

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING) RESOLUTION NO. 03- 3371
ADDITIONAL APPOINTMENTS TO THE)
HIGHWAY 217 CORRIDOR POLICY) Introduced by Councilor Carl Hosticka
ADVISORY COMMITTEE

WHEREAS, Chapter 6.7.6 of the 2000 Regional Transportation Plan lists specific corridor where a transportation need has been identified and a major corridor planning study is needed to determine the function, mode and general location of an improvement before a project can be fully defined for implementation; and

WHEREAS, due to the large number of corridors that require additional planning and the resources required to undertake these studies, Metro undertook a regional effort to develop a strategy for their completion as part of the Corridor Initiatives Project; and

WHEREAS, on July 26, 2001 the Metro Council adopted Resolution No. 01-3089 endorsing the findings and recommendations of the Corridor Initiatives Project, which included commencing planning efforts for the Highway 217 and Powell/Foster corridors; and

WHEREAS, on September 24, 2002 Metro executed a three-party Grant Agreement with the Federal Highway Administration (FHWA) and the Oregon Department of Transportation (ODOT) to receive \$400,000 in FHWA funds and provide \$100,000 local match that would fund the Value Pricing portion of the Highway 217 Corridor Study; and

WHEREAS, the Metro Council established a Highway 217 Policy Committee with the goal of developing and evaluating a range of improvement strategies and building public acceptance of those strategies and the committee began meeting in September 2004; and

WHEREAS, Metro is the project lead for the study and the project partners include Washington County, the City of Beaverton, the City of Tigard, the City of Lake Oswego, TriMet, ODOT and FHWA; and

WHEREAS, the Metro Council confirmed the appointment of members to the committee including 17 citizens, business representatives and elected officials nominated by Metro Council President David Bragdon in consultation with the involved jurisdictions, and three at-large members solicited through an extensive public process on June 12, 2003 through Resolution No. 03-3331.

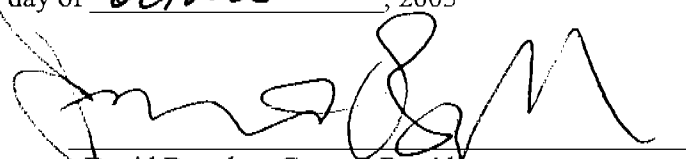
WHEREAS, three members appointed by Metro Council President David Bragdon and confirmed by the Metro Council are unable to serve as part of the Committee; now therefore

BE IT RESOLVED that the Metro Council hereby confirms the following appointed jurisdictional members to replace the previously appointed members as set forth in the staff report to this resolution. The terms of appointed members shall begin October 9, 2003 for the remainder of two-year terms which expire on June 30, 2005:

Dominic Biggi (in replacement of Mary Grimes)

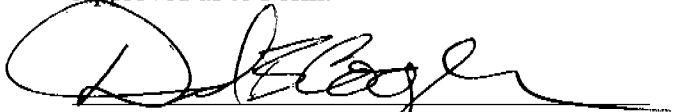
Dennis Thomas (in replacement of Joe Blowers)
Nathalie Darcy (in replacement of Dennis Essary)

ADOPTED by the Metro Council this 16th day of October, 2003



David Bragdon, Council President

Approved as to Form:



Daniel B. Cooper, Metro Attorney



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 03-3375 FOR THE PURPOSE OF AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PORTLAND TO CONSTRUCT A SEWER LINE WITHIN A PORTION OF THE WILLAMETTE SHORE LINE RIGHT-OF-WAY

Date: October 16, 2003

Prepared by: Sharon Kelly

BACKGROUND

The City of Portland, through the Bureau of Environmental Services (BES), is in the process of constructing the Southwest Parallel Interceptor Sewer Project. BES wishes to use a portion of the Willamette Shore Line Right-of-Way for their Sewer Project. The area that is the subject of this easement is the section, generally between SW Bancroft Street (near the Spaghetti Factory) to the Heron Point Condominiums.

The Willamette Shore Line right-of-way was purchased from the Southern Pacific Railroad in 1988 by a consortium of local jurisdictions and agencies (ODOT, Tri-Met, Metro, Portland, Lake Oswego, Clackamas County and Multnomah County). The right-of-way was purchased to prevent abandonment of the line and to preserve it for future passenger rail service. The title to the right-of-way is held by the City of Portland on behalf of the Consortium. Since 1990 the City of Lake Oswego has leased the right-of-way from Portland for the purpose of operating a trolley service on the line. Lake Oswego has contracted with a private non-profit operator (the Oregon Electric Railway Historical Society) to run the trolley service (Willamette Shore Trolley). Continuing the trolley operation provides an important reminder to the community that the rail line exists and preserves use rights in the portion that is owned for easement purposes.

The corridor is nearly seven miles long with a southern terminus in Lake Oswego and a northern terminus in Portland at RiverPlace. 4.6 miles of the right-of-way is owned through fee title, and the remainder is through a railroad easement. For the portion of the right-of-way that is owned through an easement, the easement is for rail purposes. Interest has been expressed in combining a bicycle/pedestrian path with the rail project in the corridor.

The IGA would authorize Portland (PDOT) on behalf of the Consortium to execute an easement for BES's use of a portion of the right-of-way for the sewer line. The process of negotiating the IGA has taken a long time. The IGA as proposed does several things such as: requires BES to replace track removed for the construction; requires BES to remove an old buried trestle; make drainage improvements in the area of the construction; ensure that the sewer line would not limit future rail improvements in the corridor; take care of any hazardous materials issues if any are identified during construction; and compensate the Consortium for the lost value to the right-of-way in the amount of \$406,000.

ANALYSIS/INFORMATION

1. **Known Opposition:** There is no known opposition to approval of this Intergovernmental Agreement (IGA).

2. Legal Antecedents:

December 1986 – Intergovernmental Agreement for an option to purchase and one year lease of the Jefferson Street Rail Line from Southern Pacific Transportation Company.

November 1987 – Intergovernmental Operations Agreement that Authorized Portland to enter into agreement with Oregon Electric Historical Society for 7/87 to 12/87.

July 1988 - Intergovernmental Agreement for the Purchase of the Jefferson Street Rail Line.

June 1990 – Lease Agreement for the Jefferson Street Branch Rail Line Corridor (between Portland and Lake Oswego).

Summer 1994 – Intergovernmental Agreement for the Management of the Willamette Shore Line Right-of-Way.

3. **Anticipated Effects:** If this resolution is approved by the Metro Council and the other governing bodies of the Consortium Member local jurisdictions, the IGA will be executed, BES will have authorization to build the Sewer Line within the Willamette Shore Line Right-of-Way.
4. **Budget Impacts:** There would be no Metro Budget impacts. BES will pay the Consortium approximately \$406,000 for the easement (minus \$100,000 for improvements within the Right-of-way). Lake Oswego will receive this money on behalf of the Consortium and will use the money for operations and maintenance costs associated with maintenance of the right-of-way and operating the Trolley service. A portion of this revenue may be used to cover part of the local match for the upcoming study of rail transit and pedestrian and bicycle trail improvements in the right-of way.

RECOMMENDED ACTION

Approval of Resolution No. 03-3375