



**Citizen's Advisory Committee (CAC)**  
**Thursday, August 18, 2011**  
**Carvlin Hall, St. Philip Neri Parish**  
**2408 SE 16<sup>th</sup> Avenue**

**PMLR CAC Members Present**

Barbara Andersen, Oak Grove  
David Aschenbrenner, Hector Campbell Neighborhood  
Ray Bryan, Historic Milwaukie Neighborhood  
Matt Brown for Paul Carlson, Oregon Museum of Science & Industry (OMSI)  
Valerie Chapman, Oak Grove  
Greg Hemer, Milwaukie Lumber  
Erin Kelley, Bicycle & Pedestrian Advocate  
Ken Love, South Portland Neighborhood  
Adam Marx, Brooklyn Action Corps  
Cindy Miguel, Island Station Neighborhood  
Fred Nelligan, Oak Lodge Community Council  
Fred Nolke, Eastmoreland Neighborhood  
Arnold Panitch, TriMet Committee on Accessible Transportation (CAT)  
Susan Pearce, Hosford-Abernethy Neighborhood  
Teri Pucik, SMILE  
Valeria Ramirez, Portland Opera  
Dee Walsh, REACH  
Rick Williams – CHAIR, Lloyd District Transportation Management Association  
Ian Stude for Dan Zalkow, Portland – Portland State University (PSU)

**PMLR CAC Members Absent**

Lina Bensel, Independent Living Resources  
David Edwards, Oak Grove  
Catherine Goode, Ardenwald-Johnson Creek Neighborhood  
Neil Hankerson, Milwaukie Downtown Business  
Jeff Reaves, Central Eastside Industrial Council (CEIC)

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**Rick Williams (CAC Chair)** welcomed attendees and opened the meeting. Rick introduced new members Fred Nolke (Eastmoreland Neighborhood), Adam Marx (Brooklyn Neighborhood) and Cindy Miguel (Island Station Neighborhood). A search is

still in progress to find a replacement for Debbie Cronk (South Waterfront Neighborhood).

There were no comments or revisions to the notes from the June meeting.

Barbara Andersen disclosed a potential conflict of interest. She has taken a job with the Mill End Store, owned by the Deitrich family, which has proposed a development at the Tacoma station. Rick asked staff to confirm this is not a concern.

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**Project Finance and Recalibration Update, presented by Rob Barnard, TriMet Project Director.**

The project is advancing well. Construction and design activities include groundbreaking for the PMLR Bridge on June 30, meeting the 60 percent design milestone on June 16, and performing a cost estimate on that design in July.

At the same time, there is uncertainty in Washington, D.C., about federal funding for transportation projects. As reported in *The Oregonian*, the Republican congressional leadership proposed cutting or reducing federal transportation funding, which TriMet General Manager Neil McFarlane characterized as an opening bid in an ongoing negotiation. We are confident that while it could be downsized, the New Starts program will survive because of its impact on jobs. We're moving forward while paying close attention to federal budget developments.

We are working closely with the Federal Transportation Administration (FTA). In July, we submitted more than 100 sets of documents. This includes management plans and more than 3,000 drawings. On Friday, TriMet will submit the Full Funding Grant Agreement (FFGA) application, including the finance and cost-estimating plans. Staff is working hard to move the project forward, obtain the FFGA and "lock" the federal funding. The FFGA is a contract with FTA that sets scope, schedule and budget. While there is uncertainty, the project is well under way—we are in the final stages of FTA review for final approval. FTA has great confidence in the project due to the level of cooperation and support among the project partners and the community.

Next, Rob discussed the status of add-backs from last summer's recalibration effort. We had hoped to be able to add back deferred elements during the process of design and construction, as budget dollars became available. However, that has changed. In late July, FTA officials reviewed the federal enabling law and now believe add-backs can't happen until the project is "substantially complete." This reduces risk of expending funds on added scope before there is certainty that no large claims will come at the end of the project.

"Substantially complete" usually means "beneficial occupancy," or the ability to power trains. However, we believe this definition is up for interpretation. We will continue to advocate for consideration of add-backs earlier, when it is most cost effective.

FTA agreed that all deferred items could be eligible for funding, since they were covered in the Final Environmental Impact Statement (FEIS). The question now is when we would be able to consider add-backs if resources are available.

The impact of delaying add-backs varies by item. As you will recall, most items that were deferred can be added back as stand-alone items such as a pedestrian overcrossing. Some items have a moderate premium if added back later such as the second pullout and elevator on the Bybee Bridge. One item on the list has a significant premium to be paid if done after substantial completion. Delaying the Streetcar Close the Loop project would cost a great deal more because it would involve deconstruction of recently completed improvements. So we are including Close the Loop in the FFGA application and drawing down contingency funds while we chase funding. It's important to keep this viable by including it in the FFGA, even if we don't yet have funding. If we don't put it on the list now, we'll essentially close the door on it. This puts us on the cusp of the FTA contingency requirements, without headroom for anything else at this time.

The other items are still eligible for funding. But the new interpretation by FTA means those items are pushed to later in the project than we hoped. Again, we will continue to push the definition of "substantial completion" in hopes to avoid additional cost associated with delay.

## QUESTIONS

**Dee Walsh:** What is the likely year of substantial completion? What is the cost of Close the Loop?

Rob Barnard: Substantial Completion is usually nine to 12 months before the project opens, when contractor has completed construction and testing and training is under way -- about September 2014.

At 30 percent design, Close the Loop was estimated at \$7.75 million in the year of expenditure with all contingency. At 60 percent design, it was re-estimated at \$6.6 million.

This Close the Loop cost just covers the items inside the light rail operating envelope. It doesn't include overhead wire and signal equipment. It just assures that we don't have to jackhammer out what we just finished building.

The City of Portland recently established a Transportation System Development Charge (TSDC) Overlay District, which will provides seed money to chase the local match. The overall project is about \$20 million, including \$10 million for vehicles. Portland Streetcar is actively pursuing funding.

**Susan Pearce:** So we can breathe easily regarding Close the Loop?

Rob Barnard: We expect it to be part of the FFGA, which we hope to have in March 2012.

**Fred Nelligan:** Did you say the 60 percent final engineering budget came in at \$1.2 billion?

Rob Barnard: The project budget is \$1.49 billion.

**Fred Nelligan:** Will the in-water work this year only include the eastside coffer dam?

Rob Barnard: Crews started the westside coffer dam this week. In-water work is defined as work that disturbs the river bottom, which includes both work bridges and both cofferdams. Once the cofferdams have been built, we can work year-round inside them because we are isolated from the river. We plan to complete both coffer dams and work bridges by October 31, 2011.

**Barbara Andersen:** I'm concerned about whether the Tacoma parking structure will be built if we don't include it in the project now.

Rob Barnard: The scope for the Tacoma parking structure comes late in the project. That gives us a long time to continue this conversation.

**Erin Kelley:** Is there a chance of this agreement not going through?

Rob Barnard: There is always a chance that the FTA would not sign the FFGA. However, the FTA views us as the "A student." The project was one of the highest ranked in criteria for light rail in the nation. It has a solid finance plan. All local funding is committed. We have 60 percent drawings. We have a contractor building a bridge. The project is well-positioned.

If New Starts funding evaporates, we'll have a long conversation. But every indication is that it will continue. It might have a haircut – what might change is not the total appropriation but the annual amounts over a longer time. President Obama's budget listed it at \$200 million per year. The letter from FTA listed it at \$100 million. We based our finance plan on \$100 million per year.

**Erin Kelley:** When or how can we add back in other items beyond the Close the Loop project?

Rob Barnard: That depends on the continuing discussion with FTA about defining "substantial completion." We'd like to add it all back. It's the project we want, but it's not the project we can afford today. We're working aggressively to advance the project and get good pricing. On July 12, we requested a Letter of No Prejudice, asking for authority to build another \$97 million worth of work early, in order to take advantage of low prices now. These are steps we're taking to advance the project and lower the cost.

**Greg Hemer:** Would you bet a year's salary it will pass and we'll get the money? Give us odds.

Rob Barnard: I don't want to give odds. We have a significant amount of local dollars in hand (ODOT, Metro, cities). We have money to begin construction. The bonds have been sold for those purposes. We have our half secured, and we are leveraging it.

**Greg Hemer:** The project is front-weighted. Won't that savings accumulate?

Rob Barnard: Yes, we hope so. Financing is a significant load. We complete the project in 2015, but FTA's last payment would be in May 2020. Our peak borrowing is over \$400 million including interest and basis points. You have to be conservative to pass FTA review. Who knows what the market will be in 2020? If it turns out we get the FFGA in March 2012 and bond interest rates are low, we should lock them up now and take the lower rates. But we can't assume that. We've had our bond counsel develop a finance plan for what can pass FTA review.

**Susan Pearce:** Were we able to start our work on the bridge on the west side because Zidell completed its work?

Rob Barnard: Yes, hats off to Zidell to stepping up to the plate and advancing their work for the best interest of the region. They were under court order to complete the remediation cap this year. They got their permits June 30, just in time for the July 1 in-water work window. They worked 12 hour days, seven days a week at their cost to go as fast as they could so we could both complete our work within the in-water window.

**Arnold Panitch:** I have noticed the "no rail" signs in Milwaukie and Clackamas County. I've read they're not happy with their contribution to this project. What is the status of the Milwaukie and Clackamas County contribution?

Rob Barnard: We have contracts with Milwaukie and Clackamas County. This is a regionally significant project currently under construction. If they defaulted on that contract, there would be significant concerns. Both bodies understand the contract. The contracts provide flexibility about how payments are made. We're working with them to figure what works to meet their needs, including in-kind contributions and payment schedule.

**Arnold Panitch:** Are there voter initiatives to vote on the funding?

Rob Barnard: Among the tools to pay for public projects are urban renewal and local improvement districts. One initiative was put forth calling for a countywide vote if there were a proposal for an urban renewal district along the PMLR route. If the initiative were to get on the ballot, the county has said they would consider placing a measure on the ballot requiring only those who actually pay taxes in the urban renewal district to vote on it. Regardless, urban renewal is only one of several funding tools. If it's not available, there are other tools.

**Fred Nelligan:** Some of the “no” people in Clackamas County who are behind the petition drive talked about a minimum operable alignment. What is that?

Rob Barnard: The FEIS does show a minimal operable segment (MOS) that stops at Lake Road.

**Fred Nelligan:** Is the MOS something you address during the FFGA process?

Rob Barnard: The FEIS covers both the MOS and the full project, but we’re submitting the FFGA application for the full alignment.

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**Public Art Update, presented by Michelle Traver, TriMet Public Art Coordinator and Mary Priester, Public Art Manager**

Michelle Traver provided an update on the work of the Public Art Advisory Committee (PAAC). Michelle reviewed the process for selecting the artists, including a national call for artists that yielded over 250 applications from professional public artists. The PAAC then selected artists for commissions at specific station areas. Artists have been researching and engaging with local communities, including an orientation with community members in December 2010, shortly after they came on board. Each has developed a concept that has been approved by the PAAC. Artists now are developing these concepts to address technical, safety and other issues.

Next, Michelle and Mary presented the artists’ concept proposals for:

1. Park Avenue
2. Kellogg Bridge
3. Lake Rd Station
4. Tacoma/Johnson Creek Station
5. Bybee Station
6. 17th Avenue Corridor
7. Clinton Station
8. OMSI and South Waterfront Stations
9. Lincoln Street Station
10. PMLR Bridge
11. System-wide project

Following the presentation, Michelle reviewed next steps. The artists will present their final designs to the Art Advisory Committee in the fall. Technical and safety reviews are ongoing.

## QUESTIONS:

**Teri Pucik:** At Bybee Station, I didn't see where you will place the beacon? What is the design for the shelter columns?

Michelle Traver: Explained the location of the beacon is above the elevator. It would be a very subtle moving light. The shelter columns will be covered in mosaic tile and will relate to other imagery in the elevator tower.

**Teri Pucik:** At Tacoma/Johnson Creek, what will the castings be made of?

Michelle Traver: The castings will be concrete poured into earth molds on site.

**Teri Pucik:** On 17th Avenue, I'm concerned the 40 rowboat sculptures will attract homeless people.

Michelle Traver: That's a good point about the rowboats. That is something we discussed during the technical review, and are asking the artist to help resolve that issue. Each of the boats would have trees and landscaping inside them. We will bring these concepts to the SMILE neighborhood meeting.

**Arnold Panitch:** With regards to Bybee, the elevator ought to be transparent so people can feel safe in it.

Michelle Traver: We require all our windscreen glass to retain 60 percent visibility at a minimum. We will note that.

**Ian Stude:** Had questions about the Portland Milwaukie Light Rail Bridge lighting design and visibility for cyclists.

Michelle Traver: The aesthetic lighting design is separate from the lighting for the path and transitway. Lighting levels for the bridge are determined by visibility requirements for operators, pedestrians and cyclists. The lighting level on the bridge deck will remain consistent.

**Ian Stude:** Expressed a concern about the sonic bike path and the longitudinal seam between the two materials creating a hazard for bicycle tires. The seam should not be anything to divert a wheel – a common cause of bicycle crashes. The Bicycle Advisory Committee will have concerns about this.

Mary Priester: There are many technical issues to resolve on the sonic bike path concept. We met with the Bicycle Advisory Committee about the concept and will bring back details.

**Matt Brown:** Who maintains the art? Where do maintenance funds come from? The OMSI and South Waterfront art is driven by content and technology. How does that get maintained over time so it's not a boring metal box 15 years from now?

Mary Priester: That's an important hurdle for the artist to clear. It's possible some of the interior pieces may need to be replaced over time. Even if technology gets updated and revised, there's a sense that what he's putting in place will accommodate those changes over time.

**Fred Nelligan:** Can you explain in a holistic view how comments and opinions from the public will be factored by each artist? How does the Art Advisory Committee influence the process with each artist?

Michelle Traver: We share our notes and public feedback with the artists. The Art Advisory Committee, like you, understands the depth and complexity of the project. We take our lead from that committee. Art is very subjective. At the recent Oak Grove Community Council meeting, we received amazing feedback from the community, the kind of feedback that helped the artist develop his concept further. But comments such "that's ugly" are not constructive.

**Fred Nelligan:** Can you get an official rendering of the artwork at Park Avenue as it would sit in the plaza with the appropriate level of landscaping so people can see it in context?

Michelle Traver: Yes, I've already requested it.

**Ray Bryan:** I love the waterfall at Lake Road station. I'm concerned about the volume of water.

**Greg Hemer:** I thought the artist got \$250,000 and that paid for everything?

Michelle Traver: Yes, we do have a commissioned amount for each project, although the amount varies. In the design phase, they are paid generally 10 percent of their contract. Right now, they are only being paid for design.

**Dee Walsh:** I love the Halprin-inspired sculptures, but I would be careful because they could be used as urinals.

Mary Priester: Thank you. One of the property owners also suggested the artist consider making panels reflective so you could see around them.

**Susan Pearce:** I second the concerns about attractive nuisances. I'm also concerned about lighting for two reasons: light pollution, especially lights going up, and conflicts with migratory birds. Thirdly, especially for the bridge, there are instances of lighting bouncing off water at certain times of year that have triggered seizures. Please consider getting a neurology consult.

**Erin Kelley:** How is the video art in the OMSI and South Waterfront stations powered? There isn't a requirement for solar power?

Mary Priester: No, but the power required to run those is about the same as required for a laptop computer.

**Cindy Miguel:** There are many opportunities to involve college students, as well as high school and junior high school students. It would be great to design a process to encourage that participation.

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The public involvement update and committee roundtable were suspended due to time constraints.

Claudia Steinberg (TriMet Community Affairs Manager) noted there is a public meeting August 30 regarding the expansion of TriMet's Ruby Junction Maintenance Facility in Gresham.

DeeAnn Sandberg (TriMet Community Affairs Representative) noted many of the trees on Lincoln Street will be removed next month to prepare for underground utility construction.

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### **Public Comment**

There was no public comment.

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Rick Williams adjourned the meeting at 7:45 p.m.

**Next CAC meeting: Thursday, Sept. 15, 6–7:30 p.m.**

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