



# Memo

**Date:** October 23, 2019  
**To:** Board of Directors  
**From:** Doug Kelsey  
**Subject:** RESOLUTION NO. 19-10-87 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE INTERGOVERNMENTAL AGREEMENT (IGA) WITH METRO FOR THE ENVIRONMENTAL PHASE WORK FOR THE SOUTHWEST CORRIDOR PROJECT

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**1. Purpose of Item**

This Resolution requests the TriMet Board of Directors (Board) to authorize the General Manager or his designee to execute a modification to the Intergovernmental Agreement (IGA) with Metro (Modification) to reimburse the costs of the Environmental Phase Work for the Southwest Corridor Project (Project).

**2. Type of Agenda Item**

- Initial Contract
- Contract Modification
- Other: Modification of IGA

**3. Reason for Board Action**

Board authorization is required because the amount TriMet will be obligated to reimburse Metro under the Modification of the IGA exceeds the amount originally authorized by the Board.

**4. Type of Action**

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

**5. Background**

The Southwest Corridor Project is currently in the planning phase. The Project will construct a light rail line and associated roadway, bicycle and pedestrian improvements from downtown Portland, via Tigard, then connect to the Bridgeport Transit Center in Tualatin. The Project is the region's highest transit priority under Metro's High Capacity Transit System Plan.

At its December 13, 2017 meeting, the Board approved Resolution 17-12-89, authorizing an Intergovernmental Agreement (IGA) with Metro for the Project's Environmental Phase and Project Coordination Services. Under the IGA, TriMet agreed to reimburse Metro for staff and consultant costs to work on the Project through completion of the Final Environmental Impact Statement (FEIS). Resolution 17-12-89 authorized TriMet to reimburse Metro up to \$5,000,000

for this work.

The original IGA assumed the environmental analysis process would be completed in July 2019. Due to the number of options that required evaluation before a preferred route through this well-developed region could be designated, the Draft Environmental Impact Statement (DEIS) process considered many more alternatives than typical projects. As a result, Metro and TriMet had to allocate additional resources to develop the design and analysis necessary to achieve the regional consensus described in the November 2018 Locally Preferred Alternative (LPA).

Therefore, the parties now anticipate that completion of the Final Environmental Impact Statement (FEIS) will cost \$1,250,000 more than the original estimate. In part, this is because some analyses that would normally have been completed in the DEIS were deferred to the FEIS to minimize the number of alternatives to be analyzed for impacts related to historic resources. This analysis now must occur to meet the requirements of the National Environmental Policy Act (NEPA), and complete the environmental phase of the Project.

Metro and TriMet further estimate that an additional \$1,250,000 will be needed to reimburse Metro staff through the conclusion of the environmental phase, in approximately December of 2020. This reimbursement also supports continued efforts in the corridor for the Southwest Equitable Development Strategy (SWEDS), a community and governmental organization established to ensure that the Project and accompanying development will occur in an equitable manner.

Therefore, the total anticipated additional costs required to complete the environmental phase and obtain a Record of Decision for the Project is \$2,500,000. This Resolution authorizes an amendment to the IGA to increase TriMet's reimbursement to Metro from \$5,000,000, to a total amount of \$7,500,000.

**6. Procurement Process**

N/A

**7. Diversity**

Metro contracted with Parametrix to assist with completion of the DEIS. In the DEIS phase, DBE consultants accounted for 7.4 percent (7.4%) of the Parametrix contract value.

Parametrix's proposal for the FEIS work includes new DBE firms, and it now expects to obtain approximately 25 percent (25%) DBE participation in this work.

**8. Financial/Budget Impact**

The Project budget includes environmental services, and the additional amount needed for the IGA is included in the approved FY 2020 Capital Program budget.

**9. Impact if Not Approved**

Under the terms of the IGA, TriMet is obligated to reimburse Metro for its work on the environmental phase of the Project. If this Modification is not approved, TriMet would be required to contract with third party consultants to complete the Final Environmental Impact Statement work. This FEIS work customarily is performed by Metro, and must be completed prior to TriMet's request to enter the Engineering phase for the Project.

**RESOLUTION NO. 19-10-87**

**RESOLUTION NO. 19-10-87 OF THE TRI-COUNTY METROPOLITAN  
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A  
MODIFICATION TO THE INTERGOVERNMENTAL AGREEMENT (IGA)  
WITH METRO FOR THE ENVIRONMENTAL PHASE WORK FOR THE  
SOUTHWEST CORRIDOR PROJECT**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a modification of the Intergovernmental Agreement (IGA) with Metro (Modification) to reimburse the costs of the Environmental Phase Work for the Southwest Corridor Project (Project); and

**WHEREAS**, the total amount of the Modification exceeds the amount previously authorized by the Board for this IGA; and

**WHEREAS**, by Resolution dated October 25, 2017, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to approve modification of an IGA that obligates TriMet to pay in excess of \$1,000,000;

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

1. That the Modification shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the Modification in the amount of \$2,500,000, through the anticipated December 2020 conclusion of the Project's Environmental Phase.

Dated: October 23, 2019

Attest:

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Presiding Officer

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Recording Secretary

Approved as to Legal Sufficiency:

  
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Legal Department

