 **Metro** | *Agenda*

Meeting: Metro Council
Date: Thursday, Sept. 20, 2012
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. NATURAL GARDENING OUTREACH EFFORTS

Grimm

4. CONSIDERATION OF THE MINUTES FOR SEPT. 13, 2012

5. ORDINANCES – FIRST READ

5.1 **Ordinance No. 12-1286**, For the Purpose of Repealing and Replacing Metro Code Title X, Chapter 10.04 Pioneer Cemeteries.

5.2 **Ordinance No. 12-1289**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule for Title VI Compliance.

6. ORDINANCES – SECOND READ

6.1 **Ordinance No. 12-1285**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule to Provide Funding for Natural Areas Funding Public Involvement.

Roberts

Public Hearing

7. RESOLUTIONS

7.1 **Resolution No. 12-4367**, For the Purpose of Calling on the Federal Government to Conduct a Thorough Review of Potential Impacts of Large Scale Coal Exports on the Region's Economy, Transportation System, Air Quality, Environment and People of the Portland Metropolitan Area.

Burkholder

8. CHIEF OPERATING OFFICER COMMUNICATION

9. COUNCILOR COMMUNICATION

ADJOURN

EXECUTIVE SESSION HELD PURSUANT WITH ORS 192.660 (2)(i). TO REVIEW AND EVALUATE THE EMPLOYMENT-RELATED PERFORMANCE OF THE CHIEF OPERATING OFFICER OF ANY PUBLIC BODY, A PUBLIC OFFICER, EMPLOYEE OR STAFF MEMBER WHO DOES NOT REQUEST AN OPEN HEARING.

Television schedule for Sept. 20, 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, Sept. 20</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, Sept. 23, 7:30 p.m. <i>Date:</i> Monday, Sept. 24, 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, Sept. 24, 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, Sept. 22, 11 p.m. <i>Date:</i> Sunday, Sept. 23, 11 p.m. <i>Date:</i> Tuesday, Sept. 25, 6 a.m. <i>Date:</i> Wednesday, Sept. 26, 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

Natural Gardening Outreach Efforts

Metro Council Meeting
Thursday, Sept. 20, 2012
Metro, Council Chamber

Agenda Item No. 4.0

Consideration of the Minutes for Sept. 13, 2012

Metro Council Meeting
Thursday, Sept. 20, 2012
Metro, Council Chamber

Agenda Item No. 5.1

Ordinance No. 12-1286, For the Purpose of Repealing and
Replacing Metro Code Title X, Chapter 10.04 Pioneer
Cemeteries.

Ordinances – First Read

Metro Council Meeting
Thursday, Sept. 20, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REPEALING AND)
REPLACING METRO CODE TITLE X,)
CHAPTER 10.04 PIONEER CEMETERIES)
)
)
)

ORDINANCE NO. 12-1286
Introduced by Martha Bennett, Chief
Operating Officer, with the concurrence of
Council President Tom Hughes

WHEREAS, in 1994, Multnomah County transferred to Metro certain parks, boat ramps, a golf course, natural areas and the perpetual care of 14 pioneer cemeteries; and

WHEREAS, Metro Code Chapter 10.01, establishing Metro Regional Parks and Greenspaces Regulations, and 10.02 establishing Regional Park Fees, were adopted in 1996 to govern the new Metro Regional Parks Department created to administer said facilities; and

WHEREAS, Metro Code Chapter 10.04 was adopted in 2004, to provide for the management and operation of the Metro Pioneer Cemeteries; and

WHEREAS, Metro’s regional role in the provision of cemetery services has progressed and improved since that time; and

WHEREAS, Metro Code Title X requires updating to account for this progression, and to appropriately govern the Metro Pioneer Cemeteries; and

WHEREAS, the revisions proposed for Metro Code Chapter 10.04 “Pioneer Cemetery Properties” will more effectively ensure that Metro’s Pioneer Cemeteries are managed in compliance with state law, are operated to maximize financial benefit and long term stability, are maintained as a community asset, and are appropriately protected and preserved in keeping with their historically significant nature; and

WHEREAS, Ordinance No. 12-1286 will amend Metro Code Chapter 10.04, now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 10.04 is repealed and replaced as set forth in Exhibit A to this Ordinance.

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

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Regional Engagement
Coordinator

Alison Kean Campbell, Metro Attorney

CHAPTER 10.04

PIONEER CEMETERY PROPERTIES

SECTIONS	TITLE
10.04.010	Purpose
10.04.020	Policy
10.04.030	Definitions
10.04.040	Description of Pioneer Cemeteries
10.04.050	Operation and Administration
10.04.055	Enforcement Authority
10.04.060	Cemetery Hours of Operation
10.04.065	Other Uses
10.04.070	Sale of Interment/Inurnment Rights and Burial Services
10.04.080	Multi-Interment/Inurnment Right Sales Restricted
10.04.090	Transfer of Certificate of Interment and Inurnment Rights
10.04.100	Full Body Grave Dimensions - Burial Limits
10.04.110	Outer Burial Containers Required
10.04.120	Disinterment
10.04.130	Flowers Funerary Decorations Restricted
10.04.135	Personal Effects and Mementos Prohibited
10.03.140	Planting On or Around Graves Prohibited
10.04.145	Grave Improvements Prohibited
10.04.150	Markers
10.04.160	Monuments and Memorials Restricted
10.04.170	Marker, Monument, Memorial Repair Restricted

- 10.04.180 Removal of Markers, Monuments, Memorials Prohibited
- 10.04.185 Cemetery Errors and Irregularities
- 10.04.190 Rates and Fees for Interment and Inurnment Rights, Burial Services and Perpetual Care Fund
- 10.04.220 Historical Research Requests
- 10.04.230 Other Laws Applicable

10.04.010 Purpose

The purpose of this chapter is to provide regulations controlling the operation of Metro owned and operated Pioneer Cemeteries and governing the use of these Cemeteries by members of the public in order to protect and preserve the Pioneer Cemeteries, the Graves and the Remains of those interred therein.

10.04.020 Policy

The Metro Council has determined that it is necessary to adopt these code provisions in order to ensure the long-term stability of Metro's cemetery operations, which shall be achieved by Cemeteries being operated as follows:

- (a) In compliance with applicable state laws;
- (b) As community assets;
- (c) In a manner that will maximize public financial benefit and long-term stability; and
- (d) To protect and preserve their historically significant nature.

All four above objectives are to be considered equally important in the management of Metro's Pioneer Cemeteries.

10.04.030 Definitions

For the purposes of this chapter unless the context requires otherwise, the following terms shall have the meanings indicated:

(a) "Advance Sale" means the sale and purchase of an Interment Right to a predetermined Grave in advance of use for any person to whom the owner designates for Burial in the predetermined Grave.

(b) "At-Need" means at the time of death sale of Graves/plots, services, memorials and materials which are to be delivered immediately or upon delivery to the Cemetery for immediate Interment. Graves/plots are At-Need items due to their purchase being an immediate addition of an asset to one's estate.

(c) "Burial" means the placement of Human Remains in a Grave, in accord with state law and regulations.

(d) "Burial Services" means the opening and closing of the Grave in accord with state law and regulations, including excavation and fill, the provision and placement of a concrete liner or vault and any overtime charges that apply.

(e) "Cemetery," "Pioneer Cemeteries," and "Cemeteries" means those certain parcel(s) of real property set forth in section 10.04.030, designated, owned and operated by Metro for the disposition of Human Remains by any one or the combination of more than one of the following:

- A Burial place for ground or earth Interments, either casket or cremation.
- A mausoleum or crypt Interments.
- A columbarium or Interment of Cremated Remains.

(f) "Certificate of Interment/Inurnment Rights" or "Certificate" is a perpetual right to use property for burial purposes. The fee title of the property is without possession of any estate or interest in the land and all rights of ownership therein remain with Metro.

(g) "Cremated Remains" means the remains of a cremated human body after the completion of the cremation process.

(h) "Contract of Purchase" or "Contract" is an agreement between Metro and the purchaser of Burial Services or an Interment/Inurnment Right to a Grave space or Niche.

(i) "Disinterment" is the removal of Human Remains from a Grave space as defined in ORS 97.220.

(j) "Family Plot" means a group of contiguous Graves sold for the purpose of the Interment or Inurnment of related individuals as set forth and governed by ORS 97.560-650.

(k) "Grave" means a space of ground in a Cemetery used or intended to be used for Interment or Inurnment.

(l) "Human Remains" or "Remains" are the body of a deceased person in any stage of decomposition.

(m) "Interment" is the disposition of Human Remains by entombment or Burial in a place used or intended to be used and dedicated for Cemetery purposes.

(n) "Inurnment" is the placement of cremated Human Remains by entombment or Burial in a place used or intended to be used and dedicated for Cemetery purposes.

(o) "Marker" means a flat Grave tablet or headstone placed flush to the ground, identifying a Grave or Graves.

(p) "Memorial" means a nameplate or inscription identifying a crypt or Niche, or any other improvement or permanent structure intended to identify the location of a Grave or Graves other than a Marker or a Monument.

(q) "Monument" means an upright or vertical headstone or tombstone identifying a Grave or Graves.

(r) "Niche" means a space in a structure to place cremated Human Remains of one or more persons.

(s) "Outer Burial Container" is a concrete or composite material container which is buried in the ground to provide outer protection and into which Human Remains or Cremated Remains are placed for Burial purposes.

(t) "Perpetual Care Fund" is a special account set aside for holding of funds used for the required perpetual maintenance of the Cemetery grounds.

10.04.040 Description of Pioneer Cemeteries

The areas dedicated for Interment purposes by Metro shall consist of the following Cemeteries:

(a) Brainard Cemetery located at NE 90th Ave. and NE Glisan St., Portland

(b) Columbia Pioneer Cemetery located at NE Sandy Blvd. and NE 99th Ave., Portland

(c) Douglass Pioneer Cemetery located at Hensley Road and SE 262nd Avenue, Troutdale

(d) Escobar Cemetery located at SW Walters Road and Littlepage Road, Gresham

(e) Gresham Pioneer Cemetery located at SW Walters Road, Gresham

(f) Grand Army of the Republic Cemetery located at SW Boones Ferry Road and Palatine Road, Portland

(g) Jones Cemetery located at SW Hewitt Blvd. and SW Humphrey Blvd., Portland

(h) Lone Fir Cemetery located at SE 26st Ave. and SE Stark St., Portland

(i) Mt. View-Corbett Cemetery located at Smith Road and Evans Road, Corbett

(j) Mt. View-Stark Cemetery located at SE Stark Street and SE 257th Street, Gresham

(k) Multnomah Park Cemetery located at SE 82nd Ave. and SE Holgate Blvd., Portland

(l) Pleasant Home Cemetery located at Bluff Road and Pleasant Home Road, Gresham

(m) Powell Grove Cemetery located at NE Sandy Blvd. and NE 122nd Ave., Portland

(n) White Birch Cemetery located at SW Walters Road, Gresham

10.04.050 Operation and Administration

Metro Cemeteries shall be operated and maintained in accordance with Metro Code Title 10.01 and this chapter.

10.04.055 Enforcement Authority

(a) The Chief Operating Officer or designee shall have the authority to enforce all of the provisions of this chapter, including but not limited to the authority to enforce any rules and regulations established pursuant to this chapter.

(b) The Chief Operating Officer or designee shall have the authority to establish rules and regulations governing the Pioneer Cemeteries consistent with the provisions of this chapter, including but not limited to rules governing Interment, Inurnment, and fees. Said rules shall be in writing, shall be posted on Metro's website and shall be filed with the Metro Council.

(c) No person shall violate any rule or regulation which has been established by the Chief Operating Officer pursuant to this chapter. Said violation shall be subject to enforcement and penalties as set forth in Chapters 10.01.400 and 10.01.600.

(d) The acts of Metro elected officials, employees, volunteers, interns, contractors and other agents constituting official duties, and other acts officially authorized by Metro by agreement, special use permit, or otherwise in writing shall not be deemed to violate this chapter or rules established pursuant hereto.

10.04.060 Cemetery Hours of Operation

(a) Metro's Cemeteries are open from 7:00am to legal sunset. Hours of operation will be posted at each Cemetery.

(b) Entering or remaining in a Cemetery outside of normal operating hours without obtaining prior authorization from Metro is a violation subject to Ejection and Exclusion from the Cemetery as set forth in Chapter 10.01.400 and/or the Penalties set forth in Chapter 10.01.600.

(c) Interments and Inurnments shall take place between the hours of 8:00 am and 3:30 pm daily, with the exception of Saturdays, Sundays and legal holidays. Interments and Inurnments may be made outside of these hours at the discretion of the Chief Operating Officer, for an additional fee.

10.04.065 Other Uses

Uses other than Interment/Inurnment, Grave visitation, passive recreation, and historical research are prohibited unless specifically provided by Special Use Permit issued pursuant to Metro Chapter 10.01.360.

10.04.070 Sale of Interment/Inurnment Rights and Burial Services

(a) Interment/Inurnment Rights to a Grave may be sold by Metro both in advance (Advance-Sale) or At-Need, by Contract of Purchase. Purchasers shall pay the full fee for Interment/Inurnment Rights on the date of sale. Upon payment, Metro shall issue the purchaser a Certificate of Interment/Inurnment Rights.

(b) Burial Services and goods shall be sold At-Need through a Contract of Purchase.

(c) Fees and charges for Burial Services and goods must be fully paid before Interment/Inurnment will be permitted.

(d) Metro shall retain ownership and control of all Graves or Niches sold, subject to the terms of the Certificate of Interment/Inurnment Rights.

10.04.080 Multi-Interment/Inurnment Right Sales Restricted

(a) Except as set forth in this chapter 10.04.080(b and c), the sale by Metro of a group of Interment/Inurnment Right Certificates is prohibited.

(b) A group of contiguous Interment/Inurnment Right Certificates for contiguous Graves may be sold to one family or individual for the purposes of creating a Family Plot.

(c) A group of Interment/Inurnment Right Certificates other than a Family Plot may be sold upon the adoption of a resolution by the Metro Council approving an agreement establishing terms, including the rates and terms of resale. A one-time administrative fee set at the discretion of the Chief Operating Officer or designee shall be charged in addition to regular fees and rates.

10.04.090 Transfer of Certificate of Interment and Inurnment Rights

(a) Interment/Inurnment Rights, whether conveyed by the Pioneer Cemeteries to the recipient by Deed, Certificate or other means, cannot be sold, transferred, bartered, exchanged or assigned (hereafter "Transfer(red)") to any other person or entity without the prior written consent of the Chief Operating Officer or designee, in accordance with Oregon Revised Statutes Chapter 97 and as set forth in section 10.04.070.

(b) In the event an owner of an Interment/Inurnment Right seeks permission from Metro to Transfer an Interment/Inurnment Right, Metro shall have the first right to buy back said Interment/Inurnment Right from the owner for the price paid when the Interment/Inurnment Right was originally sold.

(c) No attempted Transfer of an Interment/Inurnment Right shall be complete or effective unless it has been approved by Metro and recorded in the Metro Cemetery records.

(d) A one-time administrative fee set at the discretion of the Chief Operating Officer or designee shall be charged for all Transfers.

(e) The above set forth notwithstanding, the Transfer Interment/Inurnment Rights within Family Plots to family members in accord with Oregon Revised Statute Chapter 97 is permitted without fee or other charge.

(f) Except as set forth in written agreements entered into by Metro prior to the effective date of this ordinance, the sale of Interment/Inurnment Rights by purchasers to third parties for more than the current rate charged by Metro is prohibited.

10.04.100 Full Body Grave Dimensions - Burial Limits

A single Grave shall measure 40 inches by 9 feet and may contain up to one (1) casket and six (6) urns, unless otherwise authorized at the sole discretion of the Chief Operating Officer or designee and/or the rules adopted pursuant to this chapter.

10.04.110 Outer Burial Containers Required

Metro approved Outer Burial Containers are required for all Interments/Inurnments in Metro Cemeteries.

10.04.120 Disinterment

(a) Unless ordered by the State Medical Examiner or a court having jurisdiction over Metro Cemeteries, Remains interred in a Grave at any Metro Cemetery shall only be disinterred upon the written consent of the Chief Operating Officer or designee and the person having the right to control the disposition of said Remains and in accordance with applicable state law.

(b) If Disinterment is needed by Metro and consent of the person having the right to control the disposition of said Remains cannot be obtained or such person cannot be located, the Chief Operating Officer or designee may apply to the Multnomah County Circuit Court for permission to disinter. Said application shall be submitted only after notice of application to the Metro Council.

10.04.130 Flowers Funerary Decorations Restricted

All flowers, funerary decorations and plants on Graves in violation of this section, and/or that conflict with normal grounds maintenance, will be forfeited, removed and disposed without notice.

(a) All flowers, funerary easels and decorations placed on a Grave at the time of a funeral and not removed within three weeks after the Interment are subject to removal and disposal by Metro.

(b) All flags, flowers and plants placed on Graves on Memorial Day and not removed within three weeks after the Interment are subject to removal and disposal by Metro.

(c) Artificial flowers and plants are prohibited between March 1st and November 15th of each year, except for a period of three weeks after Memorial Day observance.

(d) All flowers, funerary easels and decorations will be subject to removal and disposal by Metro when they become withered, faded or otherwise unsightly, in Metro's sole discretion.

10.04.135 Personal Effects and Mementos Prohibited

(a) Personal property, including but not limited to, sacred objects, photographs, toys, clothing, glassware, banners, pin-wheels, chimes, balloons or staked items, left in the Cemetery or placed on or near a Grave is prohibited, except as otherwise permitted in writing by Metro at the discretion of the Chief Operating Officer or designee. Said personal property will be forfeited, removed by the Cemeteries staff and disposed without notice or other process.

10.03.140 Planting On or Around Graves Prohibited

Planting of trees, shrubs or any other plant material, except turf grass, on Graves or their borders is prohibited, unless approved in writing.

10.04.145 Grave Improvements Prohibited

Grave improvements other than Metro approved Markers, Monuments and Memorials are prohibited. The placement or installation by any person of temporary or permanent improvements covering, bordering or indicating the boundaries of Graves, including but not limited to posts and fences of any kind, walls, coping or curbs of concrete brick, stone or marble, is a violation of this chapter subject to the penalties set forth in Chapter 10.01.600. Memorials and improvements so placed or installed shall be deemed forfeited and shall be removed by the Cemeteries staff and disposed without notice.

10.04.150 Markers

(a) Grave Markers shall be limited to no more than one per Grave, installed at the head of the Grave. Persons installing a Grave Marker must submit an Installation Authorization Form to Metro depicting and describing the Marker and providing proof that said person is authorized to perform installation by the owner(s) of the Interment/Inurnment Right described on the Certificate of Interment and the person with legal right of disposition of the Remains.

(b) No person shall place any permanent Marker made of a material other than natural stone or bronze metal in a Metro Cemetery.

(c) No person shall place any permanent Marker in a Metro Cemetery unless properly supported with a foundation/collar made of concrete three (3) inches in width, flush with the ground, having no beveled edges. Each foundation/collar must be marked with the Grave, lot and block number of the Cemetery in which it is placed.

Markers and Marker bases shall not exceed the width of the Grave and shall be no larger than the following dimensions:

- i. Single Grave 18" x 30"
- ii. Companion Graves 18" x 60"

(d) The installation of any improvement to a Grave other than a Marker is prohibited unless otherwise approved as set forth in section 10.04.160.

10.04.160 Monuments and Memorials Restricted

(a) Monuments and Memorials are generally prohibited, but may be allowed at the discretion of the Chief Operating Officer or designee or as permitted by rules established pursuant to this chapter.

(b) Monuments and Memorials permitted under this section must comply with the requirements for Markers set forth in Section 10.04.150(a)-(c), and are subject to an additional fee. The owner(s) of the Interment/Inurnment Right and/or the person with legal right of disposition must enter into an Agreement with Metro providing permission to install the Monument or Memorial and releasing Metro from liability for any and all damage or destruction of the Monument or Memorial that may occur.

10.04.170 Marker, Monument, Memorial Repair Restricted

No repairs, restoration or improvements to any Marker, Monument or Memorial is permitted unless performed strictly under the written terms of approval issued by the Chief Operating Officer or designee. Violations of this section are also violations of section 10.04.180.

10.04.180 Removal of Marker, Monument, Memorials Prohibited

The removal of any Marker, Monument, Memorial or improvement is prohibited unless approved in writing by the Chief Operating

Officer or designee. It shall be a violation of this chapter for anyone to intentionally damage, alter, or deface any such property.

10.04.185 Cemetery Errors and Irregularities

(a) The Chief Operating Officer or designee may preclude an Interment/Inurnment in a Cemetery based on a determination that the ownership of the right of Interment/Inurnment, the location of the Grave, or the ability to open said Grave without intruding upon nearby occupied Graves is in doubt.

(b) When an Interment/Inurnment is precluded by the Chief Operating Officer under subsection (a), or if for any other reason an Interment/Inurnment space cannot be opened, Metro may elect to direct Interment/Inurnment of Remains in an available Grave in such location in the Cemetery as is deemed reasonably appropriate and reasonably equivalent in value at the sole discretion of the Chief Operating Officer or designee.

(c) The Chief Operating Officer or designee may correct any errors made by Metro in the description or transfer of Interment/Inurnment Rights, or by its agents in performing Interments/Inurnments, Disinterment or removals, when determined to be necessary in his/her sole discretion. The Chief Operating Officer or designee may void the erroneous grant of any Interment/Inurnment Certificate and provide a refund of the purchase price, or substitute in lieu thereof an Interment/Inurnment Certificate for a Grave selected by Metro within the same Cemetery of equal value and reasonably similar location if possible. In the event such error involves the Interment/Inurnment of the remains of any person, The Chief Operating Officer or designee may, at his/her sole discretion, elect to disinter said remains in accord with state law and reinter them in another available Grave within the same Cemetery, of equal value and reasonably similar location as may be substituted and conveyed as set forth the above.

10.04.190 Rates and Fees for Interment and Inurnment Rights, Burial Services and Perpetual Care Fund

(a) The Chief Operating Officer or designee shall establish rates for the Perpetual Care Fund, sale of Interment/Inurnment Rights for Graves and Niches and shall set fees and charges for Pioneer Cemetery goods and services, including Burial and other

required or optional services. Said rates, fees and charges shall be designed to recover all costs of operating the Cemeteries and may be adjusted from time to time without notice, to reflect market rates and to ensure the solvency and financial stability of the Cemeteries.

(b) Interment/Inurnment Right purchasers shall pay the rate, fees and charges on the date of purchase. Except as otherwise set forth in this chapter, no option to purchase rights or other prospective rights to Interment in the Pioneer Cemeteries shall be granted unless approved by resolution of the Metro Council setting forth the terms and conditions of said option or prospective right. Prices, fees and charges for services may vary among Cemeteries, as determined by the Chief Operating Officer.

(c) The Chief Operating Officer or designee may reduce rates, fees and charges for Grave sales and Burial Services in situations of extreme financial hardship or in cases of Wards of the State. All reductions or waivers shall be applied by written order setting forth the facts justifying the waiver or exemption.

10.04.220 Historical Research Requests

Due to the confidentiality and sensitive nature of Cemetery records, Metro will not distribute personal or contact information regarding any Interment/Inurnment Rights performed within the last 50 years from date of inquiry without proof of lineage, except as required by Oregon public records laws.

10.04.230 Other Laws Applicable

This chapter shall in no way be a substitute for or eliminate the necessity of conforming with any and all state laws and rules and other ordinances which are now or may be in the future in effect which relate to the activities regulated in this chapter.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 12-1286, FOR THE PURPOSE OF AMENDING METRO CODE TITLE X, CHAPTER 10.04 PIONEER CEMETERIES

Date: September 4, 2012

Prepared by: Rachel Fox

BACKGROUND

When the Multnomah County Parks Department merged with Metro in 1994, Metro assumed responsibility for the operation of parks, boat ramps, a golf course, natural areas and the perpetual care of 14 pioneer cemeteries. Metro then established code provisions, (Chapter 10), for the consistent management of these properties. Metro Code Chapter 10 provides rules governing the use and operation of Metro's Cemeteries. The Code is being amended to update provisions relating to pioneer cemeteries administration.

The proposed revisions include language in how the cemeteries are organized within Metro and who has authority to govern the operations of these properties.

Presently, Metro Code 10.04, governing Pioneer Cemetery operations requires updating to align with industry standards and cemetery management protocols. The regulations proposed in this ordinance will ensure that the Pioneer Cemeteries are managed in compliance with state law, are operated to maximize financial benefit and long term stability, are maintained as a community asset, and are appropriately protected and preserved in keeping with their historically significant nature. The ordinance vests authority to manage and operate these cemeteries in the Chief Operating Officer, who may adjust fees and surcharges and who must establish rules consistent with the cemetery industry. The update to Chapter 10.04 addresses administration and maintenance policies that clarify Metro's Code for topics such as: transferring Certificates of Interment Rights between parties; multi-interment right purchases; the placement of different types and shapes of monuments, markers and memorials; installation of fences, blocks and bricks to enclose graves; and the placement of flowers, funerary decorations, trees and shrubs on graves within Metro's cemeteries.

Working with the Office of the Metro Attorney, and independent cemetery consultants, staff has researched and reviewed ordinances and policies of other cemetery operators in the metropolitan region and in some cases in the nation. This research was conducted in order to provide for a clear, comprehensive and forward thinking policy for the consistent management of these properties into the future.

ANALYSIS/INFORMATION

1. Known Opposition

No known opposition.

2. Legal Antecedents

The Metro Council passed Metro Code Title X, Chapter 10.01, establishing Metro Regional Parks and Greenspaces Regulations, in 1996. Subsequent Metro Code Chapter 10 regulations include Chapter 10.02 "Regional Park Fees" and Chapter 10.03 "Conservation Easements." Oregon Revised Statutes 97.010 – 97.992 provide basic guidelines on the establishment and operation of cemeteries in the State of Oregon. Resolution 04-1038 establishing Chapter 10.04 "Pioneer Cemetery Properties" that provides for the

operation, management and maintenance of Metro's Pioneer Cemeteries in a fashion equivalent to other cemeteries in the region and state, while recognizing and preserving their unique and valuable heritage. The ordinance also repealed Metro Code Section 10.02.050 "Fees for Memorials and Cemeteries" and grants the Chief Operating Officer the authority to establish and enforce cemetery rules and set rates for graves and memorials.

3. Anticipated Effects

These changes will organize the Metro Code's provisions for the cemeteries in a more clear and direct manner consistent with other cemetery operators that also relate to best practices within the industry.

4. Budget Impacts

No budgetary impacts are anticipated from this ordinance.

RECOMMENDED ACTION

Metro Council vote in favor for the code revisions and recommends adoption of Ordinance No. 12-1286.

Agenda Item No. 5.2

Ordinance No. 12-1289, For the Purpose of Amending the FY
2012-13 Budget and Appropriations Schedule for Title VI
Compliance.

Ordinances – First Read

Metro Council Meeting
Thursday, Sept. 20, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2012-13 BUDGET AND) ORDINANCE NO. 12-1289
APPROPRIATIONS SCHEDULE FOR TITLE VI)
COMPLIANCE) Introduced by Martha Bennett, Chief
) 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 increase appropriations within the FY 2012-13 Budget; and

WHEREAS, the need for the increase of appropriation 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 ensuring compliance with Title VI requirements.
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. 12-1289

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Communications							
<i>Personnel Services</i>							
<i>SALWGE 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	7.75	429,697	-	0	7.75	429,697
	Associate Visual Communications Desig	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
5020	Reg Emp-Part Time-Exempt						
	Associate Public Affairs Specialist	-	0	0.38	21,326	0.38	21,326
5089	Salary Adjustments						
	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
<i>FRINGE Fringe Benefits</i>							
5110	Fringe Benefits - Payroll Taxes		139,320		1,794		141,114
5120	Fringe Benefits - Retirement PERS		232,663		3,002		235,665
5130	Fringe Benefits - Health & Welfare		298,310		5,111		303,421
5140	Fringe Benefits - Unemployment		1,972		0		1,972
5150	Fringe Benefits - Other Benefits		8,934		125		9,059
Total Personnel Services		22.75	\$2,340,085	0.38	\$31,358	23.13	\$2,371,443
Total Materials & Services			\$261,500		\$0		\$261,500
TOTAL REQUIREMENTS		22.75	\$2,601,585	0.38	\$31,358	23.13	\$2,632,943

Exhibit A
Ordinance No. 12-1289

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Research Center							
<i>Personnel Services</i>							
<i>SALWGE Salaries & Wages</i>							
5010	Reg Employees-Full Time-Exempt						
	Assistant GIS Specialist	1.00	55,235	-	0	1.00	55,235
	Administrative Specialist IV	1.00	52,581	-	0	1.00	52,581
	Assistant Regional Planner	1.00	60,837	-	0	1.00	60,837
	Associate GIS Specialist	1.00	73,892	0.75	46,973	1.75	120,865
	Associate Transportation Modeler	4.00	272,088	-	0	4.00	272,088
	Director	1.00	135,739	-	0	1.00	135,739
	Manager I	1.00	93,311	-	0	1.00	93,311
	Manager II	2.00	183,384	-	0	2.00	183,384
	Principal GIS Specialist	1.00	89,745	-	0	1.00	89,745
	Principal Regional Planner	1.00	89,745	-	0	1.00	89,745
	Principal Transportation Modeler	3.00	269,236	-	0	3.00	269,236
	Program Supervisor II	2.00	153,875	-	0	2.00	153,875
	Senior GIS Specialist	4.00	311,916	-	0	4.00	311,916
	Senior Transportation Modeler	2.00	170,977	-	0	2.00	170,977
5020	Reg Emp-Part Time-Exempt						
	Associate GIS Specialist	1.10	65,522	-	0	1.10	65,522
	Senior GIS Specialist	2.40	169,598	-	0	2.40	169,598
5089	Salary Adjustments						
	Merit/COLA Adjustment (non-rep)		15,524		0		15,524
	Step Increases (AFSCME)		26,902		0		26,902
	COLA (represented employees)		42,916		0		42,916
<i>FRINGE Fringe Benefits</i>							
5110	Fringe Benefits - Payroll Taxes		195,868		3,949		199,817
5120	Fringe Benefits - Retirement PERS		327,445		6,614		334,059
5130	Fringe Benefits - Health & Welfare		386,595		10,223		396,818
5140	Fringe Benefits - Unemployment		7,934		0		7,934
5150	Fringe Benefits - Other Benefits		12,291		267		12,558
Total Personnel Services		28.50	\$3,263,156	0.75	\$68,026	29.25	\$3,331,182
Total Materials & Services			\$617,779		\$0		\$617,779
TOTAL REQUIREMENTS		28.50	\$3,880,935	0.75	\$68,026	29.25	\$3,948,961

Exhibit A
Ordinance No. 12-1289

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
Total Interfund Transfers			\$7,721,525		\$0		\$7,721,525
<u>Contingency & Unappropriated Balance</u>							
CONT	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,305,375		(211,690)		3,093,685
	* Opportunity Account		266,100		0		266,100
UNAPP	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,430,861		0		2,430,861
	* PERS Reserve		4,613,474		0		4,613,474
	* Reserve for Future One-Time Expenditures		1,758,931		0		1,758,931
	* Reserved for Community Invest. Initiative		393,000		0		393,000
	* Reserved for Local Gov't Grants (CET)		2,128,369		0		2,128,369
	* Reserved for Cost Allocation Adjustments		382,035		0		382,035
	* Reserved for Future Planning Needs		13,756		112,306		126,062
	* Reserved for Metro Export Initiative		50,000		0		50,000
	* Reserved for Capital		26,000		0		26,000
	* Reserved for Web Project		225,005		0		225,005
	* Reserve for Future Debt Service		639,414		0		639,414
Total Contingency & Unappropriated Balance			\$16,232,320		(\$99,384)		\$16,132,936
TOTAL REQUIREMENTS		449.50	\$109,974,959	1.13	\$0	450.63	\$109,974,959

Exhibit B
Ordinance 12-1289
Schedule of Appropriations

	<u>Revised</u> <u>Appropriation</u>	<u>Revision</u>	<u>Revised</u> <u>Appropriation</u>
GENERAL FUND			
Communications	2,601,585	31,358	2,632,943
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	6,761,825	0	6,761,825
Planning and Development	14,477,196	0	14,477,196
Research Center	3,880,935	68,026	3,948,961
Sustainability Center	4,260,662	0	4,260,662
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	3,571,475	(211,690)	3,359,785
<i>Total Appropriations</i>	97,314,114	(112,306)	97,201,808
Unappropriated Balance	12,660,845	112,306	12,773,151
Total Fund Requirements	\$109,974,959	\$0	\$109,974,959

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE FY 2012-13 BUDGET AND APPROPRIATIONS SCHEDULE FOR TITLE VI COMPLIANCE

Date: September 10, 2012

Prepared by: Ben Ruef 503-797-1630

BACKGROUND

As a recipient of federal funds, Metro must ensure that all Metro programs, projects and activities spend public funds in a way that complies with Title VI of the Civil Rights Act, i.e., does not encourage, subsidize or result in discrimination based on race, color or national origin (including limited English proficiency).

Although a federal executive order on Limited English Proficiency (LEP) has been in place since 2000 and Metro has consistently been in compliance with Title VI requirements, the current administration is instituting more stringent oversight and expectations in terms of implementation and reporting.

In the most recent update, the FTA required Metro to take additional steps, including developing a more robust Limited English Proficiency plan. Metro received final compliance approval on May 10, 2012; however, federal agreement on the resulting work program came too late to include additional requests in the FY 2012-13 budget process. Were Metro to lose its Title VI approval from FTA, over \$6 million of federal grant funding would be at risk.

The work plan for Title VI/LEP implementation leverages existing resources and coordinates with other work, including the Diversity Action Plan, the equity strategy proposal, and project outreach. Examples of coordination include:

- Accessing existing FY 2012-13 budget allocations for translation services, currently included in COO budget and managed by Metro's diversity coordinator, Bill Tolbert.
- Collaboration on development of equity strategy proposal, identifying cost savings especially in the areas of data collection and analysis.
- Identifying opportunities to coordinate and benefit from relationship-building with key community stakeholders in equity, diversity and environmental justice.

In addition, enhanced demographic data collection will enable the entire agency to more effectively and efficiently conduct program and project work, including: Diversity Action Plan, future Title VI/LEP certification, corridor/NEPA analysis, RTP/MTIP analysis, equity strategy scoping, Sustainability Center demographic research, etc.

Key tasks included in Metro's LEP Implementation Plan are:

1. *Data tracking and plan scope*
 - a. Following data collection, complete LEP Factor 1 analysis
 - b. Add LEP questions to Title VI tracking form for public events
 - c. Improve consistency and breadth of data collection through Metro public involvement events and surveys

2. *Translation services*
 - a. Define “vital documents” and provide translation
 - b. Establish tracking process and process to monitor and translate new documents
3. *Notices*
 - a. Update Metro signage following Factor 1 analysis
 - b. Develop outreach process for notice of right to language assistance
 - c. Share LEP plan
4. *Procurement*
 - a. Develop and review contract language to ensure compliance with Title VI regulations
5. *Training*
 - a. Conduct research on best practices for training modules
 - b. Deliver training to MPO function workgroups on Title VI and LEP responsibilities and resources
 - c. Determine need and timing for training for employees in other Metro functions
6. *Outreach*
 - a. Develop intake questions to determine how best to serve LEP populations
 - b. Develop outreach strategy to community organizations serving LEP populations, focusing first on MPO functions. Strategy should include capacity building, culturally competent training and material
 - c. Target outreach in coordination with community organizations
 - d. Establish internal working group to identify and leverage areas for collaboration
7. *Evaluation and reporting*
 - a. Establish and implement reporting schedule and work plans for Title VI and LEP requirements (including near-term update of Transportation Public Involvement Policy) to:
 - i. ODOT annually
 - ii. FTA according to Title VI reporting schedule
 - iii. Determine reporting level to Metro Council

This action requests the addition of two positions on a limited duration basis – 1.0 FTE Associate GIS Specialist authorized through 9/30/13 and 0.50 FTE Associate Public Affairs Specialist authorized through 6/30/14. This action provides funding through 6/30/2013 for both positions. It also reserves an amount necessary to fund the estimated costs of both positions through the remaining authorized duration in FY 2013-14. Future budget needs will be addressed through the annual budget process.

Resource needs	Implementation Plan tasks	Agency outcomes/benefits
1.0 FTE Assoc. GIS Specialist LD thru 9/30/13 DRC	Title VI/LEP Factor 1 demographic data gathering, development of a permanently maintained data layer, analysis for the region	Initiate enhanced demographic data collection that will eventually provide needed demographic data to inform multiple programs and projects, including equity strategy proposal
0.50 FTE Assoc. PA Specialist LD thru 6/30/14 Communications	Implements an agency-wide Title VI compliance, including employee training, language assistance, community outreach, procurement, translation, and reporting (<i>NOTE: while completing these tasks, protocols and best practices will be created</i>)	Initiate creation of agency protocols and best practices that will ensure inclusive and effective access to MPO functions, with possible benefits to customers of other Metro programs and services
\$0	Translation services for signs, documents and in-person interaction (estimated \$12,000 covered by Diversity Action Plan budget)	Meets Title VI/EJ/LEP requirements and provides agency access to documents and translation services

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. ORS 294.463 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction. ORS 294.338 allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose
- 3. Anticipated Effects:** This action provides resources necessary to ensure that all Metro programs. projects and activities spend public funds in a way that complies with Title VI of the Civil Rights Act.
- 4. Budget Impacts:** This action transfers \$128,390 from the General Fund Contingency to the Research Center and Communications departments to ensure Title VI compliance as stated above. It adds two limited duration positions – 1.0 FTE Associate GIS Specialist authorized through 9/30/13 and 0.50 FTE Associate Public Affairs Specialist authorized through 6/30/14. It also transfers an additional \$83,300 from contingency to a reserve for future needs to fund the estimated FY 2013-14 cost of funding the positions through the remaining authorized duration. The estimated annual cost to fund the part-time Associate Public Affairs Specialist on a permanent basis is \$54,000.

RECOMMENDED ACTION

The Chief Operating Office recommends adoption of this Ordinance.

Agenda Item No. 6.1

Ordinance No. 12-1285, For the Purpose of Amending the FY
2012-13 Budget and Appropriations Schedule to Provide
Funding for Natural Areas Funding Public Involvement.

Ordinances – Second Read

Metro Council Meeting
Thursday, Sept. 20, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2012-13 BUDGET AND) ORDINANCE NO. 12-1285
APPROPRIATIONS SCHEDULE TO PROVIDE)
FUNDING FOR NATURAL AREAS FUNDING) Introduced by Martha Bennett, Chief
PUBLIC INVOLVEMENT) Operating Officer, with the concurrence of
) Council President Tom Hughes

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

WHEREAS, the need for the increase of appropriation 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 providing funding for Natural Areas Funding public involvement.
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. 12-1285

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Sustainability Center							
Total Personnel Services		25.90	\$2,832,466	0.00	\$0	25.90	\$2,832,466
<u>Materials & Services</u>							
<i>GOODS Goods</i>							
	5201 Office Supplies		29,755		0		29,755
	5205 Operating Supplies		24,219		0		24,219
	5210 Subscriptions and Dues		2,180		0		2,180
	5214 Fuels and Lubricants		2,200		0		2,200
	5215 Maintenance & Repairs Supplies		10,642		0		10,642
<i>SVCS Services</i>							
	5240 Contracted Professional Svcs		241,299		0		241,299
	5246 Sponsorships		6,000		0		6,000
	5250 Contracted Property Services		798,063		0		798,063
	5251 Utility Services		9,326		0		9,326
	5260 Maintenance & Repair Services		4,258		0		4,258
	5265 Rentals		856		0		856
	5280 Other Purchased Services		19,326		173,900		193,226
<i>IGEXP Intergov't Expenditures</i>							
	5300 Payments to Other Agencies		57,516		0		57,516
	5310 Taxes (Non-Payroll)		2,253		0		2,253
<i>OTHEXP Other Expenditures</i>							
	5450 Travel		4,957		0		4,957
	5455 Staff Development		15,946		0		15,946
Total Materials & Services			\$1,228,796		\$173,900		\$1,402,696
Total Capital Outlay			\$25,500		\$0		\$25,500
TOTAL REQUIREMENTS		25.90	\$4,086,762	0.00	\$173,900	25.90	\$4,260,662

Exhibit A
Ordinance No. 12-1285

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
Total Interfund Transfers			\$7,721,525		\$0		\$7,721,525
<u>Contingency & Unappropriated Balance</u>							
CONT	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,305,375		0		3,305,375
	* Opportunity Account		440,000		(173,900)		266,100
UNAPP	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,430,861		0		2,430,861
	* PERS Reserve		4,613,474		0		4,613,474
	* Reserve for Future One-Time Expenditures		1,758,931		0		1,758,931
	* Reserved for Community Invest. Initiative		393,000		0		393,000
	* Reserved for Local Gov't Grants (CET)		2,128,369		0		2,128,369
	* Reserved for Cost Allocation Adjustments		382,035		0		382,035
	* Reserved for Future Planning Needs		13,756		0		13,756
	* Reserved for Metro Export Initiative		50,000		0		50,000
	* Reserved for Capital		26,000		0		26,000
	* Reserved for Web Project		225,005		0		225,005
	* Reserve for Future Debt Service		639,414		0		639,414
Total Contingency & Unappropriated Balance			\$16,406,220		(\$173,900)		\$16,232,320
TOTAL REQUIREMENTS		449.50	\$109,974,959	0.00	\$0	449.50	\$109,974,959

Exhibit B
Ordinance 12-1285
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	6,761,825	0	6,761,825
Planning and Development	14,477,196	0	14,477,196
Research Center	3,880,935	0	3,880,935
Sustainability Center	4,086,762	173,900	4,260,662
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	3,745,375	(173,900)	3,571,475
<i>Total Appropriations</i>	97,314,114	0	97,314,114
Unappropriated Balance	12,660,845	0	12,660,845
Total Fund Requirements	\$109,974,959	\$0	\$109,974,959

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE FY 2012-13 BUDGET AND APPROPRIATIONS SCHEDULE TO PROVIDE FUNDING FOR NATURAL AREAS FUNDING PUBLIC INVOLVEMENT

Date: September 4, 2012

Prepared by: Brian Kennedy, 503-797-1908

BACKGROUND

In July 2012, staff convened the Natural Areas Advisory Panel at the direction of the Chief Operating Officer. After deliberations, the Panel advised the COO that a long-term solution is needed, but in the meantime the Council should refer a five year local option levy to the voters to restore natural areas, maintain and operate parks, engage the community and improve access so people can safely use more of Metro's properties.

As part of the process of shaping and evaluating the potential local option levy, staff has proposed conducting a regional public involvement effort to assess residents' priorities, values, and interest in improving and maintaining Metro's parks and natural areas. The phase 1 public involvement effort will include content development for direct mailing and other distribution, print and web advertising, and outreach events and direct engagement. Should the Council choose the move forward an additional \$35,000 is included to provide for the cost of a statistically valid public opinion survey, if needed.

	Cost
Design, Development & Printing	\$107,900
Advertising	30,000
Outreach Events & Direct Engagement	33,000
Public Opinion Survey	35,000
Project Total	\$205,900

\$25,000 of the total project costs will be funded from the existing Sustainability Center budget and an additional \$7,000 from the Parks and Environmental Services budget. Staff is requesting the remaining \$173,900 be funded from the Council Opportunity Account.

This request funds phase 1 and 2 of the public involvement and outreach effort including the cost of a public opinion survey. Should the Metro Council consider moving forward with this effort an additional request will be made for election costs.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None known
- 2. Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
- 3. Anticipated Effects:** This action increases expenditure authority in the Sustainability Center budget for FY 2012-13 for public involvement activities as described above.

4. **Budget Impacts:** Adds \$173,900 to the materials and services budget for the Sustainability Center. Funding will be provided by a transfer from contingency (Council Opportunity Account) in the General Fund. The balance remaining in the Council Opportunity Account after this amendment is \$266,100. Should the Council choose to move forward with this effort a second amendment will be brought forward for election expenses.

RECOMMENDED ACTION


The Chief Operating Office recommends adoption of this Ordinance.

Agenda Item No. 7.1

Resolution No. 12-4367, For the Purpose of Calling on the Federal Government to Conduct a Thorough Review of Potential Impacts of Large Scale Coal Exports on the Region's Economy, Transportation System, Air Quality, Environment and People of the Portland Metropolitan Area.

Metro Council Meeting
Thursday, Sept. 20, 2012
Metro, Council Chamber

Materials following this page were distributed at the meeting.

 **Metro | Agenda**

REVISED, 9/20/12

Meeting: Metro Council
Date: Thursday, Sept. 20, 2012
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. NATURAL GARDENING OUTREACH EFFORTS

Grimm

4. CONSIDERATION OF THE MINUTES FOR SEPT. 13, 2012

5. ORDINANCES – FIRST READ

5.1 **Ordinance No. 12-1286**, For the Purpose of Repealing and Replacing Metro Code Title X, Chapter 10.04 Pioneer Cemeteries.

5.2 **Ordinance No. 12-1289**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule for Compliance with Title VI the Civil Rights Act of 1964.

6. ORDINANCES – SECOND READ

6.1 **Ordinance No. 12-1285**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule to Provide Funding for Natural Areas Funding Public Involvement.

Roberts

Public Hearing

7. RESOLUTIONS

7.1 **Resolution No. 12-4367**, For the Purpose of Allowing the Metro Council to Call on the Federal Government to Conduct a Thorough Review of Potential Impacts of Large Scale Coal Exports on the Region's Economy, Transportation System, Air Quality, Environment and People of the Portland Metropolitan Area.

Burkholder

7.2 **Resolution No. 12-4374**, For the Purpose of Affirming the Appointment of Councilor Collette as Liaison to the Community Investment Initiative Regional Infrastructure Enterprise Work Group.

Roberts

8. CHIEF OPERATING OFFICER COMMUNICATION

9. COUNCILOR COMMUNICATION

ADJOURN

EXECUTIVE SESSION HELD PURSUANT WITH ORS 192.660 (2)(d). TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO CARRY ON LABOR NEGOTIATIONS.

Continued on back...

EXECUTIVE SESSION HELD PURSUANT WITH ORS 192.660 (2)(i). TO REVIEW AND EVALUATE THE EMPLOYMENT-RELATED PERFORMANCE OF THE CHIEF OPERATING OFFICER OF ANY PUBLIC BODY, A PUBLIC OFFICER, EMPLOYEE OR STAFF MEMBER WHO DOES NOT REQUEST AN OPEN HEARING.

Television schedule for Sept. 20, 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, Sept. 20</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, Sept. 23, 7:30 p.m. <i>Date:</i> Monday, Sept. 24, 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, Sept. 24, 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, Sept. 22, 11 p.m. <i>Date:</i> Sunday, Sept. 23, 11 p.m. <i>Date:</i> Tuesday, Sept. 25, 6 a.m. <i>Date:</i> Wednesday, Sept. 26, 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).

President Barack Obama

Sept 12th, 2012

Oregon Attorney General Ellen Rosenblum,

Enclosed is a report on Oregon and Washington highway infrastructure projects; The Seattle Deep Bore Tunnel and the Columbia River Crossing I-5 Bridge Replacement. Secondly, a report on Seattle mass transit is also enclosed.

This report intends to ultimately prove that Washington State DOT has violated State & Federal laws regarding the Seattle Alaskan Way Viaduct replacement project and the Columbia River Crossing project - as the leading agency on the bi-state Commission. On both projects, other public agencies have fallen in line to support Wsdot proposals that pose a grave danger to the public, yet are casually dismissed.

Enclosed is an affidavit submitted to Multnomah County Oregon Circuit Court that included my essay (Part 1) "How Disabled People Become Productive Members of Society" Though the District Court accepted the affidavit, it did not offer a formal response to its main question, "Are criminal wrongs that exhibit a malevolent disregard for public safety being committed by State, County and Municipal departments of transportation, transit and city planning which justify a formal official investigation?"

I will name as principle defendants: former Wsdot Director Douglas B MacDonald, current Wsdot Director Laura Hammond, former Seattle DOT Chief Grace Crunican and the Port of Portland directors who support the current design for the CRC. I believe the evidence in this report clearly indicates these agency leaders have committed heinous criminal acts which must be prosecuted so that stealthy obfuscation and deliberate distortion of our public planning process does not set a worse precedent for rank incompetence that leads to woeful tragedy. Seattle Mayor Michael McGinn, who still opposes the Deep Bore Tunnel, has stated truly the agency process results in predetermined outcomes.

I have carefully studied and scrutinized Seattle's Alaskan Way Viaduct replacement project since the Nisqually earthquake of February 2001 which hastened its long-predicted as 'unavoidable' replacement. I have likewise studied the Columbia River Crossing project since 2006. Several engineering perspective maps & drawings in this report have been kept from public attention and/or understanding though they are agency products. I have submitted the contents of this report over the years to many public agencies yet none have deigned to answer its most grievous concerns. Public safety is being jeopardized. Life, limb and property will be lost if Wsdot competence remains unchallenged.

I will thank you for taking responsibility in this matter. Many would as well be grateful but need not learn the extent of the mortal danger they would face and fear daily on completion of these dreadful highway projects.

Arthur David Lewellan
1020 NW 9th Ave #604
Portland Oregon 97209



IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

Multnomah County Courthouse
1021 SW 4th Avenue
Portland, OR 97204
503.988.3235

State of Oregon)

vs.)

Arthur David Lewellan)

Defendant.)

Citation No. ZA004983

AFFIDAVIT IN SUPPORT OF MOTION FOR
RELIEF FROM DEFAULT JUDGMENT

Art Lewellan

depose and say that I am the defendant in
the above traffic violation. Pursuant to ORS 153.080, this affidavit represents my sworn testimony concerning
the above traffic violation:

This affidavit and personal statement is an explanation why I missed the court date
of June 22, 2012. For several weeks prior I prepared the enclosed essay "How
disabled people become productive members of society" with the intent to submit
it as important to defend my plea of Not Guilty based upon evidence (in my
case) that Tri-Met Policy discriminates against disabled people, not just myself.
Included are newspaper articles "What Could Possibly Go Wrong?" etc, to help
explain my almost deliriously anxious mental state regarding policy & practice of
Transportation and Transit planning agencies.

I missed the court date inadvertently under what for me was extreme duress,
mistaking the date to be the 27th instead of the 22nd. I apologize for my error and
wouldn't mind being proven wrong about policy & practice even if it takes a
dozen court cases to get answers to these most grievous concerns summarized in
this affidavit. I believe criminal wrongs which exhibit a malevolent disregard for
public safety are being committed by State, County & Municipal departments of
Transportation and City Planning that warrant a formal official investigation.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made
for use as evidence in court and subject to penalty for perjury.

Date June 25th 2012


Signature

Art Lewellan

Print Name

ARTICLES OF EVIDENCE

PART II “How disabled people become productive members of society.”

An engineering-aspect analysis of the Columbia River Crossing I-5 Bridge Replacement Project to demonstrate similarities between it and Seattle area highway, street reconfiguration & mass transit projects.

Part II more specifically regards this bi-state bridge replacement project shortcomings as most likely the fault of Wsdot planning and practice as the CRC Commission lead agency. The CRC & Seattle DBT shortcomings may be the result of a similar planning process. The State of Washington may be pulling rank over specific CRC proposals devised by ODOT for Oregon in effect a possible “State’s Rights” issue.

Testimony in words and maps to explain two CRC Commission bridge design options that were studied but questionably rejected: The 2008 proposal for a single-deck bridge in the Southbound-only direction with MAX/ped/bike lanes (historic bridges remain to serve Northbound travel), and the ODOT 2010 Concept #1 Off-island Access.

Testimony to indicate general culpability of public transportation, transit and city planning agencies, their Directors and various department heads: Wsdot, City of Seattle DOT, Seattle Metro & Sound Transit Agencies and CRC Commission members.

“How disabled people become productive members of society” PART II

On the following page the artist rendering “Bridge Faces A Wide Gulf” was published in the Portland Tribune in 2008. Why was this evidently low-cost bridge rejected? Why was its single-deck design replaced with a double-deck design when river clearance height for navigation was a concern at the time? Why was its MAX/ped/bike lanes design rejected when it offers emergency vehicle access in worst accidents?

In 2010, ODOT devised Concept #1 Off-island Access but it received little public attention nor fair review during its 3 months on display at public meetings. These two proposals together form the basis of a CRC feasibility study required but not yet conducted. Part I shows how Wsdot planning & practice produced potentially catastrophic controversy in Seattle. Part II shows how Wsdot & Port of Portland planning & practice produce similarly objectionable outcomes.

IPS CONCEPT #1

Concept #1 plus Southbound I-5 only

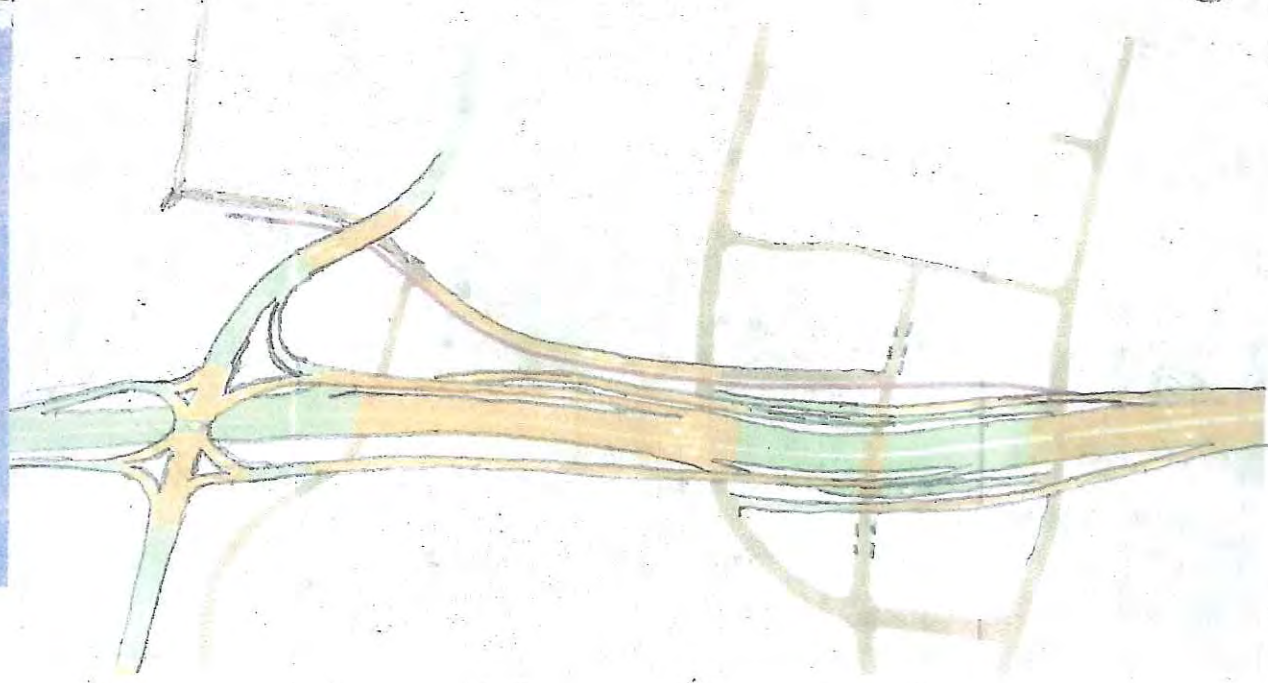
These are inexpensive options for the CRC project. More savings are possible if the North Portland to I-5 (north) flyover is deferred.

The State of Washington has other expensive highway projects to deal with: the Alaskan Way Viaduct and the SR520 floating bridge.

Let I-5 completely pass Hayden Island to maximize redevelopment potential. The neighborhood wish is to not build port facilities on West Hayden Island.



CONCEPT D



Innovations in Rail & Land-use planning

The IOTI Project
THE SEATTLE CIRCULATOR PLAN

BRIDGE FACES A WIDE GULF

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

river crossing plan

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, isn't surprised people didn't wait for the release of the study before making up their minds.



on this
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"Alternative Eastbound Entry"

Waddles Hwy, Loop
Waddles Park Entry

CONCEPT 'D'

"Preferred" Alternative

Bulldozes everything

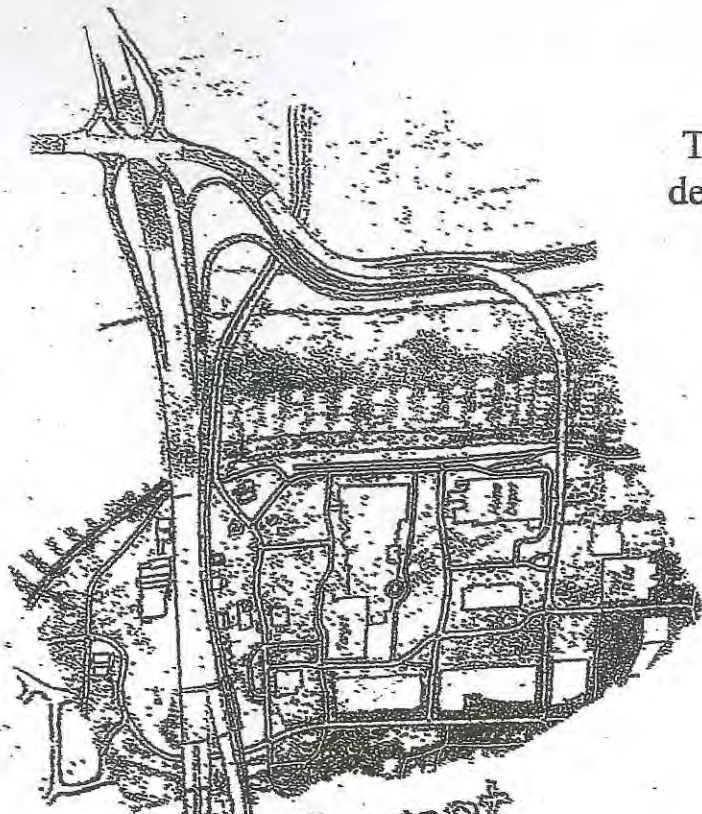
CONCEPT #1

"Off-island Access"

Saves Safeway & restaurants

Waddle's -- Denny's -- Micky D's

Pedestrian-only underpass



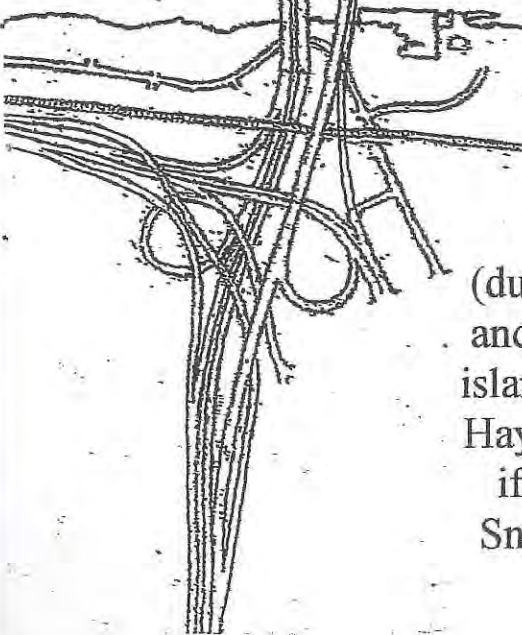
Concept
1
"One
Bridge"
4-
MAX - CARS
Ped - Bike

These renderings show improved detail to depict dangerous exit-ramps and polluting, noisy on-ramps of Concept D and show how Concept #1 offers much safer access to Hayden Island from the new Marine Dr interchange. Also here is my rendering of a "Hayden Island Roadway and Development Proposal" combined with a Southbound-only bridge design. A close-up version is also shown alongside a depiction of current roadway conditions.

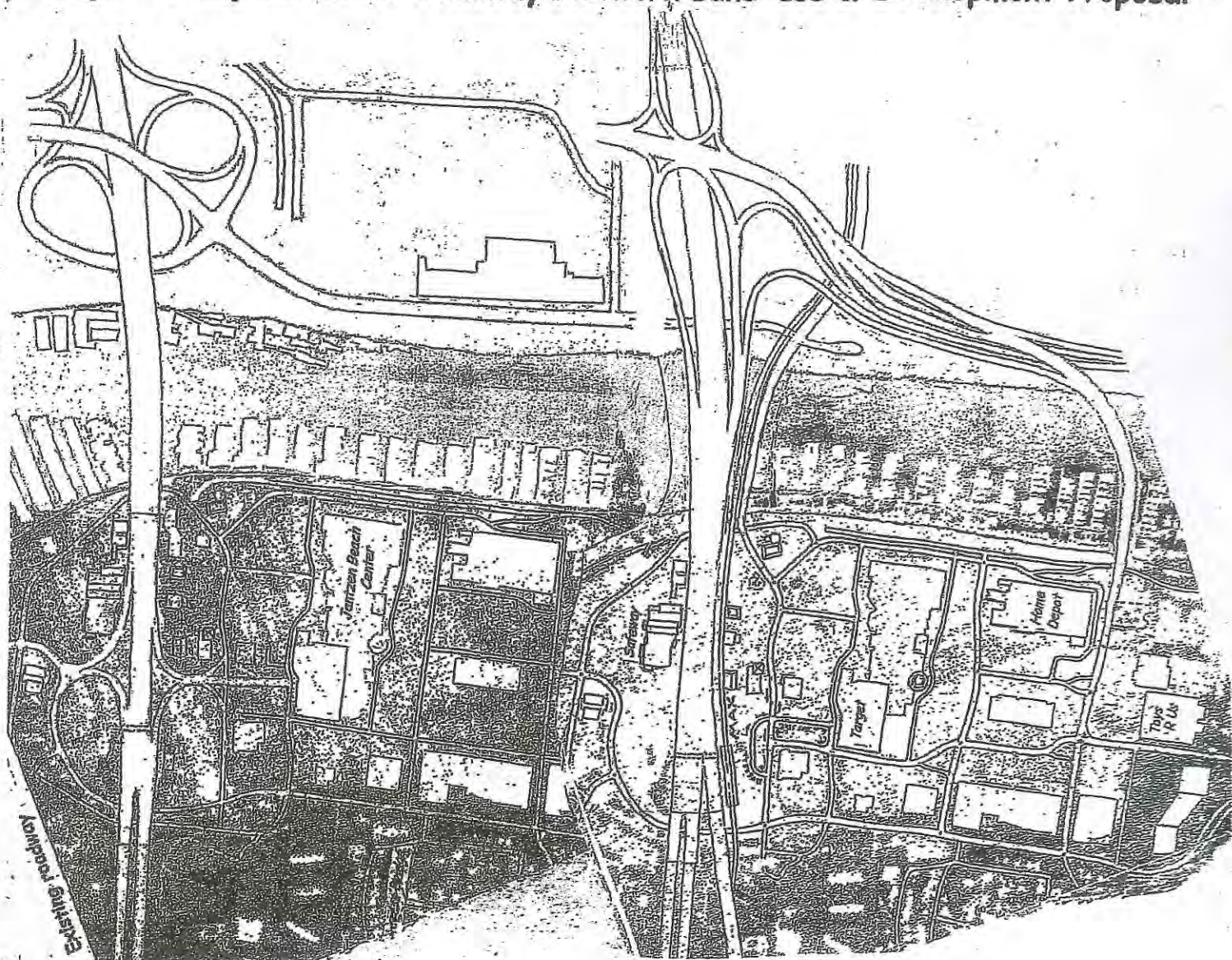
- ON NEXT PAGE -

The Port of Portland decision to oppose Concept #1 is in question. Their legitimate concern that Hayden Island traffic could overrun the new Marine Drive interchange was based on the construction of a new marine terminal dock on West Hayden Island. However, locating an oval-track there presents a severe impediment to existing rail operations on this Main Line railway corridor, especially in accident-prone turns.

The impacts of existing industrial truck traffic are made more manageable with the indirect but safer route to I-5 via the Concept #1 access bridge to the Marine Drive interchange. Even with the proposed bridge between West Hayden Island and Marine Drive (dubiously considered optional), diesel fumes from trucks and standing locomotives will daily blow east through the island residential community and commercial center. West Hayden Island should also be considered a complimentary if not critically-important habitat component to adjacent Smith & Bybee Lakes Nature Preserve in North Portland.



Concept #1 Hayden Island Roadway Network Land-use & Development Proposal



Note how the current Marine Drive interchange is poorly arranged and how the new interchange is respectable as well as approved. New freeway entrances are downhill with better visibility thus safer, more energy efficient and quieter. Why delay constructing this interchange? The Concept #1 option pushes Marine Drive further south into the Expo Center parking lot which would improve shoreline habitat and industrial operations.

Two maps of North Portland show existing UPRR & BNSF Railroad track. Note how the UPRR track is extensive while BNSF track is comparatively underdeveloped. This leads to my contention that an oval-track and marine terminal facility is more ideally located on the BNSF line in North Portland east of Kelley Point Park thus the Port decision to oppose the Concept #1 Off-island Access option is in question.

Unpublished letter to the Oregonian Sept 2011

The Sunday Oregonian's bold headline "The CRC will bring SAFER access to Hayden Island" stretches the truth. Statistical accident rate & severity is much worse. Both exits onto Hayden Island are downhill which increases stopping distance. Exiting traffic must come to a complete stop at a "T" with forced turns. Stopped traffic backs up while waiting for traffic entering the freeway to pass. Faster freeway speeds lead to faster exiting onto less visible downhill ramps with backed-up traffic and little emergency escape space.

The Hayden Island interchange design creates a pair of extremely dangerous bottlenecks. The Hayden Island interchange design is NOT SAFE for motorists nor pedestrians as air, water, noise, land-use redevelopment potential and island traffic management overall are worse than existing ramps and alternative designs.

I recommend a fair public review of the CRC Commission's own Concept #1 Off-island Access alternative (hinted in the article) plus building ONLY the Southbound Bridge while using both existing bridges for northbound lanes. The eventually built Northbound Bridge does NOT need a lower deck. Being lighter, it can be an elegant cable-stayed design to complement the utilitarian stressed-truss of the southbound bridge. (Letter submitted before the river height clearance issue came to public attention).

This phased approach to the CRC project sets up a traffic pattern that necessitates further study of northbound interchange designs in Washington State, most likely reducing costs, but more important, achieving higher safety standards.

West Hayden Island Marine Terminal & oval-track rail facility

CRC Commission member Port of Portland based their decision to support the CRC on a new marine terminal on West Hayden Island. More specifically, the Port of Portland opposes the 2010 ODOT Concept #1 (off-island access) claiming it can't handle combined Hayden Island and Marine Drive traffic.

Concept #1 is an ODOT-devised alternative publicized in 2010 where access to Hayden Island is via the new Marine Dr interchange with No ramps directly at I-5. Traffic noise and sight can be ameliorated, air pollution reduced, Island property value increased. Concept #1 is the safest access, yet the desperately needed Marine Drive interchange replacement has been deferred purportedly to cut costs.

However, our most effective investment for new rail facility is NOT on Hayden Island. An oval track railway on West Hayden will inhibit existing use of the BNSF Main Line and be severely problematic in an accident. The more ideal site for such an oval track and deep water dock is off Marine Drive east of Kelley Point Park. At this site the branch line connection is ready, automobile off-loading & storage is ready, and most interesting, North Portland railway branch lines between Marine Drive and Columbia could be connected with a short rail bridge over the Columbia Slough, liftable if necessary.



"How disabled people become productive members of society"
Testimony 'supporting' the claim in Art Lewellan's case that
Tri-Met policy discriminates against disabled people.

Arthur Lewellan received Oregon General Assistance in 1996 and was awarded Social Security Disability in 1998, based on physical impairment and mental and emotional instability. The physical impairment was an "immobilizing dislocation" of several vertebrae in lower back and neck which ended his career in home energy conservation between 1980 and 1992. Arthur was employed these years by The Doorworks Company and Anderson Door Mechanics. He became a licensed Oregon contractor subcontracting to these same companies for 3 of the 12 years.

During the years since, Arthur devoted his time, effort and considerable monetary investment to become a knowledgeable advocate for mass transit as a logical transition from energy conservation in housing into the transportation sector, as a career direction. Arthur has consistently attended public meetings held by Metro, Portland City Council, Tri-met, other agencies and organizations to support light rail and streetcar expansion locally and nationally. From this learning experience, Arthur surveyed and drafted many alternate route and design options and submitted these to public agencies. In 1997, Arthur submitted his first proposal The LOTi Project to the City of Portland. It was given a formal review and awarded "merit". Unfortunately, being knowledgeable does not always translate into being respected.

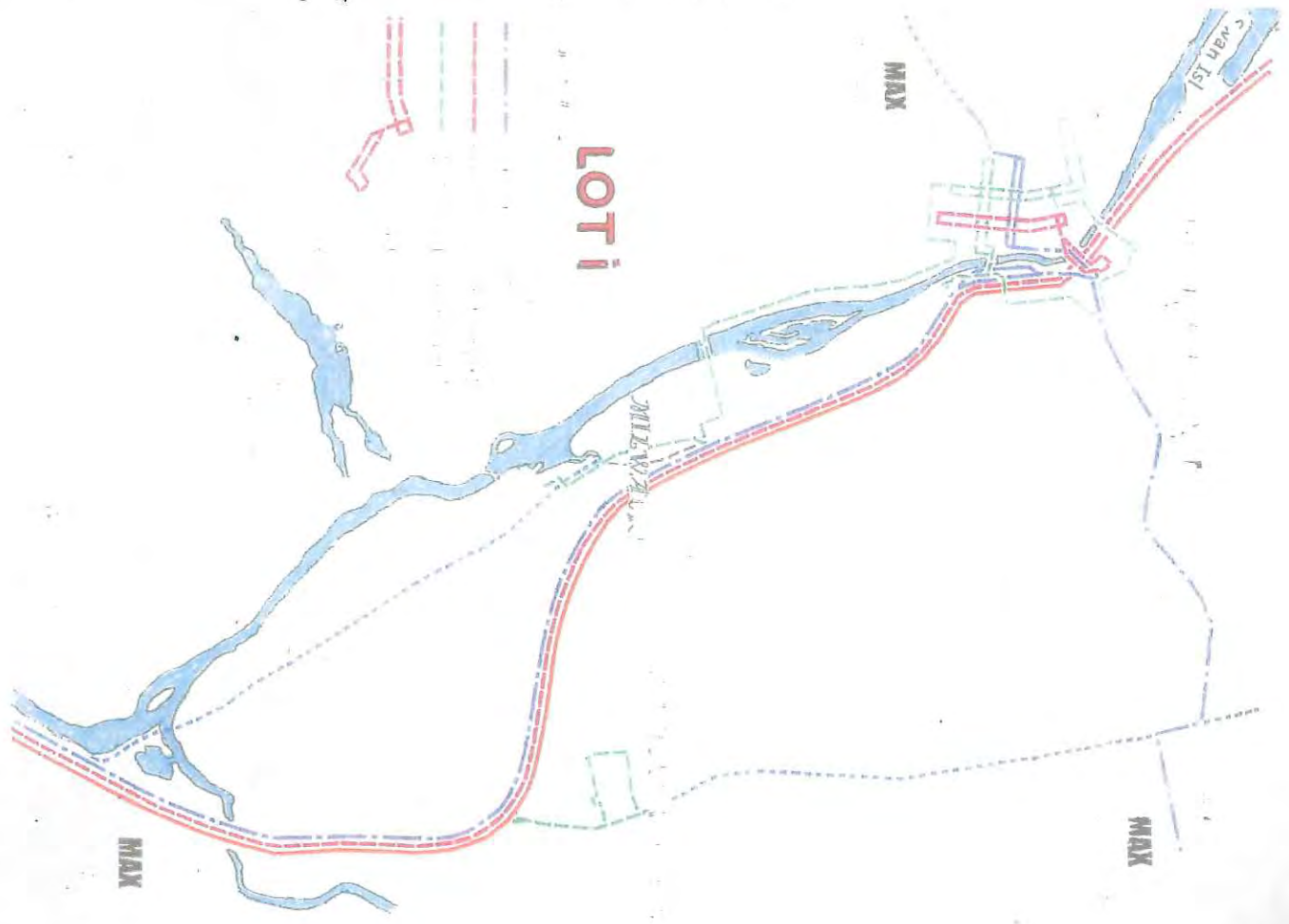
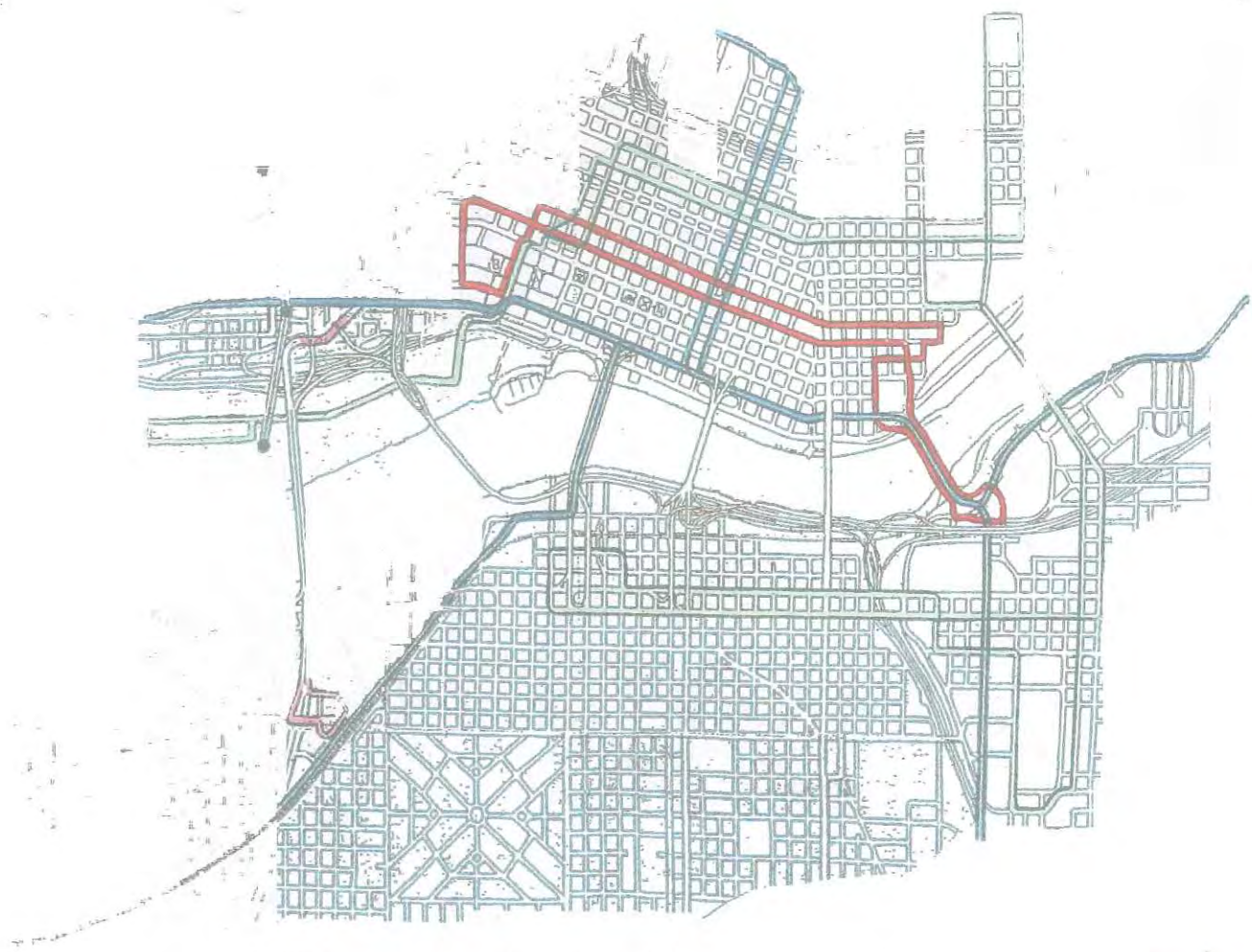
Multi-billion dollar rail mass transit public works projects are extremely political. Fierce ideological opposition to mass transit generally plus heated division between and within advocacy groups is indeed a political battlefield. Only a few individuals such as Arthur remain committed to the planning process. Most ultimately associate with organizations whose positions, pro & con, lend assurance that individual perspective is adequately supported and publicly represented. Without support, individual transit advocates face a brawl of professional participants hell-bent on getting their way, or the literal highway and defeat. Arthur remains a participant, despite his emotional vulnerability, believing he has due cause to justify the expense. What follows is a summary of Arthur's engineering perspective in design and description of a monumentally disturbing turn of events.

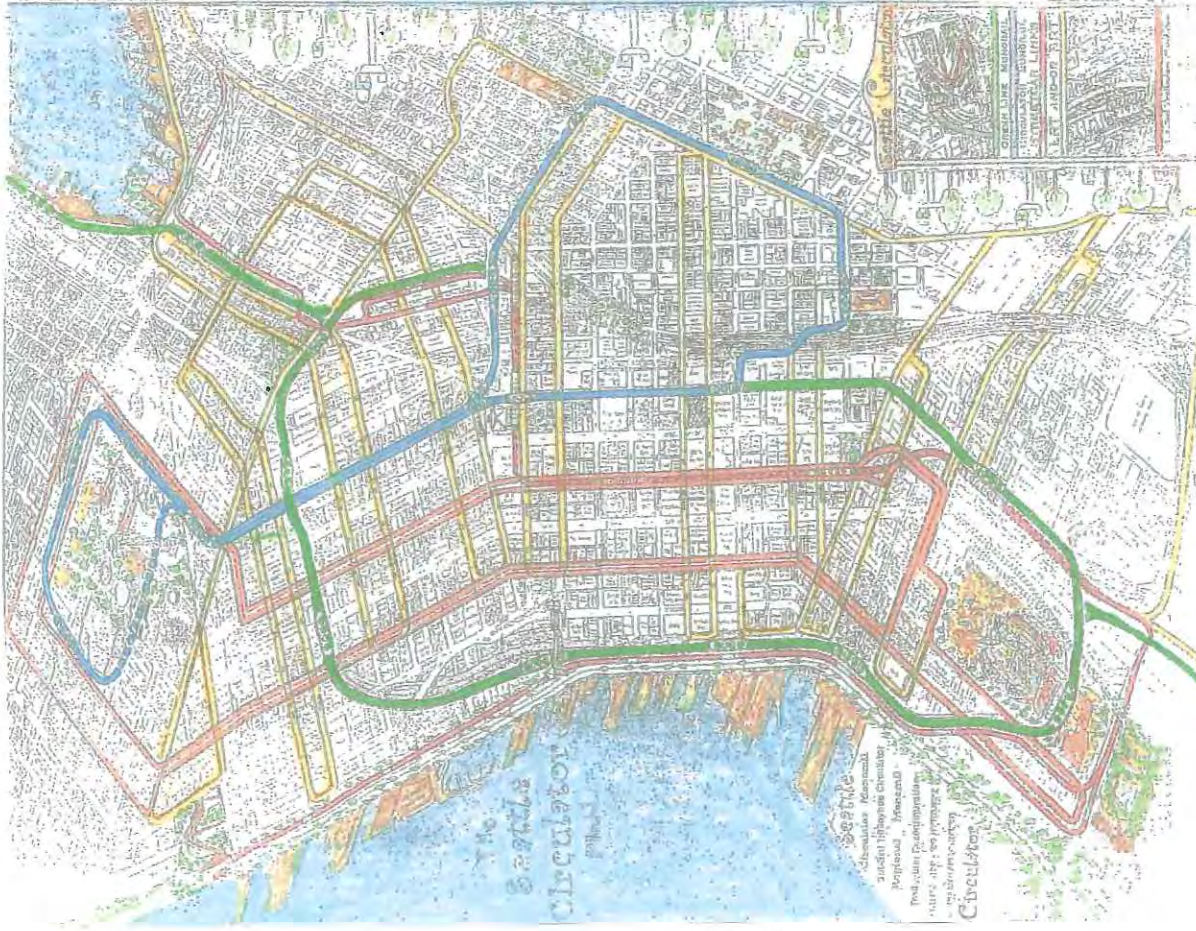
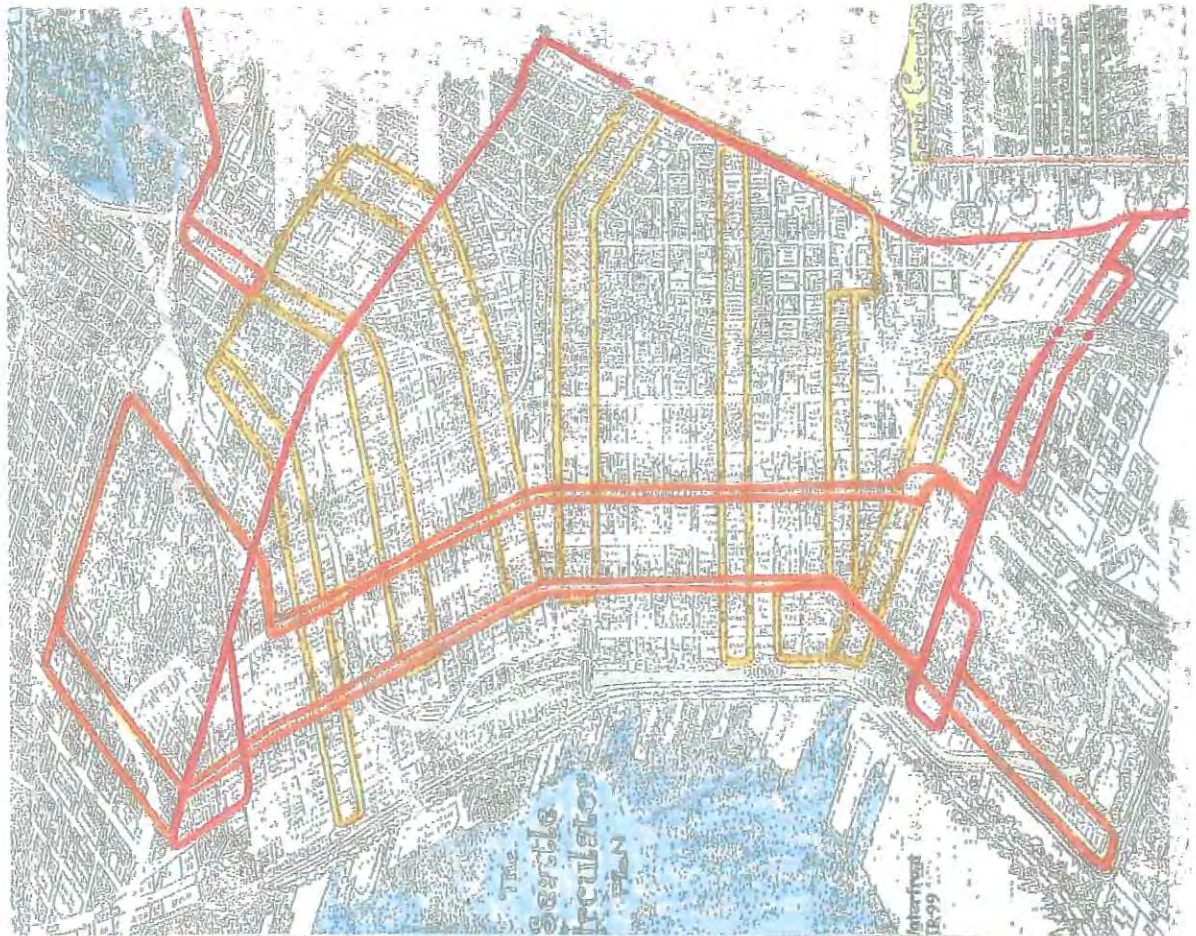
The facing page is a depiction of the LOTi proposal. It's important to note how the Loti is a complex 'design concept' rather than a simple integration of transit mode and route configuration. A design concept may have universal applications. After its review, the Loti design concept was applied to downtown Seattle and thus produced "The Seattle Circulator Plan" depicted on the following two pages.

The advantages of the Loti design concept begin with reducing costs & impacts of light rail projects. More light rail route options are feasible when integrated with connecting transit to assure a short-wait transfer to serve important districts with transit service. Short line 'circulators' require the least number of vehicles for frequent service and the convenient transfer. Light rail can be routed to cross long distances faster. Bus routes also can be streamlined to reduce time-consuming circuitous turns and duplication of service leading to light rail stations. Transit hubs can be minimized to accommodate a single circulator instead of numerous bus routes and stalls. Development potential increases at light rail transit hubs and along connecting circulator lines. Parking garages and park-n-ride lots can be reduced in size and located along circulator lines to double their service for development & transit access.

Applying Loti design concepts to downtown Seattle reveal more advantages. The Seattle Circulator Monorail proposal, a relatively inexpensive "single-track" extension of the historic line reduces physical & visual impact of overhead beams & stations, yet produces more ridership than the rejected "double-track" Greenline proposal. The 1st/3rd Trolleybus Circulator & The Trolleybus Reconfiguration (circulators) require least trolleybuses to provide 5-min service where needed most. Noted for their hill-climbing prowess, trolleybus service is increased to tackle steep downtown Seattle hills. The Trolleybus Reconfiguration overall ideally matches supply to demand. The shorter the route, the simpler to increase or reduce vehicle 'supply' to match varying 'demand' of peak & off-rush hours on specific circulator lines. Though more trolleybuses ply downtown streets, overhead wire 'clutter' is reduced. The least number of remaining diesel buses relocate to 2nd/4th Aves to operate like BRT with least number of stops.

Unlike the LOTi proposal, "The Seattle Circulator Plan" has never received a public review though submitted repeatedly to City of Seattle, King County, Washington State transit and transportation agencies, the Federal Transit Administration and Seattle print media. Arthur Lewellan believes his due cause to continue is a monumental value inherent within the Loti design concept which should receive a thorough academic review.





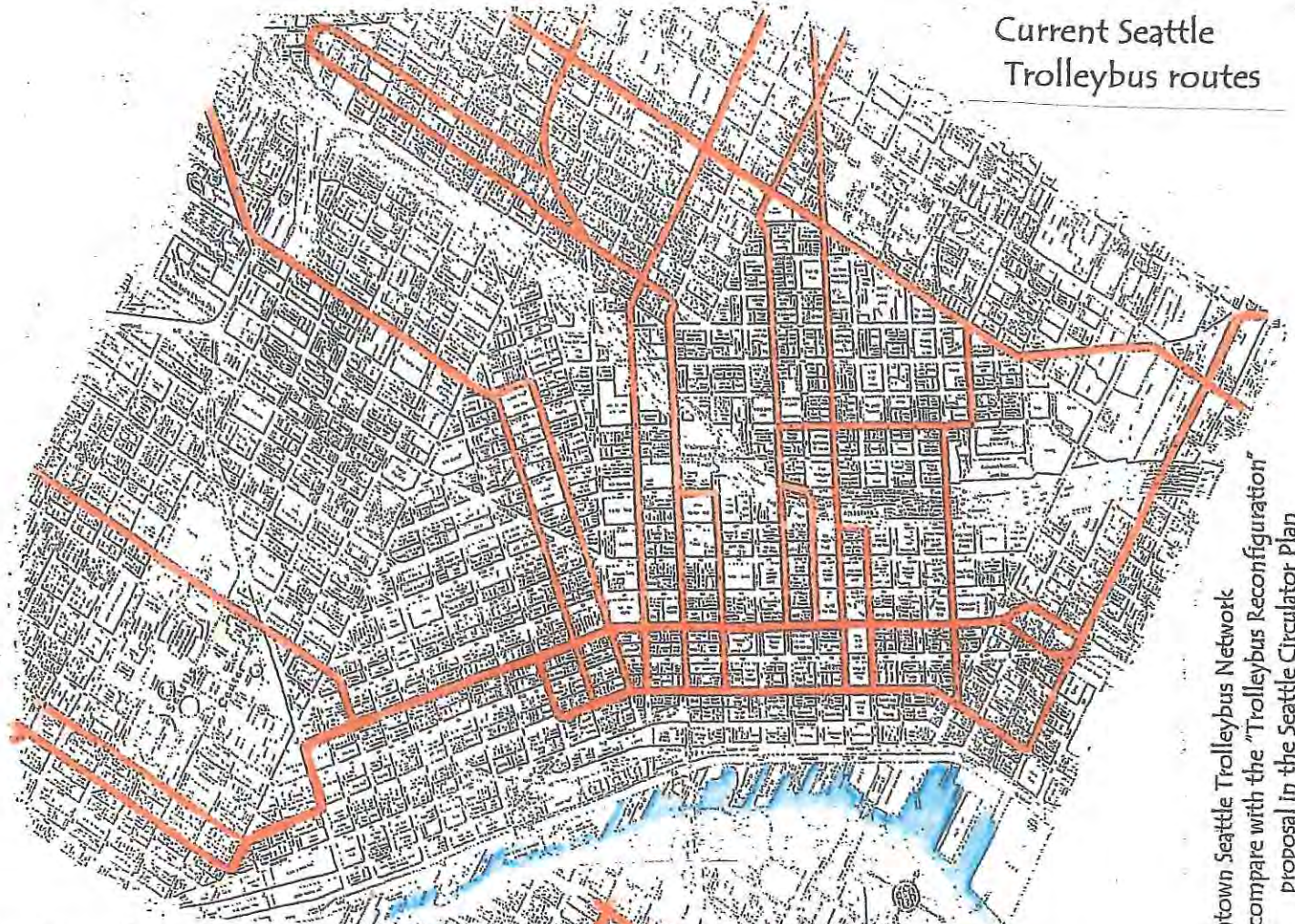
The Seattle Circulator PLAN

Interfront 12-99

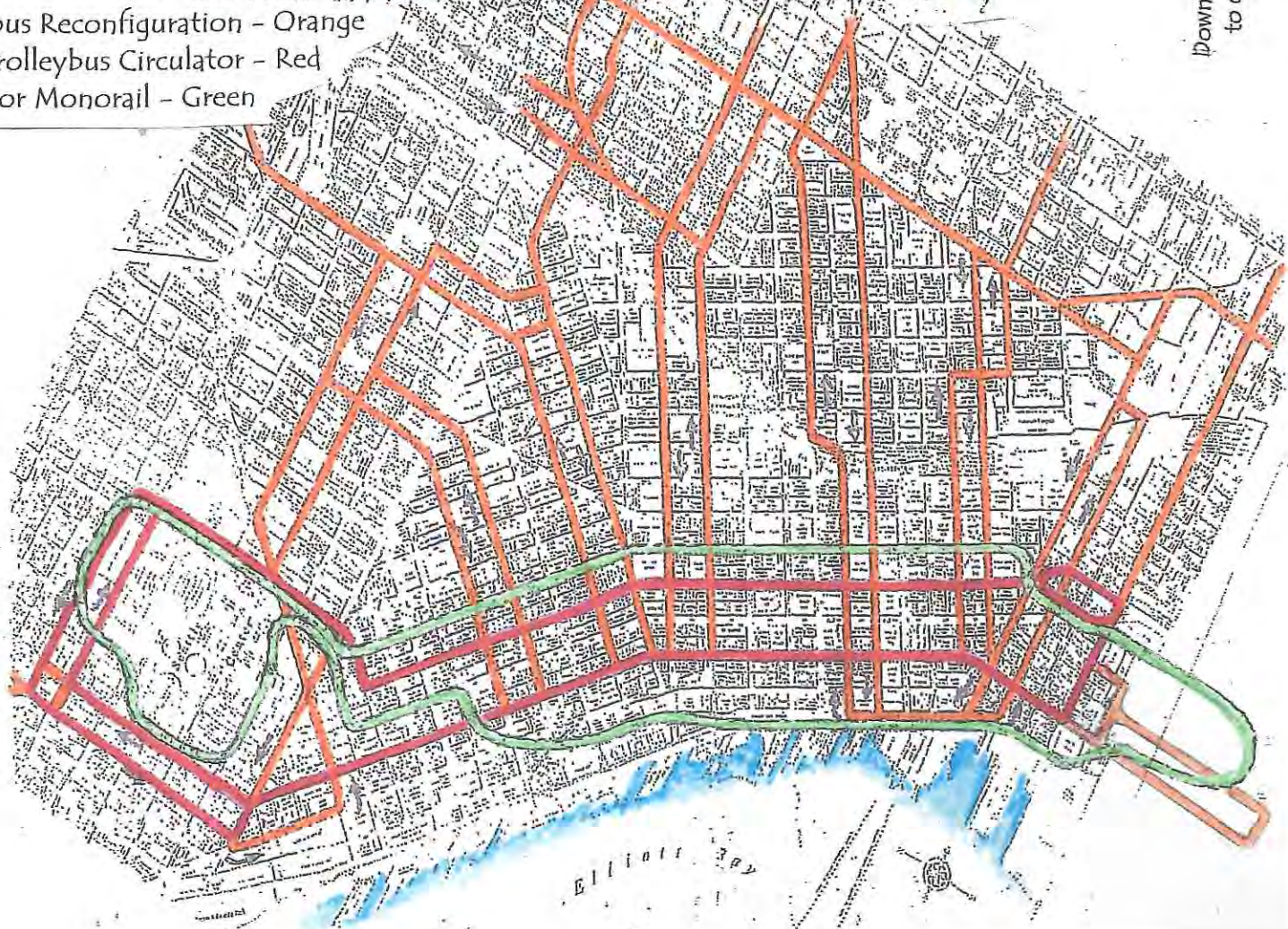
The Seattle Circulator

Seattle Circulator
Green Line Municipal
Suburban Link
Light Rail

Current Seattle
Trolleybus routes



Trolleybus Reconfiguration - Orange
1st/3rd Trolleybus Circulator - Red
Circulator Monorail - Green



Downtown Seattle Trolleybus Network
to compare with the "Trolleybus Reconfiguration"
proposal in the Seattle Circulator Plan



The 1st/3rd Trolleybus Circulator -- Red

The Trolleybus Reconfiguration -- Orange



Columbia River Crossing will bring safer I-5 access to Hayden Island, but at the price of displacing homes, businesses, residents and jobs

By **JEFF MANNING**
THE OREGONIAN

On the docks of Janitzen Beach Moorage, looking out over the silent blue-green current of North Portland Harbor, the roar of I-5 fades.

The harbor, which separates Hayden Island from the Oregon mainland, is home to one of the largest collections of floating homes on the West Coast. Drawn by the powerful pull of the water, some of these proud river rats, as they call themselves, have lived here 20, even 30 years and say they wouldn't live anywhere else.

But change is looming.

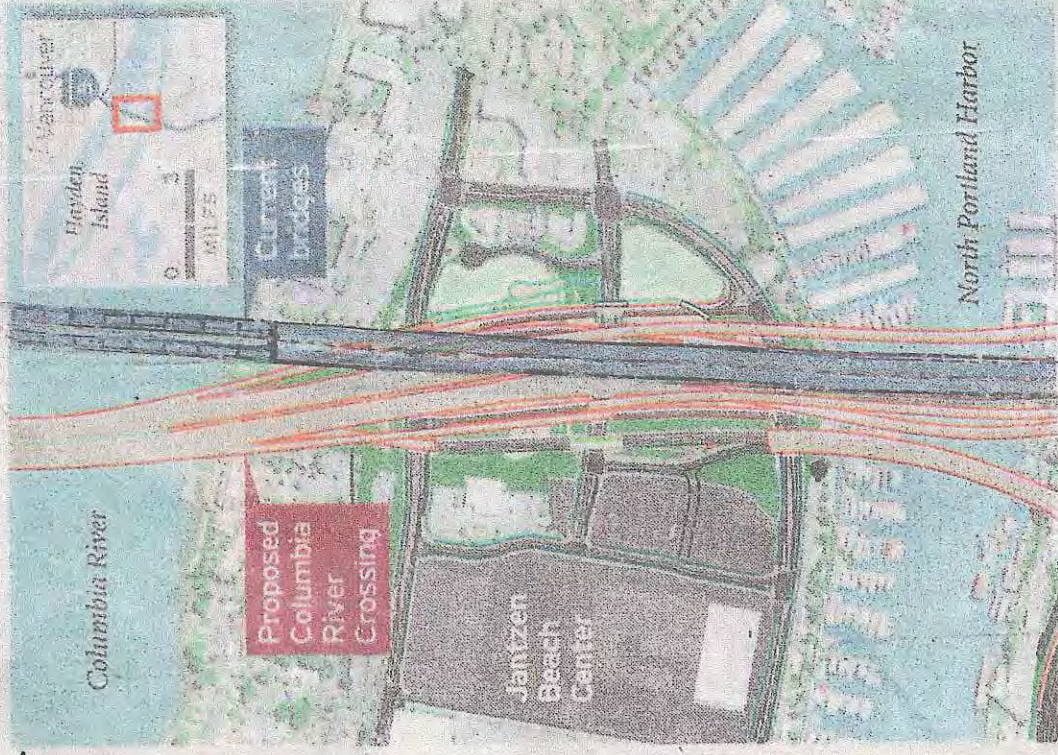
Thirty-five floating homes sit directly in the path of the Columbia River Crossing, the big bridge-freeway expansion. The CRC intends to forcibly buy out the locals as construction nears, a plan that inspires resistance, resignation and hope that the project is derailed by its considerable funding woes.

Sherry May, 65, stands to lose the home she's lived in since 1986. "I'm in the firing line," she said. "My fear is that Hayden Island will become a concrete pad, and this magical place will be gone."

For most Northwesterners, the CRC remains an abstraction, a symbol of painful progress or big government run amok, depending on their politics. To Hayden

Hayden Island interchange

- Cost: \$575 million+
- 450 feet wide
- Up to 45 feet high
- 17 lanes
- 35 homes displaced
- 39 businesses demolished



DAN AGUAYO/THE OREGONIAN

Island's 2,270 residents, it's a life-altering reality.

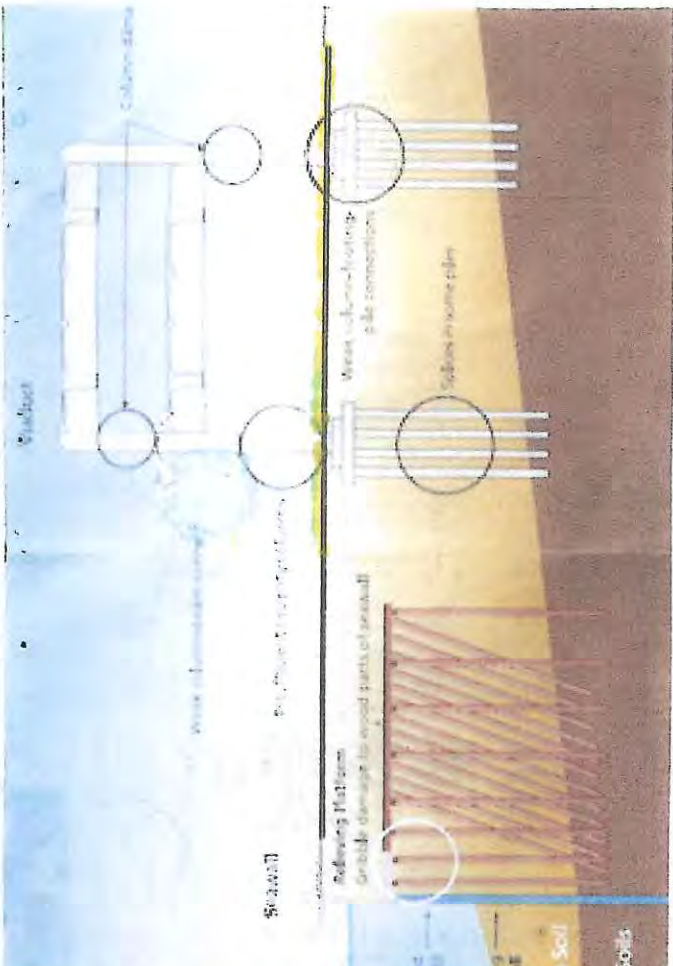
The CRC plans one of its largest, most expensive and controversial sections across the island's midsection. The existing freeway is to be replaced by a 17-lane behemoth that will stand up to 45 feet high and 450 feet wide. The CRC estimates the Hayden Island interchange will take more than five years to build. Early estimates put the cost at between \$575 million and \$650 million, making it the most expensive element in the five-mile, \$3.1 billion project other than the new Columbia River bridges.

In addition to the 35 floating homes in harm's way, 39 businesses, including the one full-service grocery store and pharmacy, are slated for acquisition and demolition.

The scale of the project generates high anxiety on the island that has never completely died down, despite years of negotiation and outreach and several significant and expensive concessions by the highway builders.

"We're ground zero," said Roger Staver, a longtime resident and former head of the island's neighborhood association. "If things are not put back together properly, this island will never be the same."

Please see **HAYDEN**, Page A17



TUNNEL CHALLENGES

If state and city officials choose the tunnel option over rebuilding the viaduct, engineers will be faced with excavating and building in a waterlogged stretch of land. With Elliott Bay to the west, water draining downhill through the soil from the east and pressurized groundwater pushing upward, special technologies will be used to keep the area stable during the excavation and construction process.

KEEPING THE WATER OUT

1 As soil is removed during excavation, pressurized water deep in the ground may threaten to push upward and destabilize the excavation area.

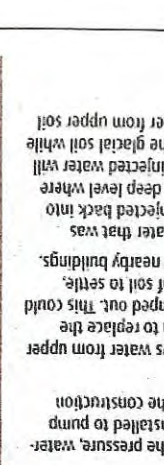
2 In order to relieve the pressure, water-removal wells will be installed to pump water out from under the construction zone.

3 However, this allows water from upper soil levels to sink down to replace the water that is being pumped out. This could cause the upper layer of soil to settle, threatening damage to nearby buildings.

4 To avoid this, the water that was pumped out will be reinjected back into the ground nearby at a deep level where the soil is dense. The reinjected water will seep slowly back into the glacial soil while helping to stop the water from upper soil levels from sinking.



KEY
 Recent fill
 Beach deposit (sand)
 Glacial soil (dense silt)



PROJECT TIMING

The tunnel would be built in two phases, each lasting about three years. The process shown below takes about 18 months to complete.

THE TUNNEL BUILDING

STEP 1
 Alaskan Way is to be removed. Soil excavation begun. West wall of tunnel started.

STEP 2
 The west wall is completed and the east wall begun. Soil is excavated across the full tunnel width. Bracing and tiebacks are installed. Water-removal wells are dug and water removal begun.

STEP 3
 Soil excavation completed and bottom slab cast between walls.

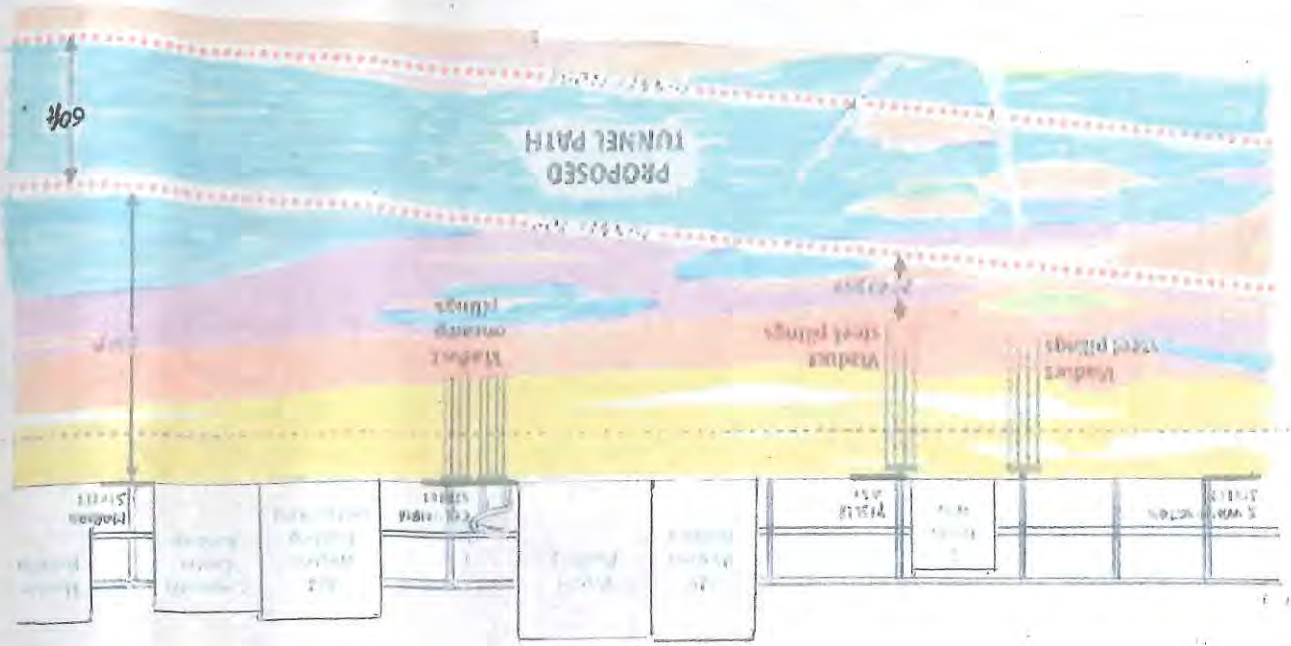
STEP 4
 Lower level bracing removed. Waterproofing membrane installed on bottom slab and walls. Lower tunnel and ducts cast.

STEP 5
 Waterproofing membrane installed on walls. Upper tunnel and ducts cast. Top slab cast.

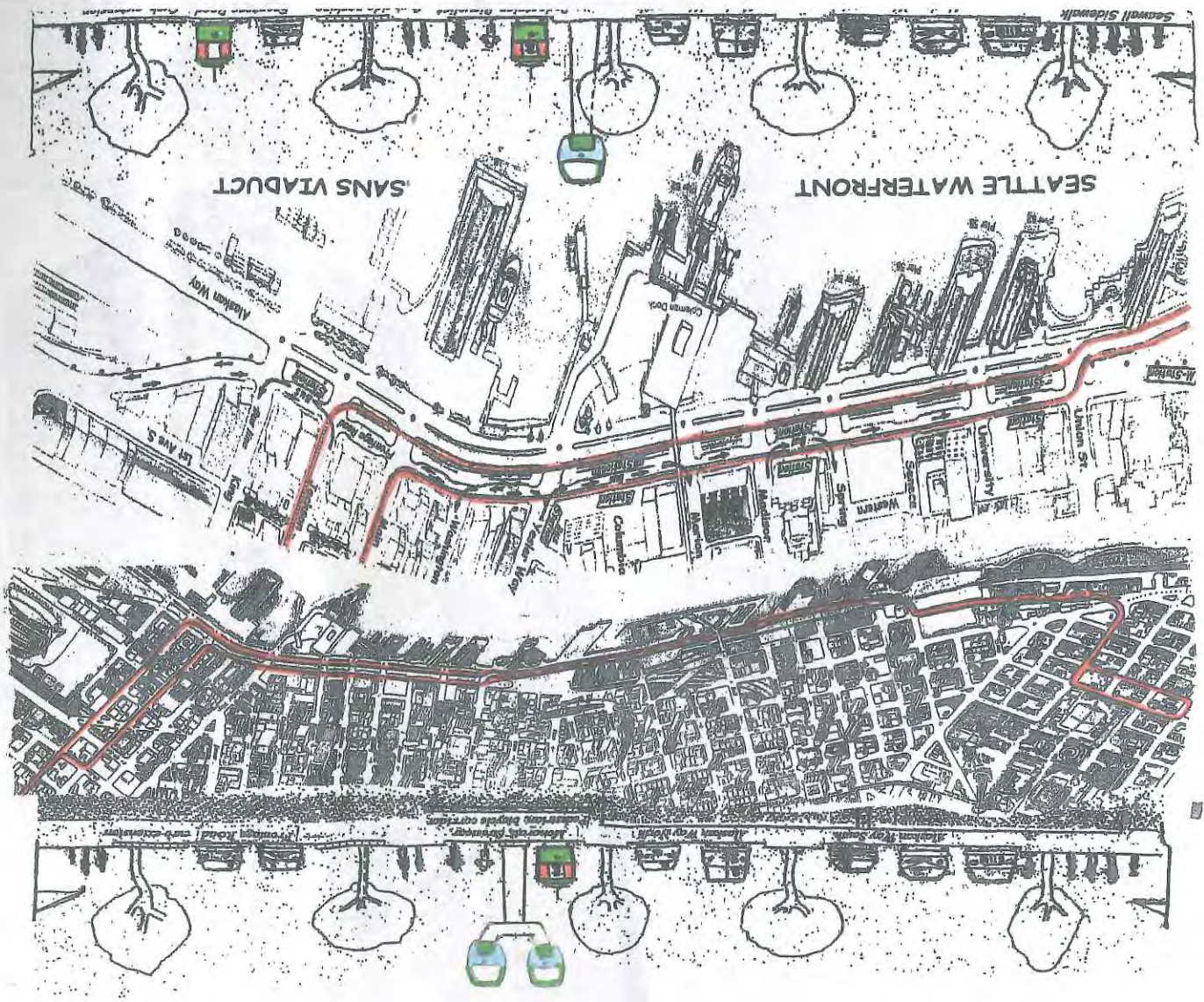
STEP 6
 Waterproof installed over top slab. Existing viaduct removed. Alaskan Way rebuilt with promenade, trolley and public activity zone.



Conceptual Cross-Section at Seneca Street Looking North

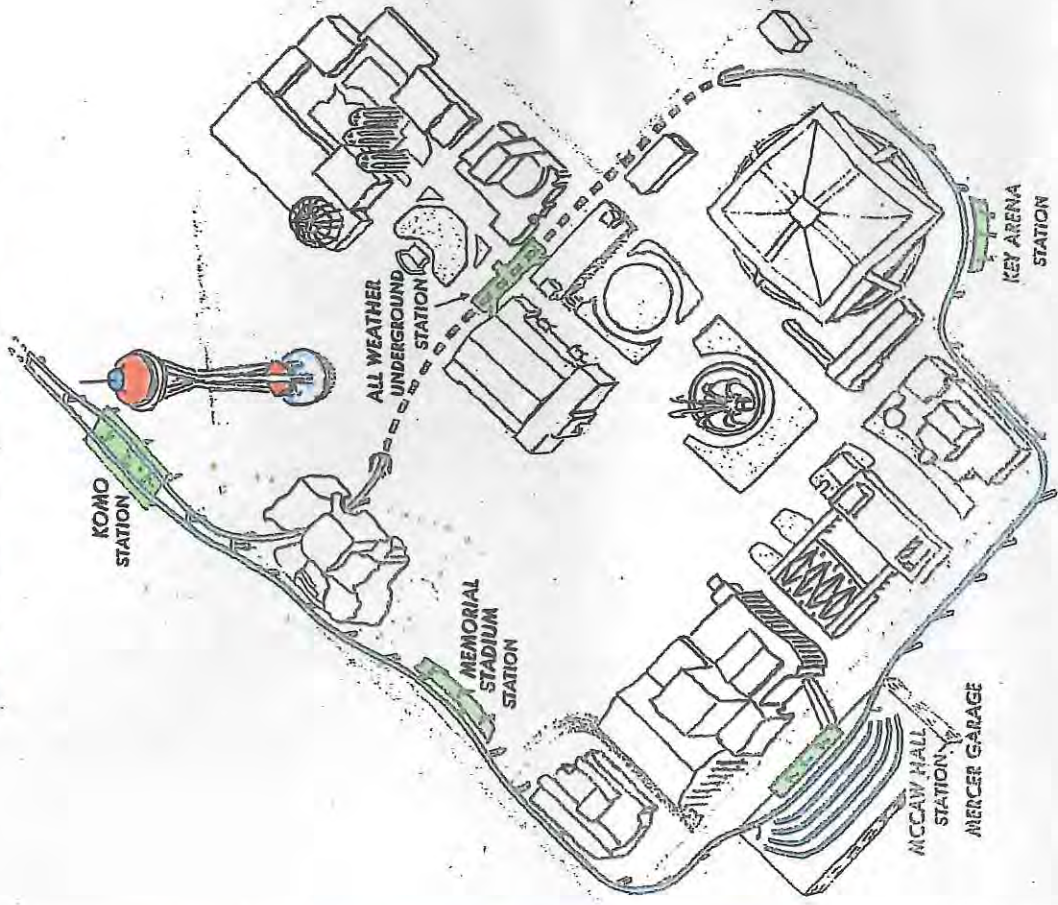


VIEW LOOKING WEST, TOWARD ELLIOTT BAY

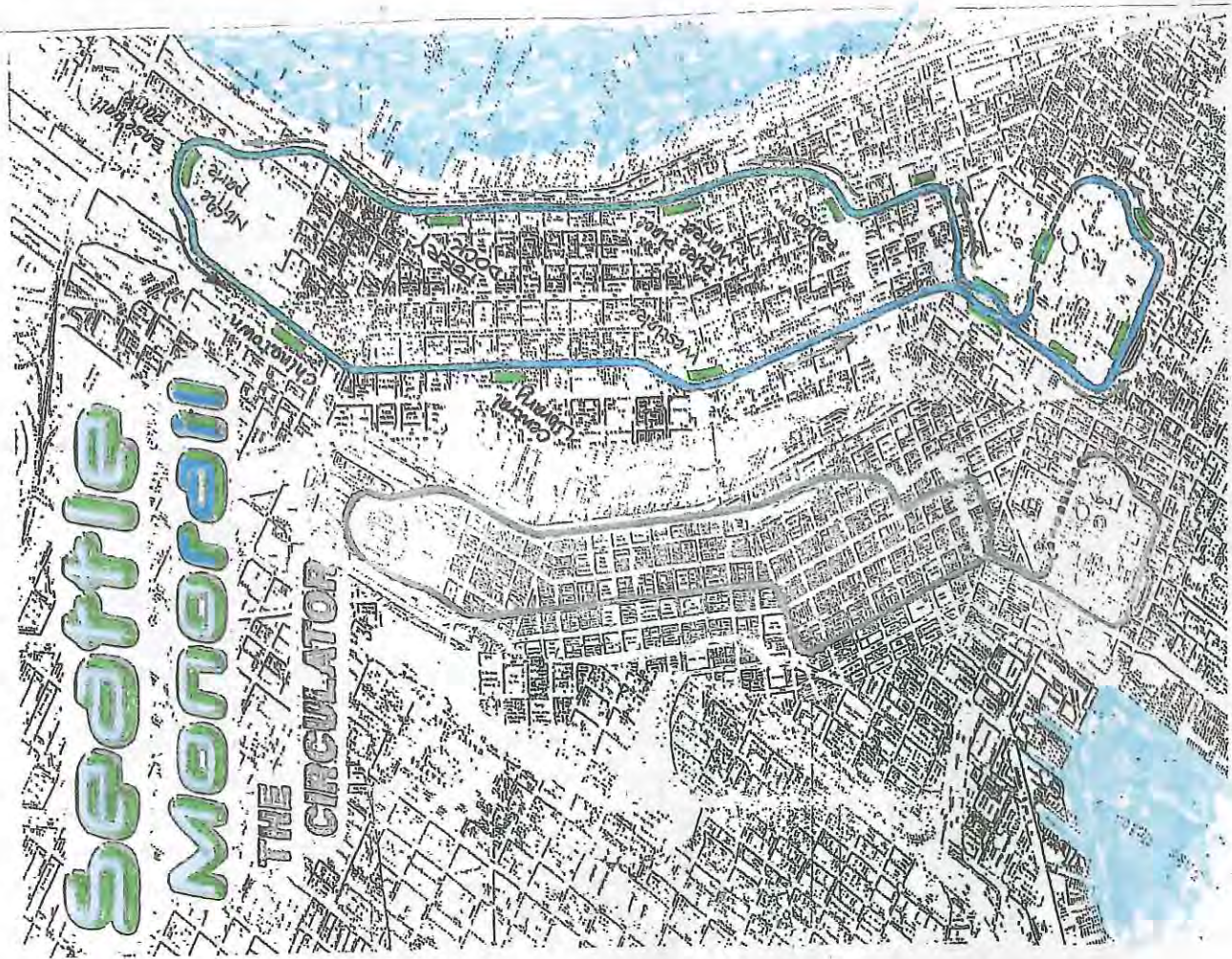


Design your own Seattle Center

Monorail



Art Lovellan



Seattle

Monorail

THE CIRCULATOR

On the facing page are depictions of the Seattle Circulator Plan incorporated into Alaskan Way & Waterfront redevelopment. Two cross-section views show the Circulator Monorail involvement from its early double-track to a single-track design. The Waterfront Streetcar line also evolved, but in reverse, from single-track to double-track, both a more ideal configuration. Both cross-section views show a "frontage road" - an incidental restoration of historic Railroad Way - as necessary to adequately manage Alaskan Way & waterfront district traffic. Without it, local traffic is forced to in Alaskan Way thru-traffic which worsens after demolishing the Alaskan Way Viaduct. The frontage road may eliminate 3 of the proposed 13 stoplights along Alaskan Way to further improve traffic conditions. The wide aerial view shows a 1-mile streetcar extension to Queen Anne via a new bridge over the BNSF railway at Broad Street.

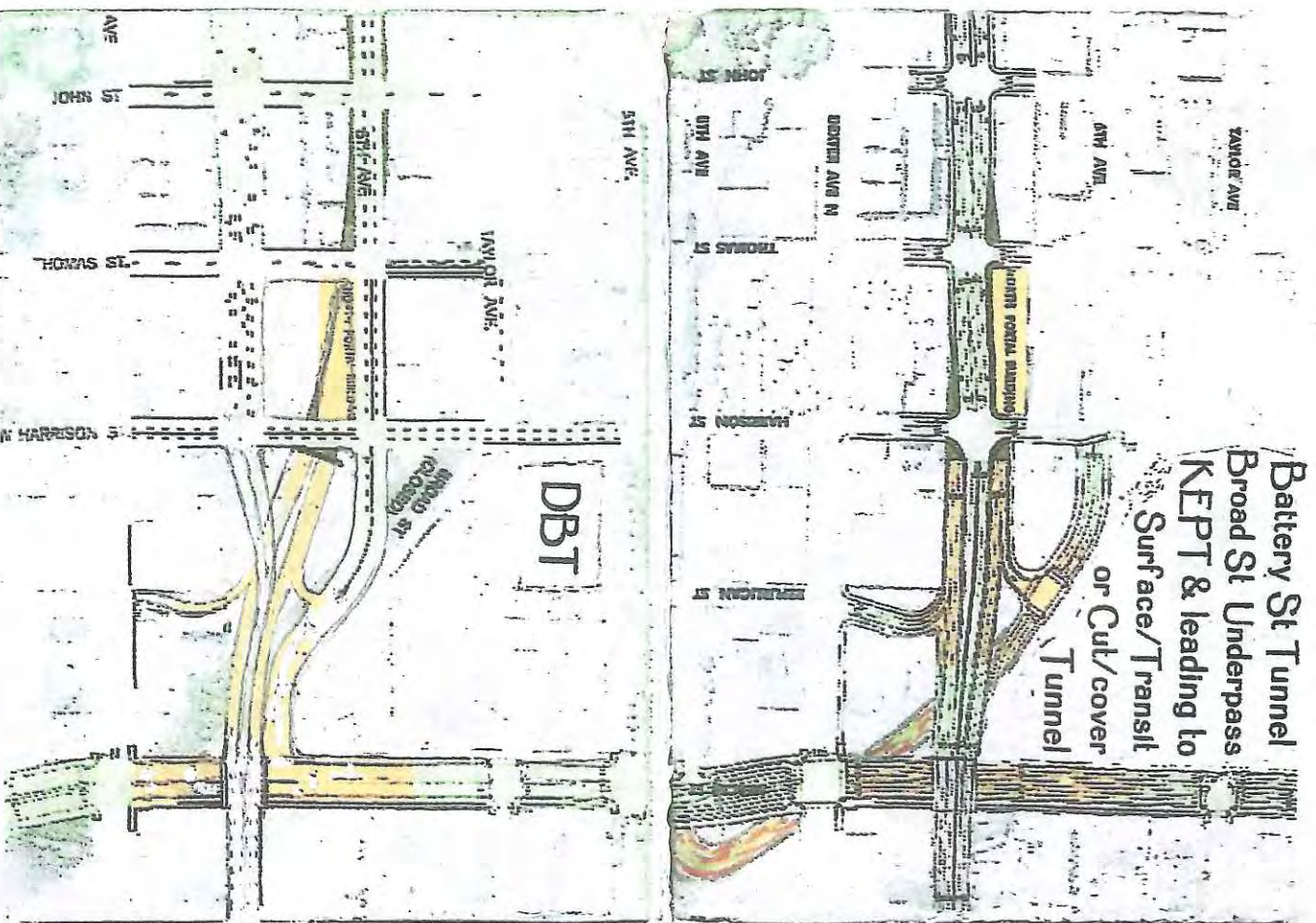
The drawing at page bottom is of a segment of the proposed deep bore tunnel (DBT) to indicate how soil conditions beneath historic downtown buildings are absolutely inappropriate for a DBT-type tunnel. These are watery soft fill soils that liquefy in earthquakes and over time develop unseen voids and sinkholes that can completely undermine building foundations; a horrific risk.

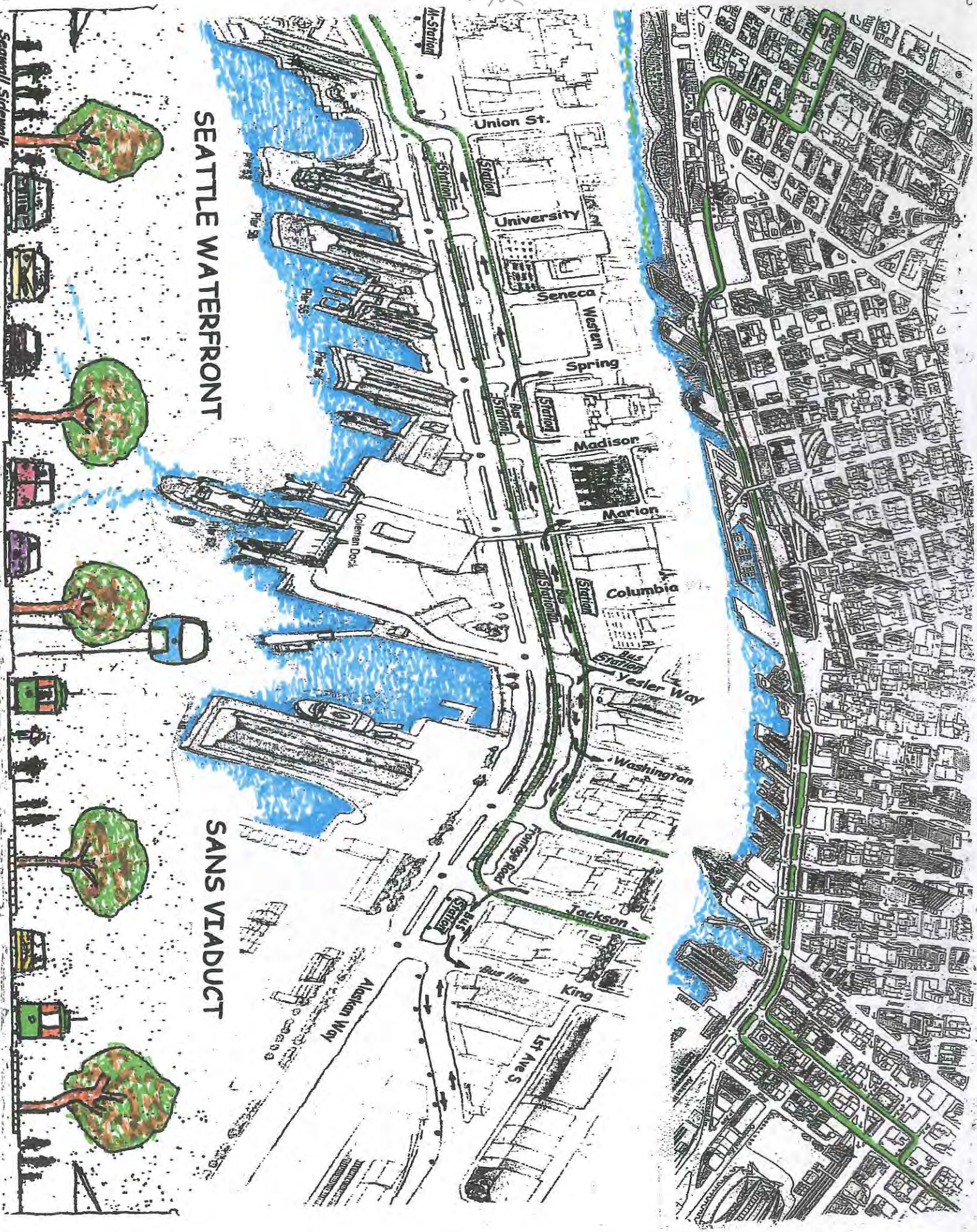
The following pages also concern the DBT and related street reconstructions. Of the dozen Cut/Cover-type tunnels studied, this one was the last version released to the public even though it is least disruptive to construct. Wsdot's complaint through the years of planning was the deadened disruption to construct a cut/cover tunnel, thus their preference for an elevated replacement monstrously. Although this cut/cover is the least disruptive, in its 1st Phase Wsdot proposed to construct a huge 6-block trench in the middle instead of starting at the south portal and work north in short-block segments that return to use.

In 2007, a voter referendum rejection of both a cut/cover tunnel and a replacement viaduct upset Wsdot's apple cart, but didn't stop the sale of rotten apples. Wsdot then studied 2 new cut/cover tunnel options all while this least disruptive version, now in the FEIS, remained under wraps. Wsdot also studied 3 surface/transit options that incorporated 27-30 stoplight intersections, but NOT the options with as few as 9 to 13 stoplights. These planning irregularities should be considered a criminal offense.

The last page of drawings are a comparison of the DBT and cut/cover north portals, and the "Mercer East" reconfiguration of Mercer Street in Lake Union 'east' of Aurora SR/99. The cut/cover tunnel retains Battery Battery Street Tunnel (BST) and Broad Street Underpass (BSU). The DBT closes both. The BST currently provides access between Lower Belltown and Lake Union for 5,000 vehicles daily which will be displaced to surface streets already overwhelmed with traffic. Retaining the BSU offers safer access to the BST - (1 left turn), safer than the proposed access to the DBT - (merge left with 2 left turns). Mercer East has fine potential, but "Mercer West" - as related to the DBT - makes traffic hazards much worse on Mercer, Denny Way, Elliott, Western, Alaskan Way and 1st Ave. Currently, 35,000 vehicles from the Interbay access SR/99 at Lower Belltown, the short, straight, level, least stoplights, most suitably commercial corridor. Mercer West redirects upwards of 20,000 cars and freight trucks onto the 'dangerously steep' hill of Mercer Place through residential Queen Anne and the busy Seattle Center district. The rest avoid the DBT and take Alaskan Way where new stoplights at every intersection create severe conflict between motorists passing through and those trying to park in the waterfront district. The DBT is an insanely dangerous tunnel that increases traffic hazards all through downtown Seattle, another criminal offense. Arthur Lewellan hereby requests a federal investigation of Washington State and Seattle DOTs for these crimes more heinous than an inexcusable dereliction of duty.

**Battery St Tunnel
Broad St Underpass
KEPT & leading to
Surface/Transit
or Cut/cover
Tunnel**





SEATTLE WATERFRONT

SANS VIADUCT

Letter to Congressman Inslee,

I'd like to know where you stand on Seattle's proposed deep-bore tunnel project. I am against it. Never mind the cost overrun issue. It's physical impact is extremely risky for the downtown buildings it passes beneath during construction and indefinitely thereafter because of (unstable) subsurface soils and hydrology. Its own longevity and maintenance is questionable.

Furthermore, its completed outcome will be both unproductive and incur terrible environmental impact. Street traffic will worsen on Mercer and Denny Way corridors that are residential, pedestrian-oriented and already overloaded with traffic. Alaskan Way and Elliott/Western are more suitably commercial corridors that can handle the displaced AWW traffic with a surface/transit alternative or a Cut/cover Tunnel.

The proposed Mercer West AND the design for a new Alaskan Way boulevard are as severely flawed as the deep-bore tunnel. Mayor McGinn is correct to support the surface/transit option and should be fully exonerated.

If a tunnel must be built, Wsdot's curiously last version cut/cover tunnel (depicted in the FEIS) could be built after the surface/transit option or while rebuilding the seawall. All studies show a cut/cover tunnel manages displaced AWW traffic best. Wsdot's cut/cover tunnel proposals have all exaggerated and lengthened construction disruption and duration, including the latest version in the DEIS.

I'm writing because the upcoming race for Governor should include a credible opponent to the bored tunnel. If you plan to seek the office, a stand taken against it must be weighed even if becoming an opponent means losing. It's a terrible mistake of monumental proportions and a national disgrace.

Arthur Lewellan

(Congressman Inslee did not reply to this letter)

A letter to explain specific engineering aspects which condemn the proposed Deep Bore Tunnel (DBT) beneath Seattle.

Many are terrified of the potential consequences of its failure in worst-case scenarios and regular workday traffic. An embarrassment to the engineering community, "Mercer West" and the new "Alaskan Way" are likewise terrible engineering.

The Seattle bored tunnel replacement for the derelict Alaskan Way Viaduct (AWV) is far too risky even in its physical presence beneath downtown buildings. It could probably survive an earthquake, but the huge dislocation of unstable soils (immediately & indefinitely thereafter) make them more unstable. The real threat is to the buildings above. Altering subsurface pressures predict upward 'risings' that can buckle street surfaces and sidewalks, or 'sinkings' that cause voids which can collapse. The bored tunnel is insanely dangerous.

The terrifying potential for failure in earthquake or car bomb or longevity is unavoidable. There's also the concern of redirecting traffic to the over-trafficked Mercer Mess. The Mercer West project is going to ruin the entire Mercer corridor with traffic.

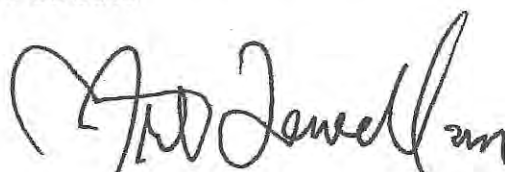
The flaw in the bored tunnel is the underground hydrology through which it passes - soft fill above compacted glacial till, 'pressures' and layered water tables along a earthquake fault line. An objective 'outside' hydrologist MUST do a cursory study of potential threat posed not to the tunnel, but to the structural integrity of downtown buildings, their foundations, surface streets and sidewalks directly above and nearby. Failure of the bored tunnel a number of ways is potentially catastrophic, yet the dire threat is ignored. Please, if you would forward this concern to a qualified, trustworthy hydrologist, Seattleers must have the questions answered.

The secondary flaw in the project is Mercer West. Mercer East, now under construction, looks decent. Mercer West however adds too much additional traffic through Lake Union (AKA The Mercer Mess) and through residential Queen Anne. Mercer West converts the I-5 to Interbay Mercer corridor into a major traffic and freight thoroughfare - essentially a new surface highway through residential and pedestrian-oriented districts. The Mercer Mess made messier, predictably 'F' level service with traffic spillover onto Denny Way, also already overwhelmed with traffic.

The tertiary flaw is the proposed Alaskan Way reconfiguration. Traffic on Alaskan Way is expected to triple from 12,000 to 35,000-vehicles daily. The current design installs 13 stoplight intersections between Pike and King streets. With the one parallel side street, Western Ave running 7 blocks between Union and Yesler, this central section is restricted but the design increases conflict between vehicles passing through or trying to park but forced back into thru-traffic; also in conflict with pedestrian crossing.

The design for Alaskan Way I've supported since Summer 2001 incorporates a 2-lane frontage road, a ped/bike/transit median, and the 4-lane Alaskan Way to 'separate' the two types of traffic. The frontage road allows at least 3 double-block medians to reduce the number of stoplights from 13 to 10, especially important near Coleman Dock traffic queue, to organize pedestrian crossing, separate bikepath, streetcar line, etc etc. The proposed Alaskan Way boulevard design is inadequate yet unquestioned.

Seattle must get answers to these questions, especially about hydrological affects on the bored tunnel. The current and suspiciously LAST design for a cut/cover tunnel option, now in the EIS, has long been my preference. The Deep Bore Tunnel must NOT be built.



"Botched from the Get-go"

Seattle's Deep Bore Tunnel (DBT) is nothing like the BART Transbay Tunnel which is roughly rectangular, smaller in diameter, constructed in 100' segments sunk to a dredged trench, bolted together, sealed, the trench covered. Seattle's bored tunnel is constructed in 12-segmented rings about 10' wide with over 40 miles of sealed joints that are MORE vulnerable to leakage and worse damage in an earthquake.

The greater danger is to the buildings above the DBT. Many historic Pioneer Square District buildings must be 'shored-up' to survive tunnel construction. The bored tunnel poses this danger 'indefinitely' because its presence disrupts subsurface hydrology. Think of how in-street rail forcefully works its way to the surface. Above the DBT, all building foundations are put at risk forever.

The bored tunnel is insanely risky and furthermore poorly engineered for managing traffic. Even without the toll, redirecting traffic to Mercer and through residential Queen Anne is likewise insane. Alaskan Way and Elliott/Western can handle the AWV's displaced traffic BETTER than Mercer and the 'spillover route' of Denny Way between the DBT north portal and Elliott.

Even without the toll, traffic on Alaskan Way more than triples and the current design cannot handle it. City & State DOTs do not have a workable plan for Alaskan Way nor Mercer to go with their bored tunnel atrocity. The Battery Street Tunnel (BST) should be retained and the Broad Street Underpass likewise could be admirably adapted to create BETTER access to SR99 southbound than widening Mercer. Wsdot and SDOT has botched this mega-project from get-go.

CRC & AWW Similarities:

Wsdot is lead agency of the CRC and its similarity with the Alaskan Way Viaduct (AWV) replacement project are apparent: Absolutely the worst engineering imaginable, long lists of rejected designs, controversial opposition, professional and business community covering each others backs, dangerous designs touted as safer, interminably lengthy planning process, studies overtly misdirected to reach predetermined outcomes, unaccountability, refusal to answer public concerns, etc. The tunnel boring machine won't arrive in Seattle until 2013. The bored tunnel itself is NOT under construction as its cheerleaders would have citizens wrongfully believe.

AWV-related surface street reconfigurations make traffic much worse on Alaskan Way, adjacent Western Ave, 1st Ave & side streets, much worse on steep Mercer Place & Mercer Street through Queen Anne, Lake Union and Denny Triangle. Proposed "stabilization of waterfront soils" is a woefully inadequate alternative to a sturdy rebuilt seawall to stabilize the soft fill, watery, crumbly soils beneath vulnerable downtown buildings along a major earthquake fault line. Proposed park designs are completely out of historical character and poor use for district activity and its economic vitality.

A 2008 Wsdot design for a waterfront elevated replacement viaduct resembles the current bridge design for the CRC. Both are "top heavy" standing on single support posts. The Seattle elevated was 3-lanes wide atop a golf tee. The CRC design is 6-lanes wide atop the LRT/Ped-bikeway "truss box" atop a single support post. Both designs are structurally unsound. The CRC commission will probably reintroduce the single-level bridge design of 2008 with only a Ped/bikeway lane on the westside of the Southbound bridge. Wsdot is ideologically opposed to light rail and mismanaged the planning process to waste money, create controversy, deter public participation and eliminate MAX light rail extension to Vancouver.

CCT Hydrology

We should consider the science of hydrology. Consider: How will the 60' diameter DBT "tube" embedded in soft & watery soils affect Alaskan Way subsurface hydrology?

Answer: These subsurface waters will increase pressure and alter flow upward & downward around the tube in all directions, affecting joint & seam integrity, lifting surface soils to buckle streets & sidewalks, siphoning away silt to create dangerous voids.

The hydrological question extends to 1st Ave as far north as Pike and probably the entire DBT length to 6th & Harrison. The hydrology of a CCT (Cut/Cover Tunnel) is closer to the current hydrological conditions winning another argument in its favor.

Mayor McGinn's gut instinct favoring a Surface/Transit option is correct for many reasons and doesn't rule out an eventual cut/cover tunnel. The surface/transit option has less environmental impact than the DBT in roadway design.

However, the Mercer West proposal should go back to the drawing board to reconsider retaining the Battery Street Tunnel (BST). The Denny Triangle grid can still be reconnected at Harrison, Thomas and John streets above SR99 leading to the BST instead of the DBT. Do not accept any "Mercer West" plan until the first phase Mercer East is up and running. Retaining the Broad Street Underpass too should have a closer look.



"Where transportation plans exhibit a malevolent disregard for public safety" Seattle's proposed Mercer West project widens Mercer through high-density 'residential' Queen Anne's busy commercial center. Of the 35,000 vehicles that now access SR99 via the Elliott/Western 'commercial' corridor, approx 15,000 will reroute via the 'dangerously steep' Mercer Place hill to the DBT north portal. To avoid tolls or the hill climb or traffic congestion on Alaskan Way, some motorists will take Denny Way and increase hazards for pedestrians there as well. Do not neglect to consider how more traffic is a contributor to motorist vs pedestrian & bicyclist accidents and fatalities.

Wsdot studies of surface street options for the AWW (Alaskan Way Viaduct) were "intentionally rigged" to produce predetermined outcomes. The number of stoplights for Wsdot SR99 corridor studies were "27-29" though as few as "9" stoplights is possible; none on Aurora, none in Sodo, none in Lower Belltown, and 9 stoplights instead of 13 along Alaskan Way.

If the deep bore tunnel is built, not only will traffic be much worse downtown, the tunnel itself will undermine several dozen downtown building foundations and lead to their demolition. In a major earthquake, buildings could collapse suddenly! Replacement buildings will still be vulnerable to structural damage as the DBT indefinitely continues to alter unstable subsurface hydrological affects that create tremendous uplifting pressures and voids.

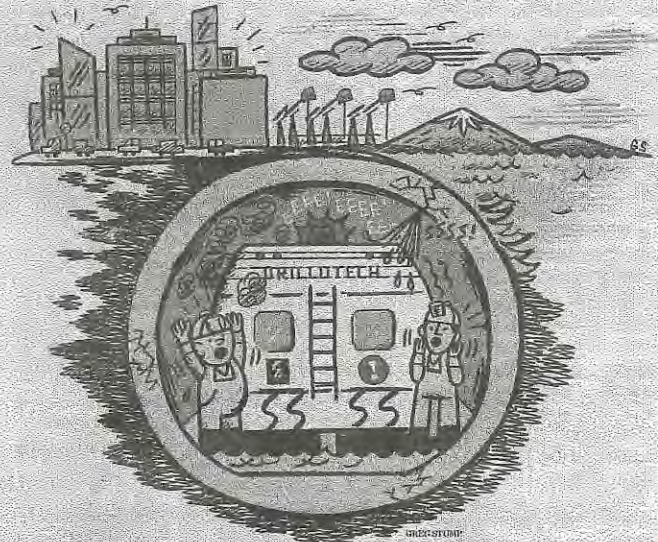
Compare a solid-cast cut/cover tunnel to the multi-segmented DBT tube. A cut/cover will not "oscillate" in an earthquake nor separate along bolted seams. A cut/cover minimally alters subsurface hydrological affects, merely moving the seawall east 70' with remaining surface soils more stabilized. A cut/cover would build a dam-like seawall, use half the concrete and recycle more. The proposed seawall replacement technique is, simply put, cheap & dirty, and will likely fail. A cut/cover would retain the existing traffic corridor rather than displace traffic onto Seattle surface streets. Wsdot studies of cut/cover tunnel options were similarly rigged to predetermined outcomes.



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 2009 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 midyear 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

analysis of 255 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 84 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 gets stuck

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,

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 390 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

“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 Chihara’s driveway in Kenmore. Tom and Jan Glithero, 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—



SEATTLE/MURKIN ARCHIVES

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?

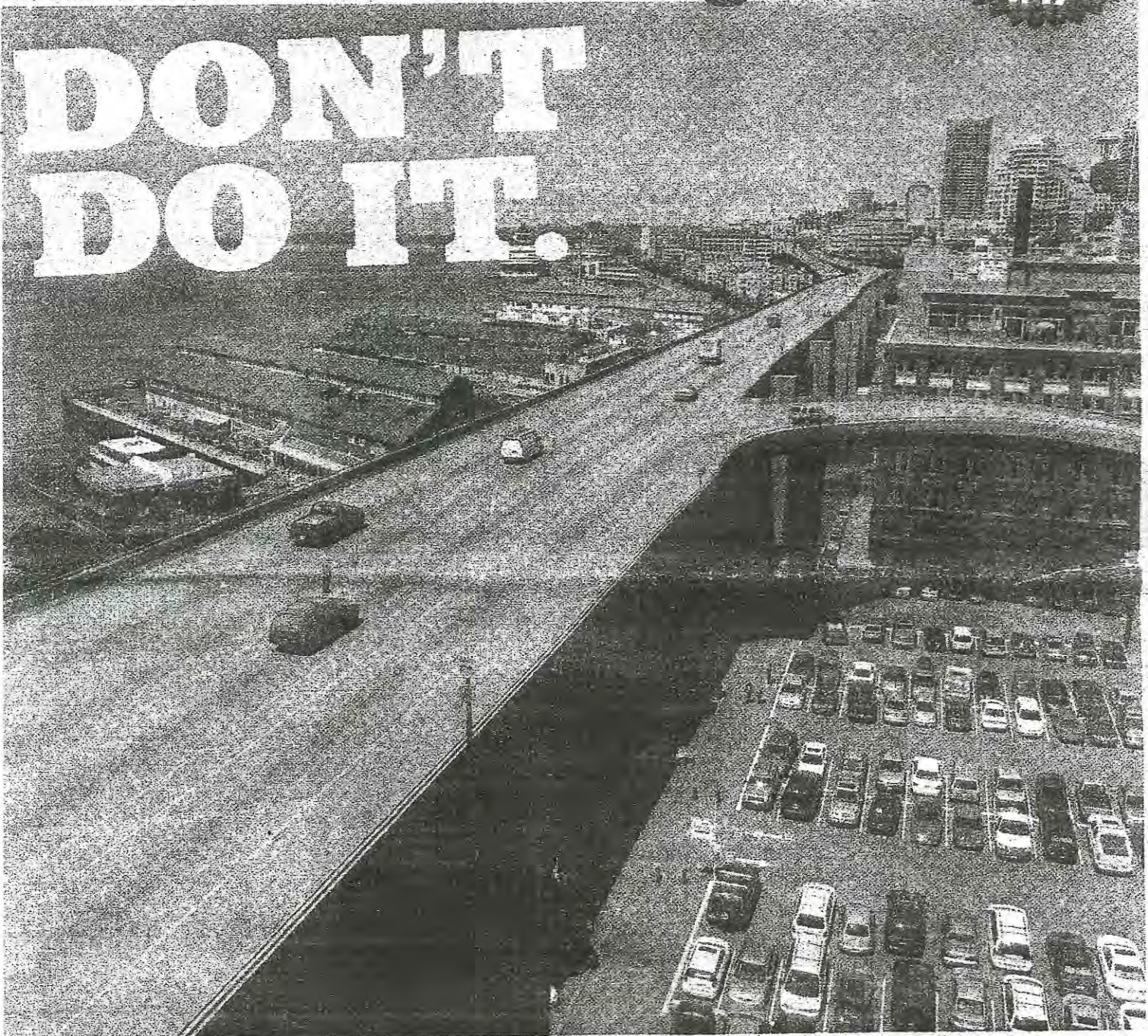
“There are things that could go wrong,” says Cary Moon, director of the People’s Waterfront Coalition and a member of the stakeholders group. And when things go wrong, “Seattle gets screwed every time.” ■

the Stranger

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SMASHED
SEATTLE'S
ST. VALENTINE'S DAY
MASSACRE
P. 17

DON'T DO IT.



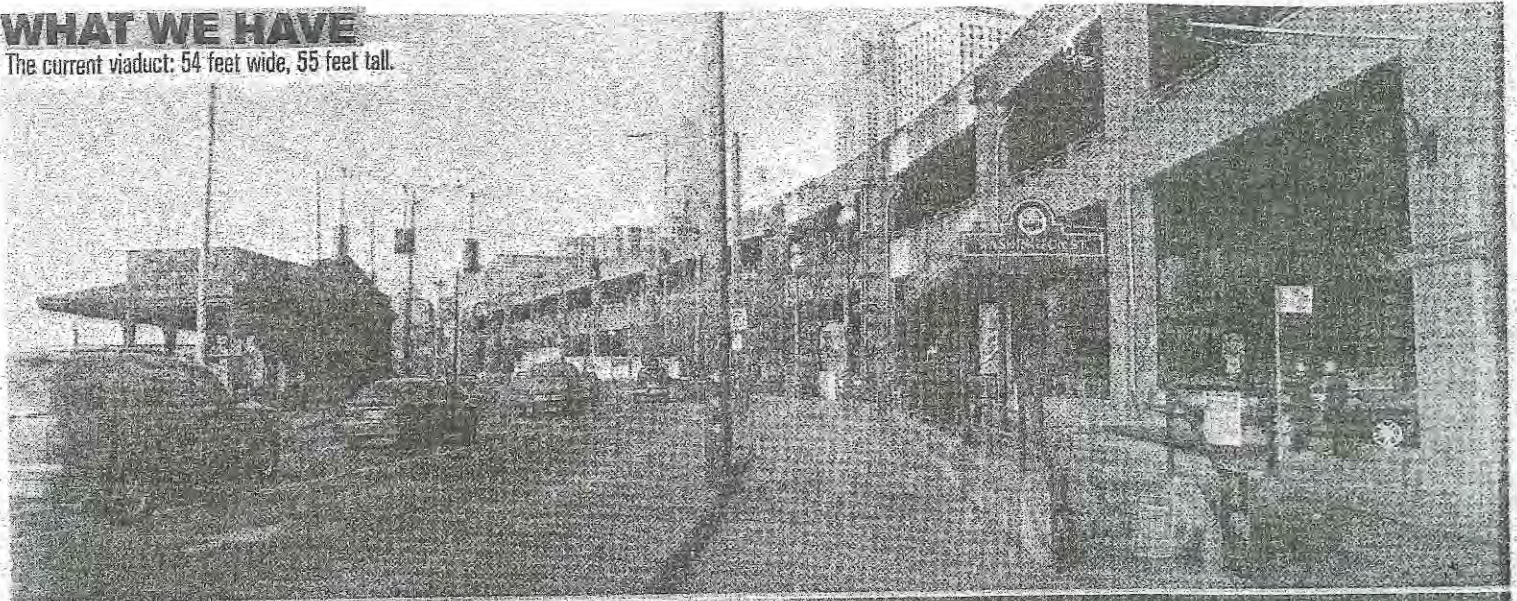
GO TO THE TUNNEL DOWN TO THE REBUILD

ERICA C. BARNETT ON THE VIADUCT VOTE P. 19

NEWS KINK PHOBIA IN KING COUNTY P. 10 **BOOKS** CHRISTOPHER FRIZZELLE GOES DOWN ON 'MORY DICK' P. 35 **MUSIC** ETHIOPIAN HIPHOP! VERA PROJECT PHOTO ESSAY! MOUNT FERRIS! 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 has been 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,

◀ 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 Gary 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

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 directs 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 Briery 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 don'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."

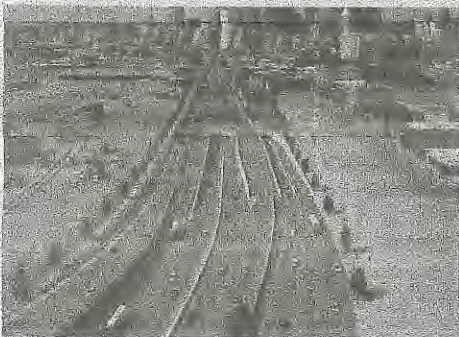
As for city council members and state elected officials—including the governor—who insist that Seattle won't have to pay, regardless of the law as currently written, Kastama urges Seattle taxpayers not to believe them.

"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." ■

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thestranger.com



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 \$3.50 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

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 \$987 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 Paananen, who is overseeing the tunnel project, says will likely end up producing \$355 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 to \$238.6 million to \$309 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, Bilfinger 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 Bilfinger 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 \$2.5 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 2035.

"The use of deception and lying as tactics in power struggles aimed at getting projects started and at making a profit appear to best explain why costs are highly and systematically underestimated in transportation infrastructure projects," say Flyvbjerg, Mette Skamris Holm, and Søren 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 sugarcating, no rose-colored glasses," Rasmussen says. "We have to know all the risks and make sure all of them are honestly portrayed and explained to us... I don't want people to think that we want this so badly that we are ignoring any red flags."

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 weak or adding a cost will kill the project."

Another quote from Richard Conlin: "If this project is now so fragile that asking 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. ■



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 Power-Point 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: 6,000 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 law 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 *hazard* that would clog the waterfront with traffic.

Before we spend \$4.2 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 \$9.50 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, panted: "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 \$300 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 clipping 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, tuning 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 2009. 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 3,500 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 lulls 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 90

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 10 mega-projects do run over budget, and tunnel and bridge projects are particularly vulnerable to unexpected costs—running an average of 94 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 co-lead. But the state is facing a \$6 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, Representative 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 Seagrist told Seattle.com. Likewise, Democrat Jim Kastama said last summer, "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."

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 94 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 action 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-tax 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 Eymann'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.

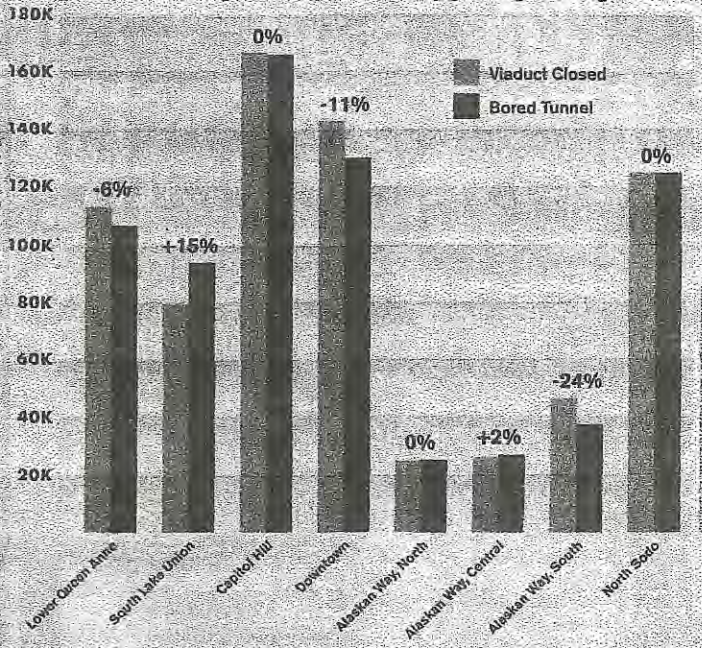
The surface/transit/I-5 option would tear down the viaduct, optimize capacity on downtown streets, add another northbound lane on I-5, and fortify transit service. The city and state studied this in 2008 and, at the city's insistence earlier this year, the state included further analysis in its latest 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 92 intersections with a perfect grade. Likewise, ST5 had only 16 intersections that received an F grade, while a tunnel produced 10 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- >

Traffic in 2030: Comparing the tolled tunnel to closing the viaduct and simply doing nothing



rently 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 0.8 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.

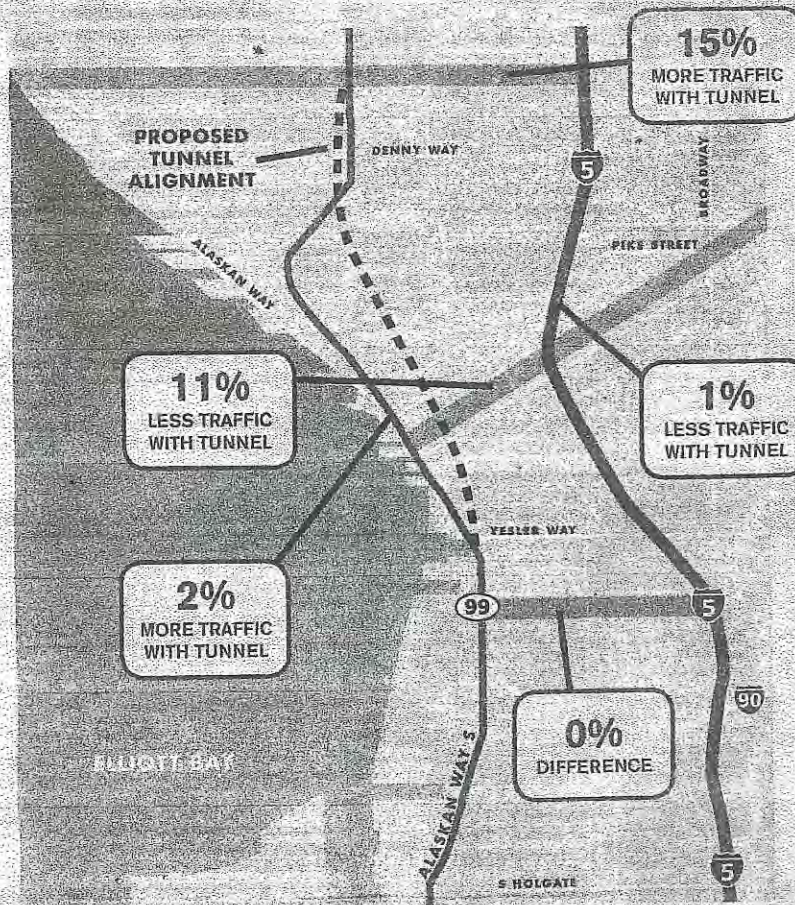
The day after the release of the final environmental impact statement on the tunnel, I'm sitting in a dull-gray conference room across from government officials. Below us is the elderly Alaskan Way Viaduct, cracked and crumbling away in a waterfront hospice. We're laboring through the same play we've 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, cars, 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 gloss 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 2030 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-



Metro natural gardening 2012 test marketing campaign


Making the most of program resources

Carl Grimm, associate solid waste planner
Toby Van Fleet, public affairs specialist



Presentation overview

1. Program context
2. Test campaign goals, strategies and results
3. Program next steps



**Your family.
Your lawn.**

**Keep both of them
Healthy
and safe.**

Did you know that many lawn care products, including "weed and feed," can harm humans, pets and wildlife – and the waterways we all depend on?

Why take the chance? Especially when creating a healthy, pesticide-free lawn for your family is surprisingly easy. Let us show you how.

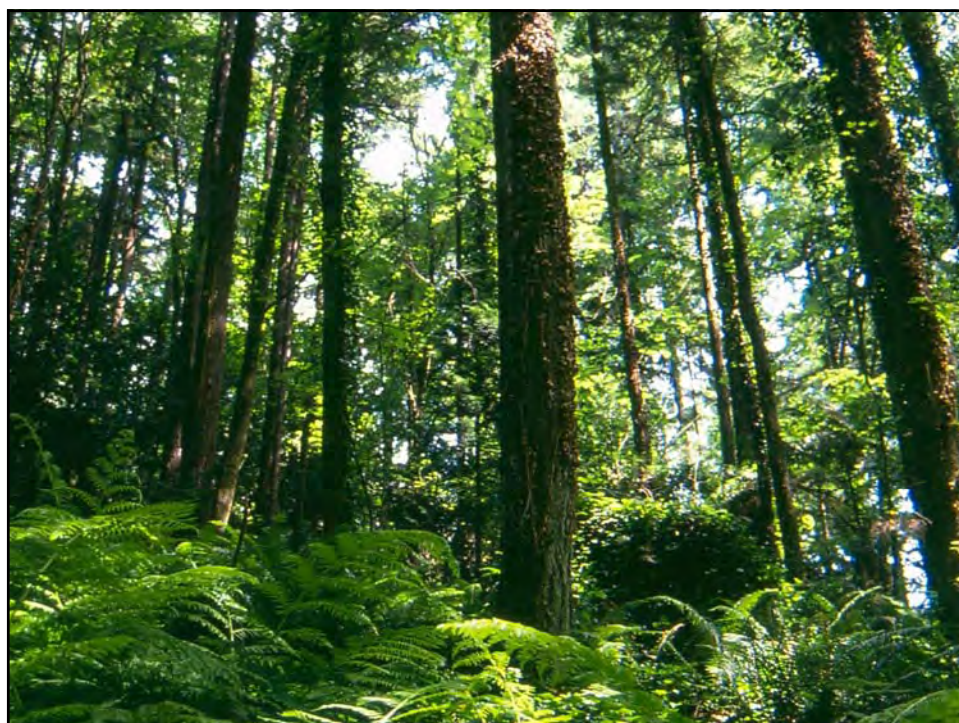
OSU
Metro

Natural gardening program goals

Fulfill RSWMP and Council goals for hazardous waste reduction, and for the protection of human and environmental health

Reduce the use and improper disposal of toxic garden chemicals







Natural gardening program strategy

Use community-based social marketing to engage target audiences and effect measurable behavior change

Leverage existing community resources to extend reach and reduce costs



Natural gardening program elements

- OSU Master Gardener partnership
- Pesticide reduction pledge
- Education resources
- Demonstration gardens
- Retail nursery partnerships
- Earned media



Recent program accomplishments

Near doubling of pledge numbers over last year – thanks to MGs, programs at Zoo and Blue Lake, and online outreach

Significant increase in number of contacts over last year

Test marketing campaign brings program improvements and new members of target audience

2012 test campaign: Goals

Compare outreach channels

Raise awareness

Build relationships



2012 test campaign: Audience

Oregon City and Tigard selected

Expands and deepens engagement with Clackamas and Washington county residents where chemical use is higher

Narrows focus to make most of limited budget

2012 test campaign: Strategy

Health-centered message

- Identified through audience research

Lawns focus

- Narrow the behavior change ask
- Target most commonly-used pesticide (weed and feed) – found in the region's rivers and on DEQ's Toxics Focus List



2012 test campaign: Strategy

Drive audience to new pages on the Metro website

Segment media sources with unique web addresses, allowing us to track which media produces greatest results



2012 test campaign: Tools

Direct mail postcard

Print and online advertising

Healthy Lawn campaign web pages

E-news and pledge action options

**Your family.
Your lawn.**

Keep both of them
**Healthy
and safe.**

Pesticide-free lawn care is surprisingly easy. Learn how...

Direct mail, sent to all residential tax lot owners in Oregon City and Tigard (39,500 total)

**Your family.
Your lawn.**

Keep both of them
**Healthy
and safe.**

Did you know that many lawn care products, including "weed and feed," can harm humans, pets and wildlife – and the waterways we all depend on?

Why take the chance? Especially when creating a healthy, pesticide-free lawn for your family is surprisingly easy.

Let us show you how. Commit to reducing pesticides and we'll send you a free pair of gardening gloves!

Your pesticide-free lawn begins here:
oregonmetro.gov/safegrass

Display ads
in the regional edition of *The Oregonian*, and in *The Tigard | Tualatin | Sherwood Times*.

1/4 page ad to launch campaign;
1/8 page ad to extend five weeks

**Your family.
Your lawn.**

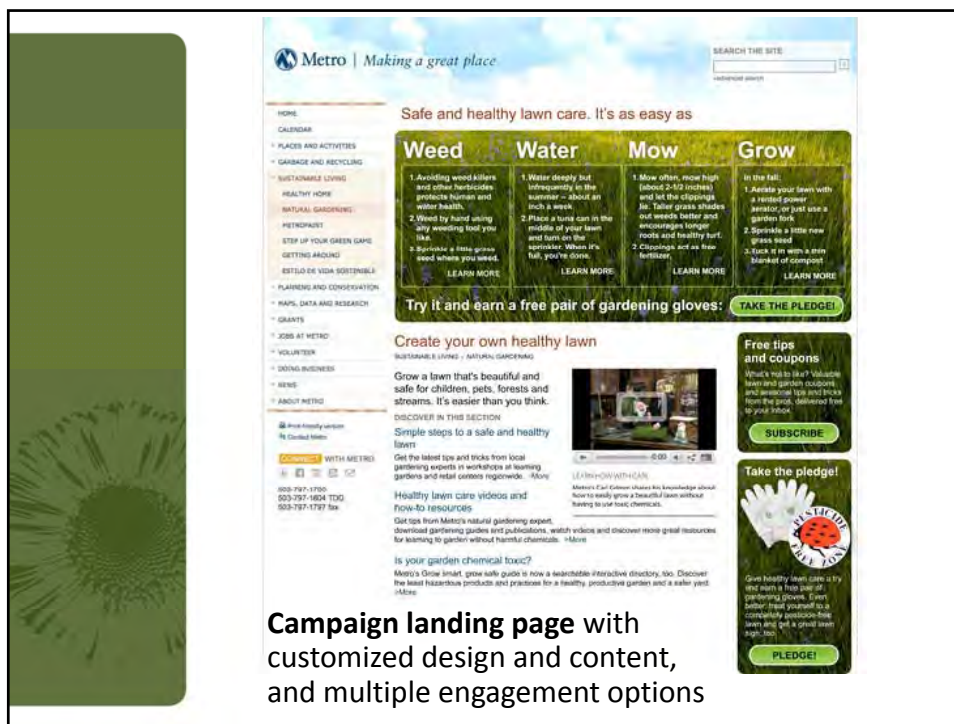
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oregonmetro.gov/safegrass

Earn a free pair of gardening gloves!



Campaign landing page with customized design and content, and multiple engagement options

2012 test campaign: Results

Direct mail proved most effective

- 221 visits with more than two web pages viewed, **on the site 3 minutes or more (!)** (compare to Metro site as a whole: 2.5 pages/visit, 1:15 average time on site)
- **Oregonlive.com ads also effective** with 108 visits

Response was in line with or surpassing typical industry standards

- 364 unique visits, 132 "conversions"



2012 test campaign: Results

Excellent conversion rate

- 19% of visitors completed the pledge
- 18% signed up for email updates, allowing us to continue the relationship and spur change

New pledges

- 66% promised to reduce pesticide use
- 5% pledged to stop using



2012 test campaign: Recommendations for 2013

Focus media budget on direct mail and OregonLive.com (no print advertising)

Begin campaign in May at the start of "lawn season"

Align with "point of sale" outreach, meeting "customers" where they make their decisions

- Lawn care retailers, landscapers and designers
- Home and garden shows, workshops and Master Gardener "clinics"

2012 test campaign: Recommendations for 2013

Test message variations, especially online, to further hone in on what works

Use new, more advanced features of Metro's future CMS, to better track and quantify results



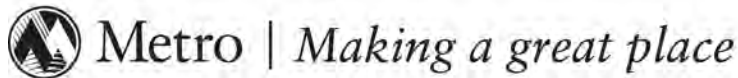
Natural gardening program next steps

Continue to leverage partnerships, especially with OSU

Make data-driven improvements to increase impact and reduce unit costs

Shift more resources upstream to industry audiences





METRO COUNCIL MEETING

Meeting Summary

Sept. 13, 2012

Metro, Council Chamber

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

Councilors Excused: Councilor Rex Burkholder

Council President Tom Hughes convened the regular council meeting at 2:03 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Toby Green, LIUNA 483: Mr. Green stated that Metro's seasonal park workers would like to organize and form a union. He stated that job security, healthcare and potential fulltime employment are important to the workers. He indicated that the majority of workers had already signed union representation cards on two separate occasions. He stated that workers have heard reports that Metro will close the Blue Lake season early due to workers attempting to unionize. Mr. Green stated that this sends the message to workers that if you stand up you will be penalized. He asked Metro to: (1) stay neutral on the issue of organizing a union and let the workers decide, and (2) that all workers who wish to be reemployed next year be invited back and not punished for participating in the union organizing drive.

Nancy Shaw, 2707 Falk Rd., Vancouver, WA: Ms. Shaw addressed the Council on elephant captivity at the Oregon Zoo. She encouraged the Council to visit the web site www.elephants.com for more information on the Tennessee Elephant Sanctuary. She was concerned with elephant breeding and the elephants' health and welfare. She also highlighted the recent Supreme Court ruling in Los Angeles which ruled in favor of the defendants. (Written testimony and handouts included as part of the meeting record.)

Mike Brewster, SEIU Local 49: Mr. Brewster stated that he was a member of SEIU and that as a member he and his colleagues receive affordable healthcare and earn fair wages. He encouraged Metro to select a union custodial service for the Metro Regional Center. He also expressed his support for seasonal park workers to unionize with the Laborers Local 483. He stated that strong communities are created when workers earn a decent wage, receive healthcare and are treated with respect.

Courtney Scott, 2106 NE Flanders, Portland: Ms. Scott addressed the Council on the elephant habitat at the Oregon Zoo. She encouraged the Council to release the elephants to the elephant sanctuary approved by voters as part of the 2008 ballot measure. She stated that, to date, the Zoo Bond Oversight Committee had yet to provide concrete plans for purchasing land or establishing an offsite reserve. She stated that the Zoo's 7 elephants are living in conditions equally bad as those at the Los Angeles Zoo; for example she stated that 6 acres of land is not sufficient for 3 elephants let

alone seven. She encouraged the Council to approve an independent veterinarian to review Packy's medical history and determine if he can be removed to a sanctuary. She discussed various health impacts elephants face due to captivity, including stress/head bobbing, standing on hard surfaces, etc. (Written testimony included as part of the meeting record.)

Nancy Newell, 3917 NE Skidmore St., Portland: Ms. Newell addressed the Council on the elephants at the Oregon Zoo. She stated that while she did not believe the issue warranted legal action yet, it was a waste of taxpayer money. She expressed distrust in the government and how Metro handled the voter approved funds for the elephants. She also addressed the elephants' health.

Denine Ateinemann, 5521 N. Commercial Ave., Portland: Ms. Ateinemann addressed the Council on the elephants at the Oregon Zoo. She stated that the public has a right to know where and how funds from the 2008 bond measure are spent. She was frustrated that after nearly four years the public has yet to see a elephant preserve. She quoted an Oregonian article regarding Packy and the planned Asian Elephant Habitat expansion at the Zoo. She believe the elephant preserve would not be built.

Ninette Jones, 7637 N. Interstate, Portland: Ms. Jones expressed her support for unions. She also addressed the Council on the elephants at the Oregon Zoo. She stated that the 2008 bond was sold to the public as the Packy Bond and that urgent action was needed. However, four years later there has been no expansion of the elephant facility. She stated that 1.5 acres are inadequate for seven elephants and could be considered hoarding. Additionally, Ms. Jones noted that the 1.5 acres are divided into small quadrants due to buildings.

Richard Beetle, LIUNA 483: Mr. Beetle spoke in favor of unions and stated that as business manager of Laborers Local 483 he represents 900 members. He encouraged Metro to honor seasonal and temporary employees' ability to organize. Mr. Beetle stated that a community is put at risk when employees are not provided health insurance, sick leave or fair wages. He stated that Laborers Local would partner with Metro to find solutions, new revenue streams and efficiencies.

3. GLEAN. ENVIRONMENTAL ART EXHIBIT (SEPT. 14-30)

Mr. Paul Slyman, Mr. Dave Dutra, and Ms. Amy Wilson provided a short presentation on GLEAN. Formally known as the Pacific Northwest Art Project, GLEAN is an environmental arts and education program managed by Crack Pots in partnership with Metro and Recology. Mr. Slyman of Metro stated that the GLEAN program is about conserving resources for future generations and inspiring new and creative ways to reuse materials. He stated that GLEAN taps into the creative genius of local artists to generate awareness and to prompt people to seriously think about their consumption habits, to consider new and innovate ways to conserve resources, and to initiate a conversation about the region's waste. He stated that residents and businesses in the region generate approximately 2.1 million tons of discards each year.

Mr. Slyman stated that five artists – Andrew Auble, Chandra Glaeseman, Greg Hanson, Jennifer LaMastra and Sarah Newlands – were selected by a jury of arts and environmental professionals to participate in the program. Each artist received a small stipend. The artists had six months to glean materials from discarded waste at Metro's Central Transfer Station. Mr. Dutra of Recology provided some insight as to what the artists go through in order to glean materials. He highlighted that the artists recovered approximately 15,300 pounds of material this year. In addition, Mr. Dutra expressed his support for the project and stated that the art is more than beautiful, it is expressive and informative. He stated that the art helps to convey the message of zero waste and to reduce the regions overall waste stream.

Ms. Wilson briefly shared information on the artists' diverse styles and what visitors can expect to see at the show. The art will be on display at Disjecta art gallery from Sept. 14 to 30, 2012. For more information on GLEAN visit www.oregonmetro.gov or www.gleanpdx.org.

4. **CONSENT AGENDA**

Motion:	Councilor Shirley Craddick moved to approve the consent agenda: <ul style="list-style-type: none">• Consideration of the Minutes for August 16, 2012• Resolution No. 12-4366, For the Purpose of Amending the FY 2012-13 Unified Planning Work Program (UPWP) to Add Funding for the OR 8/47 Intersection Improvement Project.
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Vote:	Council President Hughes and Councilors Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 6 ayes, the motion <u>passed</u> .
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5. **ORDINANCES – FIRST READ**

- 5.1 **Ordinance No. 12-1285**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule to Provide Funding for Natural Areas Funding Public Involvement.

Second read, public hearing and Council consideration and vote are scheduled for Sept. 20th. Councilor Barbara Roberts was assigned carrier for the legislation.

6. **RESOLUTIONS**

- 6.1 **Resolution No. 12-4365**, For the Purpose of Selecting a Development Team for the Development of the Oregon Convention Center Hotel and Directing Staff to Commence Project Negotiations with Development Team.

Motion:	Councilor Roberts moved to approve Resolution No. 12-4365.
Second:	Councilor Kathryn Harrington seconded the motion.

Councilor Roberts introduced Resolution No. 12-4365 and stated that approval of the resolution would serve as the next step in the evaluation, examination and preliminary negotiations for the possibility of a hotel at the Oregon Convention Center. Councilor Roberts provided a brief recap of the Sept. 4 work session presentation and staff recommendation to select the Mortenson/Hyatt team as the preferred development team. She stated that with this project, Metro would like to create living wage jobs, capitalize on the current favorable construction climate, take advantage of historically low commercial lending rates, leverage the upswing in the hotel market, and address the pent up demand for Portland as a convention destination. Councilor Roberts stated that at Council's direction, staff has accomplished key project objectives:

- Staff has engaged the City of Portland, Multnomah County, Portland Development Commission, business and community leaders across the region, and members of the tourism and hospitality sectors;
- Staff has solicited interest for private sector finance, construction, operation and ownership; and
- Staff has created an evaluation team of public and private experts to conduct due diligence and analysis of the development proposals received in response to the Request for Proposals.

Council President Hughes welcomed Mr. Dan Cooper and Ms. Teri Dresler of Metro and Mr. Scott Cruickshank of the Oregon Convention Center for a brief staff presentation. Dr. Cooper provided a short historical summary of the OCC which was approved by the voters in 1986 and opened in 1990. He stated that the Portland Development Commission created an urban renewal district and set the building of a hotel adjacent to the OCC as its first priority. While hotel capacity was added to the city's downtown throughout the years, no movement was made in developing an OCC hotel until PDC revived the project in 2004. However, due to a series of challenges the project failed. Staff and stakeholders believed it was time to reconsider an OCC hotel; citing a need for a stimulus to help grow OCC business, create new jobs, and stimulate the hotel market.

Mr. Cruickshank stated that Travel Portland has repeatedly stated that the single most important element Portland is missing is a nationally branded hotel adjacent to the OCC that can provide a significant room block dedicated to national conventions. He stated that reports show the Portland region lost 30 convention bookings last year totaling an economic impact of approximately \$35 million. He stated that the Portland area is competing for business with cities such as Austin, Texas and Spokane, Washington.

Ms. Dresler provided background on the evaluation committee and the process the committee went through to evaluate the two proposals: Langley and Mortenson/Hyatt. The evaluation committee was comprised of members from PDC, the City of Portland, Multnomah County, Metro and members of the hospitality community. She stated that there were two primary areas where the proposals were significantly different: (1) the financial plan, and (2) predevelopment cost proposal. Ms. Dresler stated that the Mortenson/Hyatt proposal assumed two large risks: coverage of all of the construction financing and coverage of all predevelopment costs. Additionally, Hyatt agreed to sign a letter of intent to purchase the hotel. Ms. Dresler also noted that the Mortenson/Hyatt proposal contains two options: (1) a campus approach made up of a 400-room block Hyatt Regency Hotel and a 200-room block Hyatt Place Hotel; or (2) a 600-room block Hyatt Regency. Ms. Dresler stated that the evaluation committee unanimously recommended Mortenson/Hyatt as the development team, but did not make any recommendations on which option to select. Although the campus approach was favored by the development team, the evaluation committee questioned whether the package would move the needle on attracting national conventions.

Ms. Dresler reconfirmed that approval of Resolution No. 12-4365 would not approve a specific development proposal, or a work program, or specific financial terms. She stated that Metro is committed to holding negotiations after Hyatt and UniteHere reach a labor peace agreement. Additionally, if approved Metro is committed to a negotiation process that would allow for periodic updates to stakeholder groups and the general public. Staff anticipated Council would consider the negotiated business terms on the proposed project and outside market and industry analyses in December 2013. Pending that action, staff anticipated Council consideration of a development plan and financing agreement in spring 2013.

Council President Hughes welcomed project stakeholders to share comments on Resolution No. 12-4365:

- Eric Jacobson, Portland Development Commission: Mr. Jacobson expressed PDC's support for the resolution. He stated that PDC administers urban renewal plans for its urban renewal areas and that an OCC hotel has been the number one priority for this area. He stated that the goal of the hotel is to attract large national conventions as well as to redevelop some of the adjacent properties to the OCC. Mr. Jacobson stated that PDC has supported the OCC hotel in multiple ways and highlighted PDC's financial contributions. First, that PDC is committed to making their properties – adjacent to the OCC – available for sale at fair market value, and secondly that PDC has budgeted \$4 million to support the establishment of an OCC hotel.
- Jeff Miller, Travel Portland: Mr. Miller expressed Travel Portland's support for the resolution. He stated that travel and tourism in the region account for \$3.8 billion in spending and support over 29,000 jobs. He emphasized that the proposed hotel is a regional asset. He also expressed Travel Portland's desired that the right project be selected – a project that would move the needle for business in Portland and grow convention business. He also briefly spoke to Hyatt's ability to book business and fill the hotel when there are not major conventions in town. Lastly, Mr. Miller shared an e-mail from a potential client stating that Portland was not selected for her company's convention due to the lack of hotel accommodations adjacent to the OCC.
- Roy Jay, Roy Jay Enterprises: Mr. Jay expressed his support for the resolution and stated, "If you build it, they will come." He stated that the proposal presents an opportunity for Metro and partners to build a hotel that the region can be proud of, and that after lots of review the evaluation committee has selected a proposal the committee feels is best for the OCC site and city as a whole. He stated that Travel Portland, the OCC, and his staff would be in Washington, DC in September to encourage meeting planners to come to Portland. Mr. Jay stated that not only "If you build it, they will come," but it could also encourage other developers to build and add hotel capacity. Lastly, he noted that the proposals are low risk and should move forward.
- Lisa Schroeder, Mother's Bistro and Mamma Mia Trattoria: Ms. Schroeder stated that her business and her employees feel the positive effect from tourists and conventions. She supported the resolution and stated that it is time to move forward. She stated that Portland is finally getting attention from the food world and emphasized the importance of keeping the city on the map.
- Bernie Bottomly, Portland Business Alliance: Mr. Bottomly stated that the Alliance was in favor of a financially viable OCC hotel. He stated that the visitor industry is a critical part of the local economy and that convention industry is an important component. He reiterated comments about losing convention business due to the lack of a hotel adjacent to the OCC. He stated that Metro and partners' concept could address the issue and help secure Portland's role as a desirable destination, help the region better compete in the national convention market, and benefit the community at large and economy as a whole. He did however state that it is important that the proposal be carefully vetted to ensure that any financial risk to taxpayers be clearly understood and mitigated. He cautioned that more information is needed to make an informed decision and looked forward to December 2012 when additional information would be available.

- Jodi Guetzloe Parker, Columbia Pacific Building Trade Council: Ms. Parker stated that she represented 26 affiliates and approximately 10,000 members. She expressed her support for the resolution, stating that the project would have a definite impact on construction jobs. She also addressed the positive impacts to local businesses.

Council President Hughes opened the meeting to citizen comment on Resolution No. 12-4365:

- Mark Sherman, Southeast Portland: Mr. Sherman questioned that if there was a need for a hotel – that is a potential money maker – why no developers would build the hotel without a huge subsidy. He was concerned that Metro and partners could directly build a hotel with the money Hyatt is requesting upfront. He also addressed tourists’ desire to eat at low wage food establishments and the predominantly low wage hotel staff positions. He encouraged the Council to hold the resolution until more information on the market analysis was available. He offered to provide additional information if desired.

Councilor Hosticka stated that he would appreciate having any additional information from Mr. Sherman in writing.

- Nischit Hegde, UniteHere Local 8: Ms. Hegde expressed UniteHere’s – which represents hospitality workers in Oregon and Washington state – interest in the OCC hotel project and stated that if done right the OCC hotel could bring more business to Portland. She stated that the project must be done well and that UniteHere would continue to be engaged throughout the process to ensure the project is good for Portland, hotel workers, Metro, Multnomah County and tourists.
- Paul Raynor, UniteHere Local 8: Mr. Raynor stated that he was a server at the Benson Hotel, a union hotel. He stated the biggest difference between union and non-union hotels is workers’ security (e.g. affordable healthcare and living wages). He also noted the experience required when dealing with repeat convention guests who potentially spend millions in the Portland area. He encouraged Metro and partners to build and operate the hotel with union labor.
- Tim Ramis, Jordan Ramis: Mr. Ramis addressed the Council on behalf of a coalition of downtown hotel owners including the Hilton, Westin, Lucia, Governor, Deluxe, and the Benson. He highlighted concerns in the proposal and cited similar experiences by the Nines Hotel, a hotel under the leadership of PDC. He highlighted two key transaction issues with the Nines that he hoped Metro would not experience: (1) unreliable outside projections that were not vetted or peer reviewed by the local hotel industry, (2) failure to have protections in place should the market projections fail. Mr. Ramis recommended 60-days be added to the schedule – prior to Metro and partners’ votes – to allow for a peer review of the new market analysis. He stated that a good proposal in December would be just as good in February 2013. He also recommended a rate floor be included in the term sheet. (Handout included as part of the meeting record.)

Council asked if a rate floor was some percentage of the average daily rate. Mr. Ramis stated that was probably correct and he would be happy to work with staff on this issue. He also noted that evaluation committee member Mr. Wally has a great deal of experience in this area. Additional council discussion included what it means to “take the time to get it right” in terms of vetting and peer reviewing the proposal. Mr. Ramis stated that the important question for Council consideration was if there really exists an expanding market that the

Portland area can compete in. He stated that this question needed to be addressed prior to making an investment.

- John Weigant, 18989 NE Marhe Dr. #15, Portland: Mr. Weigant cautioned the Council about using public funding for the project and believed the private sector had the capacity to build the hotel. He did express support for a privately funded hotel. Mr. Weigant stated that the world has changed; he emphasized sustainability and that conventions were an unsustainable practice (e.g. carbon footprint). He encouraged Metro to explore opportunities for a virtual convention center. He also supported the need for a public review of the market projections and recommended the proposal be vetted with a citizen committee.
- Ron Robbins, Northwest Regional Council of Carpenters: Mr. Robbins stated that he represented 5,000 carpenters in Oregon and noted the challenges the organization and workforce has experienced due to unemployment and the down economy. He supported the resolution, stating that the project would provide both short and long-term jobs. He applauded the courage of Metro and partners to move the project forward.
- Sarah Mensah, Portland Trail Blazers: Ms. Mensah expressed support for the resolution on behalf of the Portland Trail Blazers and Lloyd District Partnership. She believed the hotel could attract larger national and regional conventions, and was in support of a hotel with a minimum 500 room block. She highlighted the NBA's All-Star game as a missed opportunity due to the lack of a hotel. She stated the project was long overdue.
- Norm Curry, Carpenters Union: Mr. Curry, of the Pacific Northwest Regional Council of Governments, represented carpenters and the tradeshow industry in Oregon and southwest Washington. He expressed his support for the resolution citing the jobs the hotel project would create. He also noted that the carpenters have a large national tradeshow convention that is committed to bringing their national tradeshow contract to the Portland area that it would not otherwise consider without a hotel.

Seeing no additional members of the public who wished to testify, Council President Hughes opened the resolution for Council discussion.

Councilors expressed their support for the resolution and stated that the resolution allows Metro and partners to move forward with a proposal that supports the objective of improving the Portland area and state's economy by maximizing public investment in the OCC. Councilors stated that this proposal, compared to proposals from previous years, would be a privately owned hotel that has a public benefit associated with it (e.g. attracting national convention business). Councilors believed a public subsidy was justified since the hotelier might have built a different hotel – with fewer amenities – if it was not for the OCC. Councilors looked forward to next steps in reaching a labor peace agreement, and finalizing the new market analysis. Councilors were also open to having additional people review the analysis. Councilors did state they would compare the size of the public subsidy to the public's benefit. Councilors emphasized the need to protect the public investment and established hotel market.

Vote:

Council President Hughes and Councilors Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 6 ayes, the motion passed.

7. CHIEF OPERATING OFFICER COMMUNICATION

Mr. Scott Robinson of Metro provided updates on the following:

- The final construction bid for the elephant exhibit is scheduled to close on Oct. 12. Staff anticipates a groundbreaking on the new exhibit in a Jan. 2013.
- The Oregon Zoo was recently awarded three awards from the American Association of Zoos and Aquariums for its conservation and environmental efforts.
- On Sept. 13 Metro closed on a 25-acre land acquisition known as the Fields Property in Tigard.
- Blue Lake is still closed to swimmers. Staff recommended park patrons use the spray park instead.
- Staff confirmed the derelict barge, known as the Vancouver Yacht Club, as been disassembled. Logs from the barge have been reused.
- The Portland Center for the Performing Arts celebrated its 25th anniversary.
- Staff and Councilor Craddick's recently toured the Recology facility on Foster Road.

8. COUNCILOR COMMUNICATION

Councilor updates included the Sept. 12 Metro Policy Advisory Committee tour of St. Johns, and Mt. Hood Community College Board of Directors Committee discussion on the development of the new College Nature Park.

9. ADIURN

There being no further business, Council President Hughes adjourned the regular meeting at 3:55 p.m. Council will convene the next regular council meeting on Thursday, September 20 at 2 p.m. at the Metro Council Chamber.

Respectfully submitted,



Kelsey Newell, Regional Engagement and Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF SEPT. 13, 2012

Item	Topic	Doc. Date	Document Description	Doc. Number
	Agenda	9/13/12	Revised 9/13/12 Council agenda	91312c-01
2.0	Testimony & Handouts	9/13/12	Testimony from Nancy Shaw	91312c-02
2.0	Testimony	9/13/12	Testimony from Courtney Scott	91312c-03
2.0	Testimony	N/A	Written testimony submitted by B. Ellis	91312c-04
6.1	Testimony	9/13/12	Written testimony submitted by Frank Casarez	91312c-05
6.1	Testimony	9/13/12	Written testimony submitted by Tom Drumheller	91312c-06
6.1	Handout	9/7/12	Handout submitted by Tim Ramis	91312c-07

BEFORE THE METRO COUNCIL

AMENDING THE FY 2012-13 BUDGET AND) ORDINANCE NO. 12-1289
APPROPRIATIONS SCHEDULE FOR)
COMPLIANCE WITH TITLE VI OF THE CIVIL) Introduced by Martha Bennett, Chief
RIGHTS ACT OF 1964) Operating Officer, with the concurrence of
) Council President Tom Hughes

WHEREAS, Metro, as a recipient of federal funds, must ensure that all Metro programs, projects and activities expend public funds in a way that complies with Title VI of the Civil Rights Act of 1964 (“Title VI”) and does not encourage, subsidize or result in discrimination based on race, color or national origin, including Limited English Proficiency; and

WHEREAS, a federal executive order concerning the requirements regarding Limited English Proficiency has been in place since 2000, and while Metro has consistently been in compliance with the requirements of Title VI, the Obama Administration has instituted more stringent oversight for implementation and reporting under the Act; and

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 increase appropriations within the FY 2012-13 Budget; and

WHEREAS, the need for the increase of appropriation 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 ensuring compliance with Title VI of the Civil Right Act of 1964.
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. 12-1289

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Communications							
<i>Personnel Services</i>							
<i>SALWGE 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	7.75	429,697	-	0	7.75	429,697
	Associate Visual Communications Desig	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
5020	Reg Emp-Part Time-Exempt						
	Associate Public Affairs Specialist	-	0	0.38	21,326	0.38	21,326
5089	Salary Adjustments						
	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
<i>FRINGE Fringe Benefits</i>							
5110	Fringe Benefits - Payroll Taxes		139,320		1,794		141,114
5120	Fringe Benefits - Retirement PERS		232,663		3,002		235,665
5130	Fringe Benefits - Health & Welfare		298,310		5,111		303,421
5140	Fringe Benefits - Unemployment		1,972		0		1,972
5150	Fringe Benefits - Other Benefits		8,934		125		9,059
Total Personnel Services		22.75	\$2,340,085	0.38	\$31,358	23.13	\$2,371,443
Total Materials & Services			\$261,500		\$0		\$261,500
TOTAL REQUIREMENTS		22.75	\$2,601,585	0.38	\$31,358	23.13	\$2,632,943

Exhibit A
Ordinance No. 12-1289

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Research Center							
<i>Personnel Services</i>							
<i>SALWGE Salaries & Wages</i>							
5010	Reg Employees-Full Time-Exempt						
	Assistant GIS Specialist	1.00	55,235	-	0	1.00	55,235
	Administrative Specialist IV	1.00	52,581	-	0	1.00	52,581
	Assistant Regional Planner	1.00	60,837	-	0	1.00	60,837
	Associate GIS Specialist	1.00	73,892	0.75	46,973	1.75	120,865
	Associate Transportation Modeler	4.00	272,088	-	0	4.00	272,088
	Director	1.00	135,739	-	0	1.00	135,739
	Manager I	1.00	93,311	-	0	1.00	93,311
	Manager II	2.00	183,384	-	0	2.00	183,384
	Principal GIS Specialist	1.00	89,745	-	0	1.00	89,745
	Principal Regional Planner	1.00	89,745	-	0	1.00	89,745
	Principal Transportation Modeler	3.00	269,236	-	0	3.00	269,236
	Program Supervisor II	2.00	153,875	-	0	2.00	153,875
	Senior GIS Specialist	4.00	311,916	-	0	4.00	311,916
	Senior Transportation Modeler	2.00	170,977	-	0	2.00	170,977
5020	Reg Emp-Part Time-Exempt						
	Associate GIS Specialist	1.10	65,522	-	0	1.10	65,522
	Senior GIS Specialist	2.40	169,598	-	0	2.40	169,598
5089	Salary Adjustments						
	Merit/COLA Adjustment (non-rep)		15,524		0		15,524
	Step Increases (AFSCME)		26,902		0		26,902
	COLA (represented employees)		42,916		0		42,916
<i>FRINGE Fringe Benefits</i>							
5110	Fringe Benefits - Payroll Taxes		195,868		3,949		199,817
5120	Fringe Benefits - Retirement PERS		327,445		6,614		334,059
5130	Fringe Benefits - Health & Welfare		386,595		10,223		396,818
5140	Fringe Benefits - Unemployment		7,934		0		7,934
5150	Fringe Benefits - Other Benefits		12,291		267		12,558
Total Personnel Services		28.50	\$3,263,156	0.75	\$68,026	29.25	\$3,331,182
Total Materials & Services			\$617,779		\$0		\$617,779
TOTAL REQUIREMENTS		28.50	\$3,880,935	0.75	\$68,026	29.25	\$3,948,961

Exhibit A
Ordinance No. 12-1289

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
Total Interfund Transfers			\$7,721,525		\$0		\$7,721,525
<u>Contingency & Unappropriated Balance</u>							
CONT	Contingency						
5999	Contingency						
	* Contingency		3,305,375		(146,000)		3,159,375
	* Opportunity Account		266,100		0		266,100
UNAPP	Unappropriated Fund Balance						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,430,861		0		2,430,861
	* PERS Reserve		4,613,474		0		4,613,474
	* Reserve for Future One-Time Expenditures		1,758,931		0		1,758,931
	* Reserved for Community Invest. Initiative		393,000		0		393,000
	* Reserved for Local Gov't Grants (CET)		2,128,369		0		2,128,369
	* Reserved for Cost Allocation Adjustments		382,035		0		382,035
	* Reserved for Future Planning Needs		13,756		46,616		60,372
	* Reserved for Metro Export Initiative		50,000		0		50,000
	* Reserved for Capital		26,000		0		26,000
	* Reserved for Web Project		225,005		0		225,005
	* Reserve for Future Debt Service		639,414		0		639,414
Total Contingency & Unappropriated Balance			\$16,232,320		(\$99,384)		\$16,132,936
TOTAL REQUIREMENTS		449.50	\$109,974,959	1.13	\$0	450.63	\$109,974,959

Exhibit B
Ordinance 12-1289
Schedule of Appropriations

	<u>Revised</u> <u>Appropriation</u>	<u>Revision</u>	<u>Revised</u> <u>Appropriation</u>
GENERAL FUND			
Communications	2,601,585	31,358	2,632,943
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	6,761,825	0	6,761,825
Planning and Development	14,477,196	0	14,477,196
Research Center	3,880,935	68,026	3,948,961
Sustainability Center	4,260,662	0	4,260,662
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	3,571,475	(146,000)	3,425,475
<i>Total Appropriations</i>	97,314,114	(46,616)	97,267,498
Unappropriated Balance	12,660,845	46,616	12,707,461
Total Fund Requirements	\$109,974,959	\$0	\$109,974,959

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE FY 2012-13 BUDGET AND APPROPRIATIONS SCHEDULE FOR COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Date: September 19, 2012

Prepared by: Ben Ruef 503-797-1630

BACKGROUND

As a recipient of federal funds, Metro must ensure that all Metro programs, projects and activities spend public funds in a way that complies with Title VI of the Civil Rights Act, i.e., does not encourage, subsidize or result in discrimination based on race, color or national origin (including limited English proficiency).

Although a federal executive order on Limited English Proficiency (LEP) has been in place since 2000 and Metro has consistently been in compliance with Title VI requirements, the current administration is instituting more stringent oversight and expectations in terms of implementation and reporting.

In the most recent update, the FTA required Metro to take additional steps, including developing a more robust Limited English Proficiency plan. Metro received final compliance approval on May 10, 2012; however, federal agreement on the resulting work program came too late to include additional requests in the FY 2012-13 budget process. Were Metro to lose its Title VI approval from FTA, over \$6 million of federal grant funding would be at risk.

The work plan for Title VI/LEP implementation leverages existing resources and coordinates with other work, including the Diversity Action Plan, the equity strategy proposal, and project outreach. Examples of coordination include:

- Accessing existing FY 2012-13 budget allocations for translation services, currently included in COO budget and managed by Metro's diversity coordinator, Bill Tolbert.
- Collaboration on development of equity strategy proposal, identifying cost savings especially in the areas of data collection and analysis.
- Identifying opportunities to coordinate and benefit from relationship-building with key community stakeholders in equity, diversity and environmental justice.

In addition, enhanced demographic data collection will enable the entire agency to more effectively and efficiently conduct program and project work, including: Diversity Action Plan, future Title VI/LEP certification, corridor/NEPA analysis, RTP/MTIP analysis, equity strategy scoping, Sustainability Center demographic research, etc.

Key tasks included in Metro's LEP Implementation Plan are:

1. *Data tracking and plan scope*
 - a. Following data collection, complete LEP Factor 1 analysis
 - b. Add LEP questions to Title VI tracking form for public events
 - c. Improve consistency and breadth of data collection through Metro public involvement events and surveys

2. *Translation services*
 - a. Define “vital documents” and provide translation
 - b. Establish tracking process and process to monitor and translate new documents
3. *Notices*
 - a. Update Metro signage following Factor 1 analysis
 - b. Develop outreach process for notice of right to language assistance
 - c. Share LEP plan
4. *Procurement*
 - a. Develop and review contract language to ensure compliance with Title VI regulations
5. *Training*
 - a. Conduct research on best practices for training modules
 - b. Deliver training to MPO function workgroups on Title VI and LEP responsibilities and resources
 - c. Determine need and timing for training for employees in other Metro functions
6. *Outreach*
 - a. Develop intake questions to determine how best to serve LEP populations
 - b. Develop outreach strategy to community organizations serving LEP populations, focusing first on MPO functions. Strategy should include capacity building, culturally competent training and material
 - c. Target outreach in coordination with community organizations
 - d. Establish internal working group to identify and leverage areas for collaboration
7. *Evaluation and reporting*
 - a. Establish and implement reporting schedule and work plans for Title VI and LEP requirements (including near-term update of Transportation Public Involvement Policy) to:
 - i. ODOT annually
 - ii. FTA according to Title VI reporting schedule
 - iii. Determine reporting level to Metro Council

This action requests the addition of two positions on a limited duration basis through 9/30/13 – 1.0 FTE Associate GIS Specialist and 0.50 FTE Associate Public Affairs Specialist. This action provides funding through 6/30/2013 for both positions. It also reserves an amount necessary to fund the estimated costs of both positions through the remaining authorized duration in FY 2013-14. Future budget needs will be addressed through the annual budget process.

Resource needs	Implementation Plan tasks	Agency outcomes/benefits
1.0 FTE Assoc. GIS Specialist LD thru 9/30/13 DRC	Title VI/LEP Factor 1 demographic data gathering, development of a permanently maintained data layer, analysis for the region	Initiate enhanced demographic data collection that will eventually provide needed demographic data to inform multiple programs and projects, including equity strategy proposal
0.50 FTE Assoc. PA Specialist LD thru 9/30/13 Communications	Implements an agency-wide Title VI compliance, including employee training, language assistance, community outreach, procurement, translation, and reporting (<i>NOTE: while completing these tasks, protocols and best practices will be created</i>)	Initiate creation of agency protocols and best practices that will ensure inclusive and effective access to MPO functions, with possible benefits to customers of other Metro programs and services
\$0	Translation services for signs, documents and in-person interaction (estimated \$12,000 covered by Diversity Action Plan budget)	Meets Title VI/EJ/LEP requirements and provides agency access to documents and translation services

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. ORS 294.463 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction. ORS 294.338 allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose
- 3. Anticipated Effects:** This action provides resources necessary to ensure that all Metro programs. projects and activities spend public funds in a way that complies with Title VI of the Civil Rights Act.
- 4. Budget Impacts:** This action transfers \$146,000 from the General Fund Contingency to ensure Title VI compliance as stated above. It adds two limited duration positions – 1.0 FTE Associate GIS Specialist and 0.50 FTE Associate Public Affairs Specialist both authorized through 9/30/13. Finally, included in the transfer of \$146,000 from contingency is a reserve of \$46,616 for future needs to fund the estimated FY 2013-14 cost of funding the positions through the remaining authorized duration.

RECOMMENDED ACTION

The Chief Operating Office recommends adoption of this Ordinance.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ALLOWING THE)	RESOLUTION NO. 12-4367A
METRO COUNCIL TO CALL ON THE)	
FEDERAL GOVERNMENT TO CONDUCT A)	Introduced by Councilor Rex Burkholder
THOROUGH REVIEW OF THE POTENTIAL)	
IMPACTS OF LARGE SCALE COAL EXPORTS)	
ON THE ECONOMY, TRANSPORTATION)	
SYSTEM, AIR QUALITY, ENVIRONMENT)	
AND PEOPLE OF THE PORTLAND)	
METROPOLITAN AREA		

WHEREAS, there is an unprecedented number of coal export proposals pending in the Pacific Northwest, including Oregon; and

WHEREAS, current proposals could result in an additional 157 million tons of coal exports coming through the Pacific Northwest by train and by barge; and

WHEREAS, this increase in coal exports will require up to 60 additional trains coming through the Columbia Gorge National Scenic Area and into Oregon and Washington; and

WHEREAS, each of these additional trains may include 125 uncovered cars each totaling 1 ½ miles in length; and

WHEREAS, fifty of the crossings these trains will use throughout the Portland metropolitan region are at street level, which may cause significantly increased congestion and noise, impacts to public safety, and delays in emergency response; and

WHEREAS, this additional train congestion may impede local jurisdictions' plans for community development and the achievement of local aspirations; and

WHEREAS, this additional train congestion may restrict commerce and the movement of goods in the region, including agricultural products; and

WHEREAS, the significant increase of train and towboat diesel particulate matter and coal dust may increase incidence of asthma; impaired pulmonary development among adolescents; heart attack and stroke among adults; chronic bronchitis; emphysema; and

~~WHEREAS, the continued use of coal as a primary source of energy undermines the State of Oregon's goals for reducing carbon emissions and the region's work toward those ends; and~~

~~Whereas, the continued use of coal as a primary energy source undermines the region's ability to achieve its desired outcomes for successful community, including the region's goal of leadership in addressing climate change, and~~

~~Whereas the continued use of coal as a primary energy source also runs directly counter to the region's efforts to reduce carbon emissions from transportation through the state-mandated Climate Smart Communities program;~~

WHEREAS, Metro is the Metropolitan Planning Organization responsible for air quality, state carbon reduction plan implementation, and transportation planning in the Portland metropolitan region; now therefore;

BE IT RESOLVED that the Metro Council calls on the federal government to conduct a thorough review of the cumulative potential impacts of large scale coal exports on the region's economy, transportation system, air quality, public health, environment and people of the Portland metropolitan area, and directs Metro staff to communicate this request with our federal elected officials and appropriate federal agencies.

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

Tom Hughes, Council President

Approved as to Form:

Alison Kean Campbell, Metro Attorney



Climate Solutions

PRACTICAL SOLUTIONS TO GLOBAL WARMING

September 20, 2012

Metro President Tom Hughes
Metro Council
600 NE Grand Avenue
Portland, OR 97232

Dear President Hughes and Councilors:

Climate Solutions strongly supports Councilor Burkholder's Resolution No. 12-4367 requesting a thorough review of the cumulative impacts of the proposed coal export terminals. We request that you pass this resolution at the Council meeting today.

Current Northwest coal export proposals total approximately 145-150 million tons a year at full capacity. That is roughly fifty times as much coal as the Boardman coal plant burns each year. If only one-tenth of that amount of coal is exported, it's still five times as much coal as we burn in Oregon currently. The carbon dioxide generated from burning that much coal would equal the emissions created by all the gasoline burned in the Western U.S.

We agree that the proposals to export coal from Northwest ports stands in direct contradiction to the State of Oregon's goals on climate change and undermine the region's work to develop broadly shared sustainable prosperity. In addition, Metro's transportation planning authority and expertise make you uniquely positioned to weigh in regarding to the effects of these proposals on our transportation corridors.

The transportation impacts of these proposals will have a direct effect on the economic future of the Northwest and the important industries which rely on rail and the Columbia River. The increase in coal-related rail volumes would place a huge strain on the existing infrastructure network. Let me be clear: Climate Solutions supports rail transportation. But we are opposed to a massive increase in coal train traffic which would clog our rail network, endanger public health, impose overwhelming traffic delays through our communities, increase demand for public spending, and delay the much needed transition to a clean energy economy.

ClimateSolutions.org

Seattle

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Seattle, WA 98101
tel 206.443.9570
fax 206.728.0552

Olympia

219 Legion Way SW, Ste 201
Olympia, WA 98501
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fax 360.943.4977

Portland

610 SW Broadway, Ste 306
Portland, OR 97209
tel 503.332.9893

Missoula

Missoula, MT 59801
tel 406.239.8358

Metro is well aware of the effect that a substantial increase in coal train traffic will have to the region's at-grade rail crossings. The resolution before you states that fifty crossings are within the Metro Region. The burden of paying for required upgrades due to increased coal train traffic will fall on local government. BNSF routinely points to the city of Galesburg, Illinois as an example of their cooperation with local government to fund these upgrades. In their handpicked example, BNSF paid \$735,000, compared to \$38 million in taxpayer funds.

Further, the transport of coal on barges in the Columbia River will have an impact on transportation in our region as well, including a significant increase in the number of four-barge tows on the river every day. These coal barges would require the I-5 drawbridge to be raised 1.72 times per day, on average, during the two months of high river flow. That means coal barges will disrupt traffic on the I-5 Bridge nearly two times per day during those months.

Finally, we also request that Metro go on record with the US Army Corps of Engineers demanding a full environmental impact statement review for the Morrow Pacific Project. As noted above, this project would double barge traffic on the Columbia River, and may create significant issues with river crossings and existing barge traffic in the corridor. Fast-tracking this permit, will also commit Oregon to a path of coal export that is inconsistent with our state and regional values.

Any form of economic development is a *choice* of how best to use scarce resources. Coal export is a huge drain on some of our most valuable economic resources – our freight and river capacity, our public finances, our air quality, the health of our communities, our incredibly valuable *brand* as an economy that thrives on innovation and high quality of life. All of these things are valuable and finite. We can either harness our greatest natural resource – Oregon's know-how and ingenuity – to develop a strong, local, clean-energy economy; or we can allow coal companies to use the Northwest as a gateway to sell coal to Asia. We should invest in the future – and not massively increase the coal industry's place in our economy.

Thank you for supporting this resolution.

Sincerely,

A handwritten signature in cursive script that reads "Ann E Gravatt". The signature is written in black ink on a white background.

Ann E. Gravatt

Oregon Director

For the record, my name is Barbara Ellis. My address is 4430 S.E. 30th Ave, Portland.

A former and long-time member of the Newspaper Guild and the American Federation of Teachers. And member of Occupy's Labor Council, Solidarity Committee and the CAAC. I am here to support ~~the~~ ^{COMMITTEE} ~~resolution~~ ^{RESOLUTION}.

Council President and ARRANGERS.

I have read *The Oregonian* editorials and seen coal company TV ads claiming that coal exports to the Far East down the Columbia River Gorge mean "thousands of jobs." This week, it shrank to 900 jobs. What's it going to be next week? Next month? I have also noticed that the only opposition to banning coal trains and barges has to do with ^{their} ~~that~~ vague promise of jobs. I can't be the only Oregonian noticing it is the coal companies—Big Coal—who are playing the jobs card and hope everyone believes they're not doing card tricks.

We past and present union members know well why the United Mine Workers fought its way into existence. It was after decades of use and abuse of miners by Big Coal. The union's greatest hero was John L. Lewis. His bargaining position was always "Never Trust the Coal Companies." And he's ~~almost never~~ ^{never} been wrong.

He certainly would be appalled that any union member would still trust any promise of ~~any~~ coal company. Especially those who've bought the state of Wyoming so they could profit on ^{getting} ~~stealing~~ public lands with actions once again reflecting the attitude of "The Public—and the Environment—Be Damned." ^{It's not fair} ~~After~~ ~~all~~ they've only done 4 percent of the reclamation work required in ~~their~~ ^{its} contracts on lands owned by all Americans.

They've now lied to Oregon and federal officials about how much coal they were going to run and store on the Columbia. They've ~~offered~~ ^{no} job descriptions for good reason. They don't want the gullible to know port terminals are increasingly automated. Indeed, union port jobs have been cut to the bone, as we Occupiers discovered in the contract Longview's Local 21 finally signed.

Hard evidence indicates that—at most—there would be only 60 permanent jobs at the terminals. ~~And not at union-scale. Nor with union benefits. Coal companies count on the desperation of the unemployed to accept what the traffic will bear.~~

As for building those coal terminals: These ~~will be~~ ^{are} ~~temporary~~ ^{temporary} jobs. More than this, where's the ^{coal companies will} ~~guarantee~~ that they'll hire locally? That they won't bring in out-of-state workers? That was done fairly recently by the state after

announcing 400 infrastructure jobs for Eastern Oregon. The Chicago bid-winner brought in its own people. As for those ~~many~~ ^{promise of} jobs building 20 barges in the Swan Island yards, at least one bargemaker in the East turns out ^{ONE} a 200-foot coal barge in two days—and doesn't need additions to the payroll to do it.

Aside from all this, John L. Lewis and his mine workers knew coal companies always cut death-dealing corners on working conditions. On safety and on health insurance. ^{forget the environment,} As the latest mine collapse attests, Big Coal ~~never~~ ^{hardly} changes. The dead and the affected are always considered collateral damage.

A Tidewater bargeman from St. Johns told me a month ago: "Y'know I love running wheat. But I have really mixed feelings about running coal." My feeling is that long-time union members know deep in their hearts that the coal companies are playing not just the job card, but the extortion card on the public and on city, county, state, and federal officials. John L. Lewis would pound the table and demand all ~~these~~ ^{concerned} parties investigate not just all these pie-in-the-sky job promises. But weigh the offset: ^{in the NW} Vast damage to people's lives. ^{s. in depth?} Vast damage to all property along the Gorge. And vast damage to the global environment slowly being snuffed out by burning fossil fuels, ^{like coal.}

And because he was a visionary, ^{how} he would recognize that the coal customers are ^{melting away} falling almost as fast as the Arctic ice cap. China is exporting ^{Much of} what they've stockpiled.

^{Eastern} Coal companies like Alpha Natural Resources have just announced they're closing 8 deep and surface mines in Virginia, West Virginia, and Pennsylvania, ^{over} downsizing twelve-hundred employees. ^{to offset this trend} Lewis would advise labor to go clean and green with ^{present} alternative energy jobs of the present, ^{phase of} and the future.

Other than this, his advise about coal companies is one thing on which all parties can agree. Never trust their promises. ^{on their belief they can run over everyone in their way.}

I urge this council to vote for
councilor Backholder's resolution

UNION PACIFIC RAILROAD
5424 South East McLoughlin Boulevard
Portland, Oregon 97202

Brock Nelson Director Public Affairs

P 503 249 3079
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F 402 233 3162
E banelson@up.com

September 20, 2012

Metro Council
600 NE Grand Avenue
Portland, Oregon 97232

I am writing with regard to the Resolution No. 12-4367 introduced by Councilor Burkholder to be heard by the Metro Council on September 20, 2012. Union Pacific Railroad would like to be on record in opposition to this resolution as it pertains to the transport of coal by train throughout the Metro Region.

It is clear that the issue of export coal has become an energized and emotional subject in Portland and the Pacific Northwest region. Wherever you stand on the issue of export coal or the use of coal for energy production, Union Pacific would ask that when it comes to the topic of rail transport of any commodity, including coal, you look at the facts. The fact is that Union Pacific currently moves approximately 50 trainloads of coal on behalf of our customers through thousands of communities around our 23-state network on a daily basis. These coal trains, much like the thousands of trains operating on our system on any given day, are the safest and most environmentally responsible method of moving freight in the country.

Although no coal trains move through the Metro Region currently, it is possible that could change if export facilities are constructed in Oregon or Washington. It would be premature to try to predict how many trains this would mean to the Metro Region, but it appears if you were to add all of the new coal train traffic that could reasonably be moved by Union Pacific to our 2012 business routes coming in and out of the Metro Region, the Metro Region would still see fewer trains than were on these tracks as recently as 2007.

Union Pacific has invested over half a billion dollars in our rail infrastructure in Oregon in the past five years and will continue to invest to assure that all products move fluidly and efficiently on our system and in your community.

Resolutions suggesting rail transport is not safe imply coal cannot be transported safely by Union Pacific. The fact is we daily move coal safely in greater quantities than will ever be seen in the Metro Region.

Union Pacific would like to continue to work with you and your community as the permitting of these coal export facilities unfolds in the months and years to come. In closing, Union Pacific asks that you oppose this resolution as introduced by Councilor Burkholder and instead work with us on ways that we can cooperate to promote rail transport of all commodities.

Sincerely,



Brock Nelson



Union Pacific Coal Trains in the Pacific Northwest

How many coal trains per day does Union Pacific currently move in Oregon and Washington? What route do these trains take?

- We do not currently move any coal trains through the Columbia River Gorge for our customers. We do not move any coal trains from Portland to Seattle or from Portland to Eugene for our customers. The only coal train we currently move through Washington and Oregon for one of our customers originates with Union Pacific in Spokane, Washington, travels through eastern Washington crossing the Columbia River near Hermiston, Oregon, and is delivered to Boardman, Oregon, once a week.

Through how many communities does Union Pacific transport coal?

- We currently haul coal on behalf of our customers through thousands of communities around our 23-state network. We have not had any complaints regarding our coal trains coming from communities in the Pacific Northwest.

How many additional trains will Union Pacific add to facilitate the coal traffic coming to Oregon and Washington?

- There are three proposed facilities that could create an opportunity for our current customers to increase coal shipments with Union Pacific: the port of Coos Bay, the port of Morrow, and the Longview, Washington area.
- Analysis by third parties including the Western Organization of Resource Councils and the Washington Department of Transportation have estimated that Union Pacific customers could have an additional six to nine coal trains per day moving through the Columbia River Gorge. Our current estimates are much lower than that. The same third parties have predicted that Union Pacific would deliver up to two trains a day to the port of Morrow through Spokane, Hermiston and then to Boardman. We currently deliver one train a week to Boardman from Spokane.
- In both the Columbia River Gorge route and the route along the I-5 corridor the additional coal trains that eventually may be added would still be a small percentage of our train traffic. Assuming the additional train count at full build out were added to our 2012 business, these routes would still see fewer trains than were on these tracks as recently as 2007.

What does Union Pacific currently do to mitigate problems with coal dust?

- In the Wyoming Powder River Basin, Union Pacific addresses the issue of coal dust at the mine source in cooperation with customers and BNSF Railway (BNSF). Along with producers, shippers, suppliers and BNSF, we are continuing to look at new technologies that ameliorate dust issues on and around our infrastructure.
- Any coal trains originating in the Powder River Basin for the proposed export facilities in the Pacific Northwest would be treated with surfactant to minimize dust problems.
- In other areas where we transport coal for our customers such as Utah and Colorado, coal dust has not been an issue in communities where our trains operate or for our customers at the mine source. The coal we move from Colorado and Utah is not covered or treated to minimize dust. Powder River Basin coal has different characteristics and is known to produce more dust than coal coming from other mines around the country.

Has coal dust ever created problems on Union Pacific track?

- Our experience has shown that the problems caused by coal dust on our infrastructure are concentrated on lines closer to the mine source with much higher volumes than would move to Pacific Northwest terminals. With 60 to 70 trainloads of coal per day operating on the joint rail line in the Powder River Basin that both BNSF and Union Pacific own, the combination of unequalled volume and proximity to the loading sites has impacted railroad track. On Union Pacific-owned track where we operate 30 to 35 trainloads of coal per day further away from where the trains are loaded, the coal dust has less impact on our track.
- Our primary focus at Union Pacific is safety and efficiency. We inspect our track regularly and invest heavily to enhance our infrastructure. This year we are investing \$3.6 billion to maintain and enhance our network.

Will the coal business you add to your track in Oregon and Washington displace Amtrak or other existing trains on your lines?

- No. Our top priority is to provide our existing customers excellent service. We are constantly looking for ways to provide current and potentially new customers with high value logistics solutions. New customers do not come online at the expense of existing business.
- The "Coast Starlight" which operates between Los Angeles, and Portland, operates two trains per day for a total of 14 per week. The "Cascade" commuter service operates between Eugene and Seattle with four trains per day for a total of 28 per week. None of these train slots will change due to freight traffic. Any additional passenger train requests would be reviewed by Union Pacific using our established procedures and principles for passenger service discussions.

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STATEMENT OF THE YAKAMA NATION REGARDING COAL EXPORT ISSUES

July 19, 2012

*Given during the Oregon Physicians for Social Responsibility's
Press Conference on Health and Safety Impacts from Coal Export*

Good morning, my name is Kristina Proszek. I am the Environmental Review Coordinator for the Yakama Nation. I have been asked to deliver this prepared statement on behalf of the Yakama Tribal Council.

The Yakama Nation is a federally recognized sovereign Indian tribe having certain rights reserved in perpetuity through the Yakama Treaty of 1855 with the United States of America. Among the various rights our ancestors reserved to themselves and future generations is the right to take fish at all usual and accustomed places, including the Columbia River, and the right to live free of such nuisances as may impair the enjoyment of these reserved rights. The proposed transportation of coal through our Nation's ancestral lands implicates these rights and compels this Council to act in accordance with its sworn duty to uphold and protect the rights that our ancestors so wisely reserved for us and for those not yet born who have no voice to advocate for themselves.

The Yakama Nation strongly supports the Oregon Physicians for Social Responsibility (OSPR) and concerned physicians of Oregon in calling for a comprehensive Health Impact Assessment of coal export through Pacific Northwest ports. The Yakama people are among the most vulnerable to the human health risks of coal dust, rail and barge accidents involving tribal fishers, contamination of our foods, and the air pollution that drifts into our region from Asian coal-fired power plants. Yet we have seen no information that addresses these direct threats to Yakama people attempting to exercise their rights guaranteed by the Treaty of 1855. It is unclear to us how any responsible government can evaluate the risks and benefits to its citizens in the absence of such critical information. Accordingly, we support the OPSR and concerned Oregon physicians in their advocacy for a complete and thorough study of the potential health costs of coal export to our citizens and others potentially affected by this grave regional issue.

The Yakama Nation has identified a number of potential health risks to its members that have not been considered in any discussion of coal export proposals to date. We have seen no assessment of the additional fatalities among our members attempting to fish at their usual and accustomed places that would most certainly result from increased rail and barge traffic through the Columbia River Gorge. There has been no discussion of human health impacts of the coal dust that is known to accumulate along rail lines and at transshipment sites. Any coal export proposals will exact a death toll and cost in human suffering that cannot be ignored and must be explicitly described as part of any decision.

The contamination of the Columbia River and its aquatic resources in the event of train derailments has not been addressed in published documents. Derailments are not unusual, as

attested by the recent derailment of three coal trains in one week, one of which occurred in Washington State, within the Ceded Lands of the Yakama Nation. There is no question that increased coal transport through the Columbia Gorge would lead to derailments that contaminate the Columbia River with not only coal but the lead, arsenic, and mercury associated with it. These contaminants find their way into our foods and into our bodies. While the health effects of these contaminants on our foods and ourselves can be generally described, there has been no assessment of the likely frequency of derailments and their human health consequences.

We also know that increasing the volume of coal exported through our ancestral lands will contaminate the very air we breathe. The Columbia River Gorge is already known to have some of the worst air quality and acid rain in the Pacific Northwest. The large number of coal trains envisioned in any of the export proposals would worsen air quality as the diesel engines pulling those trains emit more toxins into the surrounding air. Moreover, the health risks of burning coal are well known in the U.S. and have led to the phased closure of the last two remaining coal-fired power plants in Oregon and Washington. This is a tremendous success for our region – that stands to be undermined by exporting coal from west coast ports, as several recent studies have shown that air-borne pollutants found in the Northwest were traced to emissions from Asian coal-fired power plants and factories. Additional mercury and other contaminants from Asia would only worsen the levels we are currently seeing in the Columbia River, its tributaries, and the resources that live there.

The OPSR and concerned physicians of Oregon have taken a bold step in calling for a thorough evaluation of human health impacts, and the Yakama Nation agrees that this is a necessary consideration among many that have not been adequately addressed in the regional assessment of coal export proposals. This is why the Nation is calling upon the federal government to undertake a comprehensive, region-wide review of the human health and environmental impacts associated with proposals to transport coal through our ancestral lands to west coast ports. It is inconceivable that a decision on coal export through the Pacific Northwest should be made in the absence of fundamental, essential information about the risks to health and resources posed by these proposals.

This concludes the statement of the Yakama Nation.

Media Contact: Emily Washines, (509) 865-5121 Ext. 6315, wase@yakamafish-nsn.gov



Environment Justice Task Force
900 Court Street NE, Salem, OR 97301
July, 2012

Governor John Kitzhaber
160 State Capitol
900 Court Street
Salem, Oregon 97301-4047

Governor Kitzhaber,

The Environmental Justice Task Force applauds your efforts to explore and understand the environmental impacts of coal transports from Powder River Basin through Oregon. We have heard comments from community members expressing concern about the potential impacts of coal export proposals on low income, communities of color, and other vulnerable community members in our state. We share these health and safety concerns. For that reason, the Environmental Justice Task Force urges you to fully consider a health impact assessment/analysis before proceeding with permits for coal transport and exports.

The Task Force is concerned that diesel emissions and coal dust associated with coal transport would exacerbate the already disproportionate environmental burdens and health inequities experienced by low-income and minority neighborhoods. Proposals on the table are likely to affect tribal lands, minority communities in North and Northeast Portland, and Latino and low income communities in West Eugene.

I am sure you are well aware of the potential for diesel particulate matter to impair pulmonary development, severity of asthma attacks (particularly in children), and increased risk of stroke, heart attacks and cancer. Coal dust is also linked to bronchitis, emphysema and other cardiovascular ailments. The potential for heavy metals leaching from fugitive coal dust is also a concern to be considered. Other impacts of coal transport, including noise, safety at crossings, and traffic delays, have the potential to adversely affect the health of communities along the transportation corridors. Increased coal burning in Asia also contributes to smog, soot, mercury emissions and greenhouse gases that influence our ability to protect the health of Oregon communities.

The Environmental Justice Task Force urges you to fully consider a health impact assessment/analysis before proceeding with permits for coal transport and exports. While this analysis will take time and resources, it is ultimately in the interest of all communities in the state, and particular for those who are most vulnerable to the health and environmental impacts, that we clearly understand the health risks.

On behalf of the EJ Task Force, I thank you for your continued support and advocacy to ensure environmental justice: a safe and healthy environment for every Oregonian to live, work, play, learn and practice spirituality.

Sincerely,

Benjamin Duncan
Chair, Environmental Justice Task Force



FRIENDS OF THE COLUMBIA GORGE

My Name is Samantha Lockhart, Conservation Organizer for Friends of the Columbia Gorge. Thank you for the opportunity to comment today.

On behalf of Friends I want to thank the Metro Council for proposing this resolution to address concerns regarding the proposed coal export facilities and their impacts to the Portland Metro area.

By adopting this resolution Metro joins the City of Portland and 25 other towns and cities around the region that have taken a stand, from outright opposition of an increase in coal export to calling for a thorough analysis of coal export impacts before any facilities are approved.

Friends also recommends strongly that Metro amend the resolution language to call not only for a cumulative effects study, but to follow the lead of the Portland City Council and call for an area-wide environmental impact statement that studies the cumulative and comprehensive impacts of all five coal export facilities before any may be approved. Friends would also ask that Metro include a request for a Health Impact Analysis to be conducted on the potential impacts to public health of the proposed projects prior to permit approval on any of the five facilities.

If all of these proposals are approved, 150 million tons of coal would be transported through the Columbia River Gorge to export facilities in Oregon and Washington. This would double U.S. coal exports and turn the Columbia River Gorge, our national scenic treasure, into the Nation's coal chute to Asia. What a travesty.

All of these proposals rely on rail transportation of coal in 1.5 mile-long trains with open coal cars. Railroads have claimed that each car loses up to one ton of coal in transit, spewing toxic coal dust in communities across Montana, Idaho, Washington and Oregon. Toxic diesel emissions from the trains would endanger human health all along the rail routes.

Currently one or two coal trains go through the Gorge daily. It's a regular occurrence that Gorge residents report getting pelted by coal fragments and dust near the tracks as trains pass by. I personally know one gorge resident who just three weeks ago narrowly avoided a head on collision with another car that was caused fugitive coal dust eliminating visibility along Highway 14 in Skamania County.

Just this week, a reporter for The Dalles Chronicle newspaper reported that she has witnessed large amounts of coal dust spewing from coal trains and impeding traffic on adjacent highways. Any increase in coal train traffic is completely unacceptable. Yet if the current proposals are approved coal train traffic would increase by 30 times in the Columbia Gorge.

That is why Columbia River communities, including Hood River, Mosier, Dallesport, Camas and Washougal, have gone on record raising concerns about increased coal exports disrupting transportation, commerce, recreation and emergency response times.

These export proposals would overload existing rail lines leading to double or triple tracking through environmentally sensitive areas throughout the Gorge, violating the purposes and standards of the National Scenic Area Act.

Friends of the Columbia Gorge is opposed to any increase in coal exports and applauds Metro for taking a stand on coal exports.

IT IS RESOLVED that the Metro Council calls on the federal government to conduct a comprehensive area-wide Environmental Impact statement analyzing direct, indirect and cumulative impacts of all coal export proposals on the region's economy, transportation system, air quality, public health, environment and people of the Portland metropolitan area. The Metro Council directs its staff to communicate this request with our federal elected officials and appropriate federal agencies.

Thank you President Hughes, Metro Councilors, for the opportunity to speak on this important local, regional, and global issue of coal exports.

Through the years, Metro has served our regional district well with its effective, sustainable leadership. Today, within the Metro decision-making chambers, we talk of the most important form of leadership --- our region's role in the climate stability of the shared global atmosphere. When we consider all the impacts of coal exports through our region, we must study what those exports are and where those exports are going. The proposed exports are not wheat and wind turbines. They are not headed for sustainable use beyond our borders. No, these toxic exports are going to coal-fired plants. These exports would add vast quantities of carbon to our damaged atmosphere. We must not sweep severe climate realities under a rug of questionable economic benefits. We must be responsible. We must accept and act with the knowledge that our precious atmosphere has had its fill of carbon.

Rational people and those people with no financial connection to fossil fuel industries agree that we must stop carbon production to save our atmosphere. All of Metro's fine anti-pollution actions: recycling, nature education, climate action plans will never counterbalance an acceptance of the proposed coal exports.

Our Metro Regional Government must stand out with characteristic courage. We must not condone business ventures that will lead to increased climate disruption, thereby bringing on the destruction of life on our special planet. We must firmly say, "No coal exports."

Bonnie McKinlay
7112 Southwest 53rd Avenue
Portland, Oregon 97219

Community Forums Against Coal Exports



STOP COAL EXPORTS

Photo Courtesy of Paul K Anderson

SW Portland, Sept 24th 7-8:30pm Multnomah Center for the Arts
7688 SW Capitol Hwy 97219

NE Portland, Oct 2nd 7-8:30pm Rose City United Methodist Church
5830 NE Alameda St 97213

Coal Hard Truth Forum

Learn more: www.PowerPastCoal.org

Contact: Jasmine@ColumbiaRiverkeeper.org, Samantha@GorgeFriends.org
[Bonnie Goto350PDX@gmail.com](mailto:BonnieGoto350PDX@gmail.com)

POWER
PAST
COAL

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AFFIRMING THE)	RESOLUTION NO. 12-4374
APPOINTMENT OF COUNCILOR COLLETTE)	
AS LIAISON TO THE COMMUNITY)	Introduced by Metro Councilor Barbara
INVESTMENT INITIATIVE REGIONAL)	Roberts
INFRASTRUCTURE ENTERPRISE WORK)	
GROUP)	

Whereas, the Metro Council has supported the development and ongoing staffing of the Community Investment Initiative (CII) Leadership Council; and

Whereas, the CII Leadership Council determines its own membership; and

Whereas, the CII Leadership Council requested in January 2011 that the Metro Council President serve as an ex-officio member of the Leadership Council; and

Whereas, the CII Leadership Council created a Regional Infrastructure Enterprise (RIE) work group comprised of members of the Leadership Council and other participants; and

Whereas, the Metro Council, in reviewing the CII Leadership Council work plan for 2012-13, suggested that an additional liaison to the CII RIE work group would be beneficial; and

Whereas, the CII Leadership Council in September 2012 requested that Councilor Collette serve as an additional Metro Council Liaison to the CII RIE work group; and

Whereas, the Metro Council has established a system of issue-specific liaisons to work on projects; and

Whereas, liaisons are appointed by the Council President; and

Whereas, the Council President appointed Councilor Collette as a liaison to the CII RIE work group; and

Whereas, the Metro Council has expressed an interest in affirming this appointment; now therefore

BE IT RESOLVED that the Metro Council affirms the Council President's appointment of Councilor Collette as a liaison to the Community Investment Initiative Regional Infrastructure Enterprise workgroup.

ADOPTED by the Metro Council this 20th day of September, 2012.

Tom Hughes, Council President

Approved as to Form:

Alison Kean Campbell, Metro Attorney