

BEFORE THE METRO COUNCIL

| | | |
|--------------------------------|---|------------------------|
| FOR THE PURPOSE OF AMENDING |) | RESOLUTION NO. 93-1874 |
| THE TRANSPORTATION IMPROVEMENT |) | |
| PROGRAM SO THAT TRI-MET CAN |) | Introduced by |
| APPLY FOR SECTION 3 FUNDS IN |) | Councilor Van Bergen |
| THE REDIRECTED PROJECT BREAK- |) | |
| EVEN ACCOUNT |) | |

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 an erosion of support for the project within the Federal Transit Administration, the grant application has not been approved and the monies have not been allocated to Tri-Met; and

WHEREAS, On May 27, 1993, the Metro Council adopted Resolution No. 93-1805 which acknowledged the agreement between Tri-Met and Gresham on the disposition of Project Breakeven funds and requested the U.S. Congress to amend the Project Breakeven earmark and allow reprogramming of these funds for three specific

transit-related projects in or near the City of Gresham (a park-and-ride project in Gresham, Banfield system double-tracking from Ruby Junction to Cleveland Station, and improvements to the Ruby Junction maintenance facility); and

WHEREAS, Congressional action on the FY 1994 Appropriations Bill required the Federal Transit Administration to redirect the Project Breakeven funds to the Westside Light Rail Program to fund critically needed project elements that were not funded by the Full-Funding Grant Agreement; and

WHEREAS, The Office of Management and Budget is attempting to rescind all unobligated earmarks, which means that any projects included in the redirected Project Breakeven application must be under contract by the end of FY 94; and

WHEREAS, Tri-Met and the City of Gresham agree that the Gresham park-and-ride is not far enough along in planning to meet this deadline; and

WHEREAS, Three Eastside system completion projects shown in Exhibit A (Double-Tracking, Ruby Junction expansion, and Operations Control Retrofit) have been identified which are eligible for this funding and able to be under contract by the end of FY 94; and

WHEREAS, Project Breakeven funds, combined with anticipated, unallocated FY 94-96 Rail Modernization formula program funds would be sufficient to complete all three of these projects; and

WHEREAS, Tri-Met will seek Section 3 funding for the Gresham park-and-ride (and other unfunded Eastside system-related

improvements) through the ISTEA contingent commitment process;
and

WHEREAS, In order for Tri-Met to apply for Section 3 funding for the three system completion projects shown in Exhibit A, it is necessary for the Metro Council to amend the Transportation Improvement Program; now, therefore,

BE IT RESOLVED,

1. That the Metro Council acknowledges that Congressional action has limited the region's flexibility in the disposition of Project Breakeven funds and recognizes the need for immediate Metro action in order to preserve these funds for the region.

2. That the Metro Council agrees to amend the Transportation Improvement Program to reprogram the reserve Rail Modernization funds for FY 94-96 as shown in Exhibit A, and to redirect Project Breakeven Section 3 discretionary program funds to the Section 3 Westside System Completion Program for the purpose of funding the three system completion projects shown in Exhibit A.

3. That this resolution is contingent upon Tri-Met and the City of Gresham agreeing upon an alternative approach to funding the Gresham park-and-ride.

ADOPTED by the Metro Council on this 23rd day of
December, 1993.



Judy Wyers, Presiding Officer

EXHIBIT A

Eligible Section 3 Projects
for Redirected Project Breakeven Application

| | |
|---|-----------|
| FTA Section 3 discretionary (Project Breakeven) | |
| | FY94 |
| 6 Banfield Retrofit - Operations Control | |
| Total | 1.409M |
| 7 Banfield Retrofit - Double Tracking | |
| Total | 8.025M |
| 8 Banfield Retrofit - Ruby Junction Expansion | |
| Total | 3.975M |
| Redirected Project Breakeven Totals | 13.409M * |

| | |
|---|-----------------------------------|
| Section 3 Formula: Rail Modernization | |
| | FY94 FY95 FY96 FY97 Post 97 Total |
| 64 Banfield Retrofit - Operations Control | * 1.190 1.190 1.190 0 0 3.570 |
| 67 Reserve Rail Mod | 0 0 0 1.190 1.190 2.380 |

* Funding level published in the Federal Register on November 8, 1993.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1874 FOR THE PURPOSE OF AMENDING THE TRANSPORTATION IMPROVEMENT PROGRAM SO THAT TRI-MET CAN APPLY FOR SECTION 3 FUNDS IN THE REDIRECTED PROJECT BREAK-EVEN ACCOUNT

Date: November 30, 1993

Presented by: Andrew Cotugno

FACTUAL BACKGROUND AND ANALYSIS

Proposed Action

Approval of this resolution will authorize transfer of three projects from their current location in the Section 3 Discretionary Program into a new Section 3 Westside System Completion Program account. These projects are:

1. Banfield System Double Tracking (Metro ID #217);
2. Ruby Junction Maintenance Facility Expansion (Metro ID #218);
and
3. Communications System Retrofit (Metro ID #215).

Approval would also transfer the sum of \$13.401 million from the current Discretionary Program balance to the new program. This sum represents the balance of funds, minus Federal Transit Administration administrative charges, authorized for expenditure under the Project Breakeven earmark.

Approval would acknowledge administrative programming of \$3.57 million of FY 94-96 Section 3 Rail Modernization Reserve funds to fully fund construction of these projects.

Approval of this resolution retains the City of Gresham park-and-ride facility as an unsecured request in the Section 3 Discretionary program, the status created by Congressional budget action declaring that Project Breakeven funds are eligible only for projects critical to Westside system completion.

JPACT has reviewed this TIP amendment and recommends approval of Resolution No. 93-1874.

Background

On May 25, 1990, H.R. 4404 was signed into law by the President. It directed UMTA, now known as the Federal Transit Administration (FTA), to make available \$13.5 million for "the acquisition of land in Gresham, Oregon" for the joint development project called "Project Breakeven." Funds in this amount were reserved by FTA in June, 1990. In July, 1990, Tri-Met submitted a grant application for Section 3 funding for the project. For a variety of reasons, FTA has never approved the grant and the monies have remained in reserve, earmarked for a joint development project of the nature intended by Project Breakeven.

On May 27, 1993, Metro Resolution No. 93-1805 was adopted which requested Congress to amend the Project Breakeven earmark attached to these funds. It was requested that the amendment should permit expenditure of the Breakeven funds on any of several projects:

1. A Gresham park-and-ride facility;
2. Banfield System Double-Tracking; and
3. Ruby Junction Maintenance Facility Expansion.

A Letter of Agreement signed by Tri-Met and the City of Gresham, that was included as an exhibit to the resolution, further specified that a sum of \$4.5 million would be allocated to the park-and-ride facility, with the balance to be made available to the other two projects.

Recent congressional action amended the earmark and made the Breakeven funds available for any project encompassed within the legislative definition of projects eligible for Westside Full-Funding Grant Agreement funding. Additionally, the Office of Management and Budget has expressed its intent to rescind authority to obligate funds not under contract by the end of federal Fiscal Year 1994 (September 30, 1994).

The Gresham park-and-ride is not currently recognized by FTA as critical to Westside system completion and, therefore, eligible for receipt of Breakeven obligation authority. Three other Section 3 Discretionary projects are recognized by FTA as critical: the Double-Tracking, Ruby Junction Expansion, and the Operations control/communications retrofit projects. Tri-Met has already committed final design funds for these projects and anticipates submission of a December 31, 1993 grant request for FTA approval of construction funding for these projects. This resolution clarifies that the three projects are system completion projects and that previous intentions to commit Breakeven funds to the Gresham park-and-ride facility are now abandoned.

At the same time, the resolution expresses endorsement of Tri-Met's intent to pursue federal funding for the park-and-ride, as well as other unfunded, Eastside system completion projects, through the ISTEA contingent commitment process. In anticipation of these additional project tracking requirements, the new Westside System Completion Program section is being added to the TIP.

Executive Officer's Recommendation

The Executive Officer recommends approval of Resolution No. 93-1874.

PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 93-1874, AMENDING THE TRANSPORTATION IMPROVEMENT PROGRAM SO THAT TRI-MET CAN APPLY FOR SECTION 3 FUNDS IN THE REDIRECTED PROJECT BREAK-EVEN ACCOUNT

Date: December 15, 1993

Presented By: Councilor Devlin

Committee Recommendation: At the December 14 meeting, the Planning Committee voted unanimously to recommend Council adoption of Resolution No. 93-1874. Voting in favor: Councilors Van Bergen, Devlin, Gates, Kvistad, Monroe, and Moore.

Committee Issues/Discussion: Andy Cotugno, Planning Director, presented the staff report. The resolution requests allowance of the former "Break Even" funds to be used in a grant application by Tri-Met for Eastside Light Rail Transit related costs. He explained that in 1990, \$13 million were appropriated by Congress for the purpose of acquiring land in Gresham for a joint development project that never came about because of disagreement from the Federal Transit Administration.

Last June, the Metro Council approved reprogramming of the funds to "other transit purposes" so that the region would not lose the funds. This action approved allowing \$4.5 million to be used for a parking structure/park and ride lot in Gresham, with the remaining \$9 million to be used for Eastside related costs. These include double tracking, expansion of the storage track in Ruby Junction, and upgrading of the communication system on the Eastside.

Since that time, Congress has removed the decision from the region by prescribing that the money must be used for Eastside related costs within this fiscal year. The park and ride structure/parking garage was disallowed. This resolution allows the application for the funds to proceed immediately. The \$13 million of funding would only be an increment toward the cost of the listed projects, leaving the parking structure to be funded by some other means. There is a caveat within the resolution requiring the City of Gresham and Tri-Met to determine an alternative approach to funding the park and ride structure. Both Gresham and Tri-Met have agreed to full cooperation.