat Jim Westlake said last summer, "I will try my best, as will a number of other legislators, to live up to the law—but we passed that hell Seattle to these cost overruns."*

Representative Judy Clibborn, who chairs the house Transportation Committee, introduced the language that puts Seattle taxpayers on the hook. Clibborn says the intent was that "people who benefited from the facility would help pay for cost overruns." But Clib-

born now says the state lacks a mechanism to collect from taxpayers in a specific geography or compel a city to pay. If there are overruns, she adds, the state "will pay for the cost overruns."

It's a legal gray area. If the state legislature, traditionally hostile to Seattle, can pin the overrun costs on Seattle, our city's taxpayers will have a \$1 billion bill if the state's \$2.8 billion portion of the project runs the average \$4 percent over budget.

Governor Gregoire has said she'd veto a bill that makes Seattle pay—but she isn't running for reelection and will be long gone in 2013, 2014, or 2015 when cost overruns crop up. It may be Republican governor Rob McKenna by then, and don't bank on him to come running to Seattle's rescue.

Even if the project somehow doesn't run over budget, parts of the funding may not come through. For instance, the \$400 million from tolls assumes that drivers will actually pay to use the tunnel instead of the free surface streets. That's not always what happens. The *Australian* reported a few weeks ago that RiverCity Motorway, a private tunnel and highway builder in Brisbane, had financially collapsed after construction was done on a recent project because too many users simply refused to pay the tolls. "RiverCity's initial traffic forecasts predicted the road would carry 60,000 vehicles a day and that this could increase to 100,000 within 18 months. But traffic volumes are closer to 20,000 vehicles, despite initial moves to discount the toll by as much as 50 percent to encourage motorists," the newspaper reported.

Right now, the state and eight members of the city council all assume the tunnel will be free of cost overruns and that every driver we expect to pay a toll will pay. That is insanity.

Having Already Picked the Tunnel Before the Completion of the Environmental Impact Study Is "Flatly Illegal," an Expert Says

The state has been clear that it will dig the tunnel. "This project that we have been discussing for a decade will begin turning dirt next year," said Governor Gregoire at a press conference to announce the winning construction bidders. "Ladies and gentlemen," she added, "let's get 'er built."

Ron Judd, project outreach director for WSDOT, told the *Seattle Times*, "The debate about whether or not we're going to do a tunnel is over."

Sounds like a done deal, eh?

But the law is clear: You can't actually decide to build until an environmental review is complete. Until the state "issues a final determination of nonsignificance or final environmental impact statement, no actions concerning the proposal shall be taken by a governmental agency that would... limit the choice of reasonable alternatives," says the Washington Administrative Code.

The environmental impact statement on the deep-bore tunnel isn't completed. It's "expected this summer," says WSDOT's Paananen. So how can the debate be over?

"The state is trampling on our state's premier environmental law," says David Bricklin, an environmental attorney who represents cases under the State Environmental Policy Act. "We are throwing away our money on a document that is not going to be used to help make a decision, but instead to justify the decision that is already made. That is flatly illegal. Ron Judd should know better. The governor, who ran the Department of Ecology

It actually forces most of the freight traffic currently served by the viaduct onto city streets.

The pro-tunnel camp's claims prompted Seattle Transit Blog to declare that the campaign was telling "a complete lie."

It would account for a higher proportion of a low income individual's monthly income, this alone does not constitute a high and adverse disproportionate impact," the report finds. Why not? "The analyses of the equity of tolling concluded that the effects would not be disproportionately high and adverse because there would be viable options for avoiding the toll either through alternate routes or by switching to transit."

In other words, the impacts on the poor are acceptable because they can take another route or ride the bus.

What is acceptable for the poor is, apparently, intolerable for everyone else. When Governor Gregoire encountered a question about any surface-street-improvement-plus-transit alternative to the tunnel, she called it "social engineering to push people to get out of their cars." But "social engineering" is totally acceptable if drivers are poor. On top of that, King County Metro is about to lose 600,000 bus service hours (unless the county council or voters take the unlikely step of passing a new \$20 car-tab fee this fall). So there will be even fewer alternatives available.

Disgustingly, the pro-tunnel campaign leads its website with a photo of a Metro bus and states, "The project includes more frequent bus service to and from downtown." In fact, the project includes zero transit funding. The pro-tunnel camp's claims prompted Seattle Transit Blog to declare that the campaign was telling "a complete lie."

An earlier draft version of the state's report was blunt in saying that tolling "could have the potential of a disproportionately high and adverse effect on some low-income populations, especially those without access to transit or who are dependent on their cars." But that line was removed from the final document.

The project needs scaled tolling to meet its financing obligations because "a flat toll rate—one that isn't higher at rush hour than any other time—"would not achieve our objective in financing the project," Paananen says. However, if voters pass Tim Eyman's Initiative 1125 this fall, all tolls must be even across the board. The state lacks a financing plan if that initiative passes.

New Problems They Can't Afford to Fix

The extra "several thousand vehicles per day" on downtown streets caused by tolling are unworkable and require some mitigation. "WSDOT has acknowledged that an acceptable long-term tolling solution should be sought to minimize the amount of diverted traffic," the report says, and a chapter dedicated to mitigation lays out those strategies. They include refining the tolling scale, giving transit priority, placing a "restriction on other modes of travel," optimizing right-of-way on city streets, and, most obviously, funding "enhanced transit services and vanpools." If you've ever heard of the surface/transit proposal, that basically describes it.

Paananen was asked twice: How much would that mitigation cost? He didn't know. Where would the money come from? "We have no specific source identified for a specific mitigation project," he said.

Follow the logic here: The state is saying the traffic diversion is so great that it needs mitigation for the project to be viable. But mitigating it will cost money (it has no idea how much), and there's no money in the budget for that mitigation. So without the money for what is essentially surface/transit/I-5, they don't have a viable project.

One other proposal is to seek additional revenue from a source other than tolling. That, of course, seems unrealistic; the legislature in 2009 capped its spending on the project at \$2.4 billion and required another \$400 million from tolling. In January 2010, Governor Gregoire told a forum hosted by the Associated Press, "We have a budget and we're going to live within that budget. That's all there is, there ain't no more." So, uh, the state seems like it's sticking with that budget. Even if it clearly won't work.

Comparing the Tunnel to Surface/Transit/I-5

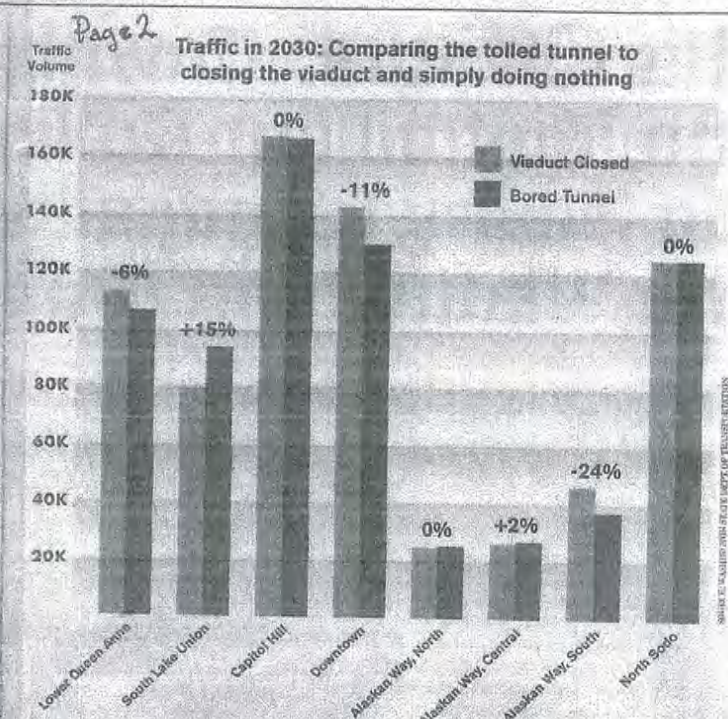
Nobody is actually suggesting tearing down the viaduct and doing nothing—that would be ridiculous. Accommodations must be made for the cars, the trucks, the buses, the bicycles, etc.

The surface/transit/I-5 option would tear down the viaduct, optimize capacity on downtown streets, add another northbound lane on I-5, and fortify transit service. The city and state studied this in 2008 and, at the city's insistence earlier this year, the state included further analysis in its latest report.

If we implemented surface/transit/I-5 (ST5), vehicles would bunch up at the north and south ends of downtown, but once they passed those points, they would flow more freely inside the city's core. The peripheral congestion would "effectively meter the volume of traffic" into the central business district, the state says. "This metering, combined with the expected redistribution of traffic outside the downtown area, yields reasonable level of service." Added vehicle capacity on Second and Fourth Avenues would also grant more capacity on downtown streets. "The analysis shows that travel times for representative trips within downtown Seattle would be similar, or in some cases shorter," with ST5 as compared to the tunnel.

Furthermore, the state studied traffic in dozens of downtown intersections and dished out grades ranging from A to F. The result was that a tunnel resulted in 25 intersections with a perfect grade, while ST5 resulted in 32 intersections with a perfect grade. Likewise, ST5 had only 16 intersections that received an F grade, while a tunnel produced 19 intersections with an F.

A report this June by Nelson\Nygaard, a transportation analysis commissioned by the city, explained that the worst intersections in the present year are near highway on-



Currently use the viaduct will divert to surface streets to avoid those tolls, causing "traffic to shift to I-5 and city streets."

Daily traffic along the central portion of the waterfront—north of Seneca Street—with a tunnel would be 25,700 vehicles. If we close the viaduct and do nothing, that number actually drops to 25,300 vehicles a day. Likewise, there would be 100 fewer cars per day north of Pine Street on the waterfront if we did nothing. Again, the selling point for a tunnel has long been that it will protect us from swarms of vehicles clogging the downtown waterfront. But that's clearly not what the state found. The only place along the waterfront where traffic is lighter with a tunnel is south of King Street, where traffic is 20 percent lower. But that's both south of downtown and south of the tunnel (and the tolls).

To show we're not just "picking out numbers," let's look at I-5. Governor Gregoire has insisted that failing to build a tunnel "creates literally a parking lot on I-5." But what do the state's data show? In 2030, after the tunnel has been open for 15 years, the tunnel would result in 281,000 vehicles a day on I-5 north of Seneca Street, while closing the viaduct and doing nothing would result in only 0.3 percent more traffic, or 283,200 vehicles. South of SR 520, traffic would drop by 0.04 percent if we did nothing. Just south of the I-90 interchange, traffic volumes would be higher on I-5 if we did nothing, but by only 1.8 percent. These differences demonstrate that the tunnel does not, in fact, buy us an unfettered I-5. It will be jammed regardless.

Now let's look at the tunnel's impact on surface streets in the downtown grid. If the tunnel opens on time in 2015, nearly two-thirds of the vehicles that currently use the viaduct (approximately 70,000 of the 110,000) will switch to surface streets and other routes. The state used that estimate in a preliminary report last October, but for its final report has switched to measuring effects on traffic in 2030 instead of 2015 (I'll explain why later on). How will the diverted traffic from the tunnel affect downtown? These are vehicle volumes in crossing various streets, comparing the tolled deep-bore tunnel to, again, closing the viaduct and doing nothing:

- Thomas Street in South Lake Union: 15 percent more traffic with a tunnel.
- King Street in Sodo: 0 percent difference.

- Seneca Street in Capitol Hill: 0 percent difference.
- Seneca Street downtown: 11 percent less traffic with a tunnel.

This last instance is the *only* case I found where a section of downtown bore significantly fewer vehicles with a tunnel than with closing the viaduct and doing nothing. Ten percent less traffic on Seneca Street is something, but it's only one of roughly a dozen gauge points, and it's scant improvement considering the \$3.1 billion price tag.

As the state points out, the tunnel's advantage is that it facilitates an additional 38,000 to 45,000 vehicles a day under downtown (or 57,000 vehicles by 2030, if WSDOT's prediction of increasing traffic holds true, despite reports that traffic is actually declining). Bypassing downtown in the tunnel would save drivers—those who can pay the \$9 rush-hour tolls—from the snarl of traffic up above. However, the tolled tunnel is among the worst-performing options of everything the state studied.

The 38,000 to 45,000 vehicles a day under downtown is roughly the same added capacity as one ordinary four-lane street. In other words, the state estimates the tunnel will carry about as many cars as 15th Avenue West, Montlake Boulevard Northeast, or Fairview Avenue North. That's not much capacity considering that \$3.1 billion could, for instance, fund light rail to West Seattle and Ballard (Portland's entire light-rail network was built for \$3 billion; its current 7.3-mile extension will cost \$1.5 billion). Speculation aside, it shows that Governor Gregoire's repeated threats that failing to build these extra four lanes would result in complete downtown gridlock don't hold up. Now that we have hard data, the truth is that traffic on most downtown streets and on I-5 would be just as bad whether we built the tunnel or just closed the decrepit old viaduct and cut our losses, and some parts of downtown and I-5 traffic would improve without the tunnel.

Tolls: \$9 Round-Trip

The tolls would be highest when people most want to take the tunnel—rush hour. The cost would peak at \$4 northbound and \$5 southbound. The state acknowledges that's too expensive for some drivers.

"While toll payment, by definition, >

It's Official: Downtown Traffic After the Multibillion-Dollar Tunnel Would Be Nearly Identical to Shutting Down the Viaduct and Doing Nothing

The Surprising News Inside the Gazillion-Page Environmental Impact Statement **By Dominic Holden**

Without the deep-bore tunnel to replace the Alaskan Way Viaduct, we'd "transform the waterfront into a choked boulevard." Without the tunnel, we'd "wreak havoc on city streets." Without the tunnel, we'd have "gridlock."

These are the talking points of Let's Move Forward, the pro-tunnel campaign that's asking voters to approve a referendum on the tunnel in August.

But are they right?
Short answer: no.

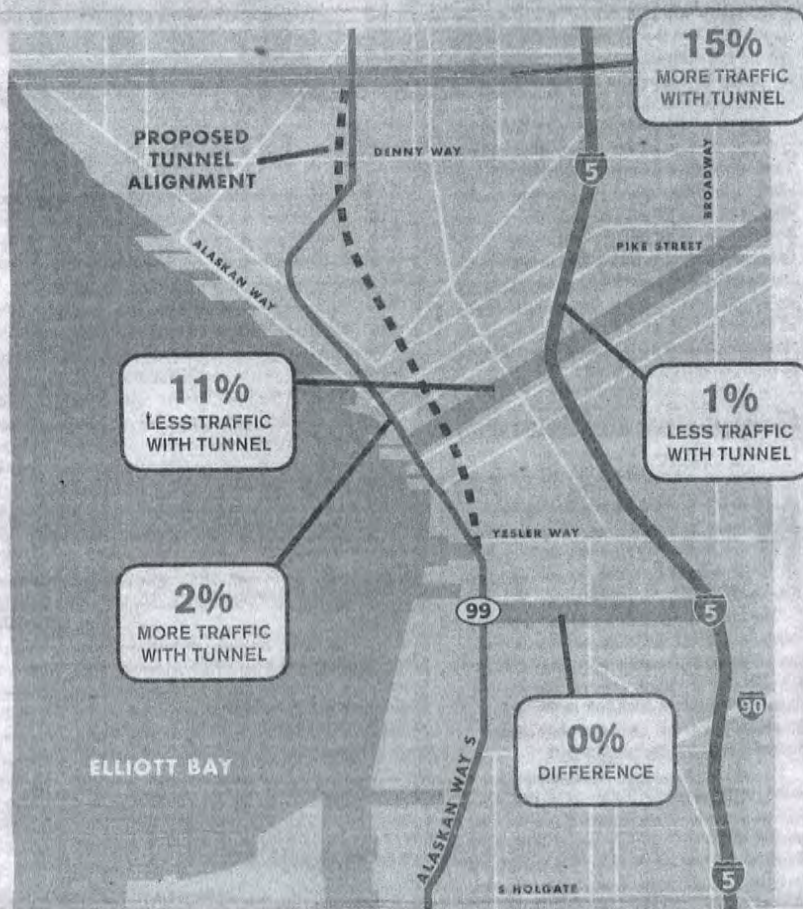
The day after the release of the final environmental impact statement on the tunnel, I'm sitting in a dull-gray conference room across from government officials. Below us is the elderly Alaskan Way Viaduct, cracked and crumbling away in a waterfront hospice. We're laboring through the same play we've all performed before: one reporter each from the *Seattle Times*, the *Daily Journal of Commerce*, *The Stranger*, and *Seattlepi.com*. Also in the cast: the guy from the Washington State Department of Transportation who talks a lot, the guy from the Federal Highway Administration who talks a little, and three female assistants who don't say anything unless one of *The Men* doesn't know the answer.

It is my job at these state-sponsored briefings to ask difficult questions—like "Is it worth the \$4.2 billion price tag?"—and it's the job of Ron Paananen, director of the state's Alaskan Way Viaduct Replacement Project, to pretend he doesn't know what I'm talking about.

That \$4.2 billion bill includes roughly \$3.1 billion managed by the state (for the viaduct replacement) and another \$930 million managed by the city (for utility relocation). To pay the state's bill, the 1.9-mile, four-lane tunnel would charge a toll—making it the only tolled roadway downtown. The tunnel would also lack downtown exits, further reducing the number of users and diverting drivers to other routes.

I ask Paananen something like, "In the final environmental impact statement (EIS) released yesterday, it indicates that downtown traffic volumes will be equally bad on the waterfront, I-5, and downtown streets regardless of whether we build a \$3.1 billion tunnel or close the viaduct and do nothing. So why is the tunnel the state's preferred option?"

"I don't really believe that is what the EIS says," Paananen says. "You may be picking out numbers that suggest that."



LITTLE DIFFERENCE Comparing the proposed tunnel to closing the viaduct and doing nothing. The state reports that traffic volumes will be similar, negligible, or identical.

Am I just picking out numbers? Well, yes, to a degree. The report is so voluminous that you've got to pick out numbers—the numbers that matter.

The report has more pages than a Bible and sits on top of appendices A through X.

You're the one paying the bill on this project. You deserve a sense of what you're gonna be voting on.

including some appendices that come with over 250 exhibits. Printing it on paper would require the wood pulp of seven Amazon Basins. In all, the federally mandated definitive analysis of how this massive transportation project would serve our travel needs and affect everything nearby (streets, freeway

lanes, historic buildings, archaeological sites, cyclists, pedestrians, poor people, ears, lungs, salmon, etc.) is thousands and thousands of pages (not even the state knows how many). The cost of researching and writing it was "in the \$100 million range," Paananen says. And federal and state officials are required by law to use it, in theory, to decide whether to proceed with the \$3.1 billion project.

Nobody will have time to read the whole thing before the Federal Highway Administration formalizes its approval within a month. The media briefing was held on a Friday, so the report hit with as little impact on news cycles as possible. However, the preferred option was changed between the draft report released last year and this final report, from an untolled tunnel to a tolled tunnel, so there are additional

impacts to consider. I've read as much as I can, peppered the state officials who run the project with questions, listened to their evasive answers—and now I'm here to make sense of it for you. After all, you're the one paying the bill on this project and there's a city-wide vote on the tunnel in August. You deserve a sense of what you're gonna be voting on.

Let me add that I'm not impartial: I was looking for information and conclusions that the Washington State Department of Transportation *didn't* highlight or suss out. The data are there; the state just doesn't connect the dots. If you want the Pollyanna analysis, read the state's press release that declares this will "increase mobility."

I don't trust the state's rosy analysis, and neither should you: The number one revelation from this report is that traffic along the downtown waterfront, traffic on I-5, and traffic on downtown streets will be almost identical whether we construct a \$3.1 billion deep-bore tunnel or close the viaduct and build *nothing*. And that's not even talking about surface/transit/I-5—also merely called "surface/transit"—a proposal to optimize roadways and provide better bus routes to improve mobility. (For what it's worth, the report shows surface/transit/I-5 performs better or is on par with the tunnel by nearly every metric—and surface/transit/I-5 is cheaper.)

The prediction that a tunnel will save us from a "stalled city," as Governor Chris Gregoire claimed, is wrong. Using a data-driven model, this report shows that a tunnel is as bad for downtown thoroughfares as simply shutting down the elevated highway and cutting our losses. The claim that surface/transit/I-5 creates "gridlock," as pro-tunnel campaign Let's Move Forward keeps prattling, is also wrong. And this report proves it.

Traffic Forecasts: Comparing the Tunnel to Doing Nothing

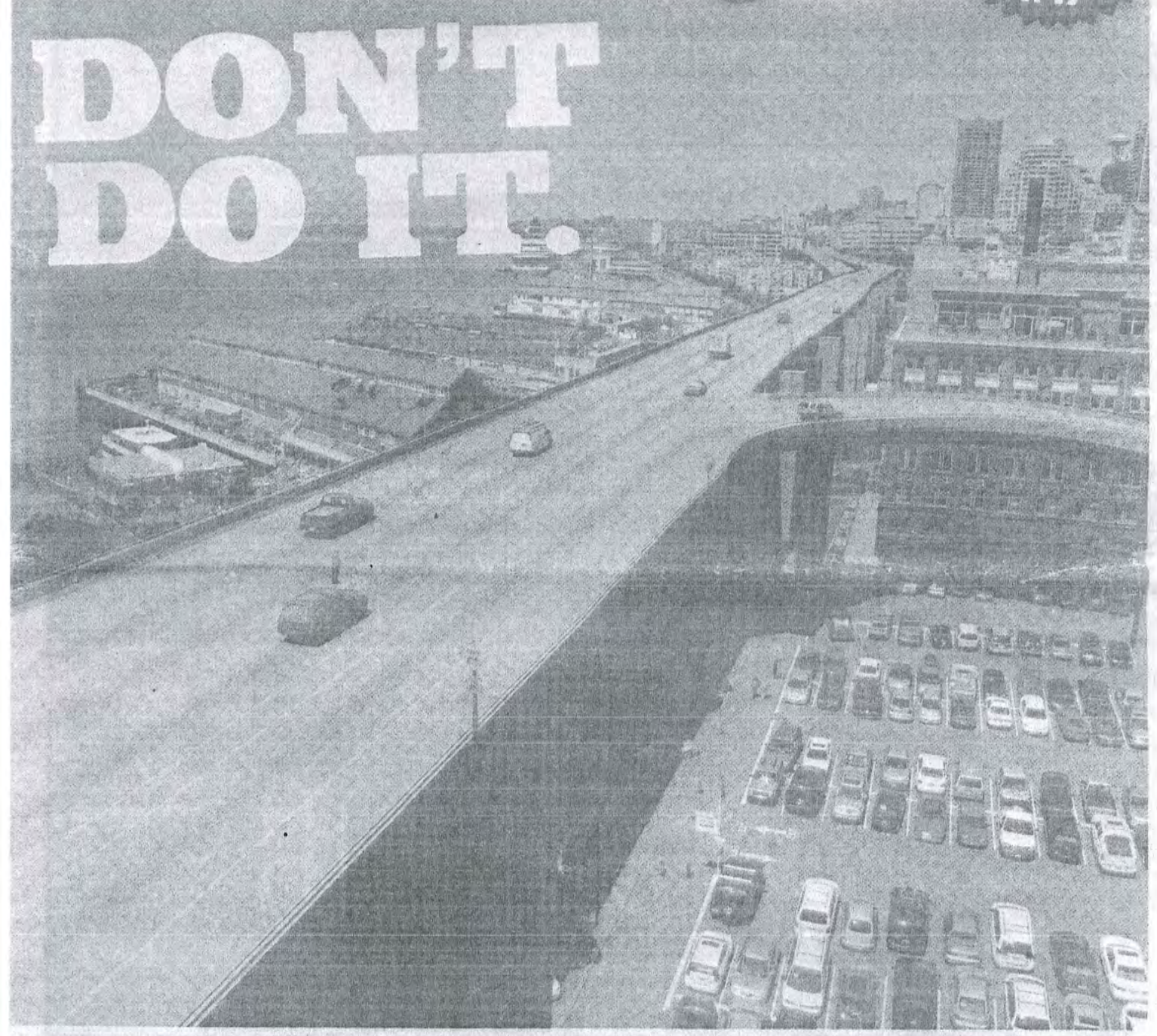
The stack of information starts with a digestible 36-page summary—let's start there. Traffic projections for 2020 assume all drivers using the tunnel will have to pay a toll (\$9 round-trip at rush hour), because the legislature decided in 2009 that \$400 million in tolling was required to pay for the project. As you can imagine, and as the report confirms, most drivers who cur-

the Stranger

SMASHED
SEATTLE'S
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P. 17

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DON'T DO IT.



NO TO THE TUNNEL NO TO THE REBUILD

ERICA C. BARNETT ON THE VIADUCT VOTE P. 19

NEWS KINK PHOBIA IN KING COUNTY P. 10 **BOOKS** CHRISTOPHER FRIZZELLE GOES DOWN ON 'MORY DICKY' P. 35 **MUSIC** ETHIOPIAN HIPHOP! VERA PROJECT PHOTO ESSAY/ MOUNT EERIE P. 37

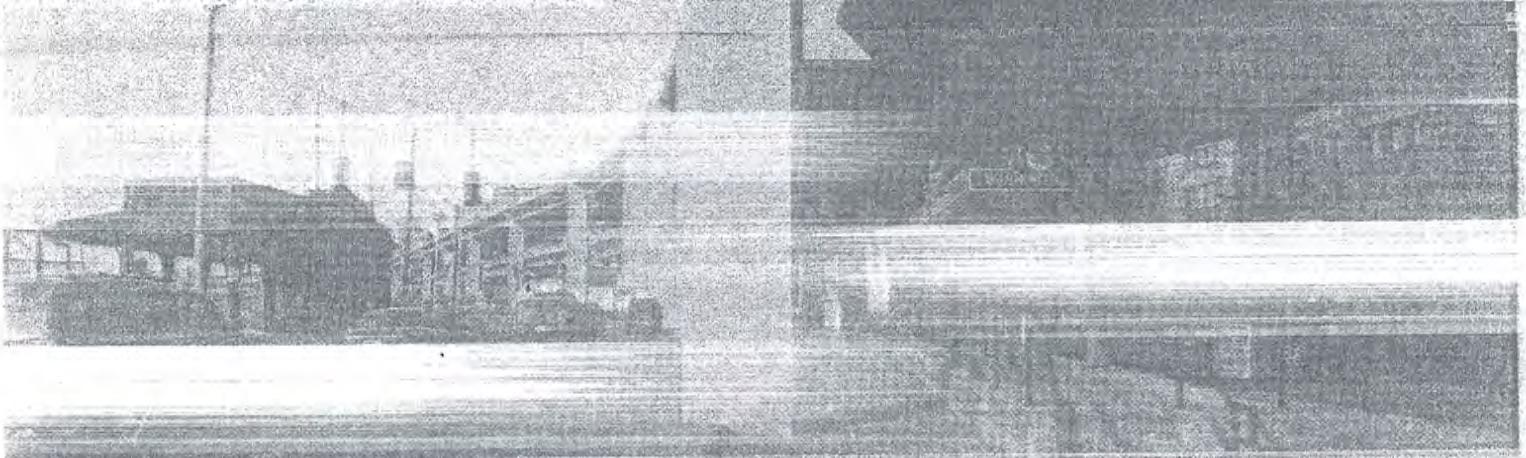
WHAT WE HAVE

The current viaduct: 54 feet wide, 55 feet tall.



WHAT THE GOVERNOR WANTS

The proposed new viaduct: 120 feet wide, 50 percent more shadows.



WHAT WE SHOULD HAVE

Cities everywhere are tearing freeways down. So should we.



Seattle voters are being asked to vote "yes" or "no" on two new freeways on the city's waterfront—a larger elevated viaduct (the option preferred by Governor Christine Gregoire, key members of the state legislature, and the Seattle public, if opinion polls can be believed) and a scaled-down, four-lane, cut-and-cover tunnel (the option that's still preferred by Seattle Mayor Greg Nickels, despite being declared dead by the governor earlier this month). A third option, tearing down the Alaskan Way Viaduct and investing in transit and improvements to surface streets

instead of a new waterfront freeway, isn't on the ballot despite being (a) cheaper, (b) less disruptive, and (c) the most environmentally responsible option.

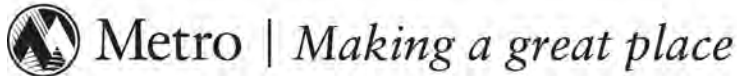
As people on all sides of the debate have noted, the March 13 vote will be a glorified opinion poll with no binding effect, whether voters choose the new viaduct or the tunnel—or neither. (Or both.) Because the two votes will be separate, voters can check yes for a tunnel and a rebuild, yes for one and no for the other, or no for both. At the moment, the most likely outcome appears to be that both will lose. And even if one

option does emerge a winner, it won't be anything resembling a mandate: Gregoire has declared any tunnel dead on arrival; Nickels has made it clear he'll fight the rebuild "by any means necessary," including fighting it in court or denying city permits. The debate has boiled down to dueling sound bites—"Big Ugly" versus "Big Dig"—and voters are understandably confused.

Our endorsement: no to the moribund tunnel and hell no to the rebuild. By voting down both waterfront freeway options, Seattle voters can send a message that they want another choice: a smart, affordable,

environmentally responsible solution that takes an optimistic view of Seattle's future.

By far the worse of the two bad choices the Seattle City Council has given us is a new elevated viaduct. Contrary to what I have reported in both daily papers, the new double-decker highway would be, on average, 71 percent larger than the current viaduct—not 50 percent—in large part because modern safety standards require wider lanes. At Washington Street in Pioneer Square



METRO COUNCIL MEETING

Meeting Summary

August 9, 2012

Metro, Council Chamber

Councilors Present: Council President Tom Hughes and Councilors Rex Burkholder, Barbara Roberts, Carl Hosticka, Kathryn Harrington, Carlotta Collette and Shirley Craddick

Councilors Excused: None

Council President Tom Hughes convened the regular council meeting at 3 p.m.

1. **INTRODUCTIONS**

There were none.

2. **CITIZEN COMMUNICATIONS**

Art Lewellan, 3205 SE 8th Ave., Apt. #9, Portland: Mr. Lewellan addressed the Council on the Columbia River Crossing project's proposed Hayden Island Interchange. He also addressed the potential for coal trains traveling the north south corridor through Oregon and Washington states and stated that he did not believe the rail could handle the traffic. He stated that the Port of Portland has a designed a facility to be placed on Hayden Island. He stated that this rail facility could create safety issues and disrupt rail travel. He distributed an aerial photo of land in north Portland he believed was a more suitable location for the facility and dock. He also addressed the Smith and Bybee Lake Marine Reserve and connection to West Hayden Island. (Testimony included as part of the meeting record.)

3. **CONSIDERATION OF THE MINUTES FOR AUGUST 2, 2012**

Motion:	Councilor Kathryn Harrington moved to the minutes for August 2, 2012.
Second:	Councilor Barbara Roberts seconded the motion.

Vote: Council President Hughes and Council Burkholder, Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion passed.

4. **ORDINANCES – FIRST READ**

4.1 **Ordinance No. 12-1283**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule to Create a 0.75 FTE Limited Duration Position in Communications.

Second read, public hearing, and Council consideration and vote are scheduled for August 16, 2012. Council President Hughes was assigned carrier for the legislation.

5. ORDINANCES – SECOND READ

5.1 Ordinance No. 12-1282, For the Purpose of Annexing to the Metro District Boundary Approximately 78 Acres in the North Bethany Area of Washington County.

Motion:	Councilor Harrington moved to approve Ordinance No. 12-1282.
Second:	Councilor Roberts seconded the motion.

Councilor Harrington introduced Ordinance No. 12-1282. The property, 78-acres in the North Bethany Subarea Plan (NBSP), is located in Washington County north of NW Springville Road and west of NW Kaiser Road. Councilor Harrington stated that the property was added to the urban growth boundary in 2002, but has remained outside Metro’s district boundary. In order for development to occur on the property, the Metro Council is required to pass an ordinance to annex the property into the agency’s district boundary.

Mr. Tim O’Brien of Metro stated that a few years ago legislation was passed requiring that the UGB and district boundary be moved at the same time. However, this property was added in 2002 prior to the legislation. Mr. O’Brien stated that the applicant is in the process of annexing the property into various service districts including Washington County, Clean Water Services, Tualatin Hills Park and Recreation, etc. Pending the annexations are approved and completed, the property can be developed as outlined in the NBSP. He highlighted that Exhibit A and Attachment 1 to the ordinance were revised. Staff received a new legal description and map from the applicant on August 8 that was preapproved by the Oregon Dept. of Revenue. The map change was related to right-of-way only and did not impact tax lots. Staff confirmed that the map change was not a substantive revision to the original legislation. (Revised material included as part of the meeting record.)

Council asked clarifying questions. Staff confirmed that the property would be annexed into unincorporated Washington County, and that the Council would have to consider and repeat the process for other adjacent properties prior to any future development.

Council President Hughes opened a public hearing on Ordinance No. 12-1282:

- Kimberly Dukes, 17662 NW Concordia Court, #15, Portland: Ms. Dukes stated that Springville Road is not safe and recommended that prior to adding additional homes the current issues facing families in the area should be addressed. Examples included the 45 mph speed limit and lack of pedestrian crossings for residents, PCC students and park patrons. Additionally, Ms. Dukes addressed impacts to greenspace and food access for local wildlife such as deer and coyote. She stated that Arbor Oaks single-family homes are built so close together that the homes are driving out wildlife. She urged the Council not to move the line across Springville Road. (Testimony included as part of the meeting record.)
- Jerry Offer, OTEK representing Arbor Homes/West Hills Development: Mr. Offer appreciated staff’s recommendation for approval of the annexation and was present should the Council have any questions.

Seeing no citizens who wished to testify, the public hearing was closed.

Vote:

Council President Hughes and Council Burkholder, Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion passed.

6. RESOLUTIONS

6.1 Resolution No. 12-4354, For the Purpose of Establishing the Pioneer Cemeteries Advisory Committee.

Motion:	Councilor Roberts moved to approve Resolution No. 12-4354.
Second:	Councilor Carlotta Collette seconded the motion.

Councilor Roberts introduced Resolution No. 12-4354. In April 2011, Metro hired a professional consultant to develop a framework for the management of Metro's 14 pioneer cemeteries - cemeteries inherited from Multnomah County in the mid 1990s. Included in the consultant's extensive report was the recommendation for a cemeteries advisory committee.

Ms. Rachel Fox of Metro provided a status update on Metro's progress addressing the consultant's recommendations outlined in the *Operations Assessment and Financial Planning Report*. The advisory committee - comprised of social service, historic preservation and funeral cemetery industry professionals - will help guide and support Metro's program, analyze agency practices, and provide new insight and advice, and help the program continue to responsibly and respectfully serve the region. Additional highlighted updates included improvements to cemetery records management, available inventory, and the creation of a cremation garden at Lone Fir Cemetery.

Councilor Roberts recognized the 10 advisory committee members and introduced committee chair Verne Duncan. Mr. Duncan emphasized committee members' expertise and stated that the group was excited and welcomed the challenge.

Council thanked Ms. Fox for her work and thanked the new members for their willingness to serve on the committee. Councilors emphasized that the cemeteries are cultural, historical and economic resources for the region. Members stated that the challenge will be to find a respectful balance for managing cemeteries that are places where people bury their loved ones and active resources for the region.

Vote:

Council President Hughes and Council Burkholder, Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion passed.

6.2 Resolution No. 12-4362, For the Purpose of Endorsing the East Metro Corridor Refinement Plan.

Motion:	Councilor Shirley Craddick moved to approve Resolution No. 12-4362.
Second:	Councilor Collette seconded the motion.

Councilor Craddick introduced Resolution No. 12-4362. She stated that while transportation funding sources are decreasing, the need for transportation investments is multiplying significantly.

Consequently, in order to secure funds projects now require a strategy and collaboration among partners. She stated that five jurisdictions came together to develop common goals and a plan that identifies the most important transportation investments for the east Metro region in order to stimulate economic and community development. Councilor Craddick stated that the East Metro Connections Plan is the culmination of 18 months of work by staff, business and community leaders and elected officials. Each of the 5 jurisdictions – Multnomah County, Fairview, Gresham, Troutdale and Wood Village – unanimously approved the plan.

Mr. Travis Stovall of the East Metro Economic Alliance, Ms. Carol Rulla of the Coalition of Gresham Neighborhoods, Ms. Michelle Gregory of Mt. Hood Community College, and Ms. Steve Abel representing McMenamins spoke to the committee process, the economic and community development opportunities, the collaboration of the project steering committee and project partners. Presenters thanked Metro staff and Council.

Mr. Brian Monberg of Metro provided a staff presentation on the East Metro Connections Plan. His presentation overviewed the project's goals, process, public outreach, and the project's final recommendation to approve a set of investment packages that address access and mobility, economic development and safety for the east part of the Metro region. Pending the Metro Council's approval, the 2035 Regional Transportation Plan and local transportation system plans will need to be updated in the fall/winter.

Council welcomed elected representatives from the plan area to share comments on the plan and process. Commissioner Diane McKeel of Multnomah County, Mr. Ron Papsdorf of Gresham, Mayor Patricia Smith of Wood Village, Mayor Jim Kight of Troutdale and Councilor Lisa Barton Mullins of Fairview thanked staff and Council for their support, and spoke to the process and collaboration among the jurisdictional partners. Presenters looked forward to implementing the plan. In addition, former Metro Councilor Rod Park was invited to share a few words on the process and lessons learned including the importance of public-private partnerships and presenting a united front when the region seeks funding from the region's Congressional delegation.

Council confirmed at the Joint Policy Advisory Committee on Transportation (JPACT) unanimously approved the resolution on August 9. Council thanked Councilors Craddick and Burkholder, former Councilor Park for their leadership and Metro staff for their work. Council congratulated the elected officials, business leaders, and community leaders in east Multnomah County for their exemplary collaboration. Councilors were impressed with the project team's ability to transition the plan from high level goals to a detailed project by project analysis and timeline. Council recommended that the other locally and regionally-driven corridor plans - like Southwest Corridor project – would benefit from a presentation on the EMCP. Council encouraged project partners to continue their cooperative spirit and patience during implementation and to continue to honor commitments made to one another. Additional discussion included Metro's role as a convener, private and public partnerships and collaboration, and the Community Investment Strategy.

Vote:

Council President Hughes and Council Burkholder, Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .

7. **CHIEF OPERATING OFFICER COMMUNICATION**

Ms. Martha Bennett of Metro stated that the East Metro Connections Plan reception was rescheduled to the Oregon Convention Center. Additional updates included the August 15 opening

of the Blue Lake Disc Golf Course and art dedication, and the August 28th Metro employee picnic at the Oregon Zoo.

Ms. Alison Kean Campbell of Metro introduced the agency's new attorney Mr. Roger Alfred. Mr. Alfred will fill Mr. Dick Benner's position; Mr. Benner will retire effective August 31.

8. COUNCILOR COMMUNICATION

Councilor updates and discussion topics included the August 8 Metro Policy Advisory Committee (MPAC) tour of the Southwest Corridor project, and upcoming August 15 tour of the Allied Composting Facility in Eugene, Oregon.

Councilor Collette distributed a draft letter addressed to Oregon Transportation Commission Chair Pat Egan regarding Area Commissions on Transportation (ACTs), and ODOT's proposed interim process for deciding the 2015-18 funding for state transportation projects in Region 1. The letter asked that Metro and JPACT be provided the opportunity to work with the cities and counties to select up to four additional community stakeholder representatives for the interim committee to ensure the diversity ODOT desires. The positions would be filled by environmental justice groups, the private sector, etc. Council unanimously supported Council President Hughes to sign and submit the letter on behalf of the full Metro Council. Councilor Craddick expressed her support with the caveat that the cities were under represented. Hopefully, if Metro and JPACT do receive additional seats for EJ and private businesses, the Counties will be able to use more of their 4 seats for cities. (Draft letter included as part of the meeting record.)

9. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 4:47 p.m. The Council will reconvene the next regular council meeting on Thursday, August 16 at 3:30 p.m. at the Metro Council Chamber. Council will hold an executive session and work session prior to the regular meeting.



Kelsey Newell, Regional Engagement and Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF AUGUST 9, 2012

Item	Topic	Doc. Date	Document Description	Doc. Number
2.0	Testimony	N/A	Handouts distributed by Art Lewellan	80912c-01
3.0	Minutes	8/2/12	Council minutes for 8/2/12	80912c-02
5.1	Legislation	N/A	Revised Exhibit A and Attachment 1 to Ordinance No. 12-1282	80912c-03
5.1	Testimony	N/A	Testimony submitted by Kim Dukes	80912c-04
6.1	Brochure	N/A	Pioneer Cemeteries brochure	80912c-05
6.1	Brochure	N/A	<i>Unearth Oregon's Past - Block 14 Initiative</i>	80912c-06
6.2	PowerPoint	8/9/12	East Metro Connections Plan - Investing in East Metro	80912c-07
8.0	Letter	N/A	Draft Letter to Oregon Transportation Commission Chair Pat Egan	80912c-08

TRANSIT ORIENTED DEVELOPMENT

Updated TOD Work Plan



Metro Council Meeting
August 16, 2012
Presented by: Megan Gibb
Councilor Liaisons: Carlotta Collette and Kathryn Harrington (alternate)

TOD Program

2

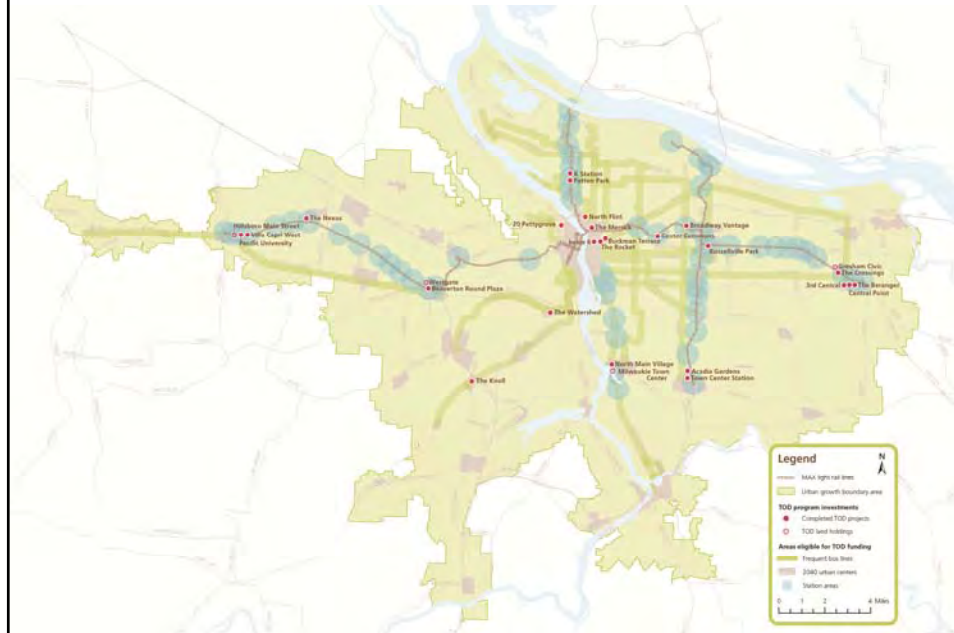
Stimulating private sector investment to create the vibrant communities envisioned in the Region's 2040 Growth Concept.

- Program established in 1998
- \$2.9 m annual MTIP funding
- Investments in "bricks and mortar" tied to transportation outcomes



Completed TOD projects and eligible areas 1998-2012

1998-2012



Accomplishments in FY 2011-12

4

Completed

1. Acadia Gardens
2. K Station
3. 20 Pettygrove
4. North Main Village ULI

Approved

1. Hillsboro 4th Main
2. Hollywood Apts.
3. The Rose
4. Milano

In Construction

1. Hollywood Apts.
2. Couch Apts.
3. Prescott
4. College Station
5. Milano
6. The Globe / OCOM

K Station

20 Pettygrove

Acadia Gardens

Completed 2011-12

Acadia Gardens

SE Causey & 85th



20 Pettygrove

NW Pettygrove & 20th



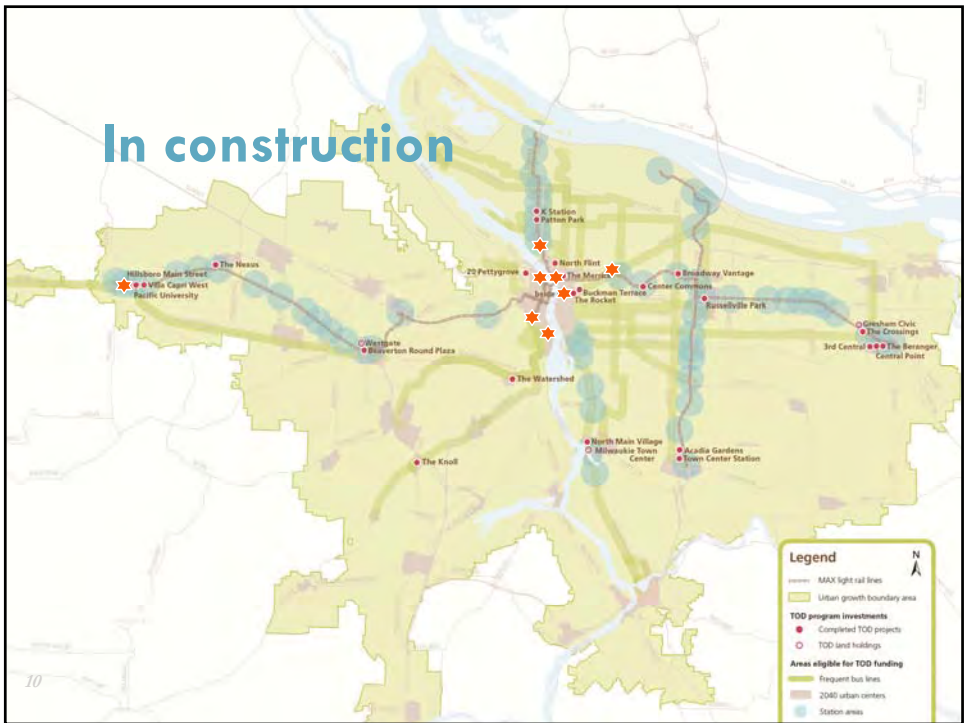
K Station

N Killingsworth & Interstate



Milwaukie Kitchen

SE Main & Scott





Grand opening event Oct. 5th!

OCOM

NW 1st & Couch

The image shows a modern, multi-story white building with large windows and a red awning over the entrance. A streetcar is visible on the street in front of the building. The scene is set on a city street with trees and a clear blue sky.



Grand opening coming soon!

Couch Apartments

NE Couch & 6th

The image shows a modern, multi-story building under construction. The building has a facade of blue and white panels. A blue crane is visible in the foreground, and a "ROAD CLOSED" sign is placed on the street. The scene is set on a city street with traffic lights and a clear blue sky.



University Pointe (College Station) SW 6th & College



Hollywood Apts.

NE Sandy & 41st





4th Main

Downtown Hillsboro

TOD Program Results

18

- 24 projects built & 6 in construction
- 2,234 housing units nearly 1,500 affordable
- 259,146 sq. ft. retail/office
- \$355 million in private investment



TOD Program Results

19

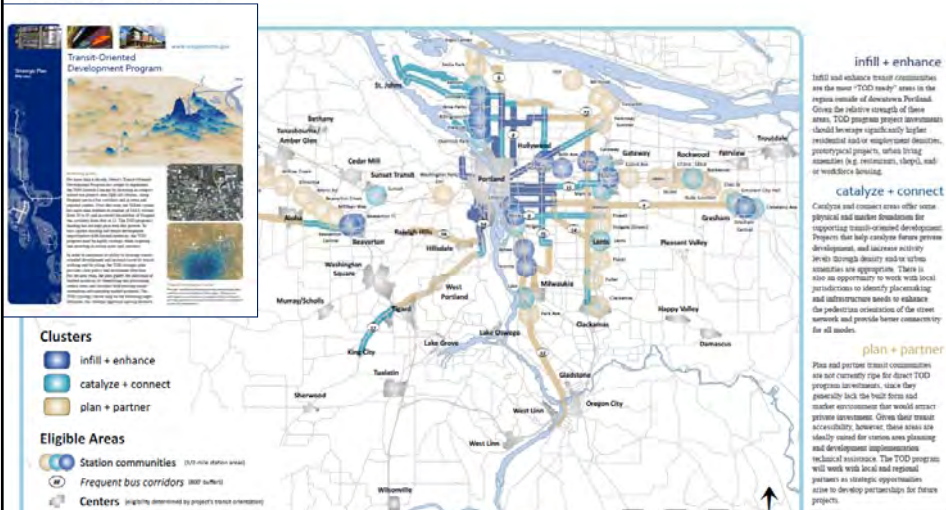


- 581,000 induced transit trips annually
- 360 Acres protected
- Over 100 tons of reduced GHG's
- 2008 National APA Best Practices Award

Strategic Plan

20

TOD typology clusters



Station Community Typologies

21

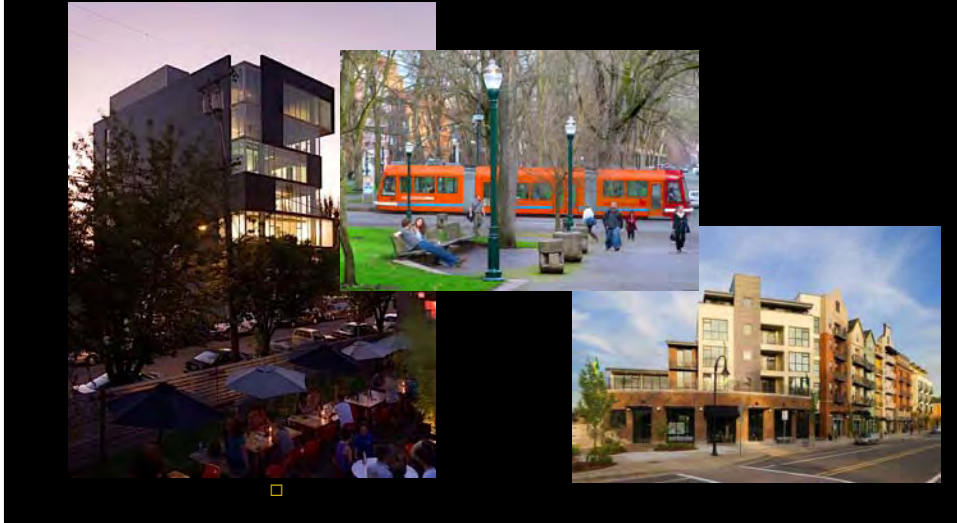


Updated Work Plan

22

- Implements TOD strategic plan investment framework
- Clarifies program governance and improves transparency
- Updates TOD Steering Committee membership
- Continues the Urban Living Infrastructure program
- Refines eligibility criteria
- Responds to Metro Auditor's recommendations

Questions?



REFERENCE →

Steering Committee Membership by Term					
Position	Term				
	9-1-12 to 8-31-13	9-1-13 to 8-31-14	9-1-14 to 8-31-15	9-1-15 to 8-31-16	9-1-16 to 8-31-17
1 Metro	Councilor*	Councilor*	Councilor*	Councilor*	Councilor*
2 OHCS	Incumbent* - yr 1	Incumbent* - yr 2	Incumbent* - yr 3	tbd - new/renew	tbd - yr 2
3 TM	Incumbent* - yr 1	Incumbent* - yr 2	Incumbent* - yr 3	tbd - new/renew	tbd - yr 2
4 Open	Incumbent - yr 2	Incumbent - yr 3	tbd - new/renew	tbd - yr 2	tbd - yr 3
5 Open	Incumbent - yr 2	Incumbent - yr 3	tbd - new/renew	tbd - yr 2	tbd - yr 3
6 Open	Incumbent - yr 3	tbd - new/renew	tbd - yr 2	tbd - yr 3	tbd - new/renew
7 Open	Incumbent - yr 3	tbd - new/renew	tbd - yr 2	tbd - yr 3	tbd - new/renew
8 Open (optional)	tbd - yr 1	tbd - yr 2	tbd - yr 3	tbd - new/renew	tbd - yr 2
9 Open (optional)	tbd - yr 1	tbd - yr 2	tbd - yr 3	tbd - new/renew	tbd - yr 2

*Note: Eligibility to serve is first determined by the needs of the body/agency represented, so mid-term changes may occur.

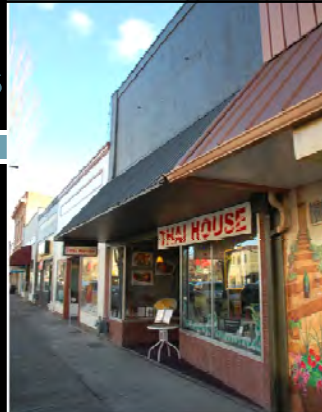
Technical Assistance

- Series of free, one-hour workshops for small business and property owners in downtown districts
- Ideas and expertise on storefront improvements, sidewalk appeal, signage, lighting, merchandizing, window displays, and promotions
- Follow-up to Downtown Revitalization series; offered in Oregon City, Gresham, Hillsboro, and Lake Oswego



Main St. Challenge Grants

- \$120,000 pledged to Hillsboro and Oregon City in 2012-13
- Cities match Metro dollars 1:1
- Cities have demonstrated capacity and resources to help implement program
- Goals:
 - *To spur a highly visible array of improvements to downtown storefronts and properties; and*
 - *To demonstrate best practices for downtown reinvestment*



Next steps

28

- TOD Steering Committee appointments – September/October