

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: November 18, 2021
To: Metro Council and Interested Parties
From: Ken Lobeck, Funding Programs Lead
Subject: November #2 2021 MTIP Formal Amendment & Resolution 21-5217 Approval Request
I-5 Interstate Bridge Replacement (IBR)

FORMAL AMENDMENT STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2021-26 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO ADD THE PRELIMINARY ENGINEERING PHASE AND PARTIAL FUNDING OF \$71 MILLION DOLLARS FOR ODOT AND WSDOT'S INTERSTATE 5 – INTERSTATE BRIDGE REPLACEMENT PROJECT (NV22-03-NOV2)

BACKGROUND

What This Is:

The November #2 2021 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment which is contained in Resolution 21-5217 will add the PE phase for the Bi-state I-5 Interstate Bridge Replacement project and applies to ODOT and WSDOT.

What is the requested action?

JPACT approved Resolution 21-5217 on November 18, 2021 and now recommends Metro Council approve Resolution 21-5217 consisting of adding the PE phase for ODOT and WSDOT's I-5 Interstate Bridge Replacement project with \$71 million of funding for Preliminary Engineering.

Proposed November #2 2021 Formal Amendment Bundle					
Amendment Type: Formal/Full					
Amendment #: NV22-03-NOV2					
Total Number of Projects: 1					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 21570 Re-Added Project	71083	ODOT	I-5: Columbia River (Interstate) Bridge	Planning and design activities for the replacement of the I-5 Interstate Bridge between Oregon and Washington. Replacing the bridge will improve traffic and mobility for freight and the public traveling across the river.	RE-ADD NEW PROJECT: The formal amendment adds the PE phase and \$71 million dollars for this bi-state effort to implement NEPA, design, and cost development actions for a possible future replacement of the I-5 bridges across the Columbia River

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

- ADVCON = Generic Advance Construction fund type code used as a placeholder where the future federal fund code is not yet known.
- Cons = Construction phase
- EIS = Environmental Impact Study
- FFY = Federal Fiscal Year (e.g. October 1 through September 30)
- FTA = Federal Transit Administration
- FHWA = Federal Highways Administration
- FMIS = FHWA's Financial Management Information System
- I-5 = Interstate 5
- I-5 IBR = Interstate 5 Bridges Replacement Project
- LPA = Locally Preferred Alternative
- MP = Mile Post limit markers on the State Highway system
- MPO = Metropolitan Transportation Planning organization
- NEPA = National Environmental Policy Act
- NHPP = Federal National Highway Performance Program funds appropriated to ODOT
- ODOT = Oregon Department of Transportation
- OTHER = Local funds committed by an agency in support of a project above the required federal match
- PE = Preliminary Engineering
- ROW/RW = Right of Way phase
- RTC = Southwest Washington Regional Transportation Council (Metro's equivalent MPO representing southwest Washington)
- WSDOT = Washington Department of Transportation

JPACT November 18, 2021 Summary

Several public members requested time to provide testimony related to the I-5 Interstate Bridge Replacement (IBR) project. All testimony generally was against moving forward with the project and the need for additional information. Persons providing comment included:

- Metro Council Mary Nolan
- Chris Smith – No Freeways Coalition
- Brett M – 1000 Friends of Oregon
- Sarah Lannarone - Street Trust Community Fund

Key points of the comments included the following:

- The I-5 IBR project team needs to provide additional details about the project. The community expects clear and proper answers about design, funding, and the impacts upon the RTP's four goals of climate, congestion, equity, and safety as well as transit.
- The size and cost of the project demands "we" as the community start doing things differently if real progress will be met with climate and equity.
- How will the project team address the concerns and questions identified by the community and present issues and opportunity costs in a transparent and clear process was discussed by virtually all persons providing testimony.
- Testimony by several included questions about future technology and how to address climate impacts related to the project.
- Concerns were raised about how the community will know this is the right-sized project, how demand management will be addressed, and again how climate goals will be achieved.
- Testimony from several members also covered the need to clearly communicate what the Preliminary Engineering phase funding will provide and how the project team will address the growing questions raised from the community.

JPACT Amendment Discussion:

Ted Leybold, Metro Resource Development Department and Greg Johnson, I-5 IBR Project Administrator provided a short presentation and overview of the MTIP amendment. As proposed, the I-5 IBR MTIP amendment will add partial funding of \$71 million to complete Preliminary Engineering (PE) activities ODOT is committing \$36 million with WSDOT committing \$35 million. ODOT previously obligated \$9 million for pre-NEPA and pre-design planning work. The programming total with the planning and PE phase funds is \$80 million. Ted Leybold stated that an initial special performance evaluation has been included for this project that addresses the how the project performs against the RTP's four core goals of climate, congestion relief, equity, and safety.

Greg Johnson, I-5 IBR Project Administrator provided a short history of the project that dates back to 2004. The project has been re-started and currently is in the environmental and design stage. As part of the NEPA environmental process, Greg explained that the community will have multiple opportunities to observe the project's progress and offer comment. Greg continued explaining that as part of the overall PE phase, the major scope elements will include the following areas:

- Community outreach and engagement
- Identify project alternatives and design options
- Identify and evaluate potential environmental impacts
- Determine impacts to climate and the region's climate goals
- Screen options and develop a final alternative – currently gathering information and listening to questions raised about project from the community
- Work on securing funding plan to implement and deliver the project
- Provide presentations to both Legislatures
- Develop the schedule, plan, and required logistics to deliver project
- Develop final design based on the final selected alternative enabling the project to move on into implementation phases once the funding plans satisfied.

Greg Johnson moved on into a discussion about the contents of the public engagement process. He noted that this process will include various community engagement actions and opportunities which include:

- Establishment of advisory groups which include:
 - Community advisory group
 - Equity advisory group
 - Executive Steering group
- Opportunities for public comment
 - 4 community groups
 - 4 community briefings
 - 4 Listening sessions
 - Online open house
 - Community surveys

Finally, Greg added that the extensive level of public engagement this requires funding which is provided through the PE programming in the MTIP and STIP to complete public engagement requirements.

JPACT Members Discussion and Questions:

Much of the discussion from JPACT members focused on a broad range of areas which included the lack of information available about the project, possible alternatives under review, impacts upon the climate goals, community participation, funding issues, and impacts to other RTP goals. The main highlights of the discussion included the following:

- Councilor Kathy Hyzy, cities of Clackamas County: Councilor Hyzy asked what will be the result of the good intentions and commitments to ensure the project can move forward, yet possesses such limited information and how Climate and Equity will be addressed. There appears to be no clear direction as to how the project team will assess the four RTP goals. Greg Johnson replied that the engagement process is asking these specific type of questions, and agreed that the project team will need to answer these questions and demand issues.
- Metro Councilor Juan Carlos Gonzalez: Councilor Gonzalez stated that he supports need for new bridge, but wants to know if the region will get the “right sized” bridge. He added that he supports Councilor Hyzy’s comments and concerns and the over feeling from many is that they are “hesitant” about this project. He reminded the project administrator that the need to address all raised questions is critical for his and others continued support. He also identified two specific questions he wants clear answers before the Metro Council meets which include:
 - Confirm that no decision has been made to determine the locally preferred alternative (LPA) and explain what will be the process to reach the LPA.
 - Confirm what PE alternatives are evaluated and specifically how the evaluation will address climate impacts, high capacity transit (HCT) needs, and impacts upon greenhouse gas emissions.
- Metro Councilor Christine Lewis: Councilor Lewis stated the project team needs to communicate in plain language that the public will understand concerning what the PE phase will deliver and maintain frequent communication. She thanked Ted and Greg for including a plain language of the PE scope overview in the presentation. Greg Johnson replied that the effort currently is gathering and answering questions in plain language as much as possible which includes the running of models of what transportation could look like in the future, how the bridge will service the community, and completing the vetting process to determine how to answer questions and be transparent.
- Commissioner Jo Ann Hardesty, city of Portland: Commissioner Hardesty asked Greg Johnson if the amendment is approved today, will it produce a viable option that will serve both sides of the river. Commissioner Hardesty expanded the question to mean that she wants to see the options available to the community as well as the associated opportunity costs. She emphasized that today’s vote is about faith and trust, but the community clearly needs to see the options and costs for the project to move forward. Greg Johnson replied that the purpose of the PE will be to provide these answers.
- Commissioner Paul Savas, Clackamas County: Commissioner Savas expressed a need to examine new technology as well and how this will impact future vehicles (e.g. electric and hydrogen) as part of the project scope. He stated that the region will continue to grow and requires to have capacity for the new technology of vehicles that we will see in the future. He cited the example for the region to invest in more hydrogen and electrification charging stations if we expect to see a change in potential commuting patterns and

infrastructure needs. Greg Johnson confirmed that the PE phase will examine what the future could look like and how this will impact the bridge design characteristics.

- Commissioner Jessica Vega Pederson, Multnomah County: Commissioner Pederson stated she is supportive of the project, but agrees with other comments and letters seeking additional information of climate impacts, congestion value pricing, etc. which are also required for continued support of the project. She stated that she appreciates Mr. Johnson's explanation and details as to how the PE phase will help address the identified issues. Cited examples of possible design issues included ramp issues and other design concerns could be present and must be examined closely to ensure we do things better.

With no further discussion, Mayor Anne McEnerny-Ogle, city of Vancouver stated she also supported the amendment and made the motion to approve I-5 Interstate Bridge Replacement MTIP amendment to re-activate the project in the Metro MTIP and add the \$71 million of funding to support PE activities. Commissioner Hardesty second the motion. A JPACT role call was completed with the votes all being "ayes". The motion to approve the I-5 IBR MTIP was approved unanimously by JPACT. The MTIP amendment will now move on to Metro Council for final approval planned for December 2, 2021

Councilor Kathy Hyzy: Council Hyzy requested to add a final comment to the IBR project team that reminded them that today's JPACT approval includes an assumed expectation that JPACT members will receive future periodic updates as to how the IBR design and funding is progressing through PE and especially at the 30% design point. She stated JPACT members will want to know how the project will be integrated into the total RTP for long range planned system improvements (e.g. possible tolling, technology changes, transit, etc.) and address questions raised by community members.

TPAC November 5, 2021 Summary:

TPAC members received their notification and an overview of the amendment from Metro and ODOT staff. Several public members provided testimony and conveyed their opinions about the I-5 Interstate Bridge (IBR) Replacement Project. Virtually all of the testimony was in opposition of the IBR project. The comments in opposition ranged from funding issues, potential impacts if tolling would be included, design unknowns, and no travel demand options (TDM).

Staff explained the purpose of the MTIP amendment was to add \$71 million split between ODOT and WSDOT on top of the existing \$9 million allowing preliminary engineering actions to occur. Staff also explained that per Metro Council direction, the project includes a special amendment performance evaluation to assess how well the project satisfies the Regional Transportation Plan's (RTP) core goals of climate, congestion reduction, safety, and equity. Since PE is being funded at this time, the amendment evaluation is will initially focus on broader compliance areas due to the final alternative not being known. A follow-on amendment evaluation will occur later when the design details are better known.

TPAC members asked several questions about the PE phase objectives and consideration of specific scope elements for the final alternative. Questions focused on possible final alternative configurations, inclusion of a transit component, if the number of through lanes will change, if the project will rely on auxiliary lanes, how the final alternative will be modeled, and generally where scope clarity could be provided. Overall, TPAC members expressed positive comments in support of the project, but also formally requested as part of the approval motion that ODOT provide periodic updates about design, costs, etc. to TPAC as the project progresses through NEPA and design.

After the discussion, TPAC members voted unanimously to provide an approval recommendation to JPACT to approve Resolution 21-5217 and add the PE phase to the IBR project to the MTIP.

Project 1	I-5: Columbia River (Interstate) Bridge (Re-activated New Project)		
Lead Agency:	ODOT		
ODOT Key Number:	21570	MTIP ID Number:	71083
Project Description and Overview:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> • Quick Amendment Summary: The amendment re-adds Key 21570 to the 2021-26 MTIP to add the PE phase and funding for both ODOT and WSDOT to implement required NEPA, design, and cost development activities in support of a future possible replacement of the I-5 bridges over the Columbia River • <u>Metro SFY 2022 UPWP Project:</u> No • <u>Proposed improvements:</u> The amendment only adds partial funding for the PE phase for the project. \$71 million total is added upon the earlier \$9 million ODOT obligated for pre-NEPA project feasibility Planning work. The final complete project will focus on the replacement of the I-5 bridges across the Columbia River. <p>A summary of the PE phase activities will focus on:</p> <ul style="list-style-type: none"> ○ Completing a supplemental NEPA Environmental Impact Study (EIS) ○ Identifying and evaluating possible design alternatives ○ Examining opportunity cost in moving forward with the project ○ Completing public outreach, obtaining public comments, and determining public support for the project ○ Narrowing and selecting a locally preferred alternative, ○ Developing more refined and accurate cost estimates, ○ Developing an appropriate funding plan ○ Working on securing required funding ○ Developing an appropriate delivery schedule ○ Determining right-of way (ROW) requirements and possible issues ○ Completing final design and requirements to move forward and complete ROW and construction <ul style="list-style-type: none"> • <u>Source:</u> Re-add the New Project. Key 21570 was first added to the 2018-21 MTIP planning project to address the feasibility of replacing the I-5 bridges over the Columbia River. ODOT committed a total of \$9 million to the feasibility study which was initiated in FY 2020. 		

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Details costs programming map amendments obligations carmarks comments

ODOT Key: 21570 | MTIP ID: 71083
I-5: Columbia River (Interstate) Bridge - Cycle 2018-21

Project(s) in this cycle are not editable

Current Programming

phase	year	fund type	federal amount	minimum local match	other amount	total	hold from mtip
Planning	2020		\$8,299,800	\$700,200	\$0	\$9,000,000	<input type="checkbox"/>
	2016	ACPD (92.22%)	\$8,299,800	\$700,200	\$0	\$9,000,000	
Totals >>			\$8,299,800	\$700,200	\$0	\$9,000,000	

- **Amendment Action:** Add New Project
Only the PE phase is being added through this formal amendment. The total funding of \$71 million being added represents partial funding which is estimated will cost \$205 million to complete.
- **Additional Amendment Performance Evaluation Required:** Yes.
The full project exceeds \$100 million and is considered a capacity enhancing project. Amendment Performance Evaluations will be completed during the life of the project focusing how well the project performs against the RTP's core four goals: Congestion Relief, Climate, Equity, and Safety.
- **Funding:**
 - Project development work began with the commitment of \$9 million as initially programmed in Key 21570
 - Six Million was approved by OTC in September 2020 for the project. It was then followed by a second approval of \$30 million during OTC's March 2021 meeting.
 - The PE phase is now being initiated with \$36 million committed by ODOT.
 - WSDOT has committed \$35 million to support PE
 - The funding committed as part of this amendment is \$71 million
 - The estimated total cost to complete the PE phase is \$205 million
- **FTA Conversion Code:** N/A. No FTA funds are included at this time.
- **Location, Limits and Mile Posts:**
 - Location: On I-5 in northwest Portland across the Columbia River to Vancouver, WA.
 - Cross Street Limits: Approximately Marine Dr. on Portland across the Columbia River to Mill Plain Blvd in Vancouver, WA.
 - Overall Mile Post Limits: MP 306.70 to MP 308.72
- **Current Status Code:** 2 = Pre-design/project development activities (pre-NEPA) (ITS = ConOps.)
- **Air Conformity/Capacity Status:**
With only PE being programmed, the I-5 IBR project still is considered a planning project and not a "capacity enhancing" project. The project is considered exempt from air quality conformity analysis per 40 CFR 93.126, Table 2, Other – Planning and Technical Studies.

	<p>The full project is capacity enhancing and will require transportation modeling and air quality analysis to be completed. The full project is included in the 2018 RTP where transportation modeling and air quality analysis was completed. The current RTP project ID is 10893. The PE phase will produce the final preferred alternative and will be included in the 2024 RTP where updated transportation modeling and air quality analysis will be completed.</p> <ul style="list-style-type: none"> • <u>Regional Significance Status:</u> The project is regionally significant. The project is located on the Metro Motor Vehicle regional network, contains federal funds, and includes capacity enhancing scope of work elements. • <u>Amendment ID and Approval Estimates:</u> <ul style="list-style-type: none"> ○ STIP Amendment Number: 21-24-1433 ○ MTIP Amendment Number: NV22-02-NOV2 ○ OTC approval required: Yes. The \$36 million committed by ODOT for PE was approved by OTC during their March 2021 meeting. ○ Metro approval date: Tentatively scheduled for December 9, 2021
<p>What is changing?</p>	<p><u>AMENDMENT ACTION: RE-ADD NEW PROJECT:</u></p> <p>The formal amendment re-adds Key 21570 with a total of \$71 million programmed for the PE phase. Split between ODOT and WSDOT.</p> <p><i><u>MTIP Background Summary</u></i></p> <p>The I-5 Interstate Bridge Replacement (IBR) project dates back to 2004 when it was called the I-5 Columbia River Crossing (CRC) project. The I-5 CRC project progressed into PE and obtained a NEPA Record of Decision Environmental Impact Statement (EIS) as of 2011. Due to funding and other issues, the project did not move forward and no programming in the 2015-18 MTIP occurred. The feasibility project with \$9 million was added to the 2018-21 MTIP in FFY 2020. The PE phase is now being proposed for addition to the 2021-26 MTIP through Key 21570 with a total of \$71 million committed to PE activities. The \$71 million represents PE phase partial funding as the phase is estimated to cost \$205 million.</p> <p>A more detailed history and goals for the project is included in Attachment 1</p>



The summary of the PE programming goals over the next four years as discussed in the Project Information Worksheet are shown below:

- Complete the federal environmental review process
- Obtain necessary state and federal permits
- Finalize project design
- Develop a finance plan
- Secure adequate funding
- Complete right of way acquisition
- Advertise for construction

The PE phase through completion of NEPA and final design will address many questions about the merits of project. Typical questions the PE phase is intended to answer will include the following:

- Is there a clear purpose and need for the project?
- How will the project be funded?
- What are the environmental impacts if the project is built?
- What are the opportunity costs if the project is build, or if not built?
- What are the possible design alternatives
- Why is the final selected preferred alternative the best choice for the project?
- Is this a project that that provides regional benefits and is supported by the public?

The MTIP and National Environmental Policy Act (NEPA) Process:

Based on previous planning activities, the IBR program estimates it will take three to five years to complete the environmental review process and obtain federal approval before beginning construction. The environmental review process began in 2021.

Completing the Supplemental Environmental Impact Statement (EIS) in the NEPA process is a key part of the PE phase. Through NEPA, various studies and assessments will occur to complete the environmental review. The environmental review under NEPA can involve three different levels of analysis:

1. Categorical Exclusion determination (CATEX)

2. Environmental Assessment/Finding of No Significant Impact (EA/FONSI)

3. Environmental Impact Statement (EIS)

An EIS is the most detailed environmental review that can occur under the NEPA process. Federal agencies prepare an Environmental Impact Statement (EIS) if a proposed major federal action is determined to significantly affect the quality of the human environment. The regulatory requirements for an EIS are more detailed and rigorous than the requirements for an EA. Areas of review within a EIS include an evaluation if the project will:

- Have significant adverse effects on public health or safety.
- Have significant adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains ; national monuments; migratory birds ; and other ecologically significant or critical areas under Federal ownership or jurisdiction.
- Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].
- Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- Have a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- Have significant adverse effects on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office, the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, or a consulting party under 36 CFR 800.
- Have significant adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant adverse effects on designated Critical Habitat for these species.

- Have the possibility of violating a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- Have the possibility for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- Have the possibility to limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
- Have the possibility to significantly contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

As a result of completing the EPA process, not only are the environmental impacts identified, a clear purpose and need for the project is produced along with the opportunity costs for and against the identified project alternatives. Another key result of the NEPA provides interested persons the opportunity to comment and provide feedback about the project. Through community outreach workshops and public hearings, the NEPA process provides interested persons these opportunities.

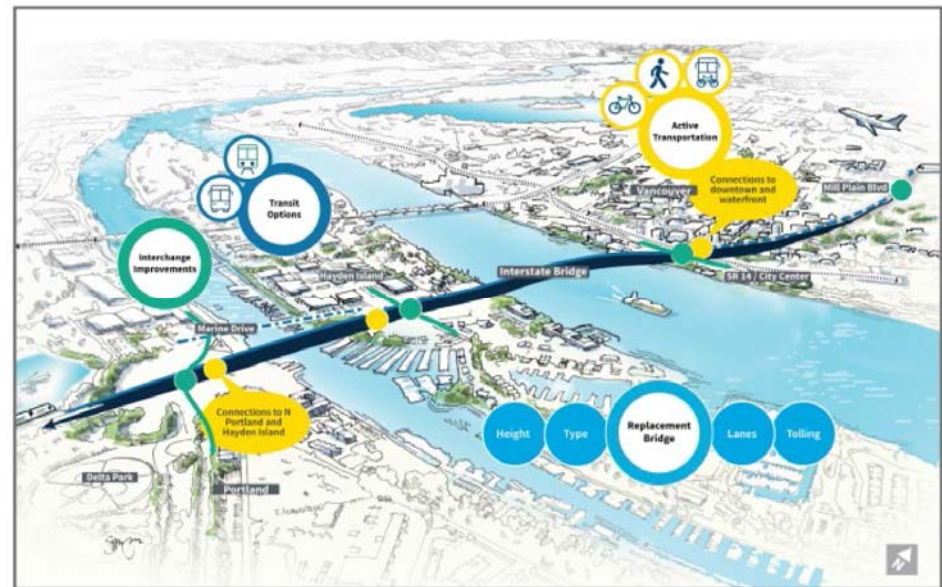
Staff raises this observation to differentiate the MTIP process and opportunity to provide comments or testimony via the NEPA process. The MTIP opportunity to comment focuses more on process delivery issues related to fiscal constraint and RTP consistency areas.

The MTIP represents a six-year snapshot of projects proposed to be implemented in support of and consistent with the RTP. The MTIP's Formal Amendment comment period allows an opportunity to provide feedback on the expected federal delivery process for the project. It provides a safety net to address fiscal constraint or RTP consistency issues related to the expected delivery of a federally funded project.

The focus on the merits of a project for the region is best served through the NEPA process and the opportunities to comment provided the public. The MTIP's comment process addresses possible technical delivery and compliance issues with federal delivery requirements. However, once a project has been added to the MTIP, the MTIP does not consider whether it is good or bad, but a choice the region has made for regional transportation system improvements consistent with the goals and strategies adopted in the RTP.

Agency staff and public members are encouraged to use the comment opportunities within NEPA to express their opinions in favor or against a federally funded project. NEPA offers a much greater range of comment opportunities early in the life of the proposed project.

Additional Details:



Why a Formal amendment is required?

Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, adding a new project to the MTIP requires a full/formal amendment.

Total Programmed Amount:

This amendment adds \$71 million for PE to Key 21570. The \$71 million reflects PE partial programming for an estimated phase cost of \$205 million. The total project cost estimate ranges from \$3.2 billion to \$4.8 billion and will depend upon the final selected alternative for the project.

Added Notes:

- Four Included Attachments:
1. Project Information Worksheet and addendum for MTIP Amendment: K21570 I-5: Columbia River Interstate Bridge and supplemental material

2. March 21, 2021 OTC Meeting Minutes
3. MTIP Amendment Performance Evaluation
4. Metro Council Work Session MTIP Amendment Preview Memo

Summary of Funding Verification – OTC Action
Note: Full Item included as Attachment 2

OREGON TRANSPORTATION COMMISSION

**Minutes of the Regular Business Meeting
March 11, 2021
Salem, Oregon**

The regular meeting began at 9:00 a.m. at the Oregon Department of Transportation Headquarters in Salem, Oregon.

Critical Needs

ODOT has identified the following critical needs to be addressed during the course of this STIP. All of these projects are required based on direction from the Legislature, Governor, or a legal requirement, or are critical to wildfire recovery or implementation of the Strategic Action Plan.

Project/Program	Description	Amount
Tolling Development and Implementation	Fund NEPA and system development through 2022	\$60,000,000
Interstate Bridge Replacement Program	Fund program development through 2024	\$30,000,000
ADA 2023-2024 Projects	Construct ADA projects through remainder of 2021-2024 STIP	\$57,810,687
OR 99 Coleman Creek – Glenwood	Add shoulders/bike lanes, safe crossings, transit stops, and sidewalks for a mile along OR99	\$8,000,000
I-5 Boone Bridge	Fund portion of project development through 2023	\$3,700,000
Multimodal Corridor Network	Funds SAP multimodal network definition and funding prioritization work through 2023	\$650,000
Total		\$160,160,687

As noted above, in January the OTC allocated \$147 million to ADA curb ramps for projects in 2021-2022. In addition, ODOT proposes to program \$32,189,314 for ADA ramps from COVID-19 relief funding. The amount listed above for ADA is the additional amount needed for projects in 2023-2024 beyond the amount already allocated in January and proposed from the COVID-19 relief funding.



Oregon

Kate Brown, Governor

Oregon Transportation Commission

Office of the Director, MS 11

355 Capitol St NE

Salem, OR 97301-3871

DATE: September 14, 2020
TO: Oregon Transportation Commission

FROM: Kristopher W. Strickler
 Director

SUBJECT: **Agenda F** – Allocation of Oregon’s Federal-Aid Highway Program Redistribution Funding for Fiscal Year 2020

Oregon Transportation Commission
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Program/Project	Proposed Amount	Notes
Interstate Bridge Replacement Program	\$6 million	An additional \$2 million for IBR over the amount approved in August would bring Oregon funding to \$15 million total; Washington has provided \$35 million. Additional funding to cover needs in future years of the 2021-2024 STIP will be proposed in the 2021-2024 STIP update this fall.
Tolling implementation	\$4.4 million	This provides additional funding needed by the tolling program for work currently under contract. Additional funding to cover needs in future years of the 2021-2024 STIP will be proposed in the 2021-2024 STIP update this fall.
Disadvantaged Business Enterprise Supportive Services Program	\$1 million	This funding would significantly expand ODOT’s DBE Supportive Services Program to assist minority, disadvantaged, and women owned business enterprises to build capacity and compete for contracts within Oregon’s transportation contracting industry, including construction, professional and other related services.
Total	\$44.9 million	

Note: The Amendment Matrix located on the next page is 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 be 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 constrained project list 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: See Attachment A, supplemental analysis completed for large, motor vehicle capacity projects.
- 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:
 - Consistent with the supplemental 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.

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.

- Reviewed and initially assessed for Performance Measurement impacts: See Attachment A, supplemental analysis completed for large, motor vehicle capacity projects.
- 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.

APPROVAL STEPS AND TIMING

Metro’s approval process for formal amendment includes multiple steps. The required approvals for the November #2 2021 Formal MTIP amendment (NV22-03-NOV2) will include the following:

<u>Action</u>	<u>Target Date</u>
• Initiate the required 30-day public notification process.....	November 2, 2021
• TPAC notification and approval recommendation.....	November 5, 2021
• JPACT approval and recommendation to Council.....	November 18, 2021
• Completion of public notification process.....	December 1, 2021
• Metro Council approval.....	December 2, 2021

Notes: If the comment period results in significant comments that require follow-on discussions about the amendment, they will be presented to Metro Council. Metro Council will determine if the amendment should be suspended and returned for JPACT for further discussions.

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

<u>Action</u>	<u>Target Date</u>
• Amendment bundle submission to ODOT for review.....	December 17, 2021
• Submission of the final amendment package to USDOT.....	December 17, 2021
• ODOT clarification and approval.....	Mid-January 2022
• USDOT clarification and final amendment approval.....	Mid-January 2022

ANALYSIS/INFORMATION

1. **Known Opposition:** Chris Smith of the No More Freeways Coalition testified in opposition to this amendment at the October 21, 2021 JPACT meeting.
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:

JPACT approved Resolution 21-5217 on November 18, 2021 and now recommends Metro Council approve Resolution 21-5217 consisting of adding the PE phase for ODOT and WSDOT's I-5 Interstate Bridge Replacement project with \$71 million of funding for Preliminary Engineering.

- TPAC approval Date: November 5, 2021
- JPACT Approval Date: November 18, 2021

Four Attachments:

1. Project Information Worksheet and addendum for MTIP Amendment: K21570 I-5: Columbia River Interstate Bridge and supplemental material
2. March 21, 2021 OTC Meeting Minutes
3. MTIP Amendment Performance Evaluation
4. Metro Council Work Session MTIP Amendment Preview Memo