

Memo



Date: May 6, 2022
To: JPACT and Interested Parties
From: Ken Lobeck, Funding Programs Lead
Subject: May #2 2022 MTIP Formal Amendment & Resolution 22-5266 Notification and Approval Request
OR224: SE 17th Ave - Rainbow Campground Project Cancellation

FORMAL AMENDMENT STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2021-26 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO CANCEL ODOT'S OR224, SE 17th AVE TO RAINBOWCAMPGROUND SAFETY UPGRADE PROJECT FOR LATER REPROGRAMMING IN THE 2024-27 STIP DUE TO FUNDING ISSUES AND OVERLAPPING SCOPE ELEMENTS WITH THE OR224 RIVERSIDE FIRE RECOVERY EFFORT (MY22-12-MAY2)

BACKGROUND

What This Is:

The May #2 2022 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment contains two projects. Both projects are being submitted and processed for final Metro approval under separate resolutions. The second project is under MTIP Amendment MY22-12-MAY2 and is contained in Resolution 22-5266. The project is the OR224, SE 17th Ave to Rainbow Campground project in Key 21612. The project MTIP amendment will cancel the project.

What is the requested action?

TPAC received their official notification and provided an approval recommendation to for Resolution 22-5266 to cancel the ODOT's OR224, SE 17th Ave to Rainbow Campground safety upgrade project

Proposed May #2 2022 Formal Amendment Amendment Type: Formal/Full Amendment #: MY22-12-MAY2 Total Number of Projects: 1					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 21612	71166	ODOT	OR224: SE 17th Ave - Rainbow Campground	Improvements including signs, stop bars, rumble strips, signals, reflectorized back plates and lighting to increase safety on this section of highway.	CANCEL PROJECT: The project has funding issues and overlapping scope elements with the OR224 Riverside Fire Recovery effort. As a result ODOT will cancel the project for later reprogramming in the 2024-27 STIP

AMENDMENT SUMMARY:

The May #2 2022 Formal MTIP Amendment bundle involves canceling ODOT's OR224, SE 17th Ave to Rainbow Campground project in Key 21612. The project was schedule to begin PE during FFY 2022. However, due to the Riverside Fire and OR224 Fire Recovery effort, several scope elements overlap into the fire recovery effort. Additionally, ODOT estimate funding issues are already present with Key 21612. ODOT plans on submitting a Federal Lands Access Program grant to develop a OR224 Corridor Master Plan which will include required safety improvements once the Fire Recovery Effort is completed. The updated project then will be included in the 2024-27 STIP to implement required safety upgrades. As a result of the new strategy, Key 21612 is being canceled from the 2021-24 MTIP and STIP.

TPAC May 6, 2022 Meeting Summary

During the TPAC meeting Chris Ford, ODOT provided additional details about the amendment request. He stated that ODOT can't guarantee that the project will be reprogrammed in the 2024-27 STIP. As part of the Fire Recovery Effort, Chris acknowledged several safety improvement planned as part of the project have occurred. Chris also confirmed that ODOT will pursue the FLAP grant with the U.S. Forestry Service to develop the OR224 Corridor Master Plan. How the identified improvements in the Master Plan will be funded remains the question. Inflation impacts could derail future reprogramming in the 2024-27 STIP due to excessive cost issues. Note: Prior to the amendment discussion, TPAC members had a brief discussion about the impact inflation is having on projects and project delivery. Chris stated he wanted TPAC members understand the inflation issue is impacting the OR224 safety upgrade project as well as other transportation projects.

After providing the clarification, TPAC members still provided a unanimous approval recommendation to JPACT to cancel to OR224 safety upgrade project from the current 2021-24 MTIP.



A more detailed overview of both projects follows the acronym list

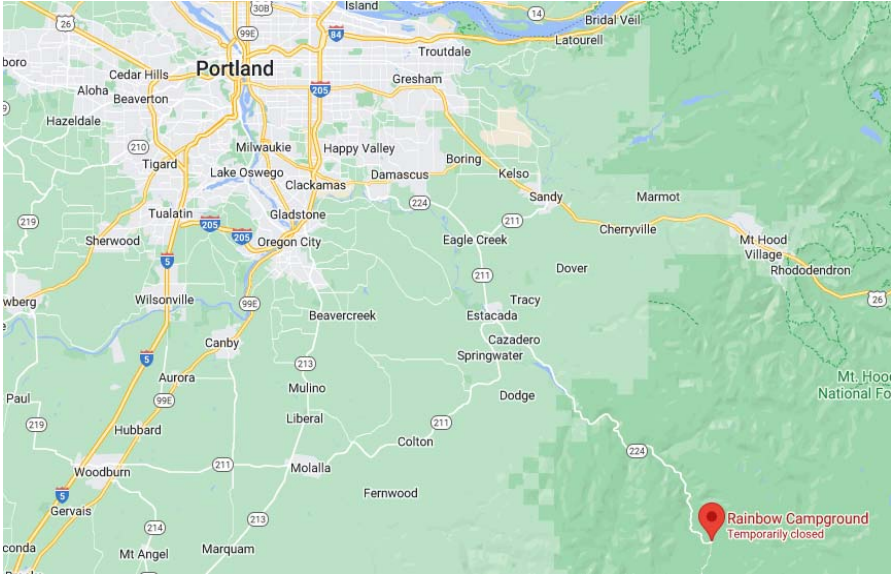
Below is a summary list of transportation acronyms used in the report:

- I-205 = Interstate 205
- ARTS = ODOT All Roads Transportation Safety program
- Cons or CN = Construction phase
- FFY = Federal Fiscal Year (e.g. October 1 through September 30)
- FHWA = Federal Highways Administration
- FLAP = Federal Lands Access Program funds
- FMIS = FHWA's Financial Management Information System
- HSIP = Federal Highway Safety Improvement Program funds
- MP = Mile Post limit markers on the State Highway system
- ODOT = Oregon Department of Transportation
- OR 224 = Oregon State Route 224
- OTC = Oregon Transportation Commission
- PE = Preliminary Engineering
- ROW/RW = Right of Way phase
- SFY = State Fiscal Year (July 1 through June 30 of each calendar year)
- State = General state funds used as the match requirement for federal funds committed to a project. Also may be committed as stand-alone funding (state only funds) for a project.

A detailed overview of each project amendment in the bundle begins on the next page.

Project 1		OR224: SE 17th Ave - Rainbow Campground	
Lead Agency:	ODOT		
ODOT Key Number:	21612	MTIP ID Number:	71251
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> • <u>Quick Amendment Summary:</u> The amendment cancels the project from the MTIP for later re-programming in the 2024-27 STIP and MTIP. • <u>Metro UPWP Project:</u> No This a large capital, capacity enhancing project being implemented • <u>Proposed improvements:</u> Key 22612 is proposed to complete required safety improvement upgrades including signs, stop bars, rumble strips, signals, reflectorized back plates and lighting to increase safety on this section of highway. • <u>Source:</u> Existing project • <u>Amendment Action:</u> The amendment cancels the project from the current 2021-24 MTIP and STIP. The project is anticipated to return as part of the 2024-27 STIP and MTIP. • <u>Additional Amendment Evaluation Required:</u> No The project is not capacity enhancing or exceeds \$100 million in total project costs. • <u>Funding:</u> The current funding for the project primarily relies on the federal Highway Safety Improvement Program (HSIP) funds. Upon cancelation, the funding will be reprogrammed to other eligible projects. • <u>FTA Conversion Code:</u> Not applicable. No transit funds are involved. The federal funds will not be flex transferred to FTA. • <u>Location, Limits and Mile Posts:</u> <ul style="list-style-type: none"> ○ Location: OR224 ○ Cross Street Limits: Overall limits start on OR224 in Milwaukie and proceed southeast to the Rainbow Campground ○ Overall Mile Post Limits: MP 0.00 to MP 49.97 • <u>Current Status Code:</u> N/A - Canceled • <u>Air Conformity/Capacity Status:</u> Key 22612 is a non-capacity enhancing improvement project. It is exempt from air quality conformity and transportation demand modeling analysis per 40 CFR 93.126, Table 2, Safety – Highway Safety Implementation Program. 		

	<ul style="list-style-type: none"> • Regional Significance Status: The project is considered a regionally significant as it contains federal funds, is located on a major arterial in the network, and addresses a key Metro goal of safety • Amendment ID and Approval Estimates: <ul style="list-style-type: none"> ○ STIP Amendment Number: 21-24-2035 ○ MTIP Amendment Number: MY22-12-MAY2 ○ OTC approval required: Not required ○ Metro approval date: Not specified yet.
<p>What is changing?</p>	<p><u>AMENDMENT ACTION: CANCEL PROJECT</u></p> <p>As a result of the Riverside Fire, clean-up and fire recovery efforts continue on OR224. Key 22612 was planned to begin Preliminary Engineering during FFY 2022. However, the OR224 Fire Recovery effort superseded this project, but also contained some overlapping scoping elements. Upon ODOT’s review of the project, Key 21612 was determined to be underfunded.</p>  <p>Rather than attempt to resolve the issues between the OR224 Fire Recovery effort and Key 21612, ODOT plans in submitting a federal Lands Access Program (FLAP) grant application with the U.S Forestry Service to develop an OR224 Corridor Master Plan that will include a traffic safety infrastructure to determine future required safety upgrades.</p>  <p>The change of directions allows Key 2161 now to be canceled from the current 2021-24 MTIP. However, due to the current inflationary environment all projects are facing, ODOT is not sure the will be able to reprogram the project in the 2024-27 STIP. While this still remains the ideal direction, a 100% guarantee is no longer possible. It is anticipated the project will be re-programmed as part of the 2024-27 STIP. Current funds from Key 21612 will be re-programmed to other eligible projects in the 2021-24 STIP.</p>

<p>Additional Details:</p>	<p>Key 21612 Project Limits: Starting on OR224 in Milwaukie at MP 0.00 and proceeding south east to Rainbow Campground at MP 49.97</p> 
<p>Why a Formal amendment is required?</p>	<p>Canceling a project from the MTIP requires a formal; Full amendment per the approved FHWA/FTA/ODOT/MPO STIP and MTIP Amendment Matrix</p>
<p>Total Programmed Amount:</p>	<p>Key 21612 total programming decreases from \$1,865,202 to \$0</p>
<p>Added Notes:</p>	<p>1 Attachment: OR224 Wildfire FAQs</p>

Note: The Amendment Matrix located on the next page included as a reference for the rules and justifications governing Formal Amendments and Administrative Modifications to the MTIP that the MPOs and ODOT must follow.

METRO REQUIRED PROJECT AMENDMENT REVIEWS

In accordance with 23 CFR 450.316-328, Metro is responsible for reviewing and ensuring MTIP amendments comply with all federal programming requirements. Each project and their requested changes are evaluated against multiple MTIP programming review factors that originate from 23 CFR 450.316-328. The programming factors include:

- Verification as required to programmed in the MTIP:
 - Awarded federal funds and is considered a transportation project
 - Identified as a regionally significant project.
 - Identified on and impacts Metro transportation modeling networks.
 - Requires any sort of federal approvals which the MTIP is involved.
- Passes fiscal constraint verification:
 - Project eligibility for the use of the funds
 - Proof and verification of funding commitment
 - Requires the MPO to establish a documented process proving MTIP programming does not exceed the allocated funding for each year of the four year MTIP and for all funds identified in the MTIP.

- Passes the RTP consistency review: Identified in the current approved constrained RTP either as a stand-alone project or in an approved project grouping bucket
- RTP project cost consistent with requested programming amount in the MTIP
- If a capacity enhancing project – is identified in the approved Metro modeling network
- Satisfies RTP goals and strategies consistency: Meets one or more goals or strategies identified in the current RTP.
- If not directly identified in the RTP’s constrained project list, the project is verified to be part of the MPO’s annual Unified Planning Work Program (UPWP) if federally funded and a regionally significant planning study that addresses RTP goals and strategies and/or will contribute or impact RTP performance measure targets.
- Determined the project is eligible to be added to the MTIP, or can be legally amended as required without violating provisions of 23 CFR450.300-338 either as a formal Amendment or administrative modification:
 - Does not violate supplemental directive guidance from FHWA/FTA’s approved Amendment Matrix.
 - Adheres to conditions and limitation for completing technical corrections, administrative modifications, or formal amendments in the MTIP.
 - Is eligible for special programming exceptions periodically negotiated with USDOT.
 - Programming determined to be reasonable of phase obligation timing and is consistent with project delivery schedule timing.
- Reviewed and initially assessed for Performance Measurement impacts.
- MPO responsibilities completion:
 - Completion of the required 30 day Public Notification period:
 - Project monitoring, fund obligations, and expenditure of allocated funds in a timely fashion.
 - Acting on behalf of USDOT to provide the required forum and complete necessary discussions of proposed transportation improvements/strategies throughout the MPO.

ODOT-FTA-FHWA Amendment Matrix	
Type of Change	
FULL AMENDMENTS	
1. Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized	
2. Major change in project scope. Major scope change includes: <ul style="list-style-type: none"> • Change in project termini - greater than .25 mile in any direction • Changes to the approved environmental footprint • Impacts to AQ conformity • Adding capacity per FHWA Standards • Adding or deleting worktype 	
3. Changes in Fiscal Constraint by the following criteria: <ul style="list-style-type: none"> • FHWA project cost increase/decrease: <ul style="list-style-type: none"> • Projects under \$500K – increase/decrease over 50% • Projects \$500K to \$1M – increase/decrease over 30% • Projects \$1M and over – increase/decrease over 20% • All FTA project changes – increase/decrease over 30% 	
4. Adding an emergency relief permanent repair project that involves substantial change in function and location.	
ADMINISTRATIVE/TECHNICAL ADJUSTMENTS	
1. Advancing or Slipping an approved project/phase within the current STIP (If slipping outside current STIP, see Full Amendments #2)	
2. Adding or deleting any phase (except CN) of an approved project below Full Amendment #3	
3. Combining two or more approved projects into one or splitting an approved project into two or more, or splitting part of an approved project to a new one.	
4. Splitting a new project out of an approved program-specific pool of funds (but not reserves for future projects) or adding funds to an existing project from a bucket or reserve if the project was selected through a specific process (i.e. ARTS, Local Bridge...)	
5. Minor technical corrections to make the printed STIP consistent with prior approvals, such as typos or missing data.	
6. Changing name of project due to change in scope, combining or splitting of projects, or to better conform to naming convention. (For major change in scope, see Full Amendments #2)	
7. Adding a temporary emergency repair and relief project that does not involve substantial change in function and location.	

APPROVAL STEPS AND TIMING

Metro's approval process for formal amendment includes multiple steps. The required approvals for the May #2 2022 Formal MTIP amendment (MY22-12-MAY2) will include the following:

<u>Action</u>	<u>Target Date</u>
• Initiate the required 30-day public notification process.....	May 3, 2022
• TPAC notification and approval recommendation.....	May 6, 2022
• JPACT approval and recommendation to Council.....	May 21, 2022
• Completion of public notification process.....	June 1, 2022
• Metro Council approval.....	June 2, 2022

Notes:

* The above dates are estimates. JPACT and Council meeting dates could change.

** If any notable comments are received during the public comment period requiring follow-on discussions, they will be addressed by JPACT.

USDOT Approval Steps (The below time line is an estimation only):

<u>Action</u>	<u>Target Date</u>
• Final amendment package submission to ODOT & USDOT.....	June 9, 2022
• USDOT clarification and final amendment approval.....	Early July 2022

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:**
 - a. Amends the 2021-24 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 20-5110 on July 23, 2020 (FOR THE PURPOSE OF ADOPTING THE 2021-2024 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM FOR THE PORTLAND METROPOLITAN AREA).
 - b. Oregon Governor approval of the 2021-24 MTIP: July 23, 2020
 - c. 2021-2024 Statewide Transportation Improvement Program (STIP) Approval and 2021 Federal Planning Finding: September 30, 2020
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds, or obtain the next required federal approval step as part of the federal transportation delivery process.
4. **Metro Budget Impacts:** None to Metro

RECOMMENDED ACTION:

TPAC received their official notification and provided an approval recommendation to for Resolution 22-5266 to cancel the ODOT's OR224, SE 17th Ave to Rainbow Campground safety upgrade project

1 Attachment: OR224 Oregon Wildfire Recovery FAQs