

Exhibit B to Staff Report of Resolution 23-5337
Conditions of Approval to Allocation of Carbon Reduction Program Funds

RECOMMENDED CARBON REDUCTION PROGRAM AWARDEE CONDITIONS OF APPROVAL

Conditions of approval are mechanisms to ensure that projects are planned, designed, and built consistent with the project scopes as approved by JPACT and Metro Council, with federal regulations and with regional policies. Projects can be reviewed at any point in the process for consistency with the conditions of approval and action taken if they are not adhered to.

There are two sets of conditions which apply to Carbon Reduction Program (CRP) awarded projects: 1) conditions which address all projects; and 2) project-specific conditions.

The conditions for all projects outline expectations pertaining to the use of funds, project delivery, process, etc. The project-specific conditions outline expectations to create the best project possible in accordance to regional program policies and federal regulations. Recognizing that projects are at different stages of development (i.e. some are in planning phases while others are ready for construction), Metro may choose to waive or modify certain conditions for a project based on what is appropriate for the project's stage in development.

Conditions applied to all projects and programs:

1. Funding is awarded to the project as outlined in the JPACT-approved and Metro Council-adopted Carbon Reduction Program award. If any project is determined to be unfeasible or is completed without expending all of the Carbon Reduction Program funds awarded, any remaining Carbon Reduction Program funds for that project shall revert back to Metro for reallocation. Or the project sponsor/local jurisdiction receiving the Carbon Reduction Program funds for the project may request reallocation of the funds per the Metropolitan Transportation Improvement Program (MTIP) amendment process. Requested reallocation must meet federal and state eligibility requirements for the Carbon Reduction Program funds and meet consistency with the Climate Smart Strategy and the Regional Transportation Plan. Reallocation may necessitate JPACT and Metro Council approval.
2. The award amount is the total amount of Carbon Reduction Program funds provided to deliver the awarded project as it is defined in the award scope and as approved by JPACT and Metro Council. The project sponsor/local jurisdiction is expected to resolve any cost overruns or unexpected costs to emerge. It is understood by the project sponsor/local jurisdiction that Metro does not have any further financial commitment/responsibility beyond providing the amount awarded.
3. Project scopes will include what is written in the narrative project description outlined in Exhibit A of Resolution 23-5337 and project refinements in response to comments. Changes in project scopes, schedules, and budget must be requested and made in writing to the MTIP Project Manager utilizing the amendment procedures adopted in the MTIP (Please see 2024-2027 MTIP Administration section.) Changes in project scopes must be approved by Metro to ensure federal eligibility requirements and the original intent of the project is still being delivered.
4. All projects will follow the design approach and decision-making process as defined in the [Designing Livable Streets and Trails Guide](#)¹ (Metro; 3rd edition; October 2019) and any updates in effect at the time a funding intergovernmental agreement is signed. Other street and trail design guidelines, including those developed by local jurisdictions, the National

¹ <https://www.oregonmetro.gov/tools-partners/guides-and-tools/guidelines-designing-livable-streets-and-trails>

Association of City Transportation Officials, the Institute of Transportation Engineers, the Oregon Department of Transportation, the American Association of State Highway and Transportation Officials, and the Federal Highway Administration, may also be referred to as long as the design approach and decision making process used are consistent with Metro's guidelines.

5. All projects will update local network maps and provide relevant network data to Metro. Metro will provide guidelines on network data submissions upon request. Additionally, all bicycle and pedestrian projects will implement sufficient wayfinding signage consistent with Metro sign guidelines (Ex. [Metro's Intertwine Design Guidelines](#).)² and the Manual on Uniform Traffic Control Devices.
6. All projects with ITS elements will be consistent with National ITS Architecture and Standards and Final Rule (23 CFR Section 940) and Regional ITS Architecture. This includes completing a systems engineering process during project development to be documented through the systems engineering form and submitted to Metro for inventory purposes. For further guidance, consult [ODOT's ITS compliance checklist](#).³
7. All projects implementing Transportation System Management and Operations (TSMO) elements will provide information to Metro on the TSMO elements for inventory purposes. Metro will provide guidelines on how to provide TSMO data submissions.
8. All local jurisdiction/project sponsors shall acknowledge Metro as a funding partner. Acknowledgement will attribute credit to Metro on all project materials (print or electronic), such as reports, newsletters, booklets, brochures, web pages, and social media posts. Attribution on materials must read "Made possible with support from Metro." If marketing is done with audio only, spoken attribution language must be "This project is made possible with support from Metro." The local jurisdiction/sponsor delivering the project will include the Metro logo on all print ads, banners, flyers, posters, signage, and videos. Grantee will include the Metro logo on all marketing and advertising materials, both print and online (size permitting). Metro will provide partners with Metro logos and usage guidelines. Lastly, the local jurisdiction/project sponsor will extend invitations to Metro Councilors to attend events or engagements pertaining to the project.
9. All projects will carry out public involvement processes that meet federal Title VI and environmental justice requirements. As appropriate, local data and knowledge shall be used to supplement analysis and inform public involvement. Metro guidelines for public involvement can be found in the [Public Engagement Guide Appendix G: Local Engagement and Non-Discrimination Checklist](#).⁴
10. All projects are expected to measure the progress and performance of the Carbon Reduction Program-funded project. Local jurisdictions/project sponsors will identify a set of indicators for data collection and pre-and post-project monitoring. Metro will provide input and feedback into the indicators and datasets, especially to help respond to regional transportation performance measures. Indicators can be determined during the pre-implementation phase of the project.
11. Carbon Reduction Program funds awarded to projects which are not flex transferred to the Federal Transit Administration (FTA) will follow the Federal Highway Administration (FHWA) project delivery process. For non-certified agencies receiving Carbon Reduction

² <https://www.oregonmetro.gov/sites/default/files/2018/01/05/2017-Intertwine-Trail-sign-guidelines.pdf>.

³ <https://www.oregon.gov/odot/Maintenance/Documents/ITS-QualityPlan.pdf>

⁴ http://www.oregonmetro.gov/sites/default/files/final_draft_public_engagement_guide_112113.pdf

Program to deliver a project will be expected to work directly with a certified agency or ODOT to determine the administration and delivery of the project. Such agencies will comply with ODOT Local Agency Liaison (LAL) project pre-implementation requirements (e.g. completion of detailed scope of work, budget, project prospectus, etc.). The ODOT LAL requirements are expected to be in the proper format as part of the federal delivery process to facilitate MTIP & STIP programming, initiate development and execution of the Intergovernmental Agreement (IGA), and obligate and expend awarded federal funds for the project.

The awarded lead agency is required to complete or participate in the following project delivery & monitoring activities:

- Kick-off Meeting Coordination.
- MTIP/STIP programming to a realistic project delivery schedule that accounts for meeting funding obligation targets.
- Participate in project coordination meetings and reviews as called for and scheduled.
- Completing project pre-implementation (Pre-Preliminary Engineering or Planning phase obligation) actions and milestones to ensure project proceeds on schedule, including completing a project scoping document with a thorough scope, schedule and budget with milestones and deliverables.
- Complete and execute a project IGA in time to obligate funds as programmed
- Participation in Project Delivery Actions, including attending Project Development Team (PDT) review meetings, completing and submitting project Milestone Reports and Progress Updates, providing any performance measurement project data, providing project delivery status updates, and addressing questions raised by the Metro advisory committees.
- Providing project close-out/final reports and billings.

Conditions applied to specific projects and programs:

1. Transportation System Management and Operations – TransPort:

- TransPort, a subcommittee of the Transportation Policy Alternatives Committee (TPAC) will lead the allocation of \$3 million in Carbon Reduction Program funds.
- Allocation of Carbon Reduction Program funds must meet federal eligibility requirements pertaining to the Carbon Reduction Program. Due to the nature and intent of the Carbon Reduction Program, certain activities are not eligible, and TransPort cannot allocate funding towards those type of activities, even if they are consistent with the Regional TSMO Strategic Plan.
- The primary direction is to allocate funds to projects that maximize the reduction of carbon emissions.
- Additional direction for the allocation of Carbon Reduction Program funds is outlined as follows:
 - i. Fund projects throughout the region or to projects which have clear region-wide benefits.
 - ii. The selection of projects prioritizes those technologies and strategies which reduce the disproportionate impacts of climate change and air pollution on marginalized communities.

- iii. The selection of projects prioritizes those technologies and strategies which promote or support safe access to schools and transit, by means other than driving and ultimately reduce vehicle miles traveled.
 - Additionally, any TSMO-related activities funded with Carbon Reduction Program funds must be consistent with the Oregon Carbon Reduction Strategy.
2. **82nd Avenue Bus Rapid Transit (BRT) – TriMet and Metro:**
 - The Carbon Reduction Program awards are to advance project development activities for the 82nd Avenue Bus Rapid Transit project and prepare the project for the Federal Transit Administration (FTA) Capital Investment Grant (CIG) application cycle. As outlined in the project description in Exhibit A, the project lead agency will confirm the obligation of these funds, or commitment by JPACT and the Metro Council to pursue an FTA CIG Small Starts application for future spending of these funds, by July 2026. If the region decides to not pursue an FTA CIG Small Starts application, remaining funds could be repurposed to safe access to transit or other transit elements in the corridor.
3. **Tualatin Valley Highway Bus Rapid Transit (BRT)– TriMet and Metro:**
 - The Carbon Reduction Program awards are to advance project development activities for the Tualatin Valley Highway Bus Rapid Transit project and prepare the project for the Federal Transit Administration (FTA) Capital Investment Grant (CIG) application cycle. As outlined in the project description in Exhibit A, the project lead agency will confirm the obligation and spending of these funds, or commitment by JPACT and the Metro Council to pursue an FTA CIG Small Starts application for future spending of these funds, by July 2026. If the region decides to not pursue an FTA CIG Small Starts application, remaining funds could be repurposed to safe access to transit or other transit elements in the corridor.
4. **McLoughlin Avenue Transit Signal Priority (TSP) – TriMet and Clackamas County:**
 - As outlined in the project description in Exhibit A, any remaining funds after the delivery of the projects may also be used on systemic TSP needs to make the Line 33 elements perform optimally or on small capital stop amenities or safe transit access elements in the corridor. Additionally, if other potential sources such as Congressionally directed spending or tolling mitigation funding emerge to fund the TSP project, the project scope and funding would be coordinated with, and not displace, funding.
5. **Climate Smart Strategy Implementation – Metro**
 - Metro will coordinate the tool development work and implementation work program with other planning activities in the region and state during the development of the annual Unified Planning Work Program (UPWP).