



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Memo

Date: November 6, 2023
To: JPACT and Interested Parties
From: Ken Lobeck, Funding Programs Lead
Subject: November FFY 2024 MTIP Formal Amendment & Resolution 23-5365 Approval Request

FORMAL MTIP AMENDMENT STAFF REPORT

Amendment Purpose Statement

FOR THE PURPOSE OF AMENDING AND ADDING NEW FEDERAL DISCRETIONARY PLUS METRO TSMO PROGRAM AWARDS TO THE 2024-27 MTIP

BACKGROUND

What This Is - Amendment Summary:

The November FFY 2024 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment bundle continues the transition clean-up effort to the new 2024-27 MTIP. The amendment bundle contains several new projects being added to the MTIP.

The US Department of Transportation (Federal Highways Administration (FHWA) and Federal Transit Administration have established numerous conditions to complete and requirements for the use of federal funds. One of many conditions is the project programming requirement in the MTIP and State Transportation Improvement Program (STIP). The MTIP and STIP are used to verify funding and project aspects through the project development and delivery process. A key verification occurs through the fund obligation process. In order for FHWA or FTA to authorize the federal funds must be verified as programmed in the correct phase and with the correct amount in the MTIP and STIP. Without this verification, the fund obligation process won't occur, and the lead agency will not be granted a notice to proceed to expend the funds. This is a key reason why you see numerous new projects being added to the MTIP often every month.

The November Federal Fiscal Year (FFY) 2024 Formal MTIP Amendment continues the action to add new projects. New projects being added include the Beaver Creek Fish Passage Restoration at Troutdale Rd project for Multnomah County and seven new Metro Transportation System Management and Operations (TSMO) project awards. The approved funding for these seven projects originates from prior approved Metro project grouping buckets (PGB) which contain the approved program funding for the new TSMO projects. Prior approved TSMO funds are being split for the TSMO PGBs and combined into the new awarded TSMO projects.

In addition to the new project programming actions, ODOT's OR8: SE Brookwood Ave - OR217 Intelligent Transportation System traffic monitoring upgrade project has experience a significant cost increase and now requires as scope, limits and cost adjustment. The required changes exceed the thresholds FHWA has established for making the changes administratively. As a result, the changes must occur through the completion of a formal/full MTIP amendment.

What is the requested action?

TPAC received their amendment notification on November 3, 2023 and provided an approval recommendation to JPACT for Resolution 23-5365 to add and amend the eleven projects to the 2024-27 MTIP.

TPAC Meeting Summary – November 3, 2023:

Ken Lobeck, Metro Funding Programs Lead, provide an overview of the formal amendment bundle and the required changes to the 2024-27 MTIP. The formal amendment bundle as described in Exhibit A contains a total of twelve projects. Seven are new Metro TSMO awarded project from Metros recent TSMO project funding call. Three existing TSMO funding project grouping buckets (PGB) are providing the funding for the seven new projects. The PGBs will reprogram their prior approved TSMO committed revenues to the new TSMO awarded projects. One new project is Multnomah County's FHWA discretionary project grant award, Beaver Creek Fish Passage Restoration at Troutdale Rd. The project will design, complete right of way acquisition, and permitting phase for the replacement of the existing Troutdale Rd culvert and fish ladder on Beaver Creek with a new at-grade bridge. The last project being amended is existing ODOT OR8 - SE Brookwood Ave - OR217 ITS upgrade project. The project requires the Right-of-Way phase to be canceled along with an adjustment in the project limits.

Ken noted that an ODOT pre-review of the Metro TSMO Program Investments and ITS Architecture Update resulted in the need to split the project into two projects. The planned TSMO equipment portion to the project needs to be separated from the remaining TSMO planning elements. A conflict in developing the Intergovernmental Agreement (IGA) will result if the scope elements are not separated into two projects. As a result of ODOT's comments, Metro's TSMO Program Investments and ITS Architecture Update is being withdrawn from the November FFY 2024 MTIP Formal Amendment bundle. Staff will work with ODOT to split the project and return the equipment portion for MTIP and STIP programming next month. The remaining TSMO scope elements within the project are considered planning activities. As a result of this, staff expect the planning activities to be incorporated into the SFY 2025 UPWP.

The was no discussion and TPAC members provided their unanimous approval recommendation to JPACT for the remaining eleven projects with Exhibit A.

PROJECT AMENDMENT NOTES:

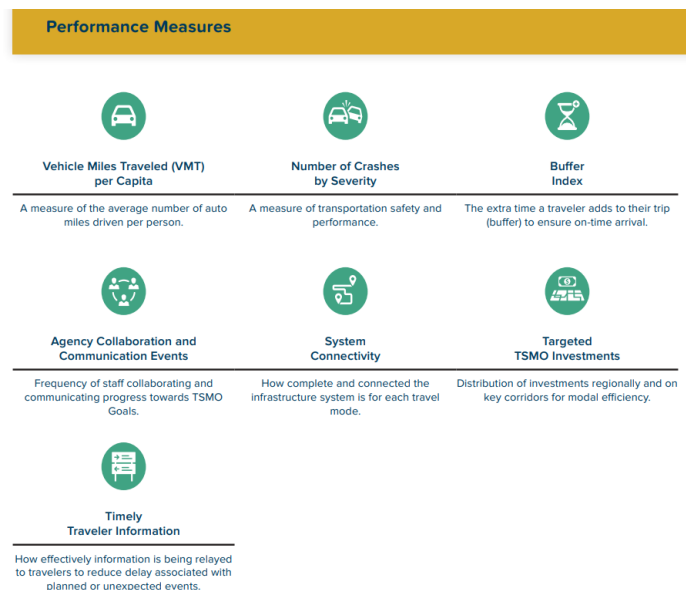
Approval of the Metro TSMO projects dates back to last April 2023 when TPAC was notified of the new project awards. However, MTIP programming delayed due to the final review lock-down for the 2024-27 MTIP. The programming action is moving forward now that the 2024-27 MTIP has been approved.

The Metro TSMO Program represents an innovative, holistic, multimodal, and cost-effective approach to managing the region's transportation system. An effective TSMO Strategy prioritizes optimization of the existing transportation system by improving business practices and collaboration, encouraging behavior changes through travel demand management, and using technology to understand and manage how the system operates.



The new awarded projects are from the 2023 TSMO Project Funding call. The final awards originate from the 2021 Strategy. A copy of the TSMO strategy is available for download from the Metro website. The program identifies seven key performance measures that help guide the selection of later specific projects. The performance measures are shown at right and include:

- Vehicle Miles Traveled (VMT)
- Number of Crashes by Severity
- Buffer Index
- Agency Collaboration and Communication Events
- System Connectivity
- Targeted TSMO Investments
- Timely Traveler Information





Memo

Date: Friday, April 28, 2023
 To: Transportation Policy Alternatives Committee
 From: Kate Freitag, TransPort Chair, ODOT Region 1 Traffic Engineer
 A.J. O'Connor, TransPort Vice Chair, TriMet Intelligent Transportation Systems Director
 Caleb Winter, TSMO Program Manager, Metro Senior Transportation
 Subject: 2021 TSMO Strategy Solicitation - Project Recommendations

The purpose of this memo is to share the 2021 TSMO Strategy Solicitation project recommendations. The recommendations suballocate Regional Flexible Fund Allocation (RFFA) dollars for two funding cycles (2022-2024 and 2025-2027). This memo focuses on action taken by TransPort, the Subcommittee of TPAC.

Through the long project review and evaluation developed from the TSMO Strategy emerged the final project selects that are now being added to the MTIP. They include:

Lead Agency	Project Name	Description	Federal Funds Awarded
Beaverton	Leading Pedestrian Intervals & Smart Detections - Beaverton Citywide	Implement leading pedestrian interval (LPI) at traffic signals running SCATS (Sydney Coordination Adaptive Traffic System) code in transit priority at traffic signals and upgrade existing traffic detections at up to 31 sites for added pedestrian safety.	\$1,938,940
Clackamas County	Clackamas Countywide Traffic Signal Safety Upgrade	Identify and upgrade selected traffic signals across Clackamas County with the new signal hardware and install protected pedestrian and bicycle crossings to provide added safety and accessibility for pedestrian and bicyclists.	\$933,192
<p>Per a submitted comment and preview conducted by ODOT. Metro's new TSMO Program Investments and ITS Architecture Update is being removed from Exhibit A as part of the November FFY 2024 Formal MTIP Amendment bundle. The project will be split into two projects. The TSMO equipment purchase project is expected to be ready for MTIP and STIP programming as part of next month's formal amendment submission.</p>			
Metro	TSMO Program Investments and ITS Architecture Update	Complete TSMO program update activities including the ITS Architecture update, standardized equipment (switches, SFP/lasers) purchase, Next Gen TSP coordination standard, & a progress evaluation made on the 2021 TSMO Strategy and system completeness	\$387,371

Portland	Portland TSMO Regional Central Network Upgrade	Evaluate and upgrade the Regional Central System network, architecture design, configuration and installed equipment to bring it up to the same standards for traffic signal communications as performed by the ITS network for increased traffic mobility.	\$870,381
Portland	Portland Local Traffic Signal Controller Replacement Phase II	Purchase and install up to 160 ATCs for PBOT and 79 for the City of Gresham and Multnomah County at selected signalized locations to improve the reliability of signal communications and pedestrian safety at intersections.	\$1,588,849
Portland	Stark/Washington St Signal ATC Upgrades: 76th Ave – 257th Ave	Design, construct, and complete traffic signal interconnect actions plus upgrade Advance Transportation Controllers (ATC) on SE Stark Street for improved signalized intersection efficiency and added motorist and pedestrian safety.	\$1,668,340
Portland	E Burnside Transit Signal Priority Upgrades: 97th - Powell Blvd	Design, construct, and upgrade traffic signal ATCs for priority timing involving the interconnect of ITS equipment including traffic signal controller conversions providing added speed management safety and pedestrian head starts	\$2,239,872
Total new federal funds for TSMO being programmed being programmed through the November FFY 2024 Formal MTIP Amendment:			\$9,626,945

Note: Additional details about project are included Exhibit A to Resolution 23-5365 (*the MTIP Worksheets*).

The awarded federal funds committed to the TSMO projects will be sourced from three TSMO PGBs: Keys 20886, 22168, and 23209. The adjustments to these three PGBs are included as part of the formal amendment bundle.

The Metro TSMO program receives a portion of the Step 1 - Regional Flexible Funds Allocation (RFFA). The federal funds for the TSMO program already have been approved through the RFFA process. The approved funds are programmed in the MTIP in PGBs to reflect that the funds are now committed to the Metro TSMO program. An example of one of the TSMO PGBs is shown below. The TSMO PGBs function like a bank checking account. As projects are awarded, the required funds are split off from the PGB and reprogrammed to the specific TSMO.

2024-2027 Metropolitan Transportation Improvement Program (MTIP)
Current Approved Project List with Approved Amendments

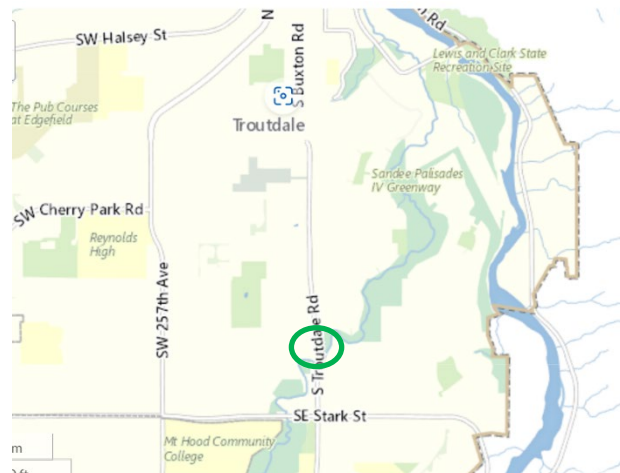
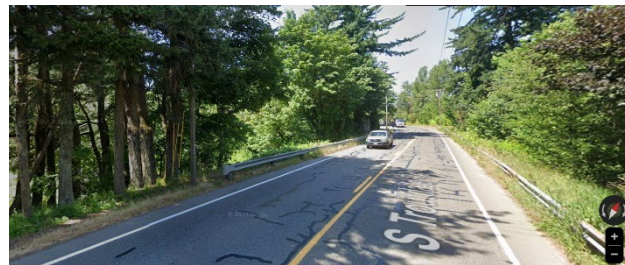


LEAD AGENCY		Metro				
PROJECT NAME		TSMO Program Sub-allocation Funds (Remaining 2022-2024)				
Project IDs		Project Description			Project Type	
ODOT KEY	22168	Regional Transportation System Management & Operations (TSMO) remaining funding from 2022-24 allocation cycles which will support Metro awarded TSMO/ITS capital and operations projects to increase highway system operational efficiency and motorist safety			TSMO/TDM	
MTIP ID	71117					
RTP ID	12024					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Other	2025	STBG-URBAN	\$5,153,017	\$589,786	\$0	\$5,742,803
FY 24-29 Totals			\$5,153,017	\$589,786	\$0	\$5,742,803
Estimated Project Cost (YOES)			\$5,153,017	\$589,786	\$0	\$5,742,803

The new TSMO project awards and funding PGBs account for ten of the twelve projects in the amendment bundle. The two remaining project amendments are the following:

- **Add Multnomah County’s new FHWA discretionary project grant award, Beaver Creek Fish Passage Restoration at Troutdale Rd, to the MTIP**

- The project received a \$1,430,480 federal grant award for the project from FHWA’s FY 2022 National Culvert Removal Replacement and Restoration Grant Program
- The project will design, right of way acquisition, and permitting phase for the replacement of the existing Troutdale Rd culvert and fish ladder on Beaver Creek with a new at-grade bridge.
- Only the preliminary Engineering (PE) and Right-of-Way (ROW) phases are being added now. The construction phase will be added to the MTP at a later date.
- The PE phase is projected to begin before the end of FFY 2024.



• **Key 21617 – ODOT OR8: SE Brookwood Ave - OR217 ITS upgrade project:**

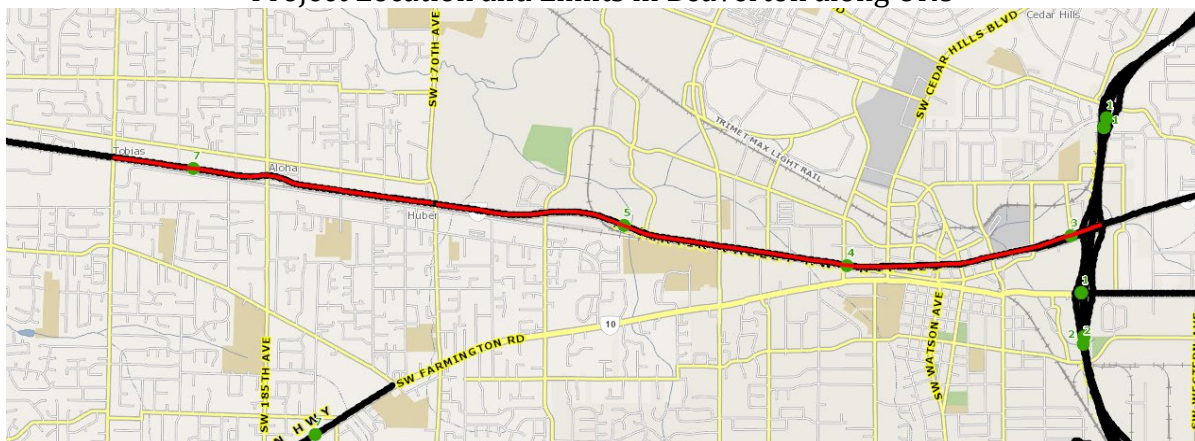
- Action: Cancel Phase (along with limits and cost updates)
- The project focus is to Install fiber optic cable where gaps exist in order to operate traffic control and monitoring systems and rapidly respond to incidents.
- The formal amendment cancels the ROW phase, reduces the project limits resulting in an overall scope change that requires an updated project name and description plus milepost reference adjustments:
 - As a result, the project will be modified to be “OR8: SE 198th Ave - OR217”.
 - The project limits are adjusted from “MP 2.94 to MP 9.73” to be MP 2.85 to MP 7.27”.
 - The Right-of-Way (ROW) phase is being canceled.
 - The project's total cost also increases by \$553,056, or by 14.1%.
 - The overall project scope does not change.

- Summary: Project needs in PE (Preliminary Engineering) were underestimated and severely under-budgeted and ROW (Right of Way) was overestimated. During the course of project development, PE costs increased actual and inflationary), ROW was determined to not be required, and CN (Construction) could be reduced to keep the project scope and funding in balance.



- The adjustments to the project limits exceed the 1-mile threshold for administrative adjustments and triggers the need for the changes to be complete via a formal/full amendment to the MTIP.

Project Location and Limits in Beaverton along OR8



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 November FFY 2024 Formal MTIP amendment (NV24-02-NOV) will include the following:

<u>Action</u>	<u>Target Date</u>
• TPAC Agenda mail-out.....	October 27, 2023
• Initiate the required 30-day public notification process.....	October 31, 2023
• TPAC notification and approval recommendation.....	November 3, 2023
• JPACT approval and recommendation to Council.....	November 16, 2023
• Completion of public notification process.....	December 1, 2023
• Metro Council approval.....	December 7, 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.....	December 13 ,2023
• USDOT clarification and final amendment approval.....	Mid-January 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 20-5335 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 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:** A follow-on budget change will occur to the TSMO program as follows:
 - a. The funding source for the newly awarded TSMO projects will be from three existing project grouping buckets (in Keys 20886, 22168, and 23209) with prior approved TSMO program funding. Funding from the buckets is being split off and combined into the new TSMO projects to cover their funding award amounts. The funding commits STBG-U from Metro prior year approved allocations.
 - b. The STBG-U funds are part of the RFFA Step 1 allocation to the TSMO program. Fund approval occurred through the TransPort Subcommittee to TPAC. The approval of the TSMO awards dates back to April 2023.
 - c. Since the funds are already prior approved by Metro through the RFFA Step 1 process, the overall action reflects a lateral move for the funds. There is no direct budget impact from the TSMO funding actions upon Metro budget.
 - d. A total of Metro approved \$9,626,945 is being split of the TSMO project grouping buckets in Keys 20886, 22168, and 23209 to support the seven new TSMO projects.

RECOMMENDED ACTION:

TPAC received their amendment notification on November 3, 2023 and provided an approval recommendation to JPACT for Resolution 23-5365 to add and amend the eleven projects to the 2024-27 MTIP.

No Attachments.