

Date: March 22, 2023

To: Board of Directors

From: Sam Desue, Jr.

Subject: RESOLUTION NO. 23-03-13 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH METRO FOR THE BETTER BUS PROGRAM

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 for joint implementation of the Better Bus Program.

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 obligating TriMet to pay in excess of \$1,000,000.

4. Type of Action

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

5. Background

Metro is responsible for approving the expenditure of regional federal transportation funds to support work in critical transit corridors. This work includes projects to relieve highway bottlenecks, develop active transportation / safe school routes, and implement the Regional Enhanced Transit Corridor (ETC) Concept Program. In partnership with TriMet and other local jurisdictions, Metro initiated the original ETC Program in the Fall of 2017.

The ETC Program increases transit ridership by improving transit reliability, speed, and capacity through bottlenecks in congested corridors, using technology and other tools. In partnership with local jurisdictions, the ETC Program identifies projects where improvements are most needed and can be implemented quickly. In June of 2018, via Resolution No. 18-06-53, the Board authorized TriMet to enter into an Intergovernmental Agreement (IGA) with Metro that approved TriMet’s contribution of \$2,095,000 for active transportation / safe school routes and the ETC Program.

Due to the success of the ETC program, Metro has allocated \$5,000,000 to continue the program with a new name, the Better Bus (BB) Program. As with the ETC, the BB Program intends to:

- Increase transit ridership to meet regional and local goals by improving transit reliability, speed, and capacity through bottlenecks in congested corridors using technology and other tools (e.g., transit signal priority at busy intersections, bus-only lanes).
- Identify, design and build, in partnership with local jurisdictions and facility owners, a set of BB projects in bottlenecks or congested corridors where improvements are most needed and can be deployed quickly for immediate results.
- Develop numerous potential Better Bus projects that will be ready for construction as soon as funding sources are identified.

Metro and TriMet wish to continue working together to implement the BB Program throughout the region. To that end, Metro and TriMet staff have agreed upon a draft IGA by which Metro and TriMet each will contribute \$5,000,000 to advance the BB Program.

Under the proposed IGA, Metro will contribute \$5,000,000 in local funds to help identify and select qualified projects, develop project design, produce design documentation, develop cost estimates, and identify necessary permits for each Better Bus project. TriMet will contribute \$5,000,000 of State Transportation Improvement Fund (STIF) funds for the construction and implementation of the various projects as they are selected. TriMet also will retain the design firm, manage the contract, and invoice Metro for the design contractor's work.

On December 14, 2022, via Resolution No. 22-12-69, the Board approved projects for STIF funding for FY2024-FY25, and the BB Program was included in the approved projects. On February 22, 2023, via Resolution No. 23-02-07, the Board authorized TriMet to enter into a \$4.2 million Better Bus Design Services contract with Nelson\Nygaard, which is the second step envisioned in this process. As Nelson\Nygaard's design services are performed, Metro will pay for them pursuant to invoices from TriMet.

Under the IGA, once the qualified Better Bus projects have been identified and selected, TriMet will work with local jurisdictions and allocate the \$5,000,000 in STIF funds to procure contractors to implement the projects. Project construction is expected to begin in the second half of FY2025.

The Board's approval of this Resolution will provide Board authorization for the proposed IGA and the contracts to implement various Better Bus projects, including certain contracts that may exceed \$1,000,000. However, the total amount expended by TriMet pursuant to the IGA will not exceed the \$5,000,000 in STIF funding previously approved by the Board.

6. Financial/Budget Impact

This Resolution is revenue-neutral because TriMet's costs to implement the various Better Bus projects come from STIF funds that originate from ODOT, and TriMet will invoice Metro for the design services and TriMet's contract administration costs.

7. Impact if Not Approved

If the Resolution is not approved, TriMet will not be able to enter into the IGA with Metro and will not be able to jointly implement the Better Bus Program as envisioned.

RESOLUTION NO. 23-03-13

**RESOLUTION NO. 23-03-13 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING
AN INTERGOVERNMENTAL AGREEMENT WITH METRO FOR THE
BETTER BUS PROGRAM**

WHEREAS, TriMet has authority under ORS 267.200 to enter into an Intergovernmental Agreement (IGA) with Metro for the Better Bus Program; 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 total amount of the IGA with Metro will exceed \$1,000,000; and

WHEREAS, some Better Bus projects funded by this IGA may require contracts obligating TriMet to pay in excess of \$1,000,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the IGA shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the IGA with Metro in the amount of not more than \$5,000,000, to be expended through the IGA's termination date of December 31, 2026.
3. That, pursuant to the IGA, the General Manager or his designee is authorized to execute contracts to implement Better Bus projects that may exceed the amount of \$1,000,000.

Dated: March 22, 2023



Presiding Officer

Attest:



Recording Secretary

Approved as to Legal Sufficiency:



Legal Department