

BEFORE THE METRO  
COUNCIL

FOR THE PURPOSE OF DIRECTING THE	)	RESOLUTION NO. 24-5414
ALLOCATION OF \$13.6 MILLION OF	)	
FEDERAL TRANSPORTATION	)	Introduced by Chief Operating Officer
REDISTRIBUTION FUNDS TO PROJECTS AND	)	Marissa Madrigal in concurrence with
PROGRAMS	)	Council President Lynn Peterson
	)	

WHEREAS, Metro is the regional government responsible for regional land use and transportation planning under state law and the federally-designated metropolitan planning organization (MPO) for the Portland metropolitan area; and

WHEREAS, the Metro Council and Joint Policy Advisory Committee on Transportation (JPACT) are authorized per Code of Federal Regulations Title 23, Section 450.324 to allocate certain federal surface transportation funding to projects and programs in the metropolitan region; and

WHEREAS, the Oregon Department of Transportation (ODOT) on occasion applies for and receives federal redistribution funds; and

WHEREAS, ODOT makes available a portion of the redistribution funds ODOT receives to MPOs that have met performance targets for contractually obligating the federal surface transportation funds the MPOs allocate; and

WHEREAS, Metro has successfully met its recent obligation targets and has received federal redistribution funds from ODOT; and

WHEREAS, the amount of funds received are more than previously forecasted to be received and are immediately available; and

WHEREAS, the federal redistribution funds allocated by JPACT and the Metro Council will be programmed in the Metropolitan Transportation Improvement Program (MTIP) or the Unified Planning Work Program (UPWP); and

WHEREAS, TPAC recommended direction for the allocation of federal redistribution funds as described in Exhibit A to Resolution 24-5414 to JPACT for approval, and JPACT, in their June 20, 2024 meeting approved TPAC's recommendation; now therefore,

BE IT RESOLVED that the Metro Council adopt the direction for the allocation of federal redistribution funds as described in Exhibit A.

ADOPTED by the Metro Council this 11th day of July 2024.



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Duncan Hwang, Deputy Council President

Approved as to Form:



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Carrie MacLaren, Metro Attorney

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 214-5414, FOR THE PURPOSE OF DIRECTING THE ALLOCATION OF \$13.6 MILLION OF FEDERAL TRANSPORTATION REDISTRIBUTION FUNDS TO PROJECTS AND PROGRAMS

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Date: June 21, 2024

Department: Planning, Development, and Research

Meeting Date: July 11, 2024

Prepared by: Ted Leybold,  
Ted.Leybold@oregonmetro.gov

Presenter(s): Ted Leybold,  
Length: 20 minutes

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## ISSUE STATEMENT

As a reward for meeting our Metropolitan Planning Organization (MPO) transportation funding obligation target schedule, The Oregon Department of Transportation (ODOT) has made available additional funds for allocation to Metro area transportation projects and programs. Approximately \$13.6 million is available for allocation.

This resolution directs the allocation of these funds to transportation projects and program activities.

## ACTION REQUESTED

Adopt Resolution No. 24-5414.

## IDENTIFIED POLICY OUTCOMES

The region's policy for priority of investments in the transportation system is identified in the Metro Council adopted Regional Transportation Plan. Resolution No. 24-5414 directs the investment of federal redistribution funds in the region's transportation system in a manner to advance the five RTP goal areas: Equitable Transportation, Safe System, Climate Action and Resilience, Mobility Options, and Thriving Economy.

## POLICY QUESTION(S)

This direction on the allocation of federal redistribution funds is an opportunity to advance the region's priority transportation investment goals as identified above, and to ensure the region remains eligible to receive future federal redistribution funds through investments that help the region continue to meet targets for obligating existing federal transportation funds on schedule.

## POLICY OPTIONS FOR COUNCIL TO CONSIDER

At the May 7, 2024, Metro Council work session, Council received an update on the regional discussion occurring with TPAC and JPACT on direction for the allocation of federal redistribution funds.

In that work session, Metro staff briefed Council on the proposed options and received general feedback in support to move forward with the allocation direction of:

- advance the region's priority goals as defined in the Regional Transportation Plan (RTP)

- ensure the region continues to meet our obligation targets to
  - remain eligible for future additional redistribution funds,
  - to avoid funding penalties for not meeting our obligation targets
- be able to obligate these funds quickly as they are currently available

## STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The funding allocation provided in Exhibit A to Resolution 24-5414 is recommended by TPAC, JPACT as best implementing the allocation direction described above. It was also reviewed and supported by Metro Council at the May 7<sup>th</sup> Council work session.

1. **Known Opposition:** None known at this time.
2. **Policy Development Stakeholders:** Input has been received during briefings with Metro Councilors, TPAC and JPACT. By request, Metro staff also briefed and gathered input at county transportation coordinating committees. The RFFA program direction supports and implements the 2023 RTP goals, which were determined through an extensive public process undertaken throughout the development of the Plan.
3. **Legal Antecedents:** Implements the 2023 RTP adopted on November 30, 2023 by Metro Council Ordinance 23-1496.
4. **Anticipated Effects:** Adoption of this resolution directs the allocation of \$13.6 million of federal transportation redistribution funds to projects and programs in the region.
5. **Financial Implications:** There may be a small, required match of 10.27% for a portion of the \$250,000 allocation for data management and project tracking systems. The Planning, Development, & Research Department will provide that from existing local funds over the course of one to three years.

## BACKGROUND

As a reward for meeting the Metro area's Metropolitan Planning Organization (MPO) federal transportation funding obligation target schedule, The Oregon Department of Transportation (ODOT) has made available additional funds for allocation to Metro area transportation projects and programs. Approximately \$13.6 million is available for allocation.

To help the region meet its funding obligation targets, several initiatives have been undertaken in recent years improve on-time local project delivery. These efforts have contributed to the region's initial success in meeting our obligation targets and qualifying for the additional redistribution funding. These efforts include:

- better project monitoring and active management of project development progress
- an updated approach to programming of funds for local projects that emphasize local agency demonstration of readiness to proceed
- a more rigorous application question and assessment process for candidate projects regarding risks to project readiness
- improved reporting tools on project progress

It will be necessary to continue to utilize and refine these initial efforts and to instigate new efforts to achieve a sound project delivery pipeline and continue to qualify for additional redistribution

funding. Meeting the federal funding obligation target schedule also keeps the region from being subject to funding penalties against existing federal transportation funds.

JPACT, at its meeting on June 20, 2024, unanimously recommended adoption of Resolution 24-5414.

## **Exhibit A to Metro Resolution No. 24-5414**

### **Direction for the Allocation of Federal Redistribution Funds**

**Background:** As a reward for meeting the Metro area's Metropolitan Planning Organization (MPO) federal transportation funding obligation target schedule, The Oregon Department of Transportation (ODOT) has made available additional funds for allocation to Metro area transportation projects and programs. Approximately \$13.6 million is available for allocation.

To help the region meet its funding obligation targets, several initiatives have been undertaken in recent years improve on-time local project delivery. These efforts have contributed to the region's initial success in meeting our obligation targets and qualifying for the additional redistribution funding. These efforts include:

- better project monitoring and active management of project development progress
- an updated approach to programming of funds for local projects that emphasize local agency demonstration of readiness to proceed
- a more rigorous application question and assessment process for candidate projects regarding risks to project readiness
- improved reporting tools on project progress

It will be necessary to continue to utilize and refine these initial efforts and to instigate new efforts to achieve a sound project delivery pipeline and continue to qualify for additional redistribution funding.

**Funding Allocation Direction:** The funding program direction is to invest these funds to:

- advance the region's priority goals as defined in the Regional Transportation Plan (RTP)
- ensure the region continues to meet our obligation targets to
  - remain eligible for future additional redistribution funds
  - not subject the region to funding penalties for not meeting our obligation targets
- be able to obligate these funds quickly as they are currently available

**Allocation of federal redistribution funding:** Following is how \$13.6 million of federal redistribution funds are to be allocated to meet the allocation direction described above.

**Supplemental funding to current capital projects:** \$10 Million to address higher than normal inflationary impacts to projects from the 2019-24 RFFA funding cycles that have not yet completed construction delivery contracts for implementation. Metro staff will identify eligible projects and then request project lead agencies to nominate a funding proposal. Metro will evaluate the requests to factors attributable to inflation or changes outside agency control (e.g., changes in ODOT administrative practices or in regulations), for whether the additional funding will or is part of a funding strategy that will close the gap of revenues to project costs, and whether the project would be ready to obligate its funding on an updated schedule. With this information, staff will recommend an allocation package for TPAC consideration and recommendation to JPACT and the Metro Council. In addition to project funding need, the existing RFFA program direction will guide the staff recommendation package. This includes providing the redistribution funding to projects throughout the region.

This portion of the allocation meets the Funding Allocation Direction by advancing projects that have already been evaluated and prioritized as investments that advance the RTP goals. It will also help resolve a significant risk to meeting the region's obligation targets in the future: the unexpected high levels of inflation that impacted projects during the time between their project award and project implementation.

**Early project development assistance:** \$3 Million for project development assistance needed to adequately complete the Technical Scoping Sheet (TSS) and Environmental Prospectus (EP) for all 2028-30 RFFA projects recommended for funding. The TSS and EP are documents that must be completed for all federal aid projects before instigating the Preliminary Engineering phase of a project. Not having enough support and project information to complete these activities has been a major source of project delay.

Staff anticipates utilizing these funds for approximately 10 to 12 RFFA Step 2 capital projects awarded funding for project completion. A portion of the funds is proposed to be utilized by ODOT technical staff to assist with completion of the TSS and EP. All funds remaining after budgeted ODOT support costs would be made available proportionately to the awarded projects. Depending on ODOT costs and the number of funded projects, it is anticipated somewhere between \$150,000 to \$250,000 per project will be made available.

Immediately following RFFA awards, Metro and ODOT staff would work with local project management staff to determine an appropriate scope of work and budget necessary to adequately complete the TSS and EP. Adequate scope means completing tasks that will provide for a project to enter Preliminary Engineering (PE) with a refined cost estimate, project scope description, and schedule that has a high level of confidence for implementation and contingency plans for known risk factors. The findings of the project risk assessments completed during the RFFA project evaluation process will be used as a starting point for identification of the scope of work for this early project development assistance for each project. Timeframe for this initial project development work would occur by federal fiscal year 2026.

To continue to incentivize well prepared applications that have completed sufficient project development work, funds not needed to do additional project development work to complete the TSS and EP are proposed to be made available to such projects as additional contingency funds. These contingency funds can be programmed in a future project phase to address unidentified risks or for additional project elements that would advance priority RFFA goals. Awarded RFFA funds remaining after project completion return to the regional funding pool for distribution in the next allocation process.

**New tools and assistance:** The following tools and assistance will increase the ability of local agencies to complete applications for funding that are better prepared to be implemented on time and on budget, and for Metro to better prepare and manage the programming of funds to realistic and accurate obligation schedules. The tools and assistance elements and anticipated budget include:

\$225,000 for on-call consultant technical assistance in completing project applications as resources for consultant services allow. Metro staff will work with a consultant service provider to aid applicant agencies to reduce agency barriers to applying for Regional Flexible Funds and to improve the accuracy of candidate project scope descriptions and estimates of project costs and implementation timelines.

\$125,000 for project delivery risk assessment of applications for upcoming 2028-30 RFFA process.

\$250,000 for improvements to data management systems to track project development and progress toward obligation and implementation.