

Date: June 25, 2025

To: Board of Directors

From: Sam Desue, Jr.



Subject: **RESOLUTION NO. 25-06-31 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) MEMORIALIZING THE TRANSFER OF OWNERSHIP AND MAINTENANCE OF THE GIDEON PEDESTRIAN OVERCROSSING (NKA BOB STACEY CROSSING) TO THE CITY OF PORTLAND**

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager or his designee, to memorialize the transfer of the Gideon Pedestrian Overcrossing, now known as (nka) the Bob Stacey Crossing, to the City of Portland.

2. Type of Agenda Item

- ☐ Initial Contract
- ☐ Contract Modification
- ☒ Other: Transfer of Gideon Pedestrian Overcrossing to City of Portland

3. Reason for Board Action

The FTA requires formal actions by the Board and the Portland City Council to memorialize the transfer of this FTA-funded Project from TriMet to the City.

4. Type of Action

- ☒ Resolution
- ☐ Ordinance 1st Reading
- ☐ Ordinance 2nd Reading
- ☐ Other

5. Background

In 2013, the Brooklyn Street Pedestrian Overpass was demolished in order to construct the MAX Orange Line/Portland-Milwaukie Light Rail Project (PMLR). The PMLR was completed in September of 2015. TriMet subsequently obtained the FTA's approval to utilize surplus funds from the PMLR project to design and construct a replacement overcrossing structure. As a result, the "Gideon Pedestrian Overcrossing" (nka Bob Stacey Crossing) was constructed as an ADA-accessible pedestrian and bicycle replacement structure, spanning the Union Pacific Railroad (UPRR) right of way and TriMet's operating Orange Line trackway north of SE Gideon Street, at approximately SE 13th Place and SE 14th Avenue.

In March of 2018, the Board approved Resolution No. 18-03-30 authorizing a contract with CH2M Hill for design services for the Gideon Pedestrian Overcrossing Project (Project). The Resolution stated that TriMet would construct the Project, but the City of Portland would

be the ultimate owner, end user, operator and maintainer of all assets designed and constructed for the Project, and the pedestrian crossing would continue to be used for the same authorized purposes set forth in the original FTA grant agreements. Similar language was included in additional Board Resolutions Nos. 18-05-43, 18-09-69, and 19-03-23 relating to the design and construction of the Project.

In late 2018, TriMet and the City executed an amendment to the Design and Construction Agreement for the PMLR Project that generally reflected the terms in the above Resolutions. In late 2019, a Construction and Maintenance Agreement was executed between TriMet, the City and UPRR. Both the amendment to the Design and Construction Agreement and the Construction and Maintenance Agreement stated that, upon completion of construction TriMet would transfer the pedestrian crossing to the City, and the City would provide for its ongoing public ownership and operation, and be responsible for its maintenance, inspection, repair and replacement. TriMet also would assign all contractor and supplier warranties obtained by TriMet to the City.

On November 10, 2020, TriMet completed construction and together with the City opened the Gideon Pedestrian Overcrossing for public use. Pursuant to the above Resolutions and agreements, upon completion of construction the pedestrian crossing infrastructure and its associated right of way was transferred from TriMet to the City, which has maintained it since.

After its transfer to the City, TriMet recorded the pedestrian crossing's present value as \$11,166,246. The Project relied on FTA funds from two awards: OR-03-0126 and OR-2016-007, both with a federal participation rate of 55.88%. Under that percentage, FTA's continuing financial interest in the asset is \$6,239,698, with a useful life of 40 years from when the pedestrian crossing was placed in service.

Notwithstanding the prior transfer of the pedestrian crossing, whenever federally-funded infrastructure and associated real property is to be disposed of by transfer to another public body, federal funding recipients like TriMet and the City must seek approval and asset disposition instructions from the FTA. The FTA's Award Management regulations require TriMet's and the City's governing bodies to document the asset's formal transfer through Board and City Council actions.

The documentation must identify the value of the transferred asset, the date of the transfer, and declare the City's ongoing maintenance obligations and related responsibilities to FTA. Upon its acquisition of the asset, the City becomes subject to FTA rules, including but not limited to 49 U.S.C. Chapter 53, Federal Transit Laws; 2 CFR Parts 200 and 1201, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards; FTA Master Agreement, 49 CFR Part 37, Transportation Services for Individuals with Disabilities (ADA); and FTA Circular 5010.1E, Award Management Requirements.

6. Financial/Budget Impact

Approval of this Resolution by the Board will allow TriMet to complete its obligations and close out the PMLR project. Recognizing the transfer of the asset to the City reduces TriMet's capital assets by \$11,166,246.

7. **Impact if Not Approved**

FTA regulations mandate that TriMet memorialize the transfer of ownership and maintenance of the Gideon Pedestrian Overcrossing to the City, and the Board's decision to approve this Resolution is the only viable option.

RESOLUTION NO. 25-06-31

RESOLUTION NO. 25-06-31 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) MEMORIALIZING THE TRANSFER OF OWNERSHIP AND MAINTENANCE OF THE GIDEON PEDESTRIAN OVERCROSSING (NKA BOB STACEY CROSSING) TO THE CITY OF PORTLAND

WHEREAS, TriMet has authority under ORS 267.200 and federal law to enter into an agreement with the City of Portland (City) transferring the ownership and maintenance obligations of the Gideon Pedestrian Overcrossing (nka Bob Stacey Crossing) to the City; and

WHEREAS, TriMet is a recipient of grants from the Federal Transit Administration (FTA) that provided funding for the design and construction of the Gideon Pedestrian Overcrossing as part of the Portland/Milwaukie Light Rail (PMLR) project; and

WHEREAS, in March of 2018, the Board approved Resolution No. 18-03-30, which authorized a contract with CH2M Hill for design services of the Gideon Pedestrian Overcrossing Project (Project), and also stated that the City would be the ultimate owner, end user, operator, and maintainer of all assets designed and constructed for the Project, which would continue to be used for the same authorized purposes set forth in the original grant agreements; and

WHEREAS, language similar to Resolution No. 18-03-30 was included in subsequent Resolution Nos. 18-05-43, 18-09-69, and 19-03-23 relating to the design and construction of the Project; and

WHEREAS, in late 2018, TriMet and the City executed an amendment to the Design and Construction agreement for the PMLR Project, and in late 2019, TriMet, the City and UPRR executed a Construction and Maintenance agreement for the PMLR Project; and

WHEREAS, both documents contained provisions that generally reflected the terms of Resolutions Nos. 18-05-43, 18-09-69, and 19-03-23, declaring that upon completion of construction TriMet would transfer the Gideon Pedestrian Overcrossing to the City, and the City would provide for its ongoing public ownership and operation, and be responsible for its maintenance, inspection, repair and replacement, and that TriMet would assign all contractor and supplier warranties obtained by TriMet to the City; and

WHEREAS, after completion of construction, TriMet and the City opened the Gideon Pedestrian Overcrossing for public use on November 10, 2020, and the City has maintained the pedestrian crossing and its associated right of way ever since; and

WHEREAS, TriMet is the recipient of federal funding for the construction of the pedestrian overcrossing and wishes to memorialize the transfer and disposition of the federally funded asset and associated real property to the City, pursuant to FTA approval and disposition instructions; and

WHEREAS, the FTA's Award Management regulations require TriMet's transfer of the pedestrian crossing to the City be documented through TriMet Board and City Council actions that identify the November 10, 2020 asset transfer date and \$11,166,246 value of the asset being transferred, and declare the City's ongoing maintenance obligations and related responsibilities to FTA;

NOW, THEREFORE, BE IT RESOLVED:

1. That the transfer of the Gideon Pedestrian Overcrossing (nka Bob Stacey Crossing) from TriMet to the City shall conform with applicable law.
2. That the Board hereby authorizes and recognizes that the Gideon Pedestrian Overcrossing (nka Bob Stacey Crossing) and associated infrastructure and right of way has been formally transferred to the City of Portland on November 10, 2020, with a recorded value of \$11,166,246.
3. That on and after November 10, 2020, the City has maintained and controlled the Gideon Pedestrian Overcrossing (nka Bob Stacey Crossing) in accordance with the same authorized purposes set forth in the original TriMet-FTA grant agreements.
4. That the General Manager or his designee is authorized to execute any additional documents that may be required to memorialize and fully effectuate the transfer of the Gideon Pedestrian Overcrossing (nka Bob Stacey Crossing) to the City, along with all associated real property, infrastructure, contractor and supplier warranties and FTA-required maintenance obligations.

Dated: June 25, 2025

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department