

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REQUESTING) RESOLUTION NO. 93-1805
TO THE U.S. CONGRESS THAT)
RESTRICTIONS ON SECTION 3 FUNDS) Introduced by
BE AMENDED SO THAT SUCH FUNDS) Councilor Van Bergen
CAN BE EXPENDED FOR TRANSIT-)
RELATED PROJECTS IN OR NEAR THE)
CITY OF GRESHAM)

WHEREAS, On May 25, 1990 the President signed into law the FY 1990 Dire Emergency Supplemental Appropriations bill, H.R. 4404, which directed the Urban Mass Transportation Administration (now known as Federal Transit Administration) to make available within 60 days \$13.5 million for "the acquisition of land in Gresham, Oregon, for the joint development project called 'Project Breakeven'; and

WHEREAS, In June 1990, Brian W. Clymer, UMTA Administrator, in compliance with that provision, reserved funds in that amount in agency accounts; and

WHEREAS, On July 24, 1990, Tri-Met submitted a grant application for Section 3 funding for the purpose described above; and

WHEREAS, Due to a sagging economy and due to an erosion of support for the project within FTA, the grant application has not been approved and the monies have not been allocated to Tri-Met.

WHEREAS, It continues to be in the interest of the region that these funds be used to fund transit related projects in the City of Gresham area; and

WHEREAS, In order for the Section 3 funds to be used for purposes other than originally conceived, for land acquisition,

site preparation and other improvements and activities associated with the Gresham Regional Shopping Center and Light Rail Transit Station Joint Development project, Congress must remove the restrictions on the above cited Section 3 funds; and

WHEREAS, A request must be made to the Congress of the United States to remove these restrictions and allow the Section 3 funds to be used for other transit related purposes in the Gresham area; now, therefore,

BE IT RESOLVED,

1. That the Metro Council acknowledges agreement between Tri-Met and Gresham on disposition of Project Breakeven funds as requested and recognizes the need for further Metro action.

2. That the Metro Council request to the U.S. Congress that the use restrictions on Section 3 funds for Project Breakeven be omitted.

3. That the Metro Council request to the U.S. Congress that the Section 3 funds originally conceived for Project Breakeven be reprogrammed for transit related projects in or near the City of Gresham, as shown in Exhibit A.

4. That the parking garage and transit station are subject to meeting applicable federal requirements for use of Section 3 funds and amendments to the Regional Transportation Plan and Transportation Improvement Program will be required.

5. That regional support for a parking garage and transit station is to leverage transit-supportive development in this area.

6. That we acknowledge the need for future funding for a new LRT station.

ADOPTED by the Metro Council this 27th day of May,
1993.



Judy Wyers, Presiding Officer

EXHIBIT A

Eligible Section 3 Projects
for Reprogramming of "Breakeven Funds"

1. 600-space parking garage in proximity to LRT station.
2. Double-track Banfield LRT from Ruby Junction to Gresham-Cleveland station.
3. Improvements to Ruby Junction maintenance facility.

IN JOINT COOPERATION BETWEEN THE CITY OF GRESHAM AND TRI-MET

April 27, 1993

The Honorable George Van Bergen
Chair, Joint Policy Committee on Transportation
METRO
600 N.E. Grand
Portland, Oregon 97232

Dear Chair Van Bergen:

The City of Gresham and the Management of Tri-Met have agreed on transit-related aspects in the Gresham area, and on the programming of available Section 3 funds, together with \$4.5 million matching funds as follows:

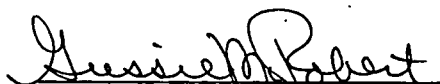
1. Tri-Met shall construct a 600-space, multi-story parking garage. The parking garage shall be not less than three stories in height, and shall include retail space around the perimeter of the first floor. In addition, the parking garage shall include security equipment and security features. The parking garage shall be located in Gresham on a site provided by the City of Gresham, and shall be in proximity to the Light Rail Transit station.

The design of the parking garage shall be directed by the City of Gresham. The construction of the parking garage shall be directed by Tri-Met.

2. The City of Gresham will donate and make available land with a commensurate size to meet the footprint for the parking garage and applicable zoning and code standards.
3. The construction costs, together with contingencies, but not including the land costs, is estimated to be \$4.5 million dollars.
4. The City of Gresham and Tri-Met agree that the use of the appropriated \$13.5 million dollars of Section 3 federal funds and local matching dollars above and beyond the construction costs listed in 3 above will be dedicated to double-tracking from Ruby Junction east to the Gresham-Cleveland station; involving approximately 2.4 miles of tracking, electrification, and replacement of the Wallula Street bridge.
5. The City of Gresham and Tri-Met agree to the expenditure of any remaining funds for Ruby Junction maintenance facility improvements.

6. Tri-Met agrees to commit to the construction of a Light Rail Transit (LRT) station west of the existing Gresham City Hall station, at such time as a development plan for property previously known as "Project Breakeven" is finalized by the City of Gresham. The construction of this LRT may add one additional station to the existing MAX transit system. The construction of this LRT station shall be of a size and scale appropriate to the adjoining transit supportive development. Tri-Met commits to complete construction of this LRT station in time to support the transit needs of development identified within the development plan.
7. The City of Gresham and Tri-Met agree to formalize the detail associated with this understanding through the adoption of an Inter-Governmental Agreement (IGA). This IGA shall be subject to the approval of both the Gresham City Council and the Tri-Met Board of Directors by May 13, 1993.
8. The City of Gresham and Tri-Met request that JPACT pass a resolution requesting to the Congress of the United States that restrictions on the above cited Section 3 funds be amended so that such funds can be expended for the above-referenced projects.

On behalf of the Gresham City Council and Tri-Met Management,


Mayor McRobert
MAYOR


Tom Walsh
TRI-MET

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1805 FOR THE PURPOSE OF REQUESTING TO THE U.S. CONGRESS THAT RESTRICTIONS ON SECTION 3 FUNDS BE AMENDED SO THAT SUCH FUNDS CAN BE EXPENDED FOR TRANSIT-RELATED PROJECTS IN OR NEAR THE CITY OF GRESHAM

Date: April 29, 1993

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution provides that the Joint Policy Advisory Committee on Transportation (JPACT) request to the Congress of the United States that restrictions on Section 3 funds, which were originally intended for the purchase of land, be amended so that such funds can be expended for transit related projects in the City of Gresham.

FACTUAL BACKGROUND AND ANALYSIS

The Congress of the United States appropriated \$13.5 million for the purpose of land acquisition, site preparation, and other improvements and activities associated with a Regional Shopping Center and Light Rail Transit Station Joint Development project. Tri-Met was to purchase 65 acres west of Gresham City Hall as part of this project known as Project Breakeven. The project is no longer viable as originally conceived due to changes in the economy and due to an erosion of support for the project within the Federal Transit Administration (FTA).

It continues to be in the interest of the region that these Section 3 funds be used to fund transit projects in the Gresham area. Consequently, the City of Gresham and the management of Tri-Met have agreed on funding of transit projects in Gresham and on the reprogramming of the available Section 3 funds and local matching funds as follows:

1. Tri-Met shall construct a 600-space, multi-story parking garage. The parking garage shall be not less than three stories in height, and shall include retail space around the perimeter of the first floor. In addition, the parking garage shall include security equipment and security features. The parking garage shall be located in Gresham on a site provided by the City of Gresham, and shall be in proximity to the Light Rail Transit station.

The design of the parking garage shall be directed by the City of Gresham. The construction of the parking garage shall be directed by Tri-Met.

2. The City of Gresham will donate and make available land with a commensurate size to meet the footprint for the parking

garage and applicable zoning and code standards.

3. The construction costs, together with contingencies, but not including the land costs, is estimated to be \$4.5 million dollars.
4. The City of Gresham and Tri-Met agree that the use of the appropriated \$13.5 million dollars of Section 3 federal funds and local matching dollars above and beyond the construction costs listed in 3 above will be dedicated to double-tracking from Ruby Junction east to the Gresham-Cleveland station; involving approximately 2.4 miles of tracking, electrification, and replacement of the Wallula Street bridge.
5. The City of Gresham and Tri-Met agree to the expenditure of any remaining funds for Ruby Junction maintenance facility improvements.
6. Tri-met agrees to commit to the construction of a Light Rail Transit (LRT) station west of the existing Gresham City Hall station, at such time as a development plan for property previously known as "Project Breakeven" is finalized by the City of Gresham. The construction of this LRT may add one additional station to the existing MAX transit system. The construction of this LRT station shall be of a size and scale appropriate to the adjoining transit supportive development. Tri-Met commits to complete construction of this LRT station in time to support the transit needs of development identified within the development plan.
7. The City of Gresham and Tri-Met agree to formalize the detail associated with this understanding through the adoption of an Inter-Governmental Agreement (IGA). This IGA shall be subject to the approval of both the Gresham City Council and the Tri-Met Board of Directors by May 13, 1993.
8. The City of Gresham and Tri-Met request that JPACT pass a resolution requesting to the Congress of the United States that the restrictions on the above cited Section 3 funds be amended so that such funds can be expended for the above-referenced projects.

It is essential to resolve the disposition of this funding before Congress considers appropriation of Section 3 funds to the Westside LRT project in May. It is likely that the regional request for funds will be reduced by this amount unless we clearly demonstrate that it will be used for some alternate purpose (such as that proposed here).

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1805.

PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 93-1805, FOR THE PURPOSE OF REQUESTING TO THE U.S. CONGRESS THAT RESTRICTIONS ON SECTION 3 FUNDS BE AMENDED SO THAT SUCH FUNDS CAN BE EXPENDED FOR TRANSIT-RELATED PROJECTS IN OR NEAR THE CITY OF GRESHAM

Date: May 27, 1993

Presented by: Councilor Kvistad

Committee Recommendation: At the May 25 meeting, the Planning Committee voted unanimously to recommend Council adoption of Resolution No. 93-1805. Voting in favor: Councilors Van Bergen, Kvistad, Devlin, Gates, Monroe, and Moore.

Committee Issues/Discussion: Andy Cotugno, Planning Director, presented the staff report. He explained that there was \$13.5 million, appropriated by the Congress of the United States, that has been in dispute for the past five years. The money was originally to be a joint development project involving a land acquisition of 80 acres in Gresham as part of Project Breakeven. The project is no longer viable due to changes in economy and a change in the level of support from the Federal Transit Administration. After five years of disagreements, JPACT is suggesting the region effectively give up.

In the meantime the political climate in Washington, D.C. has changed. This Congress is less "friendly" to these interests and the region is still in need of Westside Light Rail Transit funds. So it is in the region's interest to assure that these Section 3 funds be used to fund transit projects in the Gresham area. An agreement has been reached between the City of Gresham and Tri-Met regarding how the funding should be used, and this resolution endorses that agreement.

The \$13.5 million will in part provide for Tri-Met to construct a 600 space parking garage in Gresham that accommodates retail space and security features. The design of the structure shall be directed by the City of Gresham and the construction directed by Tri-Met.

Discussion of the committee centered on the need for the parking structure. Councilor Moore asked "why a garage and not a transit station?" Cotugno indicated that the garage is in reaction to the need for more park and ride spaces in Gresham. Councilor Monroe voiced concern about parking fees to offset the cost. Department staff indicated that this is one of several unknown questions which also include the location of the structure or structures and how it will be policed. Another concern was how to deal with people using the structure but not taking transit. This too was unknown.