



**Portland-Milwaukie Light Rail Project  
Steering Committee Meeting  
Tuesday, Dec. 1, 2009  
TriMet Offices**

**Meeting Notes**

**Members Present:**

**Fred Hansen, General Manager, TriMet  
Sue Keil, Director, Portland Bureau of Transportation  
Susan Stone, Councilor, Milwaukie  
Nancy Bennett, Office of Multnomah County Commissioner Kafoury  
Rick Williams, Chair, CAC  
Jim Bernard, Commissioner, Clackamas County  
Robert Liberty, Councilor, Metro  
Alice Norris, Mayor, Oregon City  
Rian Windsheimer, ODOT Region 1**

**Members Absent:**

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**Welcome and Introductions presented by Fred Hansen**

Jim Bernard initiated a motion to accept minutes of June 22, 2009. Susan Stone asked to clarify the statement on page 6 of the minutes. Her statement affirmed only the aesthetics of the entire alignment, in particular in Milwaukie. Group accepted the clarification and unanimously adopted the minutes.

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**Project Keys to Success presented by Neil McFarlane, TriMet**

Neil provided an update on progress to date. He noted Federal Transit Administration (FTA) approval for preliminary engineering in March and added that, despite receiving approval later than expected, staff is continuing to push hard to stay on schedule. He complimented the combined teams for working through many issues. He pointed to more than 100 neighborhood and community meetings staff has held since Jan. 1, 2009, helping to identify and resolve issues quickly. He said staff submitted the 15 percent design plans on Aug. 1. TriMet responded to comments from jurisdictions, revised plans, and will submit its 25 percent plans for review on Dec. 2.

Neil noted that work is beginning on developing a cost estimate as another key element of the preliminary engineering plan. This will be based on the 25 percent design and should be ready in mid-January.

Next, Neil called attention to two critical, higher-risk items: the agreement with Union Pacific Railroad (UPRR) and the new Willamette River Bridge. On the negotiations with UPRR, while noting a number of issues, he said he felt positive that the two parties were closing in on an agreement, with a goal of concluding an agreement by the end of January 2010. The big picture, he said, was that these discussions were moving forward without any significant change in the alignment. On the Willamette River Bridge, he noted the advancement of a high-quality design through the Willamette River Bridge Advisory Committee (WRBAC). In terms of process, he cited monthly reviews by FTA's project management oversight consultant. The consultant has created a list of deliverables for the jurisdictions, and TriMet is on schedule to satisfy that list. That step is key to the next major milestone of submitting an application for final design approval by April 1.

Another key part of the process, Neil said, will be finalizing the funding plan. He referred the committee to a budget summary in the packet showing a budget of \$1.4 billion to \$1.7 billion. Staff will be able to confirm that budget or identify issues as it develops its 25 percent design plan estimates.

Finally, Neil pointed to two action items to keep in mind: The federal share of the project, and the local share. TriMet will ask the federal government to fund 60 percent of the project. A Congressional representative has met with the FTA administrator as part of an effort to "fertilize the seedbed" in hopes of eventually winning the federal government's approval. TriMet is currently drawing up intergovernmental agreements with jurisdictional partners, including Metro, City of Portland, Clackamas County and others, and is working to bring these to a committed status, an important precedent to submitting the final design application in April. Neil noted that the source(s) of \$16 million in funding have yet to be identified.

Fred Hansen asked Neil to clarify that it's "only a \$16 million issue" at the 60-40 federal-local match.

Neil McFarlane: The 60-40 plan represents an estimate of the 2008 locally preferred alternative. As staff has been resolving issues along the alignment, those have incurred additional costs as well as savings (e.g., bridge cost estimates have decreased). The net additional costs are approximately \$28 million – not fundamentally horrible on a \$1.8 billion project. The real check on that will come with the 25 percent estimate. If that estimate holds any surprises, in addition to other scope changes, that \$16 million could grow between now and April 1. That will be on everyone's list to solve after the first of the year.

Robert Liberty: Have some additional government contributions been identified since we last met? I thought the gap was larger than \$16 million.

Fred Hansen: We were required during the previous Administration to submit the program at a 50-50 match. We can reserve the 60-40 match. It would add \$100 million at 50-50.

Jim Bernard: Having looked at the list of contingencies, the line must get to Park Avenue for the (Clackamas) county to contribute anything. In the list, there are a number of items I would characterize as pork. E.g., Jackson Street Station, shelters on Fifth Avenue, Ruby Junction. If items continue to be added, we won't get to Park. It's clear I'm concerned.

Neil McFarlane: It's clear our objective is to get to Park Avenue absolutely. For further context, FTA asked TriMet to develop a list of items that could be potentially cut from the project if there were surprises such as a higher-than-expected bridge construction bid. He cautioned the committee that it's still a draft, a third-tier document backing up our contingency management efforts. We'll look at these kinds of items as we balance our cost estimate and available resources. Many of the items are ones we could defer or cut entirely until we know can afford them.

Jim Bernard: I am concerned that the project fly over McLoughlin Boulevard. It's not a good option to cut. McLoughlin is a challenge already. I know it's expensive, but keeps it out of the park and keeps the traffic moving on McLoughlin.

Sue Keil: I am here not just to protect Portland's interest. We have to look at it in terms of its overall performance. I hope we can rise to the level where we say, 'What are we trying to do here, where would we have the least impact, and what can we bring on later, if necessary, to get there?'

Neil McFarlane: That's the attitude we'll bring to it. Over the next couple of months, we will find out how much of an issue this is when we have our estimates in hand.

Neil McFarlane: While one mantra for the project is 60-40, another is 'in the water in June 2011.' That is a critical path item for the project. We lose an entire year if we don't make it, at a cost of about \$60 million. This should help us expedite the process with the federal government.

Robert Liberty: When construction cost estimates were made, were we already in the economic downturn?

Neil McFarlane: We were on the brink. Over time, construction costs have generally kept up with the CPI curve. We will need a thorough review of economic projections. After 2010, most people expect a slow increase in prices, but then what happens? We have more reconnaissance on that underway as part of our FTA submittal.

Fred Hansen: How large is our contingency?

Rob Barnard: \$126 million.

Neil McFarlane: That's on about \$860 million in construction costs, plus financing and real-estate costs.

Fred Hansen: Sue's point is a good one. We all have to make the project work. We've got to have a bridge. Other than that, we have to be willing to look beyond our own individual perspectives.

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### **Success Factor: Willamette River Bridge presented by Rob Barnard**

Rob Barnard presented brief updates on the bridge procurement plan and bridge design status, and a more detailed update on vertical clearance work.

Bridge Procurement Plan. Among the highlights of milestones for bridge design and construction, Rob noted the following:

- Request for industry comments submitted last week
- A Request for Qualifications to select the most qualified design-build teams
- A short list of three to four RFQ firms selected to respond to a Request for Proposals in April 2010
- Notice to Proceed, expected in fall 2010
- In-water work window July 1-Oct. 30 2011
- Construction starting summer 2011 through spring 2015

Bridge Design. Rob offered a succinct update on the status of the bridge design, highlighting the overall design selected as well as refinements in such elements as railings, bicycle/pedestrian pathways, lightings, systems and utilities, and landside integration.

Vertical Clearance. Rob reviewed how staff developed the recommended vertical clearance of 77.36 feet. Among the research and data that informed the recommended height were analyses of river traffic, landside implications, climate change impacts, projected river uses, and future development on the east and west sides of the bridge.

Looking at river users, Rob explained that the recommendation was one of 17 different vertical clearance options studied, ranging from 65 feet to 120 feet. With the recommended height of 77.36 feet, Portland Spirit's tallest vessel, the Columbia Gorge, obtained 100 percent passage below the bridge.

Turning to an analysis of landside implications, staff analyzed 10 alternatives. The guiding principle was to find the balance between vertical clearance for river users and landside considerations such as right-of-way, future streetcar integration and retaining walls.

Next, staff looked at climate change research. A scientist was engaged to conduct the study as there were none extant for this reach of the river. The guiding principle provided to the scientist was to take a conservative approach, look at the reasonable range of river levels, and pick the higher value. The scientist reviewed the hydrology of the Willamette River, the Columbia River and sea level. That produced a range of year-round, daily river levels from 1.9 feet to 3.5 feet above current levels. Those levels would provide the Portland Spirit's current vessels passage below the new bridge 98.6 percent of the time. That translates to 13 lost days over a period of 30 years.

Robert Liberty: Does that just cover the month of December?

Rob Barnard: The Portland Spirit only sails in December. If it sailed year-long, the number of lost days would equal 68 over the 30-year span.

Continuing his presentation, Rob added that staff analyzed the costs and benefits of elevating the bridge. To achieve 100 percent passage would require increasing the slope for ramps and landings by 23 percent at a cost of \$17 million and drawbacks for service reliability, maintenance, travel speed and other implications.

Rob explained that he'd reviewed this research with the committee at its most recent meeting (in June 2009). This research looked at river and land conditions as they currently exist. Staff found that, beyond 77.36 feet in vertical clearance, there was a diminishing benefit to existing commercial river users. Also, raising the bridge higher than 77.36 feet would bring about more significant landside consequences.

Next, Rob reviewed recent research, conducted in the interim between today and the previous meeting. This latest research looked at how river and land uses might change in the future, and the implications for bridge height. Staff considered guidance from the U.S. Coast Guard (USCG), which calls for a bridge to meet the reasonable needs of existing and future navigation plans. Rob reviewed the different sources that staff consulted. These sources included research, reports and data from the City of Portland, Port of Portland, U.S. Department of Transportation, U.S. Army Corps of Engineers, and U.S. Coast

Guard. Staff also looked at implications for the Portland Spirit's proposal to add wind turbines to its ship, which would increase its height by 20 feet and result in 97 percent passage without global climate change and 93 percent passage with global climate change. Staff met with the FTA and the USCG commander, who told them they'd done a thorough job in considering the relevant research.

In summary, Rob explained the federal standard to balance the needs of landside versus the reasonable needs for river navigation. All the research on existing and future needs seemed to support they've found the right balance. Rob asked for an endorsement of that conclusion from the steering committee. If endorsed, the height recommendation would then go to the FTA for its NEPA (National Environmental Policy Act) EIS (Environmental Impact Statement) document for a Record of Decision. Then it would go to the USCG for adoption in summer or fall 2010.

Fred Hansen: Questions and comments from the committee?

Sue Keil: What was the cost delta for the different bridge heights and other implications?

Rob Barnard: As you go higher, you need more right-of-way, higher retaining walls, and such. We planned for 10 alternatives. Using 75 feet as a baseline, the cost escalated to \$89 million for 120 feet. At 85 feet, the cost was about \$72 million, or \$17 million to \$20 million more than the baseline. This height, 85 feet, would provide 100 percent clearance during all river events for the Columbia Gorge. At 77.36 feet, the Portland Spirit loses 13 days; at 85 feet, the ship loses five days during the 1996 flood.

Robert Liberty: Does raising the bridge move the locations of stations?

Rob Barnard: It makes it harder to integrate stations with planned buildings.

Rick Williams: Rick noted a letter in today's committee packet from the Citizen's Advisory Committee (CAC) stating its recommendations. He thanked staff for its information, particularly about the vertical clearance issue. He said the CAC was uneasy making a recommendation on vertical height, given its diverse agenda and limited time to consider technical issues. The committee asked Rick to abstain from making a specific height recommendation and defer to the Steering Committee.

Sue Keil: Sue noted a letter from the WRBAC in today's packet, which endorses the design of the bridge. She praised elements of the design, including the bridge towers, the shared pedestrian-bicyclist lanes, the aesthetic lighting and landside features. She said the committee carefully weighed the bridge elevation and its impact on the Portland Spirit, which she called a signature business that deserved to be taken care of. Taking those considerations in account, the

WRBAC endorsed the 77.36-foot height recommendation, believing it is a solid height that accommodates nearly all the days the Portland Spirit needs to operate its tallest ship in that area.

Rick Williams: Added that the CAC fully endorses the bridge design.

Fred Hansen: Fred complimented staff on conducting what he called an extensive evaluation that legitimately looked at all needs. He reminded the committee that the issue before them is whether to accept the recommendation of the WRBAC regarding all elements of the bridge design, including the vertical height recommendation. Fred then asked Dan Yates, of the Portland Spirit, if he'd like to address the committee.

Dan Yates (Portland Spirit): I want to be clear I'd like to see this bridge built. One of the most upsetting things is the casualness placed on climate change. There's been a study commissioned which we are not allowed to see. Dan noted several other studies of climate change impacts, including a state study of the upper Willamette Basin. He cited a number of factors, from regulation to competition, that will require larger vessels in the future. He said he provided his concerns to TriMet but they have not been taken very seriously. A lot of concerns remain, he said. He said he was concerned about the haphazard approach to climate change. You're being asked to make a recommendation based on a study no one can see. This is supposed to be an open, transparent process, and a key piece is being held back. It should disturb each of you. The Portland Spirit has multiple issues. We look forward to a conclusion of this issue, but we don't have all the information we need.

Fred Hansen: Asked Rob Barnard to address the issue of access to the information on climate change.

Rob Barnard: We haven't released the information yet because we are trying to incorporate the latest scientific information.

Robert Liberty (to Dan Yates): What is your sense of increased river levels?

Dan Yates: From what I've read and studied, it's five additional inches per month in the winter. We operate the Columbia River Gorge and Portland Spirit boats for five months in Portland. The river height is important. Also, this bridge lies in the middle of our operation. We transit between Salmon Springs on the west bank and our dock on the east bank several thousand times a year. I have to have certainty about doing that. I don't have the option of not going to the north.

Robert Liberty (to Dan Yates): Asked a question about incorporating a certain number of days lost to high water as a part of its business planning.

Dan Yates: If I knew exactly those days I couldn't sail, it would be easy to not sell them. However, I need certainty year-round. December is my biggest month. It would be devastating to miss a few days.

Fred Hansen (to Pat LaCrosse, in audience): Can you speak about bridge design issues, not from your WRBAC role but your OMSI role?

Pat LaCrosse: From the beginning, OMSI has stated its concerns with the landside. We come to this issue with variables established throughout the process, such as bridge center, slope and runout. There is no flexibility to move the OMSI station farther to the east. We started the process wanting to maintain the existing Water Avenue. The level has moved up six feet on the west side of the street and down two feet on the east side. The dilemma for OMSI is that every additional rise to the bridge raises the western and eastern edges of Water Avenue. This is also the corner of one million square feet of development OMSI hopes to see happen. All of that is impacted by major changes in elevation. Every foot from here on, is a significant issue. These are real issues for OMSI and for development in that district.

Fred Hansen (to Brian Newman, in audience): Can you speak about the perspective of OHSU and the OUS building?

Brian Newman, Planning and development director, OHSU. Brian said light rail is a critical link between the OHSU and Portland State University campuses. He noted accommodations already made, with both significant impacts and benefits to the campus. However, any further shift of the intersection to the west would have a negative impact on the OUS building. An elevated station would result in significant impacts on access. OHSU strongly supports the position of WRBAC for the bridge height at 77.36 feet.

Fred Hansen: Opened discussion around the table, reminding the committee members that the action they were being asked to take was to accept the endorsement of WRBAC. He added that the committee's action is secondary to the final decision of the FTA and the USCG.

### Discussion

Alice Norris (to Rick Williams): In your report, are the bullet points other ways to mitigate the height issue?

Rick Williams: These are not recommendations but are a series of bullet points submitted by CAC members relating to their questions.

Alice Norris: It's an interesting question, if anything besides raising the bridge height could be done to mitigate impacts.

Sue Keil: If those are found, could they be incorporated at a later date?

Fred Hansen: There is no doubt. If any assumptions prove inaccurate, that would be significant.

Rick Williams (to Dan Yates): Would it be possible to dock somewhere else for a few days during high water?

Dan Yates: No. We are strictly controlled by our conditional use permit.

Fred Hansen: There will be ample opportunities to make modifications in practical ways.

Robert Liberty: Has financial mitigation ever been offered in these situations?

Fred Hansen: No.

Susan Stone: I too am more concerned about how the bridge functions rather than its aesthetic appeal. Did you even consider a drawbridge? If not, why?

Rob Barnard: We analyzed bridge types early in the study. The USCG requires reasonable clearance even with a lift span. Thus a drawbridge would have required the same clearance.

Pat LaCrosse (to Rob Barnard): Elevating the bridge center steepens the slope of the approaches. Can you touch on that issue for the committee?

Rob Barnard: The ADA code specifies a maximum slope of 5 percent. Typically, we look for a 4.5 percent slope to allow 0.5 percent for construction tolerance. Rob also mentioned that NOAA Fisheries will recommend modifications in the federal dam system to mitigate for the impacts of climate change. That recommendation has not yet been adopted by the U.S. Army Corps of Engineers.

John Bernard: I'm concerned about the impact on the Portland Spirit but think we've addressed it. I'm voting we accept WRBAC's report and recommendation.

Fred Hansen (to Rick Williams): You could represent the CAC's position and express your own view. It's your call.

Rick Williams: I want to honor the CAC. We fully endorse the design, the pedestrian and bike elements, but to honor the CAC, I'll abstain from endorsing a specific height. As you make your decision, consider the impacts on costs, landside elements, and implications to users. I would like to give my personal opinion, but I won't.

Fred Hansen: We'll honor that.

Nancy Bennett: Commissioner Kafoury ... wants a plan with balance.

Robert Liberty: To clarify, the climate change report is being updated with new search or standards? Can we get confirmation that the report will be shared with everyone?

Rob Barnard: Yes. The report will be released when it is updated.

Fred Hansen: Is the committee ready to accept the endorsement of WRBAC?

Susan Stone: I am concerned with what I'm hearing from the CAC and the audience. I don't think we're ready to do that. Other issues need to be resolved.

Fred Hansen: Susan Stone is voting no. The CAC (through Rick Williams) is abstaining on the bridge height. All others voted to accept the endorsement of WRBAC.

Sue Keil (to Dan Yates): You have my commitment that the city will work with you.

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### **Success Factor: Union Pacific Railroad presented by Leah Robbins**

Leah Robbins highlighted progress in negotiations over the rail alignment with Union Pacific Railroad (UPRR). TriMet is on target to achieve a signed term sheet in mid-January with UPRR. Three areas still under discussion include track clearances, maintaining industrial service links to UPRR and its Tillamook line customers, and grade separation of the Harold Street station near the railroad's Brooklyn yard.

### Questions

Susan Stone: Can you clarify the change in Ardenwald on the raised track and where it's coming down? Is it possible to shorten the distance?

Leah Robbins: The alignment becomes elevated at Moore Street and returns to grade north of Mailwell Drive. The 25 percent design plans will show that detail.

Robert Liberty: How will the closing of Clinton Crossing work for cyclists?

Leah Robbins: There will be a more direct connection between Eleventh and Eighth avenues on the south side of tracks.

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### **Success Factor: Final Environmental Impact Statement, Bridget Wieghart, Metro**

Bridget Wieghart noted a detailed outline of the FEIS schedule in the committee's packet. Metro is adhering to the original schedule. It has moved several elements forward. Bridget noted extension coordination with state and federal agencies, especially National Marine Fisheries Service, on a biological assessment. She also discussed traffic mitigation, regulation of parks and historic impacts.

Fred Hansen: Is the golf course considered a park?

Bridget Weighart: Yes, but ... We expect the FEIS to be published in late May, with a Record of Decision in July.

Fred Hansen: My compliments to Metro. They've proceedd with lightning speed.

No questions.

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### **Public Involvement Report presented by Claudia Steinberg, TriMet**

Claudia Steinberg called attention to the list of public meetings in committee packet. She discussed highlights: close work with the CAC, with many stakeholder meetings in neighborhoods. She highlighted work with the Brooklyn neighborhood regarding ballasted vs. paved rail beds.

Rick Williams: Staff has done a good job. CAC members have not only attended committee meetings but also nearly every neighborhood meeting.

Fred Hansen: This is not easy work. He compliments everyone's ability to listen and accommodate.

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### **Looking Ahead presented by Neil McFarlane, TriMet**

Neil McFarlane said a Conceptual Design report will be completed in January. The report will be an attempt to communicate in three dimensions how the project will look and feel.

Staff is working intensively on right-of-way issues. There have already been some hardship acquisitions. Staff is working closely with Portland Development Commission and the Small Business Development Center. At the next meeting, staff will present a thorough report on right-of-way activities.

Finally, we hope to submit an application for final design approval to the FTA on April 1, 2010, with an objective of approval by fall 2010. This will allow us to get in the river in summer 2011. We are focused like a laser to hit key milestones.

There are no questions.

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### **Public Comment**

There is no public comment.

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Fred Hansen: The steering committee's charge is to work through the design stage. You are steering the big design and choice issues. There will be additional meetings as we launch and into the construction phase, but this is not an ongoing commitment.

Fred Hanson adjourned the meeting at 4:55 p.m.