



February 8, 2013

John Ludlow  
Chair, Board of County Commissioners  
Clackamas County  
2015 Kaen Rd.  
Oregon City, OR 97045

RE: Clackamas County Portland-Milwaukie Light Rail Project Commitments

Dear Chair Ludlow:

I write in response to your February 5 letter.

As you know, the Portland-Milwaukie Light Rail Transit Project (Project) is the product of the cooperative efforts of partners from all levels of government – federal, state, and local – and reflects over a decade of collaboration for the benefit of the entire region. Clackamas County as a part of that collaboration was an active participant in the process from its inception to the selected final design. That commitment was reconfirmed when the Locally Preferred Alternative was adopted in 2009 and again in 2010 when the County agreed to fund the Project and pledged the County's good faith and best efforts to assure its completion.

TriMet committed to build and the Federal Transit Administration (FTA) committed to fund the Project that is underway now and ends at Park Avenue in Clackamas County. Those commitments are reflected in the Full Funding Grant Agreement which was secured from the FTA after the assurances and commitments of Clackamas County and the other regional partners. At this point, no modifications as to scope are possible and there is no "funding uncertainty" that would change the Project's "key elements". The whole Project will be built as agreed to by all the regional partners, including the County.

We are disappointed that you are considering submitting a matter to a vote that will have no practical effect on the County's duty to fulfill its contractual obligations for the Project. We believe that the County Counsel accurately assessed measure 3-401 as prospective in its application only and that no aspect of the Project requires a vote, nor would a vote relieve the county of its obligations. Those obligations include the duty to fully cooperate with TriMet and other regional partners to ensure that the Project proceeds on time, as designed, and in accordance with the agreements of the parties.

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Your proposal to suspend the Project while the County seeks an authorizing vote would needlessly delay completion and cause TriMet to incur unnecessary additional expense. We estimate that TriMet would incur delay damages of \$65,000 per day for a total of \$6.7 million were we to suspend construction between now and the election. We believe a better alternative would be to jointly engage a neutral third party to evaluate the circumstances and to clarify for you the County's obligations to the Project. I am available to speak further with you about this at a mutually convenient time.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Bruce Warner", with a long horizontal flourish extending to the right.

Bruce Warner  
President, TriMet Board of Directors