


**Date:** March 27, 2024

**To:** Board of Directors

**From:** Sam Desue, Jr. 

**Subject:** **RESOLUTION NO. 24-03-20 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING INTERGOVERNMENTAL AGREEMENTS WITH METRO, AND WITH OREGON DEPARTMENT OF TRANSPORTATION (ODOT) AND CITY OF PORTLAND, FOR THE 82<sup>ND</sup> AVENUE TRANSIT PROJECT**

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**1. Purpose of Item**

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager or his designee to execute an Intergovernmental Agreement with Metro and an Intergovernmental Agreement with Oregon Department of Transportation (ODOT) and the City of Portland (City) that will obligate TriMet to expend funds for Project Development of the 82<sup>nd</sup> Avenue Transit Project.

**2. Type of Agenda Item**

- ☐ Initial Contract
- ☐ Contract Modification
- ☒ Other: Intergovernmental Agreement

**3. Reason for Board Action**

Board approval is required for all Intergovernmental Agreements (IGAs) obligating TriMet to pay in excess of \$1,000,000.

**4. Type of Action**

- ☒ Resolution
- ☐ Ordinance 1<sup>st</sup> Reading
- ☐ Ordinance 2<sup>nd</sup> Reading
- ☐ Other \_\_\_\_\_

**5. Background**

Portland's 82<sup>nd</sup> Avenue, also known as State Highway 213, runs north-south and generally parallel with Interstate 205 (I-205). The roadway serves one of the most diverse populations in the TriMet District and at times acts as an alternative route to I-205. It has the highest bus line ridership in the region, and provides access to the Blue, Red and Green MAX lines. The portion of 82<sup>nd</sup> Avenue within the City of Portland is identified as a Civic Corridor.

The 82<sup>nd</sup> Avenue Transit Project (Project) is a Bus Rapid Transit project similar to TriMet's recently completed FX2 Division project. As envisioned, it will carry passengers to and from stops along 82<sup>nd</sup> Avenue between the Clackamas Town Center and a point north of Sandy

Boulevard. The Project is included in the 2024-2027 Statewide Transportation Improvement Program adopted by ODOT on July 13, 2023.

Metro's 2023 Regional Transportation Plan (RTP) identified the 82<sup>nd</sup> Avenue corridor as a location for major high-capacity transit investment and included it in the RTP's 2030 Near-Term Constrained Project List. Metro also has identified the roadway as a Tier 1 corridor in the RTP's 2023 High Capacity Transit Update, the top level of regional prioritization for near-term development.

To date, Metro, ODOT, the City of Portland, and TriMet have informally collaborated on Phase 1 of the Project, as reflected in proposed IGAs between TriMet and Metro, and between TriMet, ODOT and the City. Pursuant to these IGAs, the parties have collaborated in developing the significant future high-capacity transit elements of the Project on a conceptual level, identifying the mode, alignment, and general station locations along the roadway, as well as conceptual cost estimates, as required prior to conducting further study in the Project Development (PD) phase.

TriMet intends to seek entry into the Federal Transit Administration's (FTA) Capital Investment Grants (CIG) Small Starts PD phase for the Project this Spring, which would signify the beginning of Phase 2 of the Project. The PD phase will include engagement of project development staff and execution of associated design and development contracts.

During the PD phase, TriMet must accomplish the following:

- Select a final Locally Preferred Alternative (LPA),
- Secure Metro's adoption of the LPA into the fiscally constrained Regional Transportation Plan,
- Complete the National Environmental Policy Act (NEPA) process,
- Develop sufficient information for the FTA to determine a project rating,
- Develop design and cost estimating plans through a 100% Issue for Construction set, and
- Coordinate with FTA's assigned Project Management Oversight Consultant (PMOC) in developing a project risk assessment and "project readiness" report.

TriMet estimates that accomplishing the tasks described above will cost approximately \$30 million. To facilitate entry into PD, all funds necessary for the above tasks must be committed.

To this end, as reflected in the TriMet/Metro IGA, Metro Council has approved the use of \$5 million from its Carbon Reduction Program (CRP), along with \$1 million of federal Surface Transportation Block Grants (STBG-U) for the Project. In addition, pursuant to the separate IGA between TriMet, ODOT, and the City, TriMet has secured ODOT's agreement to convey Surface Transportation Block Grant (STBG) funds to the City of Portland in the amount of \$5 million, and the City's agreement to commit those same funds to the Project.

In return for the agreements wherein Metro, ODOT and the City will provide a combined total of \$11 million for Project Development work on the Project, TriMet has agreed that it will expend the total of \$19 million in general funds and/or bond revenues on the Project over Fiscal Years 2025, 2026 and 2027.

The Board's approval of this Resolution will authorize the execution of 1) the IGA with Metro that will allocate \$6 million for the Project, 2) the IGA with ODOT and the City that will allocate \$5 million for the Project, and 3) TriMet's allocation of \$19 million of its own funds for the Project. Most importantly, adoption of the Resolution will demonstrate to the FTA that TriMet is able to commit the requisite \$30 million in funds to the Project. This funding will allow TriMet to enter into the PD phase so that it can deliver the Project by 2029.

**6. Financial/Budget Impact**

While this Resolution is revenue based, it also obligates TriMet to provide a total of \$19 million from its general funds and/or bond revenues for the Project PD during FY2025, FY2026, and FY2027.

**7. Impact if Not Approved**

If the Resolution is not approved, TriMet will not be able to enter into the IGAs with Metro, ODOT and the City of Portland, and will not be able to commit the funds necessary to enter into Project Development for the Project.

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TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING  
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OREGON DEPARTMENT OF TRANSPORTATION (ODOT) AND CITY OF  
PORTLAND, FOR THE 82<sup>nd</sup> AVENUE TRANSIT PROJECT**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into an Intergovernmental Agreement (IGA) with Metro, and an IGA with the Oregon Department of Transportation (ODOT) and the City of Portland (City), for the 82<sup>nd</sup> Avenue Transit Project (Project); and

**WHEREAS**, the two IGAs also commit Metro, ODOT and the City of Portland to jointly contribute the amount of \$11,000,000 to pay for Project Development of the Project; and

**WHEREAS**, the two IGAs obligate TriMet to commit a total of \$19,000,000 of its own funds to pay for Project Development of the Project; and

**WHEREAS**, by Resolution No. 22-05-35, dated May 25, 2022, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to authorize all IGAs and contracts obligating TriMet to pay in excess of \$1,000,000; and

**WHEREAS**, the IGAs will obligate TriMet to expend more than \$1,000,000;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That each IGA shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute an IGA with Metro, and an IGA with ODOT and the City, wherein Metro, ODOT and the City will jointly commit not less than \$11,000,000 for Project Development of the Project.
3. That the General Manager or his designee is authorized to expend \$19,000,000 in general funds and/or bond revenues for Project Development of the Project, during FY2025, FY2026, and FY2027.

Dated: March 27, 2024

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Presiding Officer

Attest:

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Recording Secretary

Approved as to Legal Sufficiency:



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Legal Department