



## Minutes

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<b>Meeting:</b>	TriMet Board of Directors Regular Board Meeting	<b>Date:</b>	December 13, 2023
		<b>Time:</b>	9:00 a.m.
<b>Board Members Present:</b>	Keith Edwards Tyler Frisbee Ozzie Gonzalez Thomas Kim LaVerne Lewis Kathy Wai	<b>Board Members Absent:</b>	Robert Kellogg

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President Gonzalez called the business meeting to order at 9:38 am.

### 1. Committee Reports

**Committee on Accessible Transportation (CAT)** – Director Edwards provided a summary of the November 19, 2023 CAT meeting. At the meeting, the committee discussed the Agency’s upcoming community engagement strategies and inclement weather planning and response. Chair Jan Campbell also shared with the Committee the unfortunate news that long-time CAT member Arnold Panitch passed away recently. Chair Campbell also participated in the recent Robertson Tunnel emergency evacuation drill exercise. President Gonzalez was in attendance at the meeting and shared his background and goals to improve practices for those with disabilities in our community. During the open forum, CAT members shared their concerns about upcoming service changes, thinning out stops, on-going elevator access issues, and provided a reminder about the upcoming fixed route sub-committee meeting on December 13. The next CAT meeting takes place December 20.

**Metro Policy Advisory Committee (MPAC)** –Director Kim shared highlights from the November 8, 2023 MPAC meeting. Metro staff provided an update on the 2024 Urban Growth Management approach to evaluating capacity for new development in the Urban Growth Boundary. The committee also received an update on the Regional Freight and Commodities Movement Study. The next MPAC meeting takes place December 13.

**Finance and Audit Committee (F&A)** – Director Lewis provided a summary of the F&A meeting that took place earlier this morning. The meeting agenda consisted of a number of updates including a preview of the newly updated Transit Oriented Development (TOD) website, an update on negotiations with the ATU, a preview of the updated Business Plan to be presented to the board in January, a brief educational session on budget transfers, and an overview of the upcoming budget process with the proposed budget coming before the board in March.

**Transit Equity Advisory Committee (TEAC)** – Director Frisbee shared highlights from the November 14, 2023 TEAC meeting. At the meeting, the committee was provided an overview of TriMet’s Community Engagement initiatives, was presented the Forward Together long-range accessibility plan, discussed further efforts to build relationships, and reviewed TEAC accomplishments. The next TEAC meeting takes place January 9, 2024.

## **2. General Manager Report**

### **October and November 2023 Ridership**

Mr. Desue shared that TriMet provided a reminder that in October, work on ‘A Better Red Project’ to rebuild the MAX Station at the Portland Airport disrupted the MAX Red line for most of the month. Regardless, weekly ridership was up nearly 11% in October over October 2022. TriMet provided more than 5.6 million rides. This puts October ridership at about 65% of pre-pandemic levels.

### **Revenue VS Ridership**

Mr. Desue provided insight into a previous question from the Board on why our passenger revenue is not increasing at the same level as our ridership. TriMet has experienced an increase in Transit Assistance, Summer Pass and Grant Fare programs which are reimbursed by STIF. STIF is not reported out as “Fare Revenue”. Funding from participation in the fare programs increased by \$5 million or 184% of pre-pandemic.

### **Line 48 Frequent Service**

Mr. Desue provided an update on Line 48, reminding the board that at the November retreat, we shared some ideas on how to further make our system safer and improve our maintenance efforts. Staff is continuing to evaluate and cost the various options. In early January, Mr. Desue announced he will alert the Board on how we are proceeding and at the January board meeting, he will provide a walkthrough of the specifics as well as the implementation timeline. Building ridership is critically important and we have seen the highest rates of ridership recovery have occurred on our Frequent Service bus lines. There are a few Frequent Service lines running in Washington County right now. This is thanks to the Forward Together service improvements, developed with the community, that were approved by the board. We are seeing quite a bit of enthusiasm for upgrading Line 48-Cornell to Frequent Service. The line runs between Hillsboro Central Transit Center and Beaverton Transit Center. With the December 3<sup>rd</sup> service change, Line 48 buses are arriving every 15 minutes or better for most of the day, every day. When transit is fast and frequent, riders are more likely to hop on board. The Forward Together plan calls for improving other bus lines to Frequent Service. We continue to hire new operators and are working very hard to retain them, but until we can increase our operator ranks, expanding and improving our service will be affected.

### **System Spruce-up**

Mr. Desue pointed out that riders returning to our MAX stations and transit centers are noticing a transformation as we work to keep our system as welcoming as possible. Mr. Desue introduced Jamie Snook, Director of Major Projects, and Jeremy Rehfeldt, Director of Facilities Maintenance, along with Liz Higgins, Senior Project Manager to provide a presentation on the deep cleaning and spruce-up efforts that are underway right now. A copy of the presentation can be found in the meeting archives at [www.trimet.org](http://www.trimet.org).

### **A Better Red Service Disruption**

Mr. Desue provided an update on “A Better Red Project”. The project is now about 85% completed and we have hit some exciting milestones; and are on the right track to complete this project on time in 2024. We do have another big service disruption coming up that is needed to allow crews the time and space necessary to conduct this work. While the last service disruption, at 126 days, was our longest, the upcoming one will likely be the most disruptive for our riders. It will begin Sunday, January 14 and run through Sunday, February 25, requiring the shutting down of the Gateway Transit Center to all MAX service. Due to how significant the disruption will be, TriMet’s Communications and Outreach teams are beginning to send out information about it today. We want to make sure all affected MAX riders are aware. And more communications will be occurring right until and through the disruption.

### **Fare Increase**

Mr. Desue provided details on how TriMet is communicating to the community regarding the upcoming fare increase. For months now, we have been going out to communities and talking with people about our Honored Citizen reduced fare, how to sign up and start saving on transit costs. We have been holding educational pop-ups and with these events, we meet our riders where they are and we do it with staff and partners who speak their language. With these scheduled events and all our communications channels, we are reminding riders that some fares are increasing on January 1<sup>st</sup>. We are also reminding riders that if they use Hop and ride frequently, their costs will not change, since the monthly caps and pass costs will remain the same. For riders using the Honored Citizen reduced fare Hop card, that means unlimited rides for just \$28 a month after just ten days of riding including following the fare increase.

### **Looking Back at 2023**

Mr. Desue provided a look back on some of TriMet’s accomplishments in 2023 by introducing a video to recap the year. The video can be reviewed as part of the December 13, 2023 meeting recording on YouTube at [www.youtube.com/@trimet](http://www.youtube.com/@trimet).

## **3. Consent Agenda**

- Approval of Board Meeting Minutes for October 25, 2023
- Resolution to Read Ordinances by Title Only
- Resolution 23-12-56 – Authorizing a Contract Modification with TH Builders Corp. for On-Call Buildings and Sites Maintenance and Repair Services
- Resolution 23-12-57 – Authorizing Contracts with Aramark Uniform Services and Unifirst Corporation for Maintenance Uniform Rental and Laundry Services (3 Lots)
- Resolution 23-12-58 – Authorizing a Contract Modification to Increase Funds for a Contract with EC Electric for Anticipated On-Call General Electrical Equipment Installation Services
- Resolution 23-12-59 – Authorizing a Contract Modification to Increase Funds for a Contract with Team Electric for Anticipated On-Call General Electrical Equipment Installation Services

**Action:** Director Edwards moved for approval of the Consent Agenda. Director Wai seconded the motion. The motion passed with unanimous approval.

## **4. Resolutions**

### **Resolution 23-12-60 – Appointing Members to the 2024-25 HB 2017 Transit Advisory Committee**

General Manager Desue discussed Resolution 23-12-60. This resolution asks for the Board to confirm appointments to the HB 2017 Transit Advisory Committee for calendar years 2024 and 2025. The Board is

required to take this action under Oregon law, as the Transit Advisory Committee helps develop a plan for projects and programs funded by HB 2017, also known as Keep Oregon Moving. Advisory Committee members are appointed for 2-year terms with the opportunity to be re-appointed for three additional terms, for up to eight years of volunteer service. The resolution before you this morning requests authorization for the re-appointment of 17 members for the committee and the initial appointment of 8 new members. The proposed members represent a broad range of interests, perspectives, racial and cultural backgrounds, while also providing representation from each board member's sub-districts. Mr. Desue introduced Tom Mills, Director of Mobility Planning and Policy to present on the proposed resolution. A copy of the presentation can be found in the meeting archives at [www.trimet.org](http://www.trimet.org). Mr. Desue confirmed that approval of the resolution will have no direct budgetary impact, however, the approval of the Advisory Committee is necessary for TriMet to receive funding from the state legislature's HB 2017 programs.

**Action:** Director Edwards moved for approval of Resolution 23-12-60. Director Lewis seconded the motion. The motion passed with unanimous approval.

#### **Resolution 23-12-61 – Approving the Updated Agency Safety Plan**

Mr. Desue discussed Resolution 23-12-61. The Federal Transit Administration requires Board review and approval of TriMet's updated Agency Safety Plan by December 31<sup>st</sup> of each year. Fulfillment of this requirement renews our commitment to safety and allows TriMet to receive FTA funds. The safety activities that are outlined in the 2023 Agency Safety Plan are integrated into TriMet's day-to-day operations and budgetary decisions. Our Safety Plan, which has been thoroughly reviewed by myself, COO Bonnie Todd and the safety sensitive Executive team members, includes all of the elements required by the FTA, plus a checklist of items that were identified during the review process. The updated Agency Safety Plan was published on trimet.org and provided to each board member for review in October.

**Action:** Director Edwards moved for approval of Resolution 23-12-61. Director Kim seconded the motion. The motion passed with unanimous approval.

#### **Resolution 23-12-62 – Authorizing TriMet to Acquire by Purchase or Eminent Domain Certain Real Property Interests Necessary to Construction of the Park Avenue Park and Ride Garage Project**

Mr. Desue discussed Resolution 23-12-62. Construction to add two floors to the Park Avenue Park and Ride at the southern terminus of the MAX Orange Line is expected to begin next year. The two additional floors were deferred during the construction of the light rail line. We have received FTA approval to using savings from the Orange Line project to move forward on adding the floors. In order to construct and operate the project, TriMet needs to acquire a temporary construction easement, located on the property of the neighboring Portland-Milwaukie Elks Lodge. The Board declared the temporary easement necessary with a resolution passed in June. After obtaining a Fair Market appraisal, TriMet made a formal offer to the property owner in June, but to date negotiations have not been successful. To keep the project moving forward, we request Board authorization to obtain the property that is needed on a temporary basis for construction staging. By law, the condemnation process protects the property owner and the public body engaged in the acquisition process. We remain hopeful that the property can be acquired by purchase through negotiations. However, given the timeline, staff recommend the condemnation process should get started. Acquisition of the construction easement is included in the project budget.

**Action:** Director Kim moved for approval of Resolution 23-12-62. Director Frisbee seconded the motion. The motion passed with unanimous approval.

### **Resolution 23-12-63 – Authorizing a Lease with American Assets Trust, LP, for the TriMet LIFT Mobility Center at 710 NE Holladay Street**

Mr. Desue discussed Resolution 23-12-63. Our LIFT paratransit service provides vital transportation to people who are unable to access TriMet’s fixed-route buses and trains. In order to ride LIFT, you must first pre-qualify. The process includes a written application, in-person interview and physical and in some cases, a cognitive assessment. The physical assessment includes a walk-through of a mobility course that is laid out inside the TriMet Mobility Center. The Mobility Center has been located in Old Town at Northwest 5th and Davis, since 2010. With the lease for the building there expiring in 2025, we began to look for alternative sites that are centrally located, on level ground and in very close proximity to transit, preferably on the east side. Not only do a majority of LIFT applicants live east of the Willamette River, we wanted a facility that was easier to access, especially for those who must travel by car to the facility for mobility assessments and interviews. Of the 8 properties identified, TriMet found two to be suitable and settled on the facility at 710 NE Holladay Street. The total cost of the lease is expected to be \$3.5 million dollars, over an almost 12-year term. The lease is included in TriMet’s zero-based budget for leased facilities and includes 7 months of rent abatement. We would like to have the new Mobility Center up and running as soon as July 1, 2024. This will free up the Northwest Davis location... and while it is still under lease we could possibly use that as a hub for a downtown precinct for our safety and security groups.

**Action:** Director Frisbee moved for approval of Resolution 23-12-63. Director Edwards seconded the motion. The motion passed with unanimous approval.

### **Resolution 23-12-64 – Approving HR Policy Update 4.4 Regarding Criminal Background Checks for Subject Individuals**

Mr. Desue discussed Resolution 23-12-64. This resolution seeks an amendment to TriMet’s criminal records background check policy that would give our paratransit customers the option to use Uber and Lyft as a supplement to the service they receive from TriMet LIFT. Oregon law requires TriMet to conduct criminal record background checks of “subject individuals” who operate motor vehicles for TriMet, transport passengers and have access to safety-sensitive facilities or information. TriMet has the authority to define “Subject individuals”. In this case, the agency has defined them in HR Policy 4.4 to be job applicants and employees who operate vehicles, transport passengers, including those who are under contract to provide LIFT paratransit service, or have access to critical infrastructure or sensitive facilities or information. TriMet conducts criminal records checks on these individuals to determine their fitness for placement as our employees and contractors. HR Policy 4.4 requires fingerprints as part of the criminal background check. For example, LIFT relies on our contractor Transdev to provide paratransit service, and all current Transdev operators and subcontractors have passed a fingerprint-based criminal background check. TriMet continues to struggle to provide adequate LIFT paratransit service, given ongoing labor and vehicle shortages, and other challenges presented since the pandemic. We would like to offer our LIFT riders more options by granting them the opportunity to obtain paratransit rides from drivers associated with Transportation Mobility Network Companies, such as Uber and Lyft. Adding these options will expand the transit choices available to our LIFT customers, and help TriMet LIFT provide better service and avoid poor on-time performance issues. Currently, all Uber and Lyft drivers in the TriMet Service District must complete a criminal background check pursuant to Portland City Code. Despite requiring annually updated electronic criminal records checks and a cross check with the National Sex Offender Registry, the City Code does not include fingerprinting, which is consistent with other jurisdictions in which transportation network companies operate. The resolution before you would amend TriMet’s HR Policy 4.4 to exclude the

fingerprint requirement for background checks for TNC subcontractors in service to TriMet LIFT, so long as these drivers have completed and passed the Portland City Code criminal record background check, with annual updates. Approval would give riders who are experiencing disability a broader range of choices for transit service and the ability to travel more freely, a benefit that most of us enjoy. Adoption will increase the ability of our LIFT paratransit program to meet its on-time performance by offering improved service at a lower cost.

**Action:** Director Frisbee moved for approval of Resolution 23-12-64. President Gonzalez seconded the motion. The motion passed with unanimous approval.

**Resolution 23-12-65 – Authorizing Amendment of the Committee on Accessible Transportation Bylaws**

Mr. Desue discussed Resolution 23-12-65. TriMet's Committee on Accessible Transportation, referred to as CAT, was established by the Board of Directors in 1984. The group's charge is to review and evaluate all current and future transportation services for older adults and people living with disabilities, including policies, procedures, procurements, budgets and funding. The Board exercises oversight over CAT and must approve bylaws and all amendments by resolution. The resolution before you today requests authorization of amendments to the CAT Bylaws that better define the Committee's purposes. They also clarify the Committee's expectations for conduct during meetings and better describes roles and responsibilities, among some other changes. I would like to thank Director Edwards for his involvement in developing these amendments, the full proposal of which is included in detail in your Board Packet.

**Action:** Director Lewis moved for approval of Resolution 23-12-65. Director Edwards seconded the motion. The motion passed with unanimous approval.

**Resolution 23-12-66 – Authorizing a Contract Modification with Stacy and Witbeck, Inc. (SWI) for Construction Manager/General Contractor (CM/GC) Services for the Banfield Track Rehabilitation Project**

Mr. Desue discussed Resolution 23-12-66. As TriMet shuts down parts of the MAX system for the Better Red Project coming up in January as I mentioned in my report... we are also tackling other projects to lessen future disruption to our riders. The upcoming, 6-week shutdown includes TriMet's oldest and highest speed light rail corridor along the Banfield, or what is more commonly referred to as I-84 these days. Up to half of the 39 year-old timber ties in the stretch between Gateway Transit Center and the Lloyd Center stations need to be replaced within the next few years. In addition, we also need to replace sections of curved track and associated components. Stacy and Witbeck, an experienced and specialized track contractor, was selected by the Board last June as the project's CM/GC. They are expecting to complete as much of the work as possible during the upcoming Better Red disruption. The resolution before you today requests Board authorization for a contract modification for construction services, in the amount of \$8.2 million dollars, plus \$400,000 dollars for possible change orders. With preconstruction services, that brings the total contract authority to about \$8.75 million dollars. The amount is included in the Maintenance Operations Division's FY24 budget. Stacy and Witbeck has about 865 employees; roughly 30% are minority and 15% are female. The firm plans to use Oregon-certified small business contractors for about 10% of the work.

**Action:** Director Kim moved for approval of Resolution 23-12-66. Director Lewis seconded the motion. The motion passed with unanimous approval.

**Resolution 23-12-67 – Authorizing Contracts with CBM Systems LLC, Columbia Pressure Washing LLC, and Damac and Associates Clean LLC, for Custodial Goods and Services (5 Regions)**

Mr. Desue discussed Resolution 23-12-67. TriMet contracts for custodial services in our office spaces, breakrooms, layover areas and transit centers. The services are divided among five geographic regions. Our contract expired yesterday, but work was already underway to identify contractors to fill these roles. For the needed services, TriMet looked at ways to increase opportunities for small businesses and disadvantaged business enterprises. We began the process by contacting more than 20 COBID-certified firms. When we say COBID, we're referring to Oregon's Certification Office for Business Inclusion and Diversity. TriMet then issued an Invitation to Bid which received 11 responses; however 3 were deemed nonresponsive. Of those remaining 8 firms, the source evaluation committee awarded separate contracts for different regions within the TriMet District to:

- CBM Systems - for approximately \$4.2 million dollars
- Columbia Pressure Washing – for about \$2.2 million dollars, and
- DAMAC & Associates Cleaning – for about \$863,000 dollars

The total value of the three contracts is nearly \$7.2 million dollars, and each has a five-year term. Final, total contract amounts will be based on the agency's actual usage of the services. The amounts are included in the Facilities Maintenance Budget for FY24 and beyond. There is a lot of diversity within these firms:

- CBM's workforce of 192 people is nearly 70% minority and 70% female.
- Columbia Pressure Washing's 19-person workforce is 100% minority and 42% female.
- DAMAC and Associates is COBID-certified, and its 30-person workforce is 83% minority and 50% female.

**Action:** Director Kim moved for approval of Resolution 23-12-67. Director Frisbee seconded the motion. Director Edwards abstained. The motion passed with five votes in favor and one abstention.

**Resolution 23-12-68 – Authorizing a Contract with Stacy and Witbeck, Inc. for Construction Services for the Willamette Shore Line Trestle Repair and Nebraska Street Crossing Replacement Project**

Mr. Desue discussed Resolution 23-12-68. The Willamette Shore Line railroad right-of-way corridor is owned by the Willamette Shore Line Consortium, which consists of four partners: The cities of Lake Oswego and Portland, Metro and TriMet. The right of way corridor is used by the Willamette trolley which travels between Portland's South Waterfront and Lake Oswego. Within the consortium, TriMet's responsibility includes providing routine inspections along the corridor and evaluating, among other things, the structural integrity of wooden trestles. TriMet also oversees the implementation of solutions. These ongoing efforts preserve and maintain the infrastructure for the possibility of future transit use. Inspection of the trestles in 2020 identified new repairs necessary for three trestles in order to maintain safe operations. As a result of that discovery, TriMet suspended trolley operations that pass over the trestles until the repairs can be completed. In addition, the South Nebraska Street crossing, which provides access across the right of way to Willamette Park, is failing and also in need of repairs. The crossing is constructed of rail on wood ties capped with asphalt. Restoration will include replacement of the failed wood ties with concrete crossing panels and heavier rails. TriMet issued an Invitation to Bid for this Project in September and obtained two bids in October. Stacy and Witbeck's proposal was the low bid and came closest to TriMet's independent cost estimate. Its bid also was deemed to be fair and reasonable. This resolution would authorize award of the contract to Stacy and Witbeck at a total amount of \$3.5 million dollars plus possible change orders up to about 10% of the contract value. Funding is included in the FY24 budget for Engineering and Construction. Stacy and Witbeck has about 865 employees; roughly 30% are minority and 15% are female.

**Action:** Director Wai moved for approval of Resolution 23-12-68. Director Lewis seconded the motion. Director Frisbee abstained. The motion passed with five votes in favor and one abstention.

**Resolution 23-12-69 – Authorizing a Class Exemption for On-Call Building and Site Maintenance, Repairs, and Improvement Services**

Mr. Desue discussed Resolution 23-12-69. TriMet has contracted with several firms in recent years to provide on-call building and site maintenance services at the facilities across our 533-square mile service district. Traditionally, these are smaller projects and have been classified as maintenance and repair services. However, staff believes that they are better classified as public improvements because they often can include extensive work. This resolution seeks authorization for a class exemption from low-bid requirements that would allow a “best value” solicitation for contractors to perform on-call maintenance and repair projects at various TriMet facilities. This would allow TriMet to conduct a solicitation for the services exclusively for contractors certified by Oregon’s Certification Office for Business Inclusion and Diversity, or COBID. The services provided under the contract would include building and site maintenance, repairs, and improvements of TriMet-owned or leased properties. The disciplines required for this work include carpentry, drywall, flooring, painting, masonry, plumbing, and other construction services. The estimated costs for the various projects would range from \$5,000 dollars to a maximum of \$800,000 dollars. If approved, the exemption from low-bid requirements authorized by this resolution would facilitate opportunities for COBID-certified firms to win contracts and build capacity through the project-delivery method.

**Action:** Director Gonzalez convened the TriMet Contract Review Board, comprised of the TriMet Board of Directors, to take action on this resolution. Director Frisbee moved for approval of Resolution 23-12-69. Director Kim seconded the motion. The motion passed with unanimous approval. Director Gonzalez reconvened the TriMet Board of Directors for the remainder of the business meeting.

**5. Ordinances**

**Ordinance 376 – Self-Employment Tax Ordinance – First Reading and Public Hearing**

General Counsel Devine read Ordinance No. 376 by Title Only.

Mr. Desue discussed Ordinance 376. This is a procedural ordinance; an annual housekeeping item. It reconnects TriMet Code to the federal tax code, providing clarity for taxpayers and the Oregon Department of Revenue.

President Gonzalez opened the public hearing. There were no members of the public present to comment on Ordinance 376. President Gonzalez closed the public hearing.

Hearing no further business, President Gonzalez adjourned the meeting at 11:56am

**6. Briefing**

**Skidmore Fountain MAX Station Review**

Mr. Desue reminded the board that roughly four and a half years ago, the TriMet Board of Directors at the time voted to make MAX service in downtown Portland more efficient with the closure of three stations. A



decision about closing a fourth station, the Skidmore Fountain MAX Station, was essentially delayed and was to be re-evaluated in 2022. The pandemic pushed out our timeline for revisiting the closure, but as ridership at the station and development around it have not improved, we want to revisit the closure now. Mr. Desue introduced Executive Director of Public Affairs, JC Vannatta, and Senior Planner Grant O'Connell to provide an update and the strategy for moving forward with the closure. A copy of the presentation can be found in the meeting archives at [www.trimet.org](http://www.trimet.org).

Respectfully submitted,

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Falesha Thrash, Board Administrator and recording secretary