

# Memo



**Metro**

600 NE Grand Ave.  
Portland, OR 97232-2736

Date: October 23, 2023  
To: Metro Council and Interested Parties  
From: Ken Lobeck, Funding Programs Lead  
Subject: October FFY 2024 MTIP Formal Amendment & Resolution 23-5358 Approval Request

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## **FORMAL MTIP AMENDMENT STAFF REPORT**

### **Amendment Purpose Statement**

**FOR THE PURPOSE OF COMPLETING REQUIRED TRANSITION ACTIONS TO THE NEW 2024-27 MTIP INCLUDING ADDING NINE NEW PROJECTS AND UPDATING TWO EXISTING PROJECTS TO ENABLE FUTURE FEDERAL FUND OBLIGATIONS TO OCCUR**

### **BACKGROUND**

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

The October FFY 2024 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment bundle represents the first amendment to the new 2024-27 MTIP. The amendment bundle contains eleven projects. Nine are new projects being added or re-added to the MTIP. Two are existing projects that require significant adjustments in support of one of the new projects.

Development of the 2024-27 MTIP was lengthy process taking well over a year to complete. Due to the various completion requirements, necessary and final approval steps, the draft 2024-27 MTIP was 'lock-down' as of April 2023. No further changes other than eligible corrections raised during the public notification, or very minor technical corrections to existing projects could occur after March 2023. Unfortunately, programming actions for new project awards, phase obligations, and required federal approval steps continued on through the end of September. Required updates to the 2021-24 MTIP through regular amendments, but carry-over updates, new project additions, or required major changes could not occur to the draft 2024-27 MTIP due to the lock-down period. The FFY 2024 Formal MTIP Amendment provides the needed corrections to update the new 2024-27 MTIP to ensure the MTIP and STIP match correctly, and projects can move forward to obligate federal funds or obtain their next required federal approval step.

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

**JPACT approved Resolution 23-5358 on October 19, 2023 and now requests Metro Council provide the final approval to add or amend the eleven projects to the 2024-27 MTIP.**

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

**ADDED AMENDMENTS DEVELOPMENT**

On October 19, 2023, ODOT requested a modification to adjust two submitted projects. The request is considered part of the 30-day Public Notification/Opportunity to Comment process. ODOT's requests include the following:

**1. Key 22647 - OR141 (SW Hall Blvd) - SW Spruce St – SW Hemlock St:**

- Lead agency: ODOT
- Description: The project will provide two enhanced pedestrian crossings along Hall to improve the visibility of pedestrians crossing the street and encouraging people to use these crossings to walk to parks and schools in the immediate area (CAA23, DEMO ID OR216)
- Requested Action: A follow-on review after the amendment submission determined the construction phase will not be ready to be implemented until FFY 2025. ODOT has requested to slip the construction phase in the amendment from FFY 2024 to FFY 2025.
- MTIP Opinion: The request is acceptable and will save a having to complete a later administrative modification to slip the phase to FFY 2025. The project in Exhibit A has been updated to reflect the construction phase now in FFY 2025.

**2. Key ~~23452~~ 23491 - Oregon City Quiet Zone:**

- Lead agency: Oregon City
- Description: Establish a railroad quiet zone in Oregon City for added pedestrian safety to foster prosperous economic transformation, support housing and business development
- Requested Action: The amendment submission proposed only programming the Preliminary Engineering (PE) phase with the full Congressionally Directed Spending (CDS) award to enable it to be obligated in FFY 2024. There is an urgency to program and obligate the CDS funds as soon as possible due to the obligation lapse condition of 9/30/2025. The Right-of-Way (ROW) and Construction phases would have been added to the MTIP through a later amendment once the phase costs and scope of work was better defined. However, subsequent discussions with ODOT determined programming all required phases now was a better approach to obligate the federal before the obligation lapse occurs. Since the adjustment does not impact the overall federal funds, scope of work, and delivery timing, the programming change is still consistent with the original intent to submit the new project for MTIP and STIP inclusion. The action also saves a later required formal amendment to add both phases to the MTIP and STIP. Exhibit A has been updated to now reflect the addition of the ROW and Construction phases.

**JPACT October 19, 2023 Meeting Summary:**

The October FFY 2024 Formal MTIP Amendment was included on the October JPACT Consent agenda. JPACT members approved the Consent agenda unanimously without any discussion.

**TPAC October 6 2023 Summary:**

Ken Lobeck, Metro Funding Programs Lead provided an overview of the October FFY 2024 Formal/Full MTIP Amendment during their October 6, 2023 meeting. Ken explained the purpose for the amendment to provide catch-up with necessary programming additions or corrections that resulted during the lock-down period for the 2024-27 MTIP. Some projects are new that emerged during the lock-down period while others are required to be re-added into the MTIP due to the impact to the fiscal constraint finding. Overall, the October FFY 2024 Formal MTIP Amendment is “catch-up” amendment to address required updates from the lockdown period. TAC members did not have any questions concerning the eleven projects in the amendment bundle. TPAC improved and provided their unanimous approval recommendation for JPACT to approve Resolution 23-5358.

**Amendment Notes:****1. Key 23462: Beaverton School District EV Chargers**

- a. Lead agency: Beaverton School District.
- b. Notes:
  - i. The Beaverton School District received an Oregon Department of Environmental Quality (DEQ) \$169,107 Congestion Mitigation Air Quality (CMAQ) funding award to add 22 electric charging stations to the existing 8 charge stations at its Transportation Service Center (TSC) in Beaverton.
  - ii. The project was added to the 2021-24 MTIP with the intent that the funds would be obligated before the end of FFY 2023 (9/30/2023).
  - iii. However, the project was not ready to move forward and obligate the CMAQ funds by the end of FFY 2023 and now is being carried over into the 2024-27 MTIP to obligate the CMAQ funds and be implemented during FFY 2024.

**2. Key TBD – New Project: 181st Ave Safety Upgrades: SE Stark St to E Burnside St**

- a. Lead agency: Gresham
- b. Notes:
  - i. The city of Gresham received a FFY 2023 Congressional approved Congressionally Directed Spending (CDS) award in support of their 181<sup>st</sup> Ave Safety upgrade project. The federal award is \$3,178,686.
  - ii. The project will complete safety upgrades: new traffic signals, adding/upgrade sidewalks, buffered bike lane, lighting and utility upgrades for greater pedestrian safety.
  - iii. The project intends to initiate PE before the end of FFY 2024 and is being added to the 2024-27 MTIP to enable the federal to be obligated through FHWA.

**3. Key 20885: Transportation System Mgmt Operations/ITS 2020**

- a. Lead agency: Metro
- b. Notes:
  - i. Portland State University was awarded Transportation System Management and Operations (TSMO) federal funds from the 2021 TSMO Strategy Solicitation in support of maintaining the TSMO PORTAL data management system.
  - ii. PSU was awarded \$1,621,892 of federal funds to maintain and enhance the TSMO PORTAL archive and database to gather and evaluate TSMO data from new sensors and networks, clean data and provide assessment of existing and future TSMO investment areas.
  - iii. The award requires two existing TSMO project grouping buckets (PGB) (Keys 20885 and 20886) that maintain the prior year TSMO funding allocations to split and reprogram the federal funds to the new PORTAL project.
  - iv. All Surface Transportation Block Grant (STBG) funds within Key 20885 are being combined into the new PORTAL project. The new PORTAL project is included as part of this amendment bundle.

**4. Key 20886: Transportation System Mgmt Operations/ITS 2021**

- a. Lead Agency: Metro:
- b. Notes:
  - i. \$1,157, 374 of federal STBG are being split off and combined into the new PORTAL project. The current STBG programming level is \$1,801, 828 of STBG funds.
  - ii. Key 20886 will remain as an active TSMO PGB reduced to \$644,454 of STBG funds.
  - iii. The remaining STBG funds from this PGB will be committed to additional new TSMO awarded projects once they are ready to be programmed in the MTIP and STIP.

**5. Key TBD – New Project: TSMO PORTAL Regional Archived Data Service 2023**

- a. Lead Agency: Portland State University
- b. Notes:
  - i. Portland State University was awarded \$1,621,892 of Transportation System Management and Operations (TSMO) federal funds from the 2021 TSMO Strategy Solicitation in support of maintaining the TSMO PORTAL data management system.
  - ii. The federal STBG funds require a re-programming action of Keys 20885 and 2008 to complete the new PORTAL programming action.

- iii. The project is being added now through the October Formal amendment to enable the fund obligation to occur by mid-FFY 2024 through the FHWA FMIS obligation process.

**6. Key 22647 - OR141 (SW Hall Blvd): SW Spruce St - SW Hemlock St:**

- a. Lead agency: ODOT
- b. Notes:
  - i. The project will provide two enhanced pedestrian crossings along Hall to improve the visibility of pedestrians crossing the street and encouraging people to use these crossings to walk to parks and schools in the immediate area.
  - ii. The project received a Congressional approved Congressionally Directed Spending (CDS) award of from FFY 2023 Consolidated Appropriations Act (ID # OR216) for the amount of \$3,200,000.
  - iii. The project starts PE in FFY 2023 with ROW and Construction proposed for FFY 2024. Based on this, Key 22647 was added to the 2021-24 MTIP through the June 2023 Formal MTIP Amendment.
  - iv. By June 2023, the draft 2024-27 MTIP was locked-down and no further major changes such as adding an new project could occur. As a result, Key 22647 was not carried-over into the 2024-27 MTIP.
  - v. Through the October FFY 2024 Formal Amendment, Key 22647 is being re-added to the 2024-27 MTIP as a new project.

**7. Key 23428 - I-84: (Multi-Use Path) Jordan Rd Tunnel - Sandy River Delta:**

- a. Lead agency: ODOT
- b. Notes:
  - i. The project will design and construct multi-use path parallel to Jordan Road from the pedestrian tunnel to Sandy River Delta increasing pedestrian safety and bike access.
  - ii. The project received a Congressional approved Congressionally Directed Spending (CDS) award of from FFY 2023 Consolidated Appropriations Act (ID # OR211) for the amount of \$2,332,000.
  - iii. The situation is similar to Key 22647, OR141/Hall Blvd. Jordan Rd was first added to the 2021-24 MTIP, but could not be automatically carried over into the 2024-27 MTIP due to the lock-down process in place.
  - iv. Through the October FFY 2024 Formal Amendment, Key 23428 is being re-added to the 2024-27 MTIP as a new project.

**8. Key 23452 - Oregon City Quiet Zone:**

- a. Lead agency: Oregon City
- b. Notes:
  - i. The project will establish a railroad quiet zone in historic downtown Oregon City impacting the railroad crossings at 10th and 11th Streets to improve pedestrian safety including pedestrian signal installations, traffic median construction, railroad gate arm upgrades, and utility relocations to foster prosperous economic transformation, and support housing and business development.
  - ii. The project is funded from a Congressional approved Congressionally Direct Spending (CDS) award from the FFY 2022 (ID OR200) for the amount of \$2,000,000.
  - iii. ~~Through this amendment, only the Preliminary Engineering (PE) is being added to the 2024-27 MTIP. Remaining required phases will be added through a later amendment once the project scope and design are closer to being final.~~
  - iv. Through Modification #1 to this Formal Amendment bundle, the ROW and Construction phases have been added to the project and are shown in the programming tables per ODOT's request. See added comments under the "Added Amendments Development" section on page 2.

**9. Key TBD - New Project: Burgard Bridge Resiliency and Multimodal Enhancements Project**

- a. Lead agency: Portland
- b. Notes:
  - i. The project will replace and reconstruct existing Burgard bridge over UPRR, plus culvert, and include bicycle/pedestrian upgrades for safer freight and pedestrian movements.
  - ii. The project was awarded a discretionary FHWA Bridge Investment Program (BIP) discretionary award totaling \$13,895,277. TBIP program requires a minimum match of 20%. The estimated total project cost is \$17,369,076.
  - iii. The BIP program has some different delivery requirements which result in Portland acting as a direct recipient for the federal funds and will work directly with FHWA to implement and complete the project.

**10. Key TBD - New Project: 122nd Ave Safety Upgrades: Sandy Blvd to Foster Rd**

- a. Lead agency: Portland
- b. Notes:
  - i. The project will employ various safety treatments on 5.5 miles of 122nd Avenue from Sandy Blvd south to Foster Rd including street

lighting upgrades, adding 4 miles of protected bike lanes, pedestrian/bicycle signal upgrades, reducing vehicle lanes, adding pedestrian crossings, adding raised medians, landscaping, bus stop curb extensions, speed reader boards with automated enforcement, and a roundabout.

- ii. The project received a discretionary award from the Safe Streets For All (SS4A) funding program from USDOT. The federal funds awarded total \$20,000,000. A 20% minimum match is required as well. The estimated total project cost is \$25,005,000.
- iii. PE is proposed to begin during FFY 2024 with construction proposed to begin during FFY 2027.

#### **11. Key 23463: TriMet Transit Center EV Chargers**

- a. Lead agency: TriMet
- b. Notes:
  - i. The project will procure and install twelve - DC level 3 charging equipment at TriMet's Powell Bus Garage, and two opportunity fast chargers in the layover area of Beaverton Transit Center to support and expand TriMet's deployment of zero emission battery electric buses (BEBs) for the provision of public transit service.
  - ii. The project funding originates from the Oregon DEQ CMAQ funding call and awarded TriMet \$2,840,000 of federal CMAQ funds. The minimum match requirement is 10,27%. TriMet is providing additional local overmatching funds to the project. TriMet's total local contribution to the project is \$1,489,747 resulting in an estimated total project cost of \$4,355,000.
  - iii. The CMAQ funds will be flex transferred to FTA and obligated in FTA's TrAMS system based on the "year-of-obligation" process during FFY 2024. This results in the entire funding award being obligated at one time. For this reason, the programming phases in the MTIP all reflect FFY 2024, or the year of obligation.

Added Note: Additional details about the changes and updates to each project are stated in Exhibit A to Resolution 23-5358 (MTIP Worksheets) to the October FFY 2024 Formal MTIP amendment bundle.

#### **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 October FFY 2024 Formal MTIP amendment (OC24-01-OCT) will include the following:

<u>Action</u>	<u>Target Date</u>
• TPAC Agenda mail-out.....	September 29, 2023
• Initiate the required 30-day public notification process.....	October 4, 2023
• TPAC notification and approval recommendation.....	October 6, 2023
• JPACT approval and recommendation to Council.....	October 19, 2023
• Completion of public notification process.....	November 2, 2023
• <b>Metro Council approval.....</b>	<b>November 9, 2023</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.....	November 14 ,2023
• USDOT clarification and final amendment approval.....	Late November/early December 2023

## 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 October 2, 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. Two existing TSMO project grouping buckets are having their funds split and combined into the new PORTAL project for Portland State University. 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 PORTAL award date was August 30 2023. Overall, this is a lateral move with the TMSO funds already approved to TSMO project commitment.
  - b. A total of Metro approved \$1,621,892 STBG-U is being split of the TSMO project grouping buckets in Keys 20885 and 20886 to support the new PORTAL five-year finding allocation.

## RECOMMENDED ACTION:

**JPACT approved Resolution 23-5358 on October 19, 2023, and now requests Metro Council provide the final approval to add or amend the eleven projects to the 2024-27 MTIP.**

No Attachments.