



Citizen's Advisory Committee (CAC)

**Thursday, March 17, 2011
Carvin Hall, St. Philip Neri Parish
2408 SE 16th Avenue**

PMLR CAC Members Present

Barbara Andersen, Oak Grove
Lina Bensel, Independent Living Resources
Ray Bryan, Historic Milwaukie Neighborhood
Paul Carlson, Oregon Museum of Science & Industry (OMSI)
Valerie Chapman, Oak Grove
David Edwards, Oak Grove
Catherine Goode, Ardenwald-Johnson Creek Neighborhood
Lance Lindahl, Brooklyn Neighborhood (BAC)
Eric Miller, Island Station Neighborhood
Fred Nelligan, Oak Lodge Community Council
Dan Packard, Eastmoreland Neighborhood
Susan Pearce, Hosford-Abernathy Neighborhood
Valeria Ramirez, Portland Opera
Dee Walsh, REACH
Rick Williams – CHAIR, Lloyd District Transportation Management Association

PMLR CAC Members Absent

David Aschenbrenner, Hector Campbell Neighborhood
Debbie Cronk, South Waterfront Neighborhood
Neil Hankerson, Dark Horse Comics
Greg Hemer, Milwaukie Lumber
Erin Kelley, Bicycle & Pedestrian Advocate
Ken Love, South Portland Neighborhood
Arnold Panitch, TriMet Committee on Accessible Transportation (CAT)
Terri Pucik, SMILE
Jeff Reaves, Central Eastside Industrial Council (CEIC)
Dan Zalkow, Portland – Portland State University (PSU)

Rick Williams (CAC Chair) welcomed those in attendance and opened the meeting. He asked the committee if anyone had any comments on the last meeting's summary notes. There were none.

Project Update, presented by Dave Unsworth, TriMet Deputy Project Director.

Next Tuesday is the groundbreaking event for roadway improvements on SW Moody Street in the South Waterfront district, funded by TIGER funds. Funding from that first round of TIGER grants helped offset some PMLR project costs. U.S. Secretary of Transportation Ray LaHood, Federal Transit Administration (FTA) administrator Peter Rogoff, and other dignitaries will be attending the groundbreaking and we hope they will also have some news for us regarding our Final Design approval. It is exciting to have both the secretary and the administrator come to Portland and pay attention to Portland-related projects.

TriMet and the City of Portland are trading scopes on the TIGER I-funded part of the project in the South Waterfront area, to make sure the project is constructed in the most effective way. Money is being passed on through TriMet to the City of Portland for this grant, so there is a lot of coordination going on between the agencies.

Finance Update

On April 6, Portland City Council will consider a resolution to adopt an Inter-Governmental Agreement (IGA) with TriMet that confirms the City of Portland will contribute \$55 million to PMLR. City of Portland originally signed an agreement to provide \$30 million to the project; the total was increased by \$25 million to help recalibrate the project finance plan, and now is repackaged in one contract for a total amount of \$55 million.

At the last meeting, Dave announced that the Oregon Department of Transportation (ODOT) had come up with an additional \$13.55 million to contribute to PMLR. TriMet and ODOT are in the drafting stages of an IGA that would transfer this money to TriMet this spring.

There are a few properties that the project is asking regional partners to donate as in-kind contributions. Appraisals on these properties need to be finalized for these donations to get closed.

We hope to apply for the Full Funding Grant Agreement (FFGA) with the FTA in June or July, at which time the project financing plan must be complete. At the last meeting, Dave also told the committee that TriMet General Manager Neil McFarlane and TriMet Capital Projects Executive Director Dan Blocher flew to Washington D.C. and talked to FTA Administrator Peter Rogoff. This meeting was very positive and it appears the project will be ready to get started soon.

Bridge update

TriMet is still seeking some approvals for the PMLR Bridge. Tuesday, TriMet received a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Administration (FEMA) for putting two piers in the river. This permit shows the two piers will lead to a two-tenths of an inch rise in the 100-year floodplain. There will be a public

notice in the newspaper at the end of March announcing that FEMA affirmed the rise in the floodplain level is allowable.

Today, City of Portland granted Greenway approval for the eastside of the bridge. These approvals have been secured for both sides of the river. TriMet still has a few permits that are outstanding: one from the U.S. Coast Guard and one from the U.S. Army Corps of Engineers. Both are awaiting a very technical issue to be resolved by the Oregon Department of Environmental Quality (DEQ), which we hope to resolve quickly. Another outstanding permit is from the Oregon Marine Board. There will be a hearing on March 30 about establishing a no-wake zone and exclusion zone for bridge construction. TriMet encourages small boaters and others to voice any concerns they have at this hearing.

General Project Update

Design teams have been hired for the east and west segments of the project, and are working to advance the design from 30 percent to 60 percent by June 2011. Tonight, TriMet is presenting concepts for the Kellogg Bridge at a joint meeting of the City of Milwaukie's Planning Commission and Design and Landmarks Committee. On March 3, TriMet presented concepts for the Harbor structure to the Portland Design Review Commission.

The teams are adjusting the designs based on this input to get to 60 percent design. We want the best 60 percent design possible; at that point a new cost estimate will be performed. Once the project is costed, we will know whether any deferred scope could be restored into the project. There will be other times when we can consider bringing back scope again, but this is the first significant milestone. We know the budget is set. We know that with financing, escalation and vehicle cost, the project will be \$1.49 billion. Now it's up to us to manage the project to get as much scope as possible within that budget. TriMet will do this throughout the project, including through construction.

You may notice some drill rigs doing work along the alignment. There is geo-technical work going on to test soils and make sure the design structures fit the soil types. We were out testing near the Portland Opera at the landside abutment, in order to get as much information as possible to inform the bridge design. There are about 60 other testing sites that will occur.

There has also been work to remove trees in front of Portland Opera. They are taking the trees out now, to avoid nesting birds and comply with the Migratory Bird Treaty Act.

Dave explained that Fred Nelligan provided a memo on the light that goes on top of the train. It has unofficially been called the "Cyclops" light. The reason the light is up there is 1) it had to have a design that differentiated it from freight trains, and 2) when they built the Banfield light rail line, they didn't have enough light to be able to stop if something was on the tracks. Fred's memo explained the light might cause traffic safety issues when it comes around the turn near the Trolley Trail between Kellogg Lake and Park Avenue in Milwaukie. TriMet's Director of Safety takes this concern seriously and will

look into it. TriMet is most concerned with how the light will affect train operators, but is also concerned with how it will affect drivers on the road.

QUESTIONS

Lance Lindahl: Has TriMet selected a mitigation plan for installing the bridge piers in the Willamette River?

Dave Unsworth: The biggest issue is not actually putting the piers in the river but potential resuspension of contaminated soils from water stirring near the piers. The soils at the bottom of the Willamette River have contaminants from past industrial uses adjacent to the river. The bridge installations will not necessarily disturb the soils, but water passing by the piers will stir up the soils. The mitigation plan involves placing rock above these soils.

But there is also mitigation for the rock placement. The National Oceanic and Atmospheric Administration (NOAA) Fisheries was concerned that the rock was habitat for Northern Pikeminnow, a predator fish of salmon. To mitigate, TriMet worked with the City of Portland to provide shallow-water salmon habitat which also helped mitigate a City of Portland project on the West Greenway in South Waterfront District.

The other part of the mitigation is to remove 180 derelict, creosote-laden piles from the river just south of the St. John's Bridge. This work will happen this summer during the in-water work window. TriMet views this as a reasonably well-priced mitigation project, and allows them to get through the difficult NOAA Fisheries process.

Dave explained that they are also pulling a couple of piles from an old pedestrian bridge across Kellogg Lake to satisfy mitigation requirements for that bridge.

Rick Williams: Asked for clarification that the 60 percent design drawings are scheduled to be done in June.

Dave Unsworth: Yes, and after those are done, we will update the cost estimate for the project.

Eric Miller: Is TriMet done recalibrating the budget?

Dave Unsworth: There are still a few things that need to be done to finalize the budget. First, we need to complete the IGA between TriMet and the City of Portland for the \$55 million previously mentioned. TriMet also needs an IGA signed with ODOT for the \$13.55 million previously mentioned. There are verbal commitments for these IGAs from both agencies. Second, there are property donations TriMet has requested from North Clackamas Park District, Metro, City of Portland, City of Milwaukie, Portland Community College (PCC) and Portland State University (PSU). Having these properties donated allows us to fill out the budget and to get as many federal dollars as possible. TriMet is

in the process of getting appraisals for these requested properties. In summary, we are close to closing the budget gap. The budget should be finalized in 3-4 months.

Community Outreach Update, presented by Jennifer Koozer, TriMet Community Affairs Representative.

Jennifer talked about recent public meetings. One meeting was part two of the CAC study group on land use and planning around stations. It was not as well-attended as the first, but it was a helpful discussion. For now, there are no more study sessions planned. If there are other topics the CAC would like to discuss in more detail, please let her know.

We have had our first four design meetings now that the design team is on board, and there are two more meetings scheduled this month. There have been great turnouts, and there was a good mix of people new to the project and those who have been with the project for a while. At the first set of meetings in March, designers will show their visions for the design of the stations, and see if they're on track with what the community would like to see. The meetings in April will have more depth – the designers will have had a chance to advance their designs and have concepts they want feedback on.

The design team has a lot of work to get complete the 60 percent designs due in June and to prepare high-quality materials for the upcoming public meetings. Therefore, TriMet is considering not having the third meetings in May for each station area. Instead, they would only hold the March and April meetings. After the 60 percent plans have been completed, there will be another large public involvement process.

Jennifer asked the committee if they would like to cancel the April CAC, based on the light attendance tonight, and the fact that CAC members have been asked to attend a lot of related meetings recently. Also there are religious observances the third Thursday in April.

QUESTIONS:

Valerie Chapman: At the last Park Avenue meeting at the Elks Lodge, there were people who came to the meeting for the first time who had some discomfort with the meeting. The people who live in the area would have liked the chance to gather with just their neighbors.

Fred Nelligan: Asked for clarification if the meeting Valerie was talking about was the one on Saturday for Park Avenue station area planning.

Valerie Chapman: Yes. There were people from along the river or down the road who were sharing their opinions on what the area should be, and some of the new people

from the area said it didn't make them feel good to hear outsiders talk about their neighborhood like that. Valerie suggested that perhaps TriMet should encourage people who live in the area to gather and talk about how the project feels for them.

Fred Nelligan: Some local people have been getting together at neighbors' houses to discuss station area planning.

Valerie Chapman: She would be happy to facilitate meeting with neighbors in the area.

Jennifer Koozer: She would connect Valerie with the Clackamas County staff setting up smaller meetings for close neighbors.

Paul Carlson: Thanked TriMet for making themselves available. He said it was great to have input from the Opera and OMSI given to TriMet. He said they don't have any neighbors but do have lots of employees, and it was a great chance for both organizations to come together.

Real estate acquisition update, presented by Jillian Detweiler, property development manager for TriMet.

Jillian explained that she would be giving an update on the status of acquiring properties needed for the PMLR.

The TriMet board authorized the acquisition program in December 2010, in order to start the process for property owners who wanted to be acquired early, those whose properties were needed early on in the construction process, or where the acquisition will be complicated. There has already been a fair amount of progress made in terms of monetary value of properties acquired. There have been land donations secured from Oregon Health Sciences University (OHSU) and ZRZ Realty. These properties combined are worth \$20 million. Another piece of land needed is the Willamette Shoreline right-of-way. This has been appraised at \$26 million, and is just waiting FTA approval. Completing these high value donations reduces the risk associated with the cost of real estate acquisition.

Jillian explained that acquisition is complete for six additional properties. These properties were acquired when, for business or personal reasons, the property owner wanted to move forward with a sale, and TriMet was able to start early to accommodate their schedule, instead of purchasing the properties according to the construction schedule. TriMet has also made offers on 11 other properties.

Jillian explained the process of acquisition: First comes an environmental assessment, and then TriMet commissions an appraisal. The appraisal is reviewed by an independent third party appraiser, and if the property is appraised at over \$750,000, the FTA must also approve the appraisal. Then an offer is made to the property owner. Most of this work is done with the assistance of Universal Field Services (UFS), a

national company with expertise in the area of acquiring properties under the Uniform Relocation Act, the federal rule that governs the acquisition of property when using federal funds. UFS are the people who are making the offer and communicating with the property owner. The property owner can make a counter-offer, and quite often a negotiation takes place. Sometimes it advances to a formal mediation. It rarely goes to arbitration, and it rarely goes to court, although that could be an outcome if necessary.

There will be times when we need to initiate the condemnation process, which requires TriMet Board approval, but this is not necessarily a hostile action or a last resort. It's an avenue for property owners to get the money they were offered. If TriMet files a condemnation case, TriMet's offer amount will be deposited in court and the court can provide it to the landowner even if the final price is still being negotiated. Sometimes landowners want access to the money right away for a variety of reasons, and this allows them to get this.

A less desirable situation is when TriMet must take possession of the property to meet the construction schedule. Even then, negotiations go on as the legal process proceeds. So, for example, if TriMet needs just a sliver of a property to meet the construction schedule, but the landowner is dissatisfied with the offer, the negotiations can go on without compromising the construction schedule.

TriMet also provides relocation benefits. These services include helping to search for a site, covering moving expenses, re-establishment expenses, and consulting services through the PSU Business Outreach Program. Consultants with this program are currently working with businesses that are tenants. They are trying to make sure the tenant is strong going into the move, and that they have a business plan that informs where they choose to relocate to ensure the greatest chance of success. TriMet believes the outcome for many businesses can be a stronger business and a better location. This doesn't mean the move isn't hard or inconvenient, but TriMet is doing its best to give businesses every tool they need to provide the best experience possible. Businesses can also accept an "in lieu" payment, in lieu of actually moving. For example, they could take the money and retire.

TriMet also has contracts for property management and security services for times when TriMet is the property owner, and the tenant or owner has moved out, but construction hasn't started yet. These security and property management firms will look after the site until construction begins. TriMet will try to demolish buildings as soon as possible if demolition is called for to ensure they are not a nuisance. Three demolition contractors have been chosen in a competitive process. TriMet has also gone through all buildings that will be demolished to see which are the best candidates for deconstruction and recycling of building materials.

There is a fact sheet the committee was given that explains relocation information for the general public. If you are a business or household being impacted by relocation though, we provide a brochure that is much more detailed, and it can be accessed off the TriMet website.

QUESTIONS:

Barbara Andersen: Has TriMet contacted all property owners they will seek acquisition from?

Jillian Detweiler: Yes, at least general information has been given to all affected property owners.

Dan Packard: What did you mean when you talked about “risk” in terms of acquisition?

Jillian Detweiler: TriMet has an estimate for the cost of a property. However, there is always risk that the price that was estimated based on the best available data will change when the acquisition is actually made. When a property is purchased, there is no longer a risk that the price will change. In the case of the donations made by OHSU and ZRZ, these were very important to the financing strategy of the project, especially because they were counted as match toward the FTA grant. Once they were closed, any uncertainty about the amount was eliminated.

Dan Packard: When is the projected date when all property acquisitions will be completed?

Jillian Detweiler: Most of the work would be done over the next 18 months. Unless a property owner has a particular need, TriMet prioritizes based on the construction schedule. Some properties are not needed until as late as fall 2013.

Fred Nelligan: Are there any contingency funds built into the acquisition program?

Jillian Detweiler: There is contingency built into the acquisition budget because there are changes in the market and there may be a need for additional properties. Where TriMet knows the entire property is needed, it is moving ahead with the acquisition, especially if the property is needed early in the construction schedule. If only part of the property is needed, TriMet is holding off on some of the acquisitions until the design is finalized, in order to take into account any potential changes.

Fred Nelligan: One of the questions that came up at a recent Milwaukie open house was about the Kellogg Lake structure and how it will affect the Portland Classic Guitar building. However, he noted the building is not listed for acquisition from TriMet.

Dave Unsworth: Although the line will go very close to the Portland Classic Guitar building, construction is not planned to touch the building. TriMet will have to consider how the construction will affect the building in terms of noise elevation levels, especially now that they found there is an apartment (legal or not) on the second floor. Cases like

this come up over the course of the project, and this is why contingency plans are built in.

Fred Nelligan: Some people at the Milwaukie open house really liked the design of the Kellogg Lake structure, but when they learned that a few buildings nearby were affected, they were surprised.

Dave Unsworth: TriMet only takes purchases property when necessary. We don't like to disrupt businesses, and if we have to demolish a building, we will be very careful and thoughtful about it.

David Edwards: Has there been any resistance from property owners in terms of acquisition?

Jillian Detweiler: None yet.

David Edwards: How is real estate fluctuation affecting the acquisition budget?

Jillian Detweiler: Everything is based on the appraisal. The appraiser always looks at comparable sales. Sometimes there are no comparable sales in the market. In most of the appraisals thus far, the appraiser has been looking at a minimum of five comparable sales. Some of these may have been back in 2006 and others may be in 2010. The price reflected in the appraisal is a mix or average of these comparable sales, with adjustments made for the particular property. The requirement is to get the market value at the time of the appraisal. However, the comparable sales may differ economic conditions over a period of time.

David Edwards: What happens if the property owner thinks their property will rise in value as the real estate market recovers, and therefore wants greater compensation than is offered?

Jillian Detweiler: We do expect to hear that from some property owners. However, if landowners are simply going to take the acquisition money and buy something else right away, then they have been compensated at a level that allows them to do that. If they are in the rarer situation where they plan to take the money and not reinvest in property, then it could be more difficult. But usually people want to move to another house, invest in another commercial property, or move their business to another location, and they will be doing that in the same real estate market as when they sold their property to TriMet.

Susan Pearce: How far away do properties have to be from the alignment to need to be acquired and how do partial property acquisitions work?

Jillian Detweiler: Many of the properties slated for acquisition were already adjacent to the existing railroad, and TriMet has lots of experience successfully siting rail lines close to the backs of buildings.

Dave Unsworth: TriMet has to be able to have enough room to construct the line. If the alignment is in the middle of the street, we have to make sure there is enough room for a planter strip and a sidewalk. He gave an example of a house on SE 17th Avenue where the sidewalk will get a little closer to existing buildings. In other examples, TriMet will purchase the Keller and Royal Foods buildings, and will look into whether we can keep or reuse part of the building. Buildings that can be repurposed will be put back on the market when possible. Buildings will be saved when possible, or if they are razed, the property will be put back on the market if it has no TriMet use after construction.

Valeria Ramirez: If the tenant wants to move out of the area, is there a cap on the moving expenses if they decide to move to Seattle, for example?

Jillian Detweiler: There is no cap on relocation expenses.

Valeria Ramirez: Is there an effort being made to keep businesses in the area?

Jillian Detweiler: TriMet does try to keep businesses in the same neighborhood if applicable, but that's not always important to the businesses. However, most businesses so far want to stay in the same area and current real estate prices and vacancy rates make that easier to do.

(Question from citizen **Ann**): Can TriMet elaborate on what assistance PSU offers for businesses?

Jillian Detweiler: The PSU program helps the business analyze what areas would be best for the business to relocate to.

Lance Lindahl: In the Brooklyn neighborhood, they have had to deal with a hotel demolition that took a long time and was a nuisance. He asked what the public notification process for demolitions would be.

Jillian Detweiler: There may not be a city-required notice for demolition, but TriMet will notify adjacent neighbors.

Valerie Chapman: What is the process for relocation of people in homes?

Jillian Detweiler: TriMet would be as responsive as possible to tenants and landowners, following the rules of the federal Uniform Relocation Act.

Valerie Chapman: Although government programs always offer comparable housing for relocated tenants, the comparable housing sometimes destroys the community. She said it's not necessarily about the housing but how it affects the community. She also asked when trees would be coming down on McLoughlin Boulevard.

Dave Unsworth: Trees would be coming down in January or February of 2012 to comply with the Migratory Bird Treaty Act. This timing has not been finalized yet though.

Rick Williams: Reiterated the point that relocation for those affected by the project is very important because it's not just about bricks and mortar; it's a community.

Rick added that TriMet staff doesn't think there needs to be a meeting next month, and asked if the committee was OK to leave this decision up to TriMet staff.

The CAC committee agreed they would leave it up to TriMet staff.

Roundtable:

Barbara Andersen: TriMet has been very responsive to Waldorf School's needs and questions.

Valerie Chapman: There have been tons of notifications from TriMet regarding the PMLR project, but lots of people in the affected neighborhoods still don't know much about the project. This is especially true for people around Park Avenue in Milwaukie. She will consider getting people in neighbor-to-neighbor meetings to improve communication.

Rick Williams thanked everyone for what they do in their own constituencies to get the word out about the project.

Ray Bryan: Wanted to make sure that the bridge over Kellogg Lake would be built to accommodate a future bike/pedestrian trail.

Dave Unsworth: There are two pedestrian improvement projects that TriMet has submitted grant application for, and have been notified they are finalists. He also said that yes, the Kellogg structure will accommodate the addition of future bike/pedestrian trails by others.

Catherine Goode said she was concerned about skipping the May design meetings.

Dave Unsworth said he would take her concern to TriMet staff.

Lance Lindahl said he is OK with skipping the CAC meeting next month. He also reiterated that in-house meetings would be great because a lot of the affected properties along Southeast 17th Avenue are rentals and they need to know about the project.

Dan Packard asked for an update on the quiet zone with the Union Pacific Railroad.

Dave Unsworth: There is no news. TriMet must first apply for permits from ODOT to show that crossings for pedestrians and bikes will be safe before they can move ahead

on quiet zones. He does not anticipate any problems with obtaining quiet zones where they are desired.

Valerie Chapman asked if there would be a pedestrian crossing above McLoughlin Boulevard.

Dave Unsworth: Crossings at McLoughlin Boulevard would be at-grade, with traffic signals. It is not in the budget to do above-street crossings.

Rick Williams asked if there were any public comments.

There were no public comments.

Next CAC meeting: Thursday, April 21, 6–7:30 p.m.

St. Philip Neri Parish, Carvlin Hall □ 2408 S.E. 16th Ave., □ Portland