

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: 6/16/20 **Approximate Start Time:** 1:30 PM **Approximate Length:** 30min

Presentation Title: Metro Transportation Investment Measure: Get Moving 2020 – Update and introduction of Letter of Commitment & MOU's

Department: Transportation & Development

Presenters: Dan Johnson, Director; Mike Bezner, Assistant-Director; Jamie Stasny, Policy Coordinator

Other Invitees: Stephen Williams, DTD; Karen Buehrig, DTD; Ellen Rogalin, PGA

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Discuss Metro's request for a Letter of Commitment and MOU's for projects anticipated for inclusion in Metro's proposed November transportation investment measure & provide feedback.

EXECUTIVE SUMMARY (why and why now):

Metro is working with stakeholders and partners to develop a region-wide transportation investment measure for November 2020.

Since our last update to the Board Metro's 34-member Transportation Funding Task Force made a recommendation to the Metro Council to include funding for projects in the following Clackamas County corridors:

- McLoughlin Boulevard
- Sunrise Gateway Corridor
- Clackamas-to-Columbia/181st Avenue (C2C)
- 82nd Ave
- Highway 43

Metro is now asking that the jurisdictions sign non-binding agreements to commit to supporting and coordinating the efforts necessary to implement the funding measure projects. In most cases Clackamas County will function in a supportive role. For a few projects Clackamas County will function as the delivery agency. Copies of the latest drafts of these agreements are included with these materials. These drafts reflect staff's comments on the original versions provided by Metro. Although staff's comments have been submitted to Metro, Metro has not yet provided concurrence or a revised version. Staff will continue to work with Metro on these drafts and will return for another policy session with the Board on June 30 with finalized versions.

The timeline of other upcoming Metro actions is as follows:

- June 9th - Metro Council provides revenue direction
- June 16th - Metro Council provides program direction
- June 23rd & 30th – Package refinements & reconciliation resulting in final project & program recommendations
- First week of July – Metro Council Listening Sessions

- July 16th – Metro Council target date for Referral

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? \$

What is the funding source?

STRATEGIC PLAN ALIGNMENT:

How does this item align with your Department's Strategic Business Plan goals?

- This aligns with DTD's mission to provide services so that future generations can experience and invest in a healthy, safe and livable community. This also aligns with the long-range planning goals of securing outside funding for projects and adding projects to the 5-year Capital Improvement Plan.

How does this item align with the County's Performance Clackamas goals?

- This aligns with the County's goals building a strong infrastructure by obtaining funding for projects including Sunrise Phase II.

LEGAL/POLICY REQUIREMENTS:

n/a

PUBLIC/GOVERNMENTAL PARTICIPATION:

Clackamas County had representation on the task force that made the recommendation to the Metro Council for Get Moving 2020. We have also been working closely with other Clackamas County jurisdictions, partners, community members and others to support the Clackamas County projects.

OPTIONS:

1. Approve the drafts as written. Staff will continue to coordinate with Metro and respond to their comments and present finalized versions to the Board on June 30.
2. Provide comments to modify the drafts as written. Staff will continue to coordinate with Metro and respond to their comments and present finalized versions to the Board on June 30.

RECOMMENDATION:

Staff respectfully recommends Option #1- Approve the drafts as written.

ATTACHMENTS:

Attachment A: Draft Letter of Commitment
Attachment B: Draft McLoughlin MOU
Attachment C: Draft 82nd MOU
Attachment D: Presentation Slides

SUBMITTED BY:

Division Director/Head Approval Mike Bezner
Department Director/Head Approval Dan Johnson
County Administrator Approval _____

For information on this issue or copies of attachments, please contact
Mike Bezner @ 503-742-4651.

Dear President Peterson:

Clackamas County is committed to doing our part for Get Moving 2020. As an agency that owns, maintains and operates pieces of the regional transportation system, we appreciate the importance of working together with our regional partners to build a complete system that serves our collective community.

Upon voter passage of the measure, we will deliver the projects for which Clackamas County is defined as a lead or partnering agency on project delivery, as specified in the Get Moving 2020 Project Recommendation and project description sheets (attached). We acknowledge that the context for each project for which we are the lead or partnering agency is different, as is the case with all projects in Get Moving 2020, and will require further documentation of each jurisdiction's roles and responsibilities.

Through this letter of commitment, with passage of the measure the Clackamas County Board of Commissioners pledges to:

- Ensure that Clackamas County's operations reflect the expenditure plan adopted by the Metro Council for:
 - Participating in program oversight structures and procedures,
 - Adhering to conditions on project delivery for funding eligibility, and
 - Managing project changes during project development.
- Foster appropriate inclusive public engagement on individual projects and corridors, and on future planning, design or project development on individual projects or corridors.
- Develop an intergovernmental agreement with Metro to further document program and project delivery roles and responsibilities.
 - Specifically, Clackamas County is committed to working with Metro and other partner agencies to deliver and/or cooperate on delivery of the projects listed below through the different aspects of community engagement, planning, design and construction.
 - Include flexibility to adjust project scope, project elements and cost estimates, to achieve desired outcomes and meet community expectations or funding changes.(See attached project definition sheets for full descriptions. These will also be included as an exhibit to the Metro resolution that will refer the funding measure to the region's voters (*add number*) on (*add date*).)

- **82nd Avenue**
- **Sunrise & Hwy 212 Complete Streets & Local Connections Project Planning & Design**
- **Hwy 212 Complete Streets & Local Connections Project**
- **Clackamas to Columbia Corridor (C2C)**
- **McLoughlin Blvd**

Clackamas County also continues to be committed to working with Metro and the region to identify transportation solutions that serve all of the citizens of our county and our region.

Thank you for leadership in this effort.

Partner Signature Block

Metro Signature Block

MEMORANDUM OF UNDERSTANDING FOR COORDINATED DELIVERY OF PROJECTS ON 82ND AVENUE IN CLACKAMAS COUNTY

This memorandum of understanding (MOU) between Clackamas County, ODOT, TriMet, and Metro demonstrates project partner support for and commitment to deliver projects within the 82nd Avenue Corridor in Clackamas County and outlines the agreed to conditions of investment upon passage of the Regional Transportation Investment Measure.

Background

The Metro Council and regional partners are seeking to make travel in the Portland metropolitan region safer and easier for everyone. The Metro Council is considering whether to ask voters to approve a bold plan of regional transportation investments in 2020 (Regional Funding Measure). Built on a solid foundation of community and stakeholder engagement and partnership, the plan would invest to improve safety, reliability and transportation options on many of the busiest travel corridors in the region, making the transportation system work better for everyone. The plan also advances key regional policies and goals for transportation, land use, racial equity, climate and job creation.

This plan calls for many of the solutions to be delivered by partner agencies who own, maintain and operate portions of the transportation system within the region. To help ensure transparency and accountability to the region's voters, Metro is working with these agencies to commit to delivering key elements and outcomes of investments proposed in the plan.

This MOU documents and describes the steps that each agency commits to take for successful development and delivery of investments on the 82nd Avenue Corridor in Clackamas County. The current Get Moving 2020 Funding Measure proposal could make significant improvements for safety, transit and travel for all modes.

There is a separate MOU focused on project delivery for the projects in the section of the 82nd Avenue Corridor within the City of Portland jurisdictional boundary.

Agency Roles

- ODOT is the current owner and responsible for the operations and maintenance of the 82nd Avenue roadway.
- Metro is the Agency referring the funding measure and will be responsible for disbursing funds. Metro also generally leads planning and federal environmental review under the National Environmental Policy Act (NEPA) phases for transit projects funded through the Federal Transit Administration (FTA). Metro generally leads planning for high capacity

transit corridors in investment areas that require coordination with multiple agencies and community groups.

- TriMet is the region's transit agency and is responsible for operating buses on 82nd Avenue and is typically the grantee for federal funds received from the FTA.
- The segment of 82nd Avenue from SE Clatsop to Sunnybrook is in Clackamas County. The county has road authority for many major arterials crossing 82nd Ave and has land use authority for the unincorporated areas along 82nd Ave.

Clackamas County agrees to:

- Support ODOT, as needed, in the design and construction of road elements, including sidewalks, illumination, pedestrian crossings, bike lanes, water quality subject to risk and liability agreements with ODOT for specific segments within available funding.
- Support TriMet, as needed, in the design and construction of the transit elements, such as transit priority treatments, transit signal priority, stations and facility improvements.
- Align related construction projects with a coordinated delivery plan for 82nd Ave, if needed.

ODOT agrees to:

- Lead in design, permitting and delivery of road elements for the 82nd Ave Corridor in Clackamas County.
- Coordinate with TriMet in the design and construction of the transit elements, such as transit priority treatments, transit signal priority, stations and facility improvements.
- Coordinate, to the degree possible, to design currently funded STIP projects in the corridor to align with projects included in the funding measure.
- Plan and develop conceptual design through a master designer that coordinates roadway and transit conceptual designs to 15%.

TriMet agrees to:

- Coordinate design and construction of transit elements, for a coordinated single project from Killingsworth to Clackamas Transit Center.
- If funded in part by competitive Capital Investment Grant funds awarded by the Federal Transit Administration (FTA), deliver the transit elements of projects in segments subject to FTA approval after completion of the master design.

Metro agrees to:

- Lead environmental review for the transit project
- Fund and coordinate community strengthening elements to reduce potential for displacement and increase economic growth
- Coordinate and support local jurisdiction public engagement efforts to establish a consistent message framework
- Facilitate timely review for any oversight needed for the regional funding measure process

Investment Package Funding and Project Description

Agency partners agree to work together to deliver the 82nd Ave Corridor project as described in the Investment Package and in accordance with the Expenditure Plan, both to be adopted by the Metro Council prior to the measure's referral. The investment package recommendation for 82nd Avenue covered in this MOU includes:

- \$200M for transit (NE Cully/Killingsworth to Clackamas Transit Center)
- \$55M for safety improvements (Clatsop to Sunnybrook)

The investment package also includes the following projects that are not part of this MOU:

- \$30M for state of good repair in Portland (Killingsworth to Clatsop)
- \$140M for safety in Portland (Killingsworth to Clatsop)
- \$1M for MAX Station Access Planning – 82nd Ave Station
- \$35M for Airport Way intersection with 82nd Avenue
- \$.5M Alderwood-Killingsworth Path Planning

Project Delivery with Passage of Get Moving 2020 (Regional Funding Measure)

Further project delivery coordination is needed on the corridor. The parties have agreed to move forward to coordinate the project delivery, guided by shared principles that include:

- Support the project descriptions developed for the 82nd Avenue Corridor as attached and included in the regional transportation funding measure
- Project delivery partners will aim to use one design contract that will include the scope of work for both the safety and transit projects' design to get to 15% design cost to complete, to ensure that the designs are coordinated and maximize benefits in keeping with the guiding principles of safety, transit reliability and transit travel time improvements.
- A commitment to community outreach and engagement

Partners will continue to refine some project elements to determine the scope of work that can be accomplished with the funding from the investment package. Some of the elements that require better definition include:

- Amount of sidewalk rebuild and widening (including right-of-way)

- Amount of full reconstruction of outer lane and material used
- Addressing the bike bill requirements, if needed
- Extent of changes to stormwater system
- Reallocation of existing roadway space rather than widening
- Transit priority improvements
- NextGen transit signal priority (TSP)
- Number of stations and locations
- Service Frequency
- Vehicle procurement (number of buses, technology and other requirements)
- Transit Center/Layover space and on route charging infrastructure
- Maintenance facility improvements
- Other improvements not currently identified

Cost risks

- TriMet will be responsible for managing the project budget for delivery of the transit project elements. If projected project costs exceed the project budget, TriMet will work with regional partners to identify and implement changes to the scope or to leverage other funding.
- ODOT will be responsible for managing the project budget within the funds allocated by Metro for the project. If those funds are exceeded, ODOT would work with partners to identify and implement changes to the scope or to leverage other funding.
- Clackamas County will work with partners to make best efforts to manage project scope and community engagement.
- A coordinated conceptual design (15%), potentially delivered through a master design process, will be approved by the project steering committee as defined in the Expenditure Plan and will serve as the basis for project delivery agreements including cost of project elements.

Agreed Next Steps

The partners agree to work on the following next steps in advance of November 2020. If the ballot measure passes, the partners would undertake additional steps to develop and deliver a project or series of projects.

Step	Lead/partner agencies	Due Date
Refine project elements and project delivery approach	Metro/Clackamas County/TriMet/ODOT	December 2020
Consider Small Start project strategy and concept	Metro/TriMet	January 2021
Coordinated Conceptual Design (15%) IGA	Metro	July 2021
Project delivery IGA (s)	Metro	December 2023

MEMORANDUM OF UNDERSTANDING FOR DELIVERY OF PROJECTS ON MCLOUGHLIN CORRIDOR

This memorandum of understanding (MOU) between Clackamas County, ODOT, TriMet, and Metro demonstrates project partner support for and commitment to deliver projects within the McLoughlin Corridor upon passage of the Regional Transportation Investment Measure.

Background

The Metro Council and regional partners are seeking to make travel in the Portland metropolitan region safer and easier for everyone. The Metro Council is considering whether to ask voters to approve a bold plan of regional transportation investments in 2020 (Regional Funding Measure). Built on a solid foundation of community and stakeholder engagement and partnership, the plan would invest to improve safety, reliability and transportation options on many of the busiest travel corridors in the region, making the transportation system work more equitably for everyone. The plan also advances key regional policies and goals for transportation, land use, racial equity, climate and job creation.

This plan calls for many of the solutions to be delivered by partner agencies who own, maintain and operate portions of the transportation system within the region. To help ensure transparency and accountability to the region's voters, Metro is working with these agencies to commit to delivering key elements and outcomes of investments proposed in the plan.

This MOU documents and describes the steps that each agency commits to take for successful development and delivery of investments on the McLoughlin Corridor. The current Get Moving 2020 Funding Measure proposal for the McLoughlin Corridor could make significant improvements for safety, transit and travel for all modes.

Agency Roles

- ODOT is the owner of Hwy 99E (McLoughlin Boulevard).
- Metro is the Agency referring the funding measure and will be responsible for disbursing funds. Metro also generally leads planning and federal environmental review under the National Environmental Policy Act (NEPA) phases for transit projects funded through the Federal Transit Administration (FTA). Metro generally leads planning for high capacity transit corridor planning in investment areas that require coordination with multiple agencies and community groups.
- TriMet is the region's transit agency and is responsible for operating buses and maintaining bus stops and shelters on McLoughlin Boulevard and is the grantee for funds received from the FTA for the construction of New and Small Start projects.

- Clackamas County has road authority for many major and minor arterials crossing McLoughlin and has land use authority for the unincorporated areas along McLoughlin, between Milwaukie and Gladstone.

Clackamas County agrees to:

- Support ODOT, as needed, in the design and construction of road elements, including sidewalks, illumination, pedestrian crossings, bike lanes, water quality.
- Support TriMet, as needed, in the design and construction of the transit elements, such as transit priority treatments, transit signal priority, stations, facility improvements and the Park Ave Park and Ride expansion.
- Coordinate related County construction projects with a coordinated delivery plan for McLoughlin and, if needed, coordinate with Tri-Met on roadway improvements to Park Ave between SE Oatfield and SE McLoughlin Blvd.

ODOT agrees to:

- Lead in design, permitting and delivery of road elements for the McLoughlin Corridor.
- Coordinate with TriMet in the design and construction of the transit elements, such as transit priority treatments, transit signal priority, stations and facility improvements assuming a non-Capital Investment Grant funded project.
- Coordinate, to the degree possible, to design currently funded STIP projects in the corridor to align with projects included in the funding measure.
- Plan and develop conceptual design through a master designer that coordinates roadway and transit conceptual designs to 15%.

TriMet agrees to:

- Coordinate design and construction of transit elements, including Park Ave park and ride expansion.
- Purchase alternative fuel buses for operation on McLoughlin Blvd.
- If funded in part by competitive Capital Investment Grant funds awarded by the Federal Transit Administration (FTA), deliver the transit elements of projects in segments subject to FTA approval after completion of the master design
- Support Metro in the high capacity transit corridor planning.

Metro agrees to:

- Lead high capacity transit corridor planning
- Fund and coordinate community strengthening elements to reduce potential for displacement and increase equitable economic growth
- Coordinate and support local jurisdiction public engagement efforts during the design and construction to establish a consistent message framework
- Facilitate timely review for any oversight needed for the regional funding measure process

Partners agree to coordinate with jurisdictions with land use authority in the McLoughlin Corridor, including the following:

- Coordinated public and stakeholder engagement process through the design and construction and the associated Corridor Planning effort.
- Work with TriMet, as needed, in the design and construction of the transit elements, such as transit priority treatments, transit signal priority, stations and facility improvements.
- Potential amendments to local plans, including TSPs to seek dedication of right of way needed to implement the plan and transit supportive policy changes
- Consider expedited design review, land use review and permitting approval process
- Facilitate stormwater management mitigation associated with McLoughlin Corridor projects

Investment Package Funding and Project Description

Agency partners agree to work together to deliver the McLoughlin Corridor projects as described in the Get Moving 2020 Investment Package and in accordance with the Expenditure Plan, both to be adopted by the Metro Council prior to the measure's referral. The investment package recommendation for the McLoughlin Corridor covered in this MOU includes:

- \$113M for transit (Harrison St in Milwaukie to 10th St. in Oregon City)
- \$50M for safety (Harrison St in Milwaukie to 10th St. in Oregon City)
- \$7M for I-205 Ramp Improvements at McLoughlin
- \$16M for Park Ave Park & Ride Expansion
- \$5M for corridor planning

The investment package also includes the following projects that are not part of this MOU:

- \$12.2M for the Trolley Trail Bridge
- \$1M Willamette Falls Bike/Ped Plan
- \$5M Portland Ave Streetscape improvements in Gladstone

Project Delivery with Passage of Get Moving 2020 (Regional Funding Measure)

Further project delivery coordination is needed on the corridor. The parties have agreed to move forward to coordinate the project delivery, guided by shared principles that include:

- Support the project descriptions developed for the McLoughlin Corridor as attached and included in the regional transportation funding measure.
- Project delivery partners will use one design contract that will include the scope of work for both the safety and transit projects' design to get to 15% design cost to complete, to ensure that the designs are coordinated and maximize benefits in keeping with the guiding principles of safety, transit reliability and transit travel time improvements.
- A commitment to community outreach and engagement.

Partners will continue to refine some project elements to determine the scope of work that can be accomplished with the funding from the investment package. Some of the elements that require better definition include:

- Coordinated designs to improve transit travel times and safety
- Stormwater management, including coordination with all water districts
- Right-of-Way needs
- Paving/resurfacing needs
- Roadway widening
- Pedestrian crossings
- Intersection design and signal operation for safe and efficient use by multiple modes
- Access management

Cost risks

- TriMet will be responsible for managing the project budget for delivery of the transit project elements if the project is partially funded through the Federal Capital Investment Grant program. If projected project costs exceed the project budget, TriMet will work with regional partners to identify and implement changes to the scope or to leverage other funding.
- ODOT will be responsible for managing the project budget within the funds allocated by Metro for the project. If those funds are exceeded, ODOT would work with partners to identify and implement changes to the scope or to leverage other funding.
- Clackamas County will work with partners to make best efforts to manage project scope and community engagement.
- A coordinated conceptual design (15%), potentially delivered through a master design process, will be approved by the project steering committee as defined in the Expenditure Plan and will serve as the basis for project delivery agreements including cost of project elements.

Agreed Next Steps

The partners agree to work on the following next steps in advance of November 2020. If the ballot measure passes, the partners would undertake additional steps to develop and deliver a project or series of projects.

Step	Lead/partner agencies	Due Date
Refine project elements and project delivery approach	Metro/Clackamas County/TriMet/ODOT	December 2020
Consider Small Start project strategy and concept	Metro/TriMet	January 2021
Coordinated Conceptual Design (15%) IGA	Metro	July 2021
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