

Date: February 24, 2021

To: Board of Directors

From: Doug Kelsey



Subject: RESOLUTION NO. 21-02-06 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) DECLARING CERTAIN REAL PROPERTY AS NECESSARY FOR CONSTRUCTION AND OPERATION OF THE BETTER RED LIGHT RAIL PROJECT

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board) declare that certain real property and real property interests are necessary for the construction and operation of the Better Red Light Rail Project (Project), and to authorize the General Manager or his designee to make offers to acquire that property by purchase or by the power of eminent domain.

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other Declaration of Necessity of Real Property

3. Reason for Board Action

Chapter 267 of the Oregon Revised Statutes authorizes TriMet to acquire real property by purchase or eminent domain, and ORS 35.235 requires the Board to declare the necessity and purpose for which the property is required.

4. Type of Action

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading
- Other _____

5. Background

The Better Red Light Rail Project will extend service on the MAX Red Line beyond the Beaverton Transit Center to the Fair Complex/Hillsboro Airport Station and also construct improvements at the Gateway Transit Center and double-track the guideway to the Portland International Airport, thus improving service and reliable on-time performance along the entire MAX system.

By extending the Red Line further west from its current terminus at Beaverton Transit Center to a new terminus at the Fair Complex/Hillsboro Airport station, the Project will efficiently provide significant new light rail service to the communities of Beaverton and Hillsboro. The Project also will improve reliability and on-time performance of the entire MAX light rail system by removing two major sources of delay: 1) the single-track for the Red Line at

Gateway Transit Center, and 2) the single-track for the Red Line at the Portland International Airport Station. These single tracks will be converted to double-track, thus allowing MAX light rail vehicles to come and go at the same time. TriMet estimates that the Project will increase ridership by about 5,000 daily trips, with the estimated additional fare revenue covering 30 to 50 percent of the increased operating cost.

In order to construct and operate the Project, TriMet will need to acquire certain real property and interests in real property, which are listed on Exhibit A and shown on the Exhibit B map, attached to this Resolution. As Exhibits A and B show, there are relatively few properties affected by the Project, with only eleven property owners being impacted. Six of the eleven owners are state and local governments, who are aware of the impacts and supportive of the Project. Most of the property interests required are either temporary rights necessary to construct the Project or permanent easements required for operation and maintenance. TriMet does not expect to acquire entire properties for the Project.

6. Financial/Budget Impact

The purchase of necessary property is a Project cost, and is included in the Project budget.

7. Impact if Not Approved

This Resolution is required in order for TriMet to acquire the real property and real property interests necessary to construct and operate the Project. After approval of the Resolution, TriMet staff will make formal written offers to purchase property based on independent appraisals and contingent on FTA issuance of the federal grant. TriMet will then attempt to agree with the property owners to acquire the identified properties.

This Resolution does not authorize TriMet to file any condemnation lawsuits. Staff is hopeful that all properties required for the Project will be acquired by negotiation. In the event condemnation is required for the Project, further action by the Board will be necessary and staff will return to the Board for any necessary authorizations.

RESOLUTION NO. 21-02-06

RESOLUTION NO. 21-02-06 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) DECLARING CERTAIN REAL PROPERTY AS NECESSARY FOR CONSTRUCTION AND OPERATION OF THE BETTER RED LIGHT RAIL PROJECT

WHEREAS, the Better Red Light Rail Project (Project) is a light rail extension and reliability project for the MAX Red Line that will extend Red Line service to the Fair Complex/Hillsboro Airport Station and improve reliability by constructing improvements at Gateway and at the Portland Airport Station; and

WHEREAS, in 2012, TriMet completed the Westside Service Enhancement Plan which called for extension of the MAX Red Line from Beaverton Transit Center to Hillsboro to increase capacity in that portion of the light rail network and provide a one-seat MAX ride from Hillsboro to the Portland International Airport; and

WHEREAS, in 2014-2015, TriMet completed an analysis of capital improvements that would best improve on-time performance in the light rail system, and in 2016, TriMet staff identified how these project elements could fit together into a single project; and

WHEREAS, TriMet subsequently convened a Project Advisory Group consisting of representatives from the Port of Portland, the City of Portland, Metro, ODOT, Washington County, and the City of Hillsboro, which developed and recommended approval of a Locally Preferred Alternative for the Project in November 2018, and

WHEREAS, in April 2019, the TriMet Board of Directors adopted the Locally Preferred Alternative and approved TriMet's request to enter Project Development in April 2019.

WHEREAS, the Project has received a Medium-High rating from the Federal Transit Administration (FTA) and TriMet expects to receive an FTA Small Starts grant in spring 2021; and

WHEREAS, as shown by attached Exhibit A and Exhibit, attached hereto, TriMet has identified certain real property and real property interests as necessary to acquire for the construction and operation of the Project; and

WHEREAS, pursuant to ORS 267.200(2) and ORS 267.225(2), TriMet is authorized and empowered to acquire by condemnation, purchase, lease, devise, gift or voluntary grant, real and personal property, or any interest therein located inside the TriMet boundaries; and

WHEREAS, pursuant to ORS 35.235, after the Board first declares by Resolution the necessity for the acquisition of real property and the purpose for which it is required, TriMet is authorized to negotiate with the owner of said real property and attempt to agree on the amount of compensation to be paid therefore, and the damages, if any, for the taking thereof.

NOW, THEREFORE, BE IT RESOLVED:

1. The Board hereby declares that the acquisition of certain real property and real property interests, generally described in the attached Exhibit A by address and tax lot

identification number, and generally depicted in the attached Exhibit B map, as necessary for the construction and operation of the Project.

2. That the construction of the Project is necessary for the public interest, and has been planned, designed, located and will be constructed in a manner that will be most compatible with the greatest public good and the least private injury.
3. That the General Manager or his designee is authorized and directed to negotiate and attempt to agree with the owner of the property, and any other persons in interest, as to the compensation to be paid for the property and the damages, if any, for the taking thereof, and is authorized to make a binding offer of such compensation for the property.

Dated: February 24, 2021

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:

Gregory E. Skillman

Legal Department