



**Metro**

600 NE Grand Ave.  
Portland, OR 97232-2736

# Memo

Date: May 23, 2024  
To: Metro Council and Interested Parties  
From: Ken Lobeck, Funding Programs Lead  
Subject: May FFY 2024 MTIP Formal Amendment & Resolution 24-5412 Approval Request

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## **FORMAL MTIP AMENDMENT STAFF REPORT**

### **Amendment Purpose Statement**

#### **FOR THE PURPOSE OF ADDING TWO NEW ODOT MANAGED PROJECTS TO THE 2024-27 MTIP TO MEET FEDERAL TRANSPORTATION PROJECT DELIVERY REQUIREMENTS**

### **BACKGROUND**

#### **What This Is - Amendment Summary:**

The May 2024 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment bundle adds two new project projects. Both are ODOT funded and manage projects.

The first project is an Americans with Disabilities Act (ADA)/ Complete Streets type upgrade project on north Lombard Street/US30BY. The project will provide ADA curb and ramp upgrades, redesign and add bike lanes, reconfigure roadway to 3 lanes (Boston to Lancaster) and complete a traffic signal upgrade at Denver St.

The second new project is a Bus on Shoulder Lane on I-205. The project will design, construct, and implement a bus on shoulder lane to expand transit service on I-205 between Sunnybrook Rd and Stafford Rd.

#### **What is the requested action?**

**JPACT approved Resolution 24-5412 unanimously on May 23, 2024, and now recommends final approval from Metro Council to approve Resolution 24-5412 to add the two new projects to the 2024-27 MTIP.**

Additional details about each new project are included starting on the next page.

**JPACT May 23, 2024 Meeting Summary:**

JPACT convened on May 23, 2024. The May 2024 Formal MTIP was included on the regular agenda for approval consideration. JPACT requested ODOT provide a short presentation about the new proposed I-205 Bus on Shoulder Lane project. Rian Windsheimer, ODOT Region 1 Director and Dwight Bashar, SMART Director provided an overview of the project. They discussed how the project evolved from the original pilot project on I-5 with CTRAN. They explained how the bus on shoulder lane concept will operate and be implemented. They explained how the I-205 segment was chosen and how the State Carbon funds will support the implementation.

After the presentation, JPACT members raised a couple of observations and questions. Commissioner Paul Savas, Clackamas County discussed the nexus with the rural transit providers making connections into the metro region. He commented that the I-205 Bus on Shoulder Lane project is a great start to build upon.

Mayor Joe Buck, City of Lake Oswego asked how the project fits into possible bigger transit plans and follow-on projects. Rian Windsheimer replied that ODOT is working with the transit agencies to evaluate future opportunities when feasible. However, he continued that there is not a formal plan for future similar projects. He added that ODOT has to consider any required roadwork and highway impacts as part of a bus on shoulder lane project. In some areas there will be opportunities. In some areas, the bus on shoulder lane may not be feasible. Overall, he summarized that the bus on shoulder lane concept represents an evolving plan that the transit providers and ODOT will continue to examine and evaluate for future opportunities.

Carley Francis, Washington State Department of Transportation offered a few observations from the WSDOT/ODOT pilot project which demonstrated transit reliability gains and improved transit routes for CTRAN. The pilot project helped support continued growth for further bus on shoulder lane projects now in the Portland Metro region.

With no further discussion, Commission Savas motioned for approval for Resolution 24-5412 with Mayor Joe Buck providing a second to the motion. JPACT then voted unanimously to approve Resolution 24-5412 for Metro Council to provide the final Metro approval to add the two new projects to the MTIP.

**TPAC May 3, 2024 Meeting Summary:**

TPAC members met on May 3, 2024, and received their official May 2024 MTIP Formal Amendment notification and overview briefing. Ken Lobeck, Metro provided an overview of the amendment bundle contents. After the presentation, Karen Buehrig, Clackamas County, asked if the submitted project description was consistent with the project delivery goal. She stated that the inclusion of "Expand transit services" could be considered misleading because no additional transit services would be implemented as a result of the new Bus On Shoulder Lane project. Chris Ford, ODOT concurred with Karen's observation and noted that the description may need to be tweaked. Ken Lobeck added that he would send the Region 1 STIP Coordinator a summary of the discussion and ask ODOT to review the description and update it if deemed appropriate. If a project description tweak occurs,

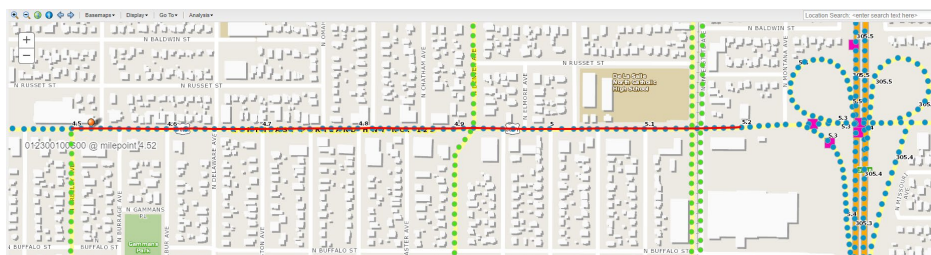
the updated description will be incorporated into Exhibit A to Resolution 24-5412 (MTIP Worksheets and other support documents as needed.

Added note: The initial I-205 Bus on Should Lane project amendment submission resulted in a few clarification questions from Metro. ODOT has submitted their response. Key 23638 in the staff report has been updated to include the questions and replies from ODOT.

A summary of the two projects is included below:

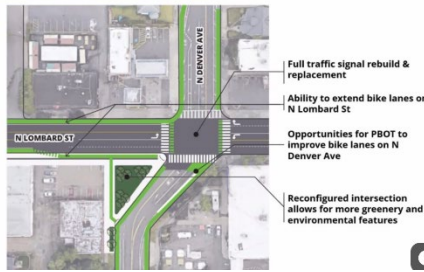
- **Key 22636 – US30B: (N Lombard St) N Delaware Ave - N Denver**

- Lead Agency: ODOT
- Description: The project is on N Lombard St from N Delaware St to N Denver and will complete design street upgrades to include curb & ramps ADA upgrades, redesign and add bike lanes, reconfigure roadway to 3 lanes (Boston to Lancaster) and traffic signal upgrade at Denver St.
- Funding Summary: A total of \$3,342,141 of ODOT managed federal funds are being committed to the project as part of the Great Street program. With the required match, the programming total is \$3,724,664. The programming total does not include the Construction phase. The approximate total project is about \$9 million.
- Action: The formal amendment adds the new project to the MTIP. Adding a new project to the MTIP requires a formal/full amendment with final approval by FHWA.
- Added Notes:
  - The Preliminary Engineering (PE), Right-of-Way (ROW), and Utility Relocation (UR) phases are being added to the 2024-27 MTIP at this time.
  - The Construction phase is anticipated to be added as part of the next cycle in FFY 2027



**Great Streets: N Lombard St & N Denver Ave**

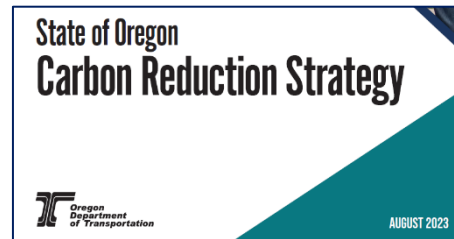
- Developing a "Great Streets" grant application in coordination with ODOT
- Advanced to "Round #2" of grant selection process.
- Will request a letter of support from BAC, other advisory bodies, and community-based organizations.



Proposed North Denver Street intersection upgrade details sourced from Jonathan Maus, BikePortland article, October 30, 2023

• **Key 23638 - I-205 Sunnybrook Rd - Stafford Rd Bus on Shoulder:**

- **Lead Agency:** ODOT
- **Description:** The project will expand transit service along the I-205 corridor between Stafford Rd and Sunnybrook Rd. by creating a Bus on Shoulder corridor within ODOT Right of Way.
- **Funding Summary:** \$1,988,143 of ODOT federal Carbon Reduction Program (CRP) funds are being programmed for the project. Along with the match, the total programming amount is \$2,215,695.
- **Action:** The formal amendment adds the new project to the MTIP. Adding a new project to the MTIP requires a formal/full amendment with final approval by FHWA.
- **Added Questions and Replies:**



▪ **ODOT and FHWA Pre-Reviews:**

ODOT has received concurrence from FHWA’s environmental that this Bus on Shoulder project does not constitute adding capacity or trigger a Type 1 project. ODOT requested FHWA guidance in December 2023 related to noise mitigation and other environmental factors. FHWA agreed that the use of the shoulder by authorized transit providers conditioned upon severe congestion (GP lanes at 35mph or less) would not constitute a freeway expansion/Type 1 project and therefore would not require a noise study. FHWA pointed to other DOT’s use of shoulders for authorized transit providers which were not Type 1 or capacity-building projects. ODOT and FHWA remain in contact regarding Bus on Shoulder

▪ **Did the project evolve from the earlier pilot project implemented between ODOT and WSDOT?**

Yes. ODOT launched two Bus on Shoulder (BoS) pilot projects (I-205 across the Glenn Jackson Bridge with C-TRAN in September 2020; I-5 between Tualatin and Wilsonville with SMART in November 2021) to evaluate the safety, impacts to infrastructure, and transit performance of Bus on Shoulder. BoS was already a well-tested and proven solution

for transit reliability in congested conditions and is used in more than 20+ metros around the United States, including in Washington State and Minnesota for more than 40 years. The two pilots were modeled off of the best practices and lessons learned from other jurisdictions' BoS programs and were the first in the state of Oregon. Concurrently to the launch of the pilots, ODOT staff worked to write an OAR to legalize the conditional use of the shoulders for authorized transit purposes in congested conditions. A Rules Advisory Committee met over the course of a year and included representatives from ODOT, law enforcement, transit providers, and the Oregon Pedestrian and Bicycle Advisory Committee (OBPAC). [OAR 734-020-0044](#) was adopted in 2023.

A note regarding OBPAC's participation: a member of OBPAC attended one meeting, but decided this was too much of a time commitment; instead, OBPAC decided to send a letter. After discussion with OBPAC, OBPAC agreed that BoS should be a tool in ODOT's tool kit to reduce congestion and improve transit reliability with the understanding that where legally allowed to be cyclists and pedestrians in the freeway shoulder have the ROW and transit operators must yield the shoulder to them. The required training of transit operators was also discussed along with the agreement that any crash or incident involving a vulnerable road user related to Bus on Shoulder would result in an investigation and could potentially lead to the halt of that BoS corridor. ODOT firmly agrees that BoS should not result in the removal of access to freeway shoulders by cyclists and pedestrians where already legally established.

- **What were the results of the pilot project?**

ODOT is currently concluding a Before/After study with a consultant team from HDR. Included in the contract were White Papers for each BoS Pilot Corridor (I-205 and I-5) and a One-Pager summary. ODOT can provide this One-Pager to Metro by 5/10 at a minimum.

In summary, the results of the two pilot projects were positive.

**Safety:** There were no crashes, incidents, close-calls, or evasive actions related to BoS. There were no concerns from law enforcement. Bus operators routinely encountered law enforcement vehicles, stalled/disabled vehicles, and debris in the freeway shoulders. As detailed in the Concept of Operations, when these obstacles were encountered, the operator merged back into the GP lanes and reported the shoulder obstruction to Dispatch. Dispatch has a process for both alerting future transit vehicles of the shoulder obstruction and alerting the appropriate party – usually ODOT – if a vehicle needs roadside assistance or if debris needs to be removed.

There was a single instance of an operator encountering a cyclist or pedestrian in the shoulder and the operator – as detailed in the Concept of Operations – merged back into the GP lanes and reported the vulnerable road user back to dispatch, who would alert future operators of their presence. There was a single instance of another vehicle operator using the shoulder illegally; this was another transit provider and a new operator who did not understand that they were also not allowed in the shoulder. SMART reported the incident to ODOT and ODOT contacted the transit provider immediately. In general, other jurisdictions have seen very little non-compliance from private vehicle operators, freight, or other transit providers who would look to illegally use the shoulder; this is consistent with the two pilots in Oregon.

**Impacts to Infrastructure:** ODOT evaluated the condition of the pavement and shoulder assets prior to the launch of the pilots and after at least a year of operations. There were no visible damages to the pavement or to the shoulder assets (manholes and drainage inlets). ODOT also looked into the condition of signs and striping related to BoS and determined that all assets were still in good condition. ODOT does not increase sweeps of the shoulder in BoS corridors and transit providers informed ODOT that the current level of maintenance is sufficient; there was no excessive damage to transit vehicles.

**Transit Performance:** Transit providers evaluated on-time performance (OTP) and both providers saw an improvement. SMART went from 52% OTP to 83% OTP and C-TRAN went from 82% (NB) and 93% (SB) to 85% (NB) and 95% (SB). It is important to note that both pilots launched during Covid-19 and both were evaluated during a period still impacted by Covid-19 travel patterns. ODOT recommends conducting another evaluation at the 5-year or 10-year mark. Both transit providers reported increased bus operator satisfaction and increased customer satisfaction.

- **Why was I-205 selected to implement the Bus on Shoulder Lane project? Were other primary routes considered?**

The BoS requires three elements to be implemented: recurring congestion, amenable freeway assets (i.e., wide-enough shoulders, few ramps or large spacing between ramps), and transit service. This section of I-205 between Stafford Road and OR43 has been a known transit gap for decades (See ClackCo Comprehensive Plan, ClackCo Transit Development Plan, Oregon Toll Program Low-Income Report, SMART's Transit Master Plan, TriMet's Forward Together Service Concept). TriMet and SMART approached ODOT requesting that this

corridor be turned into a BoS corridor to start a new bus route as recurring congestion made movement between Tualatin/Wilsonville and West Linn/Oregon City very challenging. Given the limited funding available through the Carbon Reduction Program and timeline of said funding, the desire expressed by transit agencies, and the uncertainty of RMPP/Tolling and any future widening of I-205, it was decided that I-205 would be the best candidate for funding Bus on Shoulder in the Portland Metro Area at this time.

- **Will the Bus on Shoulder Lane concept be expanded to other primary routes?**

The concept is being considered, but there are currently no other ongoing discussions with any transit providers about adding BoS anywhere in the near term.

As previously stated, there needs to be recurring congestion, amenable freeway assets, and transit service to have BoS. ODOT conducted analysis in 2019 to evaluate the existing freeway assets in the Portland Metro Area. ODOT is in agreement that future construction projects on freeways should aim to not preclude future BoS use (i.e., placement of rumble strips, placement of vertical or horizontal obstructions like signs, etc.) but there will certainly be exceptions or physical constraints that prevent new shoulders from being optimal. Region 1 staff are also discussing opportunities in the broader state of Oregon.

- **How does the Bus on Shoulder Lane design impact existing exit and entry ramps and overall traffic mobility?**

New signs and pavement markings will be used on the approaches to the exit ramps and from the entry ramps for the buses using the shoulder lane. The signs and pavement markings will be designed around existing infrastructure.

Buses using the shoulder lane are required to yield to anyone else using the exit/entry ramps; additionally, buses are only allowed to operate during congested periods with a max speed of 35 MPH. With these conditions in place, there will be no impact to overall traffic mobility.

- **Will the new lane be restricted only for TriMet and Smart buses?**

ODOT restricts use of the BoS lanes to authorized transit providers who have a signed Concept of Operations with ODOT. This document includes information about vehicle type, route, operator training, dispatch protocol, etc. At this time, ODOT is working on a Concept of

Operations for this corridor. SMART and TriMet are the two transit agencies who have expressed interest in the corridor and would be the only two currently in conversation about using the corridor. [OAR 734-020-0044](#) outlines what type of transit service providers are eligible for BoS: public transportation service provider and only for shared-ride service. Any other agency that complies with the OAR is welcome to contact ODOT and inquire about future BoS corridors or use of an existing BoS corridor.

▪ **Could the added lane be considered a mixed-use lane at other times?**

No. It will either be a shoulder for emergency use or a space for cyclist/pedestrians to use per existing Oregon law, or a space buses are allowed to use to bypass congestion during peak congestion periods. As noted above, legal use of this lane is defined in [OAR 734-020-0044](#). Use of the BoS lane by unauthorized vehicles is a citable traffic violation ([ORS 811.265 – Driver failure to obey traffic control device \(public.law\)](#))

▪ **What is the expected impact to the traffic flow on I-205 as a result of the Bus on Shoulder Lane?**

Given that there is currently no transit service between Wilsonville/Tualatin and West Linn/Oregon City/Clackamas Town Center, it is expected that some private vehicular trips will now be taken by on public transit, therefore reducing VMT. Minimal impact to traffic flow on I-205 is expected outside of this anticipated mode change.

▪ **Will transit be able to operate safely?**

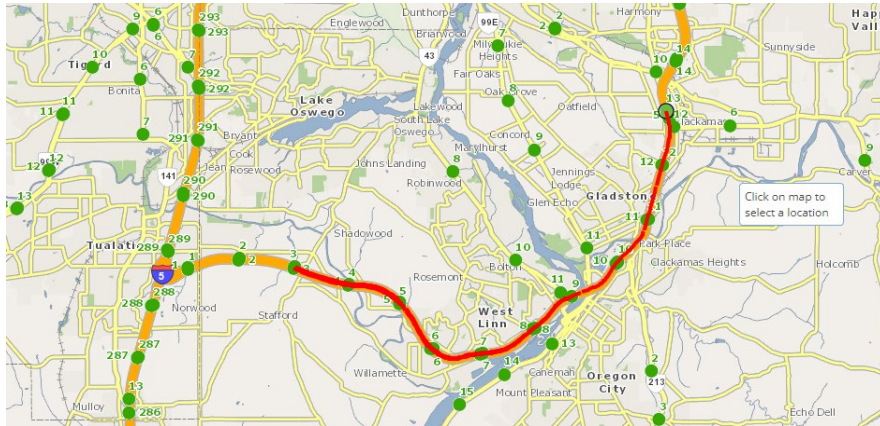
Yes. As outlined in the Concept of Operations, there are multiple safety and operational measures established by all involved agencies. This includes but is not limited to: BoS training for all bus operators who may use the corridor, limitations on speed, guidelines for encountering an obstruction on the shoulder, and protocols for reporting to dispatch.

The two pilot corridors reported no crashes, incidents, close calls, or evasive actions since their launch 3.5 and 2.5 years ago.

▪ **Does ODOT anticipate any implementation or delivery barriers to complete the project? No.**



### Proposed I-205 Bus on Shoulder Lane Location Sunnybrook St to Stafford Rd



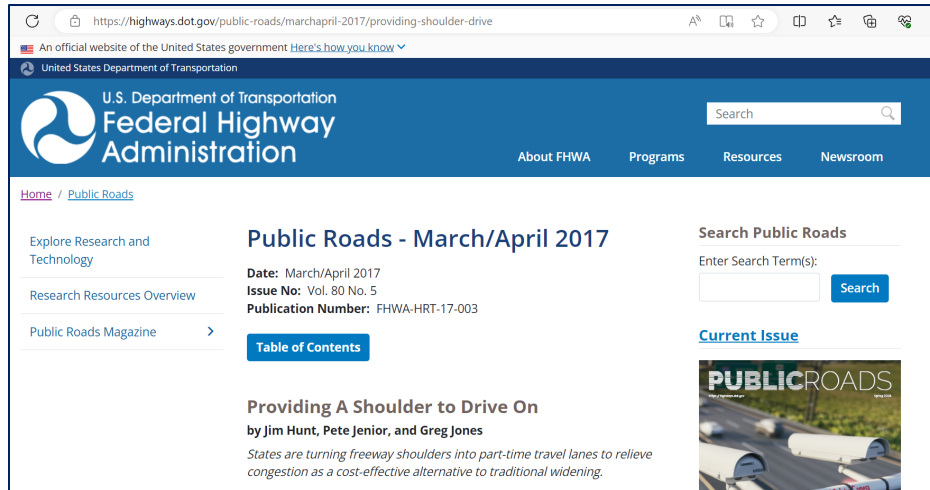
STATEWIDE CARBON REDUCTION PROJECTS*				
Project Name	Project Description	Total Cost	CRP Funding	Justice40
I-205 Bus on Shoulder	Expand transit service along the I-205 corridor between Stafford Rd and Sunnybrook Rd. by creating a Bus on Shoulder corridor within ODOT Right of Way.	\$2,815,800	\$2,525,800	Yes

Example of a prior implemented outside Bus on Should Lane – Minneapolis-St Paul area



Note: Additional guidance concerning shoulder lanes is available from:

1. FHWA’s website at <https://highways.dot.gov/public-roads/marchapril-2017/providing-shoulder-drive>.



2. FHWA's Use of Freeway Shoulders for Travel – Guide for Planning, Evaluating, and Designing Part Time Shoulder Use as Traffic Management Strategy:
  - Chapter 1: What is Part-time Shoulder Use?
  - Chapter 7: Design Considerations

## 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. They primarily are designed to ensure the MTIP is fiscally constrained, consistent with the approved RTP, and provides transparency in their updates, changes, and/or implementation. The programming factors include ensuring that the project amendments:

- Are eligible and required to be programmed in the MTIP.
- Properly demonstrate and fiscal constraint as a result of the required changes.
- Pass the RTP consistency review which requires a confirmation that the project(s) are identified in the current approved constrained RTP either as a stand- alone project or in an approved project grouping bucket.
- Are consistent with RTP project costs when compared with programming amounts in the MTIP.
- If a capacity enhancing project, the project is identified in the approved Metro modeling network and has completed required air conformity analysis and transportation demand modeling.
- Supports RTP goals and strategies consistency: Meets one or more goals or strategies identified in the current RTP.
- Contains applicable project scope elements that can be applied to Metro's performance requirements.
- Verified to be part of the Metro's annual Unified Planning Work Program (UPWP) for planning projects that may not be specifically identified in the RTP.

- Verified that the project location is part of the Metro regional transportation network, and is considered regionally significant, or required to be programmed in the MTIP per USDOT direction.
- Verified that the project and lead agency are eligible to receive, obligate, and expend federal funds.
- Does not violate supplemental directive guidance from FHWA/FTA’s approved Amendment Matrix.
- Reviewed and evaluated to determine if Performance Measurements will or will not apply.
- Successfully complete the required 30-day Public Notification/Opportunity to Comment period.
- Meets other MPO responsibility actions including project monitoring, fund obligations, and expenditure of allocated funds in a timely fashion.

**APPROVAL STEPS AND TIMING**

Metro’s approval process for formal amendment includes multiple steps. The required approvals for the May FFY 2024 Formal MTIP amendment (MA24-08-MAY) will include the following:

<u>Action</u>	<u>Target Date</u>
• TPAC Agenda mail-out.....	April 26, 2024
• Initiate the required 30-day public notification process.....	April 30, 2024
• TPAC notification and approval recommendation.....	May 3, 2024
• JPACT approval and recommendation to Council.....	May 23, 2024
• Completion of public notification process.....	May 29, 2024
• <b>Metro Council approval.....</b>	<b>June 6 or 13, 2024</b>

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 timeline is an estimation only):

<u>Action</u>	<u>Target Date</u>
• Final amendment package submission to ODOT & USDOT.....	June 18 ,2024
• USDOT clarification and final amendment approval.....	Mid-July 2024

**ANALYSIS/INFORMATION**

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:**
  - a. Amends the 2024-27 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 23-5335 on July 20, 2023 (FOR THE PURPOSE OF ADOPTING THE 2024-2027 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM FOR THE PORTLAND METROPOLITAN AREA)
  - b. Oregon Governor approval of the 2021-24 MTIP on September 13, 2023.

- c. 2024-2027 Statewide Transportation Improvement Program (STIP) Approval and 2024 Federal Planning Finding on September 25, 2023.
3. **Anticipated Effects:** Enables the new projects to be added into the MTIP and STIP. Follow-on fund obligation and expenditure actions can then occur to meet required federal delivery requirements.
4. **Metro Budget Impacts:** There are no direct or indirect impacts to the approved Metro budget through the actions of this amendment. The identified funding for the new projects does not originate from Metro.

**RECOMMENDED ACTION:**

**JPACT approved Resolution 24-5412 unanimously on May 23, 2024, and now recommends final approval from Metro Council to approve Resolution 24-5412 to add the two new projects to the 2024-27 MTIP.**

No attachments.