



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Memo

Date: April 27, 2023 – Updated Revision
To: Metro Council and Interested Parties
From: Ken Lobeck, Funding Programs Lead
Subject: April FFY 2023 MTIP Formal Amendment & Resolution 23-5325 Approval Request

FORMAL MTIP AMENDMENT STAFF REPORT

Amendment Purpose Statement

FOR THE PURPOSE OF AMENDING THE 2021-24 MTIP TO ADD ~~THREE~~ TWO NEW PROJECTS TO THE MTIP ALLOWING THEM TO INITIATE PRELIMINARY ENGINEERING AND MEET FUTURE FEDERAL DELIVERY REQUIREMENTS

BACKGROUND

April 27, 2023 Update and Required Revision:

On April 25, 2023, ODOT notified Metro that the proposed US26 - Safety Enhancements at Stone Road (Clackamas County) in Key 23425 would not be advanced from the 202-27 STIP as originally planned. ODOT will use the available funds to support other STIP projects. As a result, ODOT is canceling the advancement and the addition of Key 23425 to the 2021-24 MTIP. Key 23425, the US26 - Safety Enhancements at Stone Road (Clackamas County) project is being removed from the April FFY 2023 MTIP Formal Amendment bundle. The MTIP Amendment materials have been updated to reflect that the revised April 2023 MTIP Formal Amendment bundle is decreased from the original three projects to two projects. The two projects proposed for final Metro Council approval in the bundle:

- Key 23421: Kellogg Creek Dam Restoration (Clackamas County)
- Key 23418: Inner Powell Safety Enhancements

What This Is:

The April FFY 2023 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment bundle contains two projects. The two projects are new projects being added to the 2021-24 MTIP. The Clackamas County Kellogg Dam Restoration project involves adding the Preliminary Engineering phase to the 2021-24 MTIP based on a \$15 million National Oceanic and Atmospheric Administration (NOAA) fish passage restoration grant which includes bridge structure/replacement work to OR99E/SE Mcloughlin Blvd over Kellogg dam. The remaining project represents a project from the 2024-27 STIP being advanced to FFY 2023 to add the PE. This will allow both to initiate the PE phase early. OTC approval was required for the project to be advanced and occurred on March 9, 2023.

What is the requested action?

Prior recommendation: ~~JPACT approved Resolution 23-5325 on April 20 2023 and now recommends Metro Council provide the final approval to add the three new projects to the 2021-24 MTIP. The revised recommendation is to cancel Key 23425 from the April 2023 MTIP Formal Amendment bundle and approve the bundle in Resolution 23-5325 with only two projects.~~

A summary of the project and amendment actions are shown on the next pages.

April FFY 2023 Formal Transition Amendment Bundle Contents				
Amendment Type: Formal/Full				
Amendment #: AP23-08-APR				
Total Number of Projects: 2				
Key Number & MTIP ID	Lead Agency	Project Name	Project Description	Amendment Action
(#1) ODOT Key # 23421 MTIP ID TBD <i>(New Project)</i>	ODOT	Kellogg Creek Dam Restoration (Clackamas County)	Design activities including NEPA for the removal of Kellogg Creek dam, replacement of OR99E structure and habitat restoration of watershed.	ADD NEW PROJECT: Add the PE phase with a \$15 million NOAA grant in support of the Kellogg Dam Restoration project and OR99E bridge structure replacement
(#2) ODOT Key # 23425 MTIP ID TBD <i>(New Project)</i>	ODOT	US26: Safety Enhancements at Stone Road (Clackamas County)	At Stone Road, install a traffic separator in the median of the highway to restrict the side street approaches to right in, right out, left in. These enhancements will improve safety especially at night.	ADD NEW PROJECT: Advance the 2024-27 STIP project by adding the PE phase to the 2021-24 MTIP. OTC approval was required and occurred on 3/9/2023.
(#2) ODOT Key # 23418 MTIP ID TBD <i>(New Project)</i>	ODOT	Inner Powell Safety Enhancements	The project delivers striping, signage, school zone evaluation to improve pedestrian safety along SE Powell Blvd between SE 7th Ave and I-205.	ADD NEW PROJECT: Advance the 2024-27 STIP project by adding the safety upgrade project to the 2021-24 MTIP. OTC approval was required and occurred on 3/9/2023

TPAC Meeting Summary:

TPAC met on April 7, 2023. TPAC members received their official notification of formal MTIP amendment as required by the code of federal regulations (23 CFR 450.326-328). Ken Lobeck, Metro Funding Program Lead, provided an overview of the three projects in the amendment bundle and why they are being added to the MTIP (and later STIP). After the overview, TPAC did not raise any questions for discussion and provided their unanimous approval recommendation to JPACT to approve Resolution 23-5325 allowing the three projects to be added to the MTIP.

JPACT Meeting Summary:

JPACT met on April 20, 2023. The April 2023 Formal MTIP Amendment was included on the Consent Calendar. JPACT moved and approved the Consent Calendar including the April 20223 Formal MTIP Amendment without discussion.

AMENDMENT SUMMARY

<p>Project #1 Key 23421</p>	<p>Kellogg Creek Dam Restoration (Clackamas County) (Add new project) Lead Agency: ODOT</p>
<p><u>Project Description:</u> Design activities including NEPA for the removal of Kellogg Creek dam, replacement of OR99E structure and habitat restoration of watershed.</p>	
<p>Identifications/Key Consistency Check Areas:</p> <ul style="list-style-type: none"> • Lead Agency: ODOT • Project Administrator: ODOT • ODOT Key Number: 23421 • MTIP ID#: TBD (new entry not yet assigned in the MTIP) • RTP ID: 12092 (Bridge structure/replacement component) • Proof-of Funding/Fiscal Constraint Demonstrated: Yes. NOAA grant award letter included. • Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements under the following areas: <ul style="list-style-type: none"> ○ 40 CFR 93.126, Table 2 – Safety: Widening narrow pavements or reconstructing bridges (no additional travel lanes). ○ 40 CFR 93.126, Table 2 – Other Engineering to assess social, economic, and environmental effects of the proposed action or alternatives. • OTC approval No. • Performance Measurements applicable: Yes – Bridge • Special Amendment Performance Assessment Required: No • Were overall RTP Consistency checks achieved and satisfactory: Yes. • Can the required changes be made without issues: Yes. • Additional information: See website at https://www.milwaukieoregon.gov/kellogg 	
<p><u>Description of Changes</u></p> <p>The American Rivers non-profit agency secured a \$15 million grant from NOAA’s Restoring Fish Passage through Barrier Removal Grant upgrades. The \$15 million dollar grant is 100% federal. There is no local match requirement. The funds will be used to support the Preliminary Engineering phase for the project.</p>	



About the Grant Program: The principal objective of NOAA’s Restoring Fish Passage through Barrier Removal Funding Opportunity is to provide federal financial and technical assistance to fish passage through the removal of dams and other in-stream barriers for native migratory or sea-run fish. Funding will be used for fish passage that rebuilds productive and sustainable fisheries, contributes to the recovery and conservation of threatened and endangered species, enhances watershed health, promotes resilient ecosystems and communities, especially in underserved communities, and improves economic vitality, including local employment. This funding opportunity announcement is authorized under the Infrastructure Investment and Jobs Act (IIJA, Public Law 117-58), 135 STAT. 1356 (Nov. 15, 2021).

The project Leadership Team responsible for managing and delivering the project consists of American Rivers, the Oregon Department of Transportation (ODOT), North Clackamas Watersheds Council (NCWC), and the city of Milwaukie (City).

History and Goals:

From the grant application:

The overarching goal of the Kellogg project is to use an ecosystem-based approach to restore fish passage and connectivity to both Kellogg Creek and Mt. Scott watersheds to increase populations of five threatened salmonid species and Pacific lamprey. The multiple benefits of the project range from providing critical refugia and off-channel habitat to reducing flooding, improving the resiliency of state highway transportation infrastructure, and improving underserved community safety, access to natural areas, educational opportunities and workforce development.

Kellogg Dam was constructed in 1858 and has served no purpose since the 1890s. Removing the dam requires replacing the 89-year-old Kellogg Creek Bridge on Highway 99E, as the dam forms part of the bridge foundation. The bridge is highly vulnerable to predicted earthquakes and also disconnects safe access between downtown Milwaukie and the Milwaukie Bay Park waterfront on the Lower Willamette River. Removing the Kellogg Dam barrier will provide volitional access to 15 miles of habitat and a 10,680-acre watershed, and restore 14 acres of lower Willamette River floodplain habitat. Additional benefits include reducing water temperature and removing contaminated sediment in restoring the natural stream and floodplain through the existing impoundment, reducing flooding, increasing pedestrian safety and public access to the restored natural area by providing a pedestrian undercrossing of Highway 99E to downtown Milwaukie, light rail, and trail connections, and creating quality of life benefits (health, recreation, economic, educational) to surrounding underserved communities.



Restoring Fish Passage through Barrier Removal Grants



Figure 1. Potential project area overview and location area vicinity map for the Kellogg Restoration Project.



Project Partners. Key partners include:

- The Confederated Tribes of the Warm Springs
- Indian Reservation of Oregon
- Confederated Tribes of Grande Ronde
- Metro
- NOAA Fisheries,
- Oregon Department of Fish and Wildlife (ODFW)
- US Fish and Wildlife (USFWS)
- Oregon Department of Environmental Quality (DEQ)
- Oregon Division of State Lands (DSL)
- North Clackamas Parks and Recreation District (NCPRD)
- Clackamas Water Environment Services (WES)
- Native Fish Society (NFS).

Project Grant Award and Scope Summary:**Kellogg Creek Restoration and Community Enhancement Project**

Restoring Habitat and Fish Passage, Strengthening Community, and Updating Infrastructure

Proposal Summary

Applicant Organization: American Rivers

Site Location: Confluence of Willamette River and Kellogg Creek, 45.26.30N, 122.38.32W

Project objectives and technical considerations are outlined below that encompass the desired outcomes, key elements of the project, general design approach or criteria, and key teams performing the work:

1. Provide volitional fish passage to 15 miles of habitat for all target species life stages (Table 1) by reducing the elevation of the Kellogg Creek channel within the ODOT right-of-way by approximately 50%. This element will be designed by the restoration design firm Inter-Fluve with guidance and iterative design input and plan review by the project's interdisciplinary TAC and oversight by the project Leadership Team.
2. Restore 14 acres of high-quality riparian habitat, functional wetlands, and connected floodplain through the former dam impoundment by removing the dam, contaminated legacy sediment, regrading, adding large woody material, replanting with native vegetation, and incorporating public access points. This element will be designed by the restoration design firm with iterative design input and plan review by the project's interdisciplinary TAC and the underserved community as determined through community engagement overseen by the Leadership Team.
3. Replace the existing Oregon State Highway 99E Bridge configuration with a modernized sustainable and safe alternative to accommodate the preferred volitional fish passage and restoration channel under the bridge, and a pedestrian undercrossing. The bridge element will be designed by ODOT's engineering team and consultants, with design oversight, permitting, and quality control led by ODOT's Regional Delivery Manager, Tova Peltz, P.E., and oversight of integrated project elements by the project Leadership Team.

Estimated Project Cost and Funding Targets:

The \$15 million NOAA award will support the PE phase for the project. The estimated total project cost is \$54.9 million. The project is anticipated to be funded from a variety of federal, state, and local sources. A preliminary breakdown of the project cost and funding support is shown in the below table.

Table 4. Kellogg Project Budget Overview				
Funding Source	Funding Type	Local, state, fed	Status	Amount
<i>Phase 1. Initiation, Feasibility, Alternatives Analysis, Concept Plan</i>				
Oregon Watershed Enhancement Board (OWEB)	Grants (2)	State	Secured	\$149,828
PGE Salmon Habitat Support	Grants (2)	State	Secured	\$83,934
USFWS	Grant	Federal	Secured	\$50,000
Open Rivers Fund	Grant	Private	Secured	\$30,717
City of Milwaukie	Contract	Local	Secured	\$25,000
Friends of Kellogg-Mt. Scott	Donation	Private	Secured	\$1,800
Anonymous	Donation	Private	Secured	\$2,000
Congressionally Directed Spending (FY22 Appropriations Act)	Grant	Federal	Secured	\$585,000
<i>Phase 2. Design + Permitting</i>				
NOAA Fish Passage	Grant	Federal	Requested	\$13,500,000
<i>Phase 3. Procurement + Initial Construction Activities</i>				
NOAA Fish Passage	Grant	Federal	Requested	\$1,500,000
<i>Phase 4. Demolition + In-water Work + Restoration</i>				
City of Milwaukie	Capital funds	Local	Planned	\$3,000,000
OWEB	Grant	State	Targeted	\$873,000
USDOT Fish Passage	Grant	Federal	Targeted	\$9,755,442
USDOT RAISE	Grant	Federal	Targeted	\$18,000,000
PROTECT Program	Grant	Federal	Targeted	\$2,000,000
USFWS National Fish Passage	Grant	Federal	Targeted	\$500,000
Metro	Capital funds	Regional	Targeted	\$3,000,000
Private Foundations	Grants	Private	Targeted	\$500,000
Total Project Cost				\$54,928,279
Shading indicates phases of the project funded with this request.				

Project Delivery Milestones

The Preliminary Engineering phase is being added to the 2021-24 MTIP now. As funding is obtained for the required implementation phases (right-of way, utility relocation, construction, and post construction or special mitigation requirements for the Other phase), they will be added later to the new 2024-27 MTIP and STIP via amendment as well. Assuming all required funding is obtained, the estimated project completion dates would be around the end of CY 2027. A summary of the delivery milestones from the NOAA grant application is shown in the next table.

PHASE	CRITICAL PATH MILESTONE	2022					NOAA YEAR 1					NOAA YEAR 2					NOAA YEAR 3														
		M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O
All Phases	Stakeholder coordination and outreach, project administration and management	[Gantt chart showing activity across all years]																													
Phase 1 Initiation and Feasibility (Current Phase - Not Part of NOAA FP Proposal)	Convene TAC + TAC Mtg 1 & 2	[Gantt chart showing activity in 2022]																													
	CDS Funds approval + agreements	[Gantt chart showing activity in 2022]																													
	Agency coord + informal consult	[Gantt chart showing activity in 2022]																													
	Alternatives development + Feasibility assessment	[Gantt chart showing activity in 2022]																													
	Conceptual restoration alt development + TAC selects preferred	[Gantt chart showing activity in 2022]																													
	Preliminary (30%) restoration elements design + OPCC, TAC approved	[Gantt chart showing activity in 2022]																													
	Additional permitting studies & technical assessment (CDS Funding)	[Gantt chart showing activity in 2022]																													
Phase 2 Pre-Construction Activities Integrated Element Design + Permitting	Project infrastructure elements integration + NEPA documentation	[Gantt chart showing activity from 2022 to Year 3]																													
	Right-of-Way acquisition (18-24 months)	[Gantt chart showing activity from 2022 to Year 3]																													
	Formal consult + Permitting pathway confirmed	[Gantt chart showing activity from 2022 to Year 3]																													
	Permit-level (60%) project design + TAC approved	[Gantt chart showing activity from 2022 to Year 3]																													
	60% Project OPCC	[Gantt chart showing activity from 2022 to Year 3]																													
Phase 3 Initial Construction Activities: Bid Document Packaging, Procurement and Mobilization	Permit documents submitted + regulatory approvals	[Gantt chart showing activity from 2022 to Year 3]																													
	Final (100%) project design + OPCC	[Gantt chart showing activity from 2022 to Year 3]																													
	Procure long-lead construction materials	[Gantt chart showing activity from 2022 to Year 3]																													
	Develop and finalize integrated Bid Package with funding and permit requirements	[Gantt chart showing activity from 2022 to Year 3]																													
	Procure construction management	[Gantt chart showing activity from 2022 to Year 3]																													

Support Item(s):

Proof of Funding/Fiscal Constraint Verification



Fish Passage Projects Recommended for Funding

NOAA is recommending more than \$87 million in funding for 23 fish passage projects.

NOAA is recommending more than \$87 million funding for 23 projects selected through the [Restoring Fish Passage through Barrier Removal](#) funding opportunity.

These projects will help restore access to healthy habitat for migratory fish across the country through efforts including: on-the-ground fish passage restoration, engineering and design, future project development, and building the capacity of new and existing partners to design projects and manage multi-faceted restoration efforts.

Oregon

[American Rivers](#) will design, permit, and begin construction activities for the removal of Kellogg Creek Dam. The dam currently blocks access to 15 miles of high quality habitat in Kellogg Creek, a tributary of the Willamette River. Removing the dam will provide habitat for threatened Lower Columbia River coho, Chinook, and steelhead. (\$7,513,180 in first year; up to \$15,000,000 total over 3 years)

[Wild Salmon Center](#) will implement nine fish passage projects in four Oregon coastal watersheds. The effort will remove and replace aging culverts, dams, tide gates, and other infrastructure to reopen and reconnect habitat for Southern Oregon/Northern California Coast coho and Oregon Coast coho. (\$3,625,109)

Project #2 Key 23425	US26: Safety Enhancements at Stone Road (Clackamas County) (Add new project) Canceled from the amendment bundle Lead Agency: ODOT
<u>Project Description:</u> At Stone Road, install a traffic separator in the median of the highway to restrict the side street approaches to right in, right out, left in. These enhancements will improve safety especially at night.	
Per ODOT's request, Key 23425 has been canceled from inclusion in the amendment bundle.	
Identifications/Key Consistency Check Areas:	
<ul style="list-style-type: none"> • Lead Agency: ODOT • ODOT Key Number: 23425 • MTIP ID#: TBD (new entry not yet assigned in the MTIP) • RTP ID: 12095 (Safety/Operations) • Proof of Funding/Fiscal Constraint Demonstrated: Yes. OTC staff report with funding approval included as support documentation. • Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements under 40 CFR 93.126, Table 2 – Safety – Guardrails, median barriers, crash cushions. • OTC approval required: Yes. OTC approval occurred on 3/9/2023. • Performance Measurements applicable: Yes – Safety. • Special Amendment Performance Assessment Required: No • Were overall RTP Consistency checks achieved and satisfactory: Yes. • Can the required changes be made without issues: Yes. • See Attachment 2 (OTC staff report item) for additional details. 	

Project #2 Key 23418	Inner Powell Safety Enhancements (Add new project) Lead Agency: ODOT
<u>Project Description:</u> The project delivers striping, signage, school zone evaluation to improve pedestrian safety along SE Powell Blvd between SE 7th Ave and I-205.	
Identifications/Key Consistency Check Areas:	
<ul style="list-style-type: none"> • Lead Agency: ODOT • ODOT Key Number: 23418 • MTIP ID#: TBD (new entry not yet assigned in the MTIP) • RTP ID: 12095 (Safety/Operations) • Proof-of Funding/Fiscal Constraint Demonstrated: Yes. OTC staff report with funding approval included as support documentation. • Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements under 40 CFR 93.126, Table 2 – Safety - Projects that correct, improve, or eliminate a hazardous location or feature. • OTC approval required: Yes. OTC approval occurred on 3/9/2023. 	

- Performance Measurements applicable: Yes – Safety.
- Special Amendment Performance Assessment Required: No
- Were overall RTP Consistency checks achieved and satisfactory: Yes.
- Can the required changes be made without issues: Yes.
- See Attachment 2 (OTC staff report item) for additional details.

Description of Changes

The formal MTIP amendment adds the new safety upgrade project. The PE and construction phases are being advanced from the 2024-27 STIP. OTC approval was required and occurred on 3/9/2023.

This formal MTIP amendment advances the Inner Powell Safety Enhancements project with a total of \$1 million of state HB2017 funds. PE receives \$250,000 with the remaining \$750,00 for the construction phase. The Inner Powell Safety Enhancements project is one of several ongoing safety upgrade projects on Powell Blvd.

Additional details can be found in Attachment 2, March 2023 OTC Staff Report item.

Support Item(s):

Proof of Funding/Fiscal Constraint Verification
From the approved OTC March 9, 2023 staff report agenda item

Agenda Item F, Attachment 02

Key Number	Region	Project name	BMP	EMP	Bridge #	Phase	Primary Work Type	Funding Responsibility	Advance Amount	Reason for Advancing
23106	1	Portland Metro and Surrounding Area Safety Reserve(FFY24)	various	various		OT	Safety	HB2017 Safety R1	\$1,000,000.00	Inner Powell safety improvements & immediate safety improvements on ODOT owned facilities within the city of Portland.
23107	1	Portland Metro and Surrounding Area Safety Reserve(FFY25)	various	various		OT	Safety	HB2017 Safety R1	\$1,000,000.00	Implementation of safety improvements identified through recent road safety audits in Region 1.
23108	1	Portland Metro and Surrounding Area Safety Reserve(FFY26)	various	various		OT	Safety	HB2017 Safety R1	\$697,981.00	Design, development & construction of safety improvements on US26 at Stone Road.
20435	1	OR99W: I-5 - McDonald St	7.47	13.74		CN	Fix-It Region 1 HB2017 Preservation AT Leverage R1 ARTS Region 1 SW ADA Transition Fix-It SW Bridge SW SRTS Other		\$26,585,468.00	Increase the Construction phase, adding funds for ADA and preservation scope.
22784	2	OR99W: Elliot Circle to NW Fillmore Ave (Corvallis)	79.8	83.05		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$1,797,604.00	Balance workload and spread out construction dates with other similar STIP projects.
22785	2	OR99W: Mary's River Br - Kiger Island Rd (Corvallis)	84.31	86.5	02701A	PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$1,109,247.00	Balance workload and spread out construction dates with other similar STIP projects.
22786	2	OR18: Long Fiber Road - Murphy Hill	11.4	18.8		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$1,095,571.00	Balance workload and spread out construction dates with other similar STIP projects.
22793	2	OR99E: Jct Hwy 051 - Dimmick Lane	27.07	30.65		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$913,121.00	Pavement conditions deteriorating; cost savings by completing sooner
21547	2	US30: Rainier - Wonderly Road	47.2	50.35		RW	Preservation	Fix-It Region 2 HB2017 Preservation	\$28,324.00	Balance workload and spread out construction dates with other similar STIP projects.
22787	2	OR6: MP 4.4-9.0	4.4	9		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$868,791.00	Balance workload and spread out construction dates with other similar STIP projects.
22938	2	I-5: Cottage Grove - Martin Creek	169.19	174.84		PE	Preservation	Fix-It SW IM HB2017 Preservation	\$2,212,360.00	Balance workload and spread out construction dates with other similar STIP projects.
21555	2	US101: Pacific Way (Gearhart)	18.8	18.8		RW	Operations	Fix-It Region 2	\$192,603.00	Balance workload and spread out construction dates with other similar STIP projects.
22794	2	US101: MP 23.9 culvert replacement	23.9	23.9		PE	Culvert	Fix-It Region 2	\$293,255.00	Balance workload.
22795	2	OR223: MP 12.4 to 12.5 slide repair	12.4	12.5		PE	Operations	Fix-It Region 2	\$678,049.00	Balance workload.
22797	2	OR47: MP 83.6 (Banks) Illumination Replacement	83.6	83.6		PE	Operations	Fix-It Region 2	\$374,107.00	Balance workload.
22798	2	US20: MP 0.52 signal replacement	0.52	0.52		PE	Operations	Fix-It Region 2 HB2017 Safety R2	\$743,039.00	Balance workload.
22799	2	OR99W: MP 78.9-79.0 signal replacement (Lewisburg)	78.9	79		PE	Operations	Fix-It Region 2 HB2017 Safety R2	\$677,983.00	Balance workload.
22692	2	Polk County Striping & Marking Improvements (2027)	various	various		PE	Safety	ARTS Region 2	\$182,209.00	Balance workload.
22701	2	Division Ave at Lone Oak Ave (Eugene)				PE	Safety	ARTS Region 2	\$973,000.00	Balance workload.
22705	2	Yeggen/McKay/Ehlen Rd: OR219 to Bents Rd NE (Marion County)				PE	Safety	ARTS Region 2	\$189,869.00	Balance workload.



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 ensuring that the project amendments:

- Complete eligibility verification to be programmed in the MTIP.
- Pass proof of funding and fiscal constraint verification.
- 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.
- 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.
 - Reviewed and determined that Performance Measurements will or will not apply.
 - Completion of the required 30-day Public Notification/Opportunity to Comment period.
 - Meets 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 April FFY 2023 Formal MTIP amendment (AP23-08-APR) will include the following:

<u>Action</u>	<u>Target Date</u>
• TPAC Agenda mail-out.....	March 31, 2023
• Initiate the required 30-day public notification process.....	April 4, 2023
• TPAC notification and approval recommendation.....	April 7, 2023
• JPACT approval and recommendation to Council.....	April 20, 2023
• Completion of public notification process.....	May 3, 2023
• Metro Council approval.....	May 11, 2023

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.....	May 16 ,2023
• USDOT clarification and final amendment approval.....	Mid-June 2023

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. None of the included project amendments impact the Metro current annual budget.

RECOMMENDED ACTION:

Prior recommendation: JPACT approved Resolution 23-5325 on April 20 2023 and now recommends Metro Council provide the final approval to add the three new projects to the 2021-24 MTIP. The revised recommendation is to cancel Key 23425 from the April 2023 MTIP Formal Amendment bundle and approve the bundle in Resolution 23-5325 with only two projects.

Attachments:

1. Kellogg Creek Dam Restoration Update
2. March 2023 - OTC Staff Report Item

Kellogg Creek Restoration and Community Enhancement Project
Restoring Habitat, Creating Fish Passage, Strengthening Community, and Updating Infrastructure
Update #6

FEB
2023

PROJECT OVERVIEW

The City of Milwaukie (City), North Clackamas Watersheds Council (NCWC), and Oregon Department of Transportation (ODOT), with American Rivers (AR) and project partners, have initiated a [multi-benefit project](#). The project will create fish passage into the Kellogg-Mt. Scott watershed, restore lower Kellogg Creek and its floodplain through the City of Milwaukie, improve long-term community resiliency and access to nature, while modernizing vulnerable multi-modal transportation infrastructure. Private, local, state, and federal funding has been secured to initiate the project and conduct the necessary site assessment, alternatives analysis, and conceptual design. The project is in Phase 1.

FEBRUARY SUMMARY

- **Funding –**
 - American Rivers has continued working with ODOT and the City to draft agreements for sub-award of NOAA funding for Phase 2 project activities.

- **Outreach –**
 - The project team submitted inquiries to Union Pacific, the owner of the railroad trestle bridge that spans the impoundment, to request coordination in Right-of-Way access for geotechnical sampling and design review for railroad trestle protection.
 - A meeting with Oregon Unite was held on Feb 3 to discuss community engagement in project development. Next steps were outlined.

- **Design –**
 - TAC meeting 3 was held on Feb 2 in Milwaukie, Oregon. The project framework, updates, and the conceptual restoration alternatives and alternatives analysis results were presented. TAC notes and solicitation of report feedback was distributed on Feb 28.
 - IFI submitted a Phase 1 amendment proposal to conduct additional studies, including development of a sediment sampling and geotechnical evaluation plan.
 - A meeting to discuss ecological uplift created by the project was held with TAC biologists on Feb 22. Meeting notes were distributed to the TAC on Feb 28 with TAC 3 meeting notes.
 - The Draft Wetland Delineation Report is being developed and will be available in March.

MARCH NEXT STEPS

- TAC feedback on the draft alternatives and feasibility report was requested at the February 2nd TAC meeting. Feedback from the TAC is due by March 14.
- A site visit will be coordinated by NCWC and attended by Unite Oregon and other community engagement and outreach coordination representatives in early March.



DATE: February 27, 2023

TO: Oregon Transportation Commission



FROM: Kristopher W. Strickler
Director

SUBJECT: **Agenda Item F** -- Approve Release of the Draft 2024-2027 Statewide Transportation Improvement Program (STIP) for Public Review and Comment

Requested Action:

Request approval to release the 2024-2027 Statewide Transportation Improvement Program (STIP) to the public for review and comment: approve the list of projects to advance to begin delivery.

Background:

The *Draft 2024-2027 STIP* [Attachment 1] is the Department's short-term capital improvement program required by federal regulations that outlines project funding and scheduling information for the Department and the state's metropolitan planning organizations.

In January of 2021, the OTC (Oregon Transportation Commission) approved the [funding allocation for the Draft 2024-2027 STIP](#). The Commission allocated additional federal funds from the Infrastructure Investment and Jobs Act in March 2022. The draft STIP now includes nearly \$3 billion in Federal Highway Administration and State Highway Fund resources that the Commission helps allocate, as well as Federal Transit Administration funds that flow to transit agencies.

The 2024-2027 STIP includes:

- A major investment in repairing and replacing deteriorating bridges.
- A significant increase for public and active transportation to help people get around without a car.
- Increased funding for projects that improve safety on state highways and local roads.
- More money for local governments to invest in their priorities.
- A major investment in ADA curb ramps to help people with disabilities.

Allocation of these funds allowed ODOT to undertake project selection for these investment areas.

During this time period, ODOT has worked with the various regional ACTs and stakeholders to seek comments and input into the projects selected.

In addition to the approval for the Draft STIP to go to public comment, the agency is requesting to advance specific phases from projects selected for the 2024-2027 STIP to begin work. The projects and

phases are listed in [Attachment 2]. This request will allow projects to begin work and allow construction to be delivered earlier.

Executive Order 20-04 directed ODOT to develop and apply a process for evaluating the GHG emissions implications of transportation projects as part of its regular capital planning and STIP.

Next Steps:

With OTC approval, the *Draft 2024-2027 STIP* will be released for formal public review. The public review timeline is March 9 to April 30, 2023. During that time, the Department will seek and review comments from the public and other stakeholders. After the public comment period, a number of technical steps must be completed before the preparation of the Final 2024-2027 STIP.

In July of 2023, ODOT will return for OTC approval to release the Final 2024-2027 STIP for federal approval from Federal Highway Administration (FHWA) and Federal Transit Agency (FTA). At this meeting the Commission will also receive a summary of the public comments.

Final approval from FHWA and FTA is expected in September 2023.

Attachments:

- Attachment 01 - Draft 2024-2027 STIP
- Attachment 02 - List of Project Phases Advancing

Agenda Item F, Attachment 02

Key Number	Region	Project name	BMP	EMP	Bridge #	Phase	Primary Work Type	Funding Responsibility	Advance Amount	Reason for Advancing
23106	1	Portland Metro and Surrounding Area Safety Reserve(FFY24)	various	various		OT	Safety	HB2017 Safety R1	\$1,000,000.00	Attachment 2 in March 2023 OTC Staff Report Immediate safety improvements on ODOT owned facilities within the city of Portland.
23107	1	Portland Metro and Surrounding Area Safety Reserve(FFY25)	various	various		OT	Safety	HB2017 Safety R1	\$1,000,000.00	Implementation of safety improvements identified through recent road safety audits in Region 1.
23108	1	Portland Metro and Surrounding Area Safety Reserve(FFY26)	various	various		OT	Safety	HB2017 Safety R1	\$697,981.00	Design, development & construction of safety improvements on US26 at Stone Road.
20435	1	OR99W: I-5 - McDonald St	7.47	13.74		CN	Preservation	Fix-It Region 1 HB2017 Preservation AT Leverage R1 ARTS Region 1 SW ADA Transition Fix-it SW Bridge SW SRTS Other	\$26,585,468.00	Increase the Construction phase, adding funds for ADA and preservation scope.
22784	2	OR99W: Elliot Circle to NW Fillmore Ave (Corvallis)	79.8	83.05		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$1,797,604.00	Balance workload and spread out construction dates with other similar STIP projects.
22785	2	OR99W: Mary's River Br - Kiger Island Rd (Corvallis)	84.31	86.5	02701A	PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$1,109,247.00	Balance workload and spread out construction dates with other similar STIP projects.
22786	2	OR18: Long Fiber Road - Murphy Hill	11.4	18.8		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$1,095,571.00	Balance workload and spread out construction dates with other similar STIP projects.
22793	2	OR99E: Jct Hwy 051 - Dimmick Lane	27.07	30.65		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$913,121.00	Pavement conditions deteriorating; cost savings by completing sooner
21547	2	US30: Rainier - Wonderly Road	47.2	50.35		RW	Preservation	Fix-It Region 2 HB2017 Preservation	\$28,324.00	Balance workload and spread out construction dates with other similar STIP projects.
22787	2	OR6: MP 4.4-9.0	4.4	9		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$868,791.00	Balance workload and spread out construction dates with other similar STIP projects.
22938	2	I-5: Cottage Grove - Martin Creek	169.19	174.84		PE	Preservation	Fix-it SW IM HB2017 Preservation	\$2,212,360.00	Balance workload and spread out construction dates with other similar STIP projects.
21555	2	US101: Pacific Way (Gearhart)	18.8	18.8		RW	Operations	Fix-It Region 2	\$192,603.00	Balance workload and spread out construction dates with other similar STIP projects.
22794	2	US101: MP 23.9 culvert replacement	23.9	23.9		PE	Culvert	Fix-It Region 2	\$293,255.00	Balance workload.
22795	2	OR223: MP 12.4 to 12.5 slide repair	12.4	12.5		PE	Operations	Fix-It Region 2	\$678,049.00	Balance workload.
22797	2	OR47: MP 83.6 (Banks) Illumination Replacement	83.6	83.6		PE	Operations	Fix-It Region 2	\$374,107.00	Balance workload.
22798	2	US20: MP 0.52 signal replacement	0.52	0.52		PE	Operations	Fix-It Region 2 HB2017 Safety R2	\$743,039.00	Balance workload.
22799	2	OR99W: MP 78.9-79.0 signal replacement (Lewisburg)	78.9	79		PE	Operations	Fix-It Region 2 HB2017 Safety R2	\$677,983.00	Balance workload.
22692	2	Polk County Striping & Marking Improvements (2027)	various	various		PE	Safety	ARTS Region 2	\$182,209.00	Balance workload.
22701	2	Division Ave at Lone Oak Ave (Eugene)				PE	Safety	ARTS Region 2	\$973,000.00	Balance workload.
22705	2	Yergen/McKay/Ehlen Rd: OR219 to Bents Rd NE (Marion County)				PE	Safety	ARTS Region 2	\$189,869.00	Balance workload.
22706	2	OR6 at Wilson River Loop (East at MP 2.07) (Tillamook)	2.07	2.07		PE	Safety	ARTS Region 2 HB2017 Safety R2	\$727,550.00	Balance workload.
22708	2	OR99W at Bethel Rd (Polk County)	49.72	49.72		PE	Safety	ARTS Region 2 HB2017 Safety R2	\$629,761.00	Balance workload.
22709	2	Northwest Oregon pedestrian crossing enhancements (2027)	various	various		PE	Safety	ARTS Region 2 HB2017 Safety R2	\$364,477.00	Balance workload.
22723	2	I-5 (NW OR) & OR569 (Eugene) wrong way driving treatments	various	various		PE	Safety	ARTS Region 2	\$545,290.00	Balance workload.
22724	2	OR99W: (3rd St) at Western Blvd (Corvallis)	83.93	83.93		PE	Safety	ARTS Region 2	\$662,017.00	Balance workload.
22726	2	NW Oregon lighting & enhanced intersection warning (2027)	various	various		PE	Safety	ARTS Region 2	\$480,382.00	Balance workload.
22775	2	Northwest Oregon Rumble Strips (2027)	various	various		PE	Safety	ARTS Region 2	\$930,000.00	Balance workload.
22902	2	US101 at Broadway Street Signal Upgrades (Seaside)	21.05	21.05		PE	Safety	SW Enhance	\$811,844.00	Conditions deteriorating rapidly, can no longer maintain system
22950	2	Graham Road Rail Crossing (Prescott)				PE	Safety	SW Rail Crossing	\$503,049.00	Balance workload.
20110	2	US101: Depoe Bay bridge	127.58	127.64	02459A	RW	Bridge	Fix-it SW Bridge HB2017 BridgeSeismic	\$224,423.53	Balance workload and spread out construction dates with other similar STIP projects.

Key Number	Region	Project name	BMP	EMP	Bridge #	Phase	Primary Work Type	Funding Responsibility	Advance Amount	Reason for Advancing
23117	2	OR202: Nehalem River bridge (MP38.59)	38.59	38.59	03113A	PE	Bridge	Fix-it SW Bridge HB2017 BridgeSeismic	\$1,754,838.00	Attachment 2 March 2023 CMC Staff Report Construction dates with other similar STIP projects.
23291	2	US30 at SE Maple St Rail Crossing (Scappoose)	20.67	20.67		PE	Safety	SW Rail Crossing	\$641,000.00	Balance workload.
22987	3	I-5: Stage Road Pass	80.33	79		PE	Modernization	SW Enhance	\$4,300,000.00	Begin early due to design and survey needs
23095	3	Highway Barrier Upgrades (Coos/Curry)	various	various		PE	Safety	1R	\$661,623.00	Safety project; high incident rates need mitigated
22947	3	OR62 at OR234 Roundabout	13.4	13.82		PE	Safety	ARTS Region 3 HB2017 Safety R3	\$1,076,518.00	Safety project; high incident rates need mitigated/project design will take longer due to stakeholder involvement
22914	3	Garden Valley Rd at Melrose Rd Roundabout				PE	Safety	ARTS Region 3 Local	\$1,891,578.00	Design will take longer due to stakeholder involvement.
22776	4	US97: Redmond-Bend Phase 2	125.2	130.2	21825	PE	Safety	ARTS Region 4 HB2017 Safety R4	\$1,986,700.00	This section of US97 continues to be an area that sees significant serious injury and fatal crashes, and is Region 4's top safety project in the 24-27 STIP. We will be advancing the PE phase to begin project development immediately so that we can hit a 2024 construction window for this much needed ARTS project.
22072	4	US20: at Locust Street (Sisters)	92.75	93.02		PE, RW	Operations	Enhance Region 4 Enhance Match SW Local	\$1,400,000.00	The City of Sisters and Deschutes County are contributing in excess of \$2 million to the project to help meet a 2024 construction season. The City of Sisters has already contributed \$250,000 to PE that was kicked off in 2021. We are advancing the remaining PE and RW amounts to hit a construction window of early 2024 so that we can be substantially complete by Memorial Day to avoid major traffic impacts to the summer tourism industry.
21647	4	US26: Wapinitia Junction - Warm Springs River	70.7	85.25		PE	Preservation	Fix-it Region 4 HB2017 Preservation	\$413,318.00	This project contains poor pavement conditions in the snow zone on US26 over Mt. Hood. This section of pavement is deteriorating rapidly. We are advancing PE to ensure that we can construct this project in 2024 and not risk it weathering through another winter.
23320	4	Region 4 Reserve Funds				PE	Preservation/ Operations	Fix-it Region 4 HB2017 Preservation	\$4,326,097.00	These funds are being added to a current 18-21 STIP project; K21166 US97: Veterans Way - SW Yew Avenue (Redmond). This section of US97 contains the only "poor" pavement rating on US97. We are advancing PE funds so that we can get to a 30% design to help leverage additional city of Redmond funds and to work towards a federal grant application.
21756	4	US20: Central Oregon Hwy Culverts Corridor	2.7	87.0		RW, UR	Culvert	Fix-it SW Culvert HB2017 Culvert	\$282,916.00	This project received PE funds in 21-24 and has kicked off. It will be approaching DAP in Spring 2023, at which the ROW phase will be requested to be opened. In order to keep this project on track for Construction in 2025 the ROW phase needs to open in 2023.
21875	5	Eastern Oregon roadside traffic & weather cameras	various	various		CN	Operations	Region 5 Fix-It	\$1,830,000.00	Advance 24-27 to increase the Construction phase, adding funds due to increased costs from inflation.
22844	5	Pendleton Signal Upgrade	2.9	3.45		PE	Operations	Region 5 Fix-It	\$721,602.00	Advance to accommodate a construction phase in 2025.
23225	5	US730/US395 Umatilla County Signal Safety Improvements	various	various		PE	Safety	ARTS Region 5 HB2017 Safety R5	\$300,000.00	Advance to accommodate a construction phase in 2025.
22919	5	I-84: Farewell Bend - N. Fork Jacobsen Gulch	various	various		PE	Preservation	Fix-it SW IM HB2017 Preservation Fix-it SW Bridge HB2017 BridgeSeismic Motor Carrier	\$1,409,000.00	Advance to accommodate a construction phase in 2025.

Key Number	Region	Project name	BMP	EMP	Bridge #	Phase	Primary Work Type	Funding Responsibility	Advance Amount	Reason for Advancing
22878	5	I-84: Baker - Ontario culvert repair	301.7	360		PE	Culvert	Fix-it SW Culvert HB2017 Culvert	\$879,000.00	Attachment 2 March 2023 OTC Staff Report Advance to accommodate a construction phase in 2025.
22989	5	OR11: Milton-Freewater Safety and Sidewalk Improvements	30.66	34.8		PE	Safety	ARTS Region 5 HB2017 Safety R5 SW Ped/Bike Strategic Fix-it SW SWIP Bike/Ped	\$600,000.00	Advance to accommodate a construction phase in 2025.
22926	5	US30: Snake River Bridge and Interstate Bridge	27.65	28.48	18097 01000B	PE	Bike/Ped	SW Pedbike Strategic Fix-it SW SWIP Bikeped	\$1,460,000.00	Advance to accommodate a construction phase in 2026.
22880	5	Tower Road interchange bridge over I-84	159.18	159.5	00921	PE	Bridge	Fix-it SW Bridge HB2017 BridgeSeismic Fix-it SW IM HB2017 Preservation	\$452,000.00	Advance to accommodate a construction phase in 2026.
22942	5	I-82/I-84: Freight & Congestion Improvements	various	various		PE	Modernization	SW Enhance Motor Carrier	\$1,007,000.00	Advance to accommodate a construction phase in 2026.
23045	5	Pole Line Road Rail Crossing Improvements (Haines)	43.9	44.1		PE	Safety	SW Rail Crossing	\$354,000.00	Advance to accommodate a construction phase in 2026.
21641	5	US95: MP36 - McDermitt	36	121.36		CN	Preservation	Fix-it SW Chip Seals HB2017 Preservation Fix-it Region 5	\$14,500,000.00	Advance to accommodate a bid date of 10/31/2023 this results in a PS&E before FFY 2024.
21649	5	I-84: exit 216 east bound off-ramp	various	various		CN	Operations	HB2017 Safety R5	\$5,219,111.00	Advance 24-27 funds to increase the construction phase, due to increased costs from inflation.
23283	6	Timber Bridge program			Multiple	PL	Bridge	Fix-it SW Bridge HB2017 BridgeSeismic	\$300,000.00	Start coordination with environmental agencies to use standard bridge designs to streamline the permit process.
22954	6	Scenario Planning and Climate Program				PL	Planning	SW Climate	\$4,000,000.00	Changes to 660-044-0015 from the Climate Friendly and Equitable Communities rulemaking require impacted jurisdictions to complete Scenario Planning and GHG Target Monitoring by 2024 or other approved date. ODOT will begin conducting the work to support jurisdictions in 2023.
23079	6	ADA Program Support 2024-2027				OT	ADAP	SW ADA TRANSITION	\$20,000,000.00	The ADA program needs access to this funding prior to the 2024-2027 STIP cycle commencing in order to prevent disruption and keep the ADA program on track to ensure time bound deliverables are met.
23089	6	ADA Program Management 2024-2027				OT	ADAP	SW ADA TRANSITION	\$30,000,000.00	The ADA program needs access to this funding prior to the 2024-2027 STIP cycle commencing in order to put out a Request for Proposals (RFP) and execute the initial Work Order Contract (WOC) in FFY23. Access to these funds will prevent disruption and keep the ADA program on track to ensure time bound deliverables are met.
									\$149,257,675.53	