

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING AN) RESOLUTION NO. 04-3478
AMENDMENT TO AN INTERGOVERNMENTAL)
AGREEMENT WITH TRIMET CONCERNING)
TRANSIT-ORIENTED DEVELOPMENT AND)
INCREASING THE LEVEL OF TRANSIT SERVICE)
) Introduced by Chief Operating
) Officer Michael J. Jordan, with the
) concurrence of Council President
) David Bragdon

WHEREAS, by Resolution No. 98-2619 For the Purpose of Authorizing Start-up Activities for the Transit-Oriented Development (TOD) Implementation Program at Metro, adopted April 9, 1998, - the Metro Council authorized startup activities for the Transit-Oriented Development (TOD) Implementation Program;

WHEREAS, by Resolution No. 99-2791 For the Purpose of Approving the Fiscal Year (FY) 2000 Metropolitan Transportation Improvement Program (MTIP) Modernization Program Developed Through the Priorities 2000 Process, adopted May 27, 1999, - the Metro Council allocated federal flexible funds to expand transit service and TOD program activities;

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

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

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

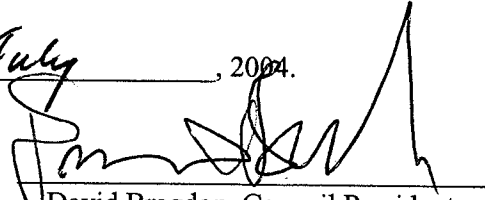
WHEREAS, by Resolution 99-2858 For the Purpose of Authorizing a Revenue Neutral Intergovernmental Agreement with Tri-Met Concerning Transit-Oriented Development and Increasing the Level of Transit Service, adopted November 18, 1999, - The Metro Council authorized an intergovernmental agreement (IGA) between TriMet and Metro regarding TOD activities and improving the quality of transit service provided the budget implications for Metro were revenue neutral;

WHEREAS, by Resolution 01-3114A For the Purpose of Authorizing an Amendment to an Intergovernmental Agreement with Tri-Met Concerning Transit-Oriented Development and Increasing the Level of Transit Service, adopted November 8, 2001, - the parties amended the IGA to increase TOD Program funding and to increase the level of transit service on November 8, 2001 and also amended the IGA by Resolution 03-3314 For the Purpose of Authorizing an Amendment to an Intergovernmental Agreement With TriMet Concerning Transit-Oriented Development and Increasing the Level of Transit Service, adopted May 15, 2003; and

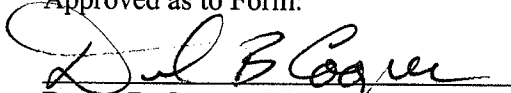
WHEREAS, the parties desire to increase TOD Program funding and increase the level of transit service and extend the term of the TOD IGA to December 31, 2007; now, therefore,

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

ADOPTED by the Metro Council this 15th day of July, 2024.


David Bragdon, Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney



AMENDMENT NO. 3
Intergovernmental Agreement
Between TriMet and Metro
TriMet Contract No. 00-05551
Metro Contract No. 921761

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

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

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

B. Terms of Amendment:

1. Paragraph 4, page 3, Compensation to Metro for Provision of Services, is hereby amended to add the following:
 - \$3.0 million of TriMet general funds for \$2.655 Metro TOD and Urban Centers funds and \$.345 of Gresham Transit Station funds from FY '04 STP Flexible Funds;
 - \$2.0 million of TriMet general funds for \$.345 TOD and Urban Centers funds and \$1.655 of Gresham Station for FY '05 STP Flexible Funds; and
 - \$1.0 million of TriMet general funds for \$1.0 million of TOD and Urban Centers from FY '06 STP Flexible Funds providing these funds have been included in the approved STIP.
2. Paragraph 4, page 4 shall be amended to add: (f) six million (\$6,000,000) of TriMet general funds for Metro STP Flexible Funds to be paid \$3.0 million in FY '04, \$2.0 million in FY '05 and \$1.0 million in FY '06, within 30 days of TriMet's receiving approval of grants from FTA in each of the above fiscal years. The existing (f) shall become (g).
3. Paragraph 5. Obligation of Metro STP Flexible Funds to TriMet is hereby amended as follows: Add 9) \$3.0 million of FY '04 STP Flexible Funds allocated to Metro for TOD, Urban Centers and Gresham Station; \$2.0 million of FY '05 STP Flexible Funds allocated to Metro for TOD Implementation, Urban Centers and Gresham Station and \$1.0 million of FY '06 STP Flexible Funds allocated to Metro for TOD and Urban Centers.
4. Paragraph 11. Term of Agreement is hereby amended to change December 31, 2005 to December 31, 2007.

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

METRO:

TRIMET:

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 04-3478 FOR THE PURPOSE OF AUTHORIZING AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH TRIMET CONCERNING TRANSIT-ORIENTED DEVELOPMENT AND INCREASING THE LEVEL OF TRANSIT SERVICE.

Date: June 30, 2004

Prepared by: Phil Whitmore

BACKGROUND

Metro's pioneering Transit-Oriented Development (TOD) Implementation Program is the first in the United States to use Federal Transit Administration (FTA) funds to acquire sites and write down land value for transit-oriented development that is higher density and mixed-use. Since the Metro Council authorized TOD Program start-up activities in April 1998, the program has begun work on fifteen projects along the light rail from Hillsboro to Gresham. With approval of the last Metropolitan Transportation Improvement Program (MTIP) application, the program will be expanded to Interstate MAX, Airport MAX, and to Regional and Urban Centers.

Projects funded by the TOD Program average more than three times the housing density than typical suburban apartment development. While most of the projects are 65-85 units/acre, some are significantly higher: Buckman Terrace (Sandy & 16th) at 137 units/acre and the recently completed Merrick mixed-use (MLK Boulevard and Multnomah Street) at 198 units/acre. In addition, 13 of the 15 projects are mixed-use. These kinds of high-density projects with mixed-use and high quality transit service result in nearly 10 times more transit ridership and nearly 3 times more walking trips than development in the remainder of the region.

While mixed-use and higher density projects located adjacent to transit increases transit ridership and may add vitality to an area, a nearby community does not always view the issue of increasing density as positive. Therefore, design excellence is an important aspect of whether such projects are accepted by the local community. Two TOD Program funded projects received awards for design excellence. Central Point in downtown Gresham and Center Commons at 60th and Glisan received Governor's Livability Awards. In addition, Center Commons also received a Housing and Urban Development (HUD) Secretary's Mixed-Use, Mixed-Income Award and an American Institute of Architects (AIA) Design Citation. The TOD program continues to make an extra effort to help achieve good design, which serves the local community and region.

In November 1999, TriMet and Metro entered into an Intergovernmental Agreement (IGA) for the purpose of improving transit service and further local funding of the TOD program. Metro provided State Transportation Improvement Program (STP) flexible funds, Congestion Mitigation Air Quality Program (CMAQ) funds and other federal funds in the amount of \$3,896,000 for improving transit service. TriMet provided a like amount of local funds to Metro to leverage current TOD program activities. The IGA was amended November 8, 2001 for an additional \$2.0M, and again May 15, 2003 for an additional \$1.5 million. This proposed action is to amend the IGA for an additional \$6 million for the TOD program, the Gresham Civic Neighborhood station and the Regional and Urban Centers Program. The term of the IGA will be extended for an additional two years.

ANALYSIS/INFORMATION

1. **Known Opposition:** There have been three previous actions: an initial IGA with TriMet in November 1999, an amendment in November 2001, and an amendment in May 2003. None of these actions had opposition. Since the measure is revenue neutral and both parties have agreed to the terms and conditions, there is not expected to be opposition.
2. **Legal Antecedents:** The Metro Council authorized startup activities on April 9, 1998, by Resolution No. 98-2619, For the Purpose of Authorizing Start-Up Activities For the Transit-Oriented Development (TOD) Implementation Program at Metro” for the Metro TOD Program.

The Metro Council authorized an Intergovernmental Agreement (IGA) between TriMet and Metro regarding Transit-Oriented Development (TOD) activities and improving the quality of transit service on November 22, 1999, by Resolution No.99-2858, For the Purpose of Authorizing a Revenue Neutral Intergovernmental Agreement With Tri-Met Concerning Transit-Oriented Development and Increasing the Level of Transit Service and amended the IGA on November 8, 2001, by Resolution No. 01-3114A, For the Purpose of Authorizing an Amendment to an Intergovernmental Agreement With Tri-Met Concerning Transit-Oriented Development and Increasing the Level of Transit Service (APF 1596) and also May 15, 2003, by Resolution No. 03-3314, For the Purpose of Authorizing an Amendment to an Intergovernmental Agreement With TriMet Concerning Transit-Oriented Development and Increasing the Level of Transit Service.

3. **Anticipated Effects:** The IGA will provide funds for the TOD Program that will increase certainty regarding timing of funds committed to projects and will reduce administration overhead and will provide more flexibility on smaller TOD projects.
4. **Budget Impacts:** There are no budget impacts except staff time since the IGA amendment is revenue neutral. The staff time is charged to the project budgets and none of the staff or TOD projects’ expenses are paid with Metro General Funds.

RECOMMENDED ACTION

Metro Council approval of Metro Resolution No. 04-3478.