

Council meeting agenda

Tuesday, May 24, 2022

10:30 AM

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1. Call to Order and Roll Call

2. Public Communication

Public comment may be submitted in writing and will also be heard by electronic communication (videoconference or telephone). Written comments should be submitted electronically by emailing legislativecoordinator@oregonmetro.gov. Written comments received by 4pm the day before the meeting will be provided to the council prior to the meeting.

Those wishing to testify orally are encouraged to sign up in advance by either: (a) contacting the legislative coordinator by phone at 503-797-1916 and providing your name and the agenda item on which you wish to testify; or (b) registering by email by sending your name and the agenda item on which you wish to testify to legislativecoordinator@oregonmetro.gov. Those requesting to comment during the meeting can do so by using the "Raise Hand" feature in Zoom or emailing the legislative coordinator at legislativecoordinator@oregonmetro.gov. Individuals will have three minutes to testify unless otherwise stated at the meeting.

3. Presentations:

- 3.1 Natural Areas and Capital Program Performance Oversight [22-5694](#)
Committee Year One Report Presentation

Presenter(s): MG Devereux (he/him), Metro
Lisa Freedman (she/her), Oversight Committee Co-Chair
Burt Edwards (he/him,) Oversight Committee Co-Chair

Attachments: [Memo](#)
[Report Summary](#)
[Staff Report](#)

4. Resolutions:

- 4.1 Resolution No. 22-5265, For the Purpose of Amending the [RES 22-5265](#)
2021-26 Metropolitan Transportation Improvement
Program (MTIP) to Increase the Construction Phase for
the I-205: I-5OR 213, Phase 1A Project Allowing the
Construction Phase to Move Forward and be
Implemented (MY22-11-MAY1)

Presenter(s): Mandy Putney (she/her), ODOT
Ted Leybold (he/him), Metro

Attachments: [Resolution No. 22-5265](#)
[Exhibit A](#)
[Staff Report](#)
[Attachment 1](#)
[Attachment 2](#)

5. Chief Operating Officer Communication

6. Councilor Communication

7. Adjourn

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ការការពារសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬស្នើសុំទទួលបានកាតបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ www.oregonmetro.gov/civilrights។
បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក។

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Agenda Item No. 3.1

Natural Areas and Capital Program Performance Oversight Committee Year One Report
Presentation
Presentations

Metro Council Meeting
Tuesday, May 24th, 2022

Date: April 2022

To: Metro Council

From: Natural Areas and Capital Program Performance Oversight Committee

Re: Year one report back

A report to the community from the Natural Areas and Capital Program Performance Oversight Committee

The 2019 parks and nature bond is a promise to build on the region's legacy to protect clean water, restore fish and wildlife habitat, and provide opportunities for people to connect with nature close to home. In 2019, the voters of the region chose to invest \$475 million to continue to protect clean water, restore fish and wildlife habitat and provide opportunities to connect with nature close to home across six program areas, which include

- Land acquisition and restoration
- Local share to the region's 27 park providers
- Nature in Neighborhoods capital grants
- Health, safety and accessibility improvements at Metro parks
- Investments to strengthen the region's walking and biking trail network
- Large-scale community visions

The members of the Natural Areas and Capital Program Performance Oversight Committee believe that natural areas are integral to the wellbeing of everyone in the region. The Natural Areas and Capital Program Performance Oversight Committee provides independent oversight of the 2019 parks and nature bond, the remainder of the 2006 natural areas bond, and capital investments from Metro's parks and nature five-year local option levy. Part of the committee's role is to monitor how bond implementation activities are meeting the direction in the bond measure, to monitor financial aspects of program administration and to share with the Metro Council related concerns or recommendations to help adjust work moving forward. The committee will report to the Metro Council annually.

This report back covers committee work from its first meeting in April 2021 to the present. At regular meetings in the last year, the committee has focused on building the foundations for its oversight work including the development of bylaws and group agreements; reviewing information about bond program goals and parameters with Metro staff; and receiving information about individual acquisitions made. In addition, committee members participated in one-on-one conversations and a committee discussion with a trainer to begin to build a shared understanding of the three bond criteria of racial equity, climate resilience and community engagement.

Over the last few months, the committee has formed topic-specific working groups to review in more depth the following topics: bond-funded land acquisitions, bond community engagement and bond finance. Feedback from committee members on these three topics helped shape the [staff report found on the Metro website](#) and summarized below.

Primary findings of oversight committee

The committee appreciates the detailed information in the [staff report](#) to the committee that helps reflect the depth and breadth of work to date to implement this bond measure.

- The committee finds that staff has conducted the primary components of the bond work reviewed by the committee – bond finance, land acquisition and community engagement – in a transparent and accountable way. The committee looks forward to reviewing progress made across multiple bond program areas as bond investments ramp up in a more detailed manner this year and beyond.
- At this stage, the committee finds Metro's administrative expenditures to be acceptable in light of the very high bar for engagement set by the 2019 bond measure. Committee members have discussed with Metro staff the broader trajectory of administrative spending at the beginning of these types of bond measures and will carefully monitor administrative expenditures over the coming year, with an expectation it will diminish as a percentage of overall bond spending as bond funded investments in parks, trails and natural areas ramp up.
- Channeling its role to share information about the bond measure with the greater Portland community, the committee strongly recommends staff development concise summaries of bond investments and implementation activities to regularly update the public on the work. The committee will also receive quarterly staff reporting on bond implementation activities.
- The committee is committed to ensuring racial equity is prioritized across the entirety of the bond portfolio. The committee has emphasized to staff the importance of carrying these values through all aspects of the bond work and clearly articulating how bond investments are advancing toward these outcomes.
- The committee has emphasized the importance of ensuring bond investments promote accessibility, taking into account the multiple factors that impact the ability of individuals to visit and interact with parks and natural areas in the region. This includes work to make Metro's sites truly safe, welcoming and inclusive for all with a focus on engaging individuals experiencing disabilities to help shape this work. This also includes the identification of opportunities for investments across the bond to address areas of the region that have minimal parks and natural areas nearby or easily reachable via transit.
- The committee appreciates staff work to facilitate meaningful community engagement to date and believes ongoing community engagement is essential to building programs and projects that truly reflect community priorities and need. The committee looks forward to continuing to work with staff to further evaluate the impact of engagement activities on bond programs and investments over the life of the bond.

Looking to the year ahead

A significant amount of the committee's discussions have been focused on the additional information, tools and reporting needed as the committee continues its oversight work. The committee has identified the following areas for its attention in the coming year.

Bond finance

- Continued review of reporting on bond spending.
- Continue to explore options for regular reporting on contracting with minority, women-owned and emerging small businesses and reporting on participation on a more granular basis including racial and other identity groups.
- Continue to review existing and potential strategies to increase participation for contracting with minority, women-owned and emerging small businesses.

Bond-funded land acquisition

- Continue to review of policies, engagement and regional priorities that shaped the 24 target areas in the bond measure.
- Understand how Metro's land acquisition program works with the other programs in the bond and other jurisdictional partners to increase access and benefits to communities that have historically not benefited from these investments.

Promoting accessibility through the bond

- Continue to review how the bond measure will support improvements across Metro's portfolio and the system of local parks around the region that make parks and natural spaces accessible to all with a focus on reviewing opportunities to consult with individuals experiencing disabilities.

Ongoing opportunities for community to help shape bond programs and investments

- Continue to review the impact of community engagement conducted to date including how feedback received has and will shape bond investments.
- Review upcoming opportunities for community engagement to help shape bond investments.
- Review the development of an outcomes framework and other tools that will be available to conduct an evaluation of progress toward meeting these goals in the coming year.

2021 Oversight Committee members

Burt Edwards, Co-chair	Communications Director, Friends of Columbia Gorge
Lisa Freedman, Co-chair	Former US Forest Service Executive and Budgeting Director
Tana Atchley Culbertson	Co-Director, Willamette River Network
John Ferguson	Former geotechnical engineer
Nicole Johnson	Community Engagement Director, 1000 Friends of Oregon
Shantae Johnson	Owner, Mudbone Grown LLC
Michelle Lin	Oregon Food Bank
Martita Meier	Digital strategist and project manager, Nike
PK Melethil	Environmental Scientist, private practitioner
Bryan Mercier	NW Regional Director, Bureau of Indian Affairs

Georgena Moran	Accessibility specialist, ACCESS recreation
Michael Morrow	Happy Valley Planning Commission
Tabitha Palmer DuPrau	Underwriting Counsel, Fidelity National Title Group
Eric Peterson	Vice President of Operations, Newland Communities
Vivek Shandas	Professor, Portland State University
Shannon Shoul	Director, Procurement Sustainability
Erin Upton	Environmental social scientist and landscape architect
Cary Watters	Contract Equity Specialist, Portland Bureau of Transportation
Owen Wozniak	Land Transactions Program Manager, the Land Trust Alliance



2019 Parks and Nature bond

In November 2019, voters in greater Portland approved a \$475 million bond measure to further protect clean water, restore fish and wildlife habitat and provide opportunities for people to connect with nature close to home. The bond measure provides funding across six program areas:

- *Protect and restore land, \$155 million*
- *Local parks and nature projects, \$92 million*
- *Nature in Neighborhoods capital grants, \$40 million*
- *Metro parks improvements, \$98 million*
- *Walking and biking trails, \$40 million*
- *Large-scale community visions, \$50 million*

Natural Areas and Capital Program Performance Oversight Committee

The Natural Areas and Capital Program Performance Oversight Committee provides independent oversight of the 2019 parks and nature bond, the remainder of the 2006 natural areas bond, and capital investments from Metro's parks and nature five-year local option levy. This includes review of how bond implementation activities meet the direction in the bond measure, program finances and reporting directly to the Metro Council. More information about the committee's work to date can be found on the [Metro website](#).

Turning the bond expectations into actions

Bond refinement – the work to turn the 2019 parks and nature bond into programs ready to invest in the region's parks, trails and natural areas – is mostly complete. Programs are now implementing refinement plans to strengthen our unique system that has nature at its heart. They are doing this through programs that protect clean water, restore fish and wildlife habitat and provide access to nature for communities across the region.

Key accomplishments to date

With this bond measure, the voters of the region asked Metro to do our work differently.



At the core of this bond measure is racial equity, meaningful community engagement and work to make the region more resilient to climate change. Over the last year, staff have facilitated meaningful [engagement activities](#) that encourage deeper involvement in decision-making, representation, accountability to strengthen relationships and trust with community members and partners across the region. Feedback collected through the following activities has helped shape bond program priorities and will inform work across the parks and nature portfolio:

- Engagement sessions with over 550 community members, park providers, conservation organizations and other partners, including several sessions that focused on BIPOC community members, to help shape bond programs and confirm priorities for investment.
- Deep partnership with the urban Indigenous community to help identify data and shape priorities for the bond's land acquisition work.
- Listening to BIPOC and people with disabilities about how environmental inequities affect their lives and experiences of nature and applying these findings to provide additional context when making land acquisition recommendations to the Metro Council.

- Engaging with BIPOC community members to provide guidance on how future trail investments across the region should be prioritized based on which factors were most important to them.
- A capital grants pilot that seeks to provide community members with a direct say in selecting a priority project in their community.

During this period of extensive engagement, the bond also helped support significant investments in parks, trails and natural areas across the region. As of December 2021, Metro has spent \$18.3 million of the \$200 million in 2019 bond proceeds available. Now that the programs are up and running, staff expects bond spending to ramp up significantly.

A few key highlights include:

- Acquired multiple parcels of land from the Sandy River Gorge on the east to the Dairy McKay Creeks bordering Hillsboro. Recent purchases include a 52-acre property at Killin Wetlands Nature Park, near Banks in Washington County, and a 117-acre parcel in the East Buttes area right on the Clackamas–Multnomah county line. A complete list of acquisitions since 2020 is listed in the [staff report](#).
- Local share funds supported the City of Gresham’s acquisition of nearly 8 acres of woods and wetlands next to Southwest Community Park in a neighborhood a few blocks northeast of Powell Boulevard and 182nd Avenue, one of Oregon’s most diverse areas.

Summary of primary findings from the Natural Areas Oversight Committee

- The committee finds that staff have conducted the work related to the primary components of the bond reviewed by the committee – bond finance, land acquisition and community engagement – in a transparent and accountable way and looks forward to reviewing progress across multiple bond programs as bond investments ramp up this year.
- At this stage, the committee finds Metro's administrative expenditures to be acceptable in light of the very high bar for engagement set by the 2019 bond measure. Committee members have discussed with Metro staff the broader trajectory of administrative spending at the beginning of these types of bond measures and will carefully monitor administrative expenditures over the coming year, with an expectation it will diminish as a percentage of overall bond spending as bond funded investments in parks, trails and natural areas ramp up.
- The committee recommends staff development concise summaries of bond investments and implementation activities to regularly update the public on the work.
- The committee is committed to ensuring racial equity is prioritized across the entirety of the bond portfolio and emphasizes the importance of clearly articulating how bond investments are advancing toward these outcomes.
- The committee emphasizes the importance of ensuring bond investments promote accessibility, taking into account the multiple factors that impact the ability of individuals to visit and interact with parks and natural areas in the region. This includes, among other efforts, work to make Metro's sites truly safe, welcoming and inclusive for all, with a focus on engaging individuals experiencing disabilities to help shape this work.
- The committee appreciates staff work to facilitate meaningful community engagement to date and believes ongoing community engagement is essential to building programs and projects that truly reflect community priorities and need. The committee looks forward to continuing to work with staff to further evaluate the impact of engagement activities on bond programs and investments over the life of the bond.
- Helped open Chehalem Ridge Nature Park just south of Forest Grove, which is Metro’s biggest park west of the Willamette River and has 10 miles of trails for hiking, biking and horseback riding.
- Helped open Newell Creek Canyon Nature Park, which is in the heart of Oregon City and has 2.5 miles of hiking and walking trails and 2 miles of dedicated mountain biking trails.



Staff report on bond work in calendar year 2021

For the Natural Areas and Capital Program
Performance Oversight Committee

April 2022

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TABLE OF CONTENTS

Purpose	1
Background on Metro parks and nature voter approved investments	1
Addressing the bond criteria	2
Bond refinement program updates	4
Protect and restore land	5
Local share	6
Nature in Neighborhoods capital grants.....	7
Walking and biking trails.....	8
Take care of Metro parks.....	9
Large-scale community visions	10
Bond financial reporting	10
Appendix	14
Bond measure program criteria.....	14
Community engagement and racial equity criteria	14
Climate Resilience Criteria	14
Glossary.....	15
Bond refinement community engagement summary, February 2022	16
2019 bond spending detail as of December 31, 2021, by program area	22
2006 bond spending detail as of December 31 2021, by program area	23
Acquisitions.....	24

Date: April 2022

To: Natural Areas and Capital Program Performance Oversight Committee

Re: Staff report on bond work in calendar year 2021

PURPOSE

The Natural Areas and Capital Program Performance Oversight Committee provides independent oversight of the 2019 parks and nature bond, the remainder of the 2006 natural areas bond and capital investments from Metro's parks and nature five-year local option levy.

As part of this charge, the Metro Council has asked the Oversight Committee to monitor how bond implementation activities are meeting the direction in the bond measure, to monitor financial aspects of program administration and to share with the Metro Council related concerns or recommendations to help adjust work moving forward. This report is intended to summarize information for the committee's review by providing:

1. Summaries of how bond activities in the last year are addressing the three bond criteria
2. Status updates on each of the six bond program areas
3. Reporting on bond spending and other bond financial data

BACKGROUND ON METRO PARKS AND NATURE VOTER APPROVED INVESTMENTS

For more than two decades, voters have repeatedly trusted Metro to protect clean water, restore fish and wildlife habitat and provide opportunities for people to connect with nature close to home through the passage of three capital bond measures and two local option levies.

The voter approved bond measures and levies are linked together to make the region's system of parks, trails and natural areas possible. The three capital bond measures (1995, 2006 and 2019) have supported the acquisition of more than 15,000 acres of priority habitat, investments in parks, trails and natural areas around the region. Metro's parks and nature local-option levy supports restoration of fish and wildlife habitat on lands purchased with the bond measure, and invests in park operations and improvements and community education, programming and grants to projects designed by community that strengthen people's connection to nature close to home.

1. ADDRESSING THE BOND CRITERIA

The Metro Council included three overarching criteria to govern 2019 parks and nature bond programs: racial equity, climate resilience and community engagement. The completed list of the bond criteria can be found in the appendix on page 14. Each of the six bond program areas will advance these bond criteria in different ways by providing direction to community grant or local share recipients or applying this policy direction to Metro's investments at its facilities and sites across the region. The Natural Areas Oversight Committee provides independent review of whether and how the bond activities are meeting the direction from the Metro Council and endorsed by voters of the region.

The following is a summary of efforts in the last calendar year to advance the three bond criteria through program development, tool building and fostering shared understanding. As bond investments continue, the committee's evaluation of how bond programs are meeting these criteria will continue to evolve.

Build resources and tools to understand how to advance climate resilience through bond investments made by Metro, grant recipients and the region's local park providers

- This bond measure builds on the legacy of 25-plus years of protecting the region's special places through land acquisition and restoration. Land acquisition is at the heart of Metro's parks and nature department work and has allowed for purchasing land to protect the region's priority habitats and species as outlined in the Oregon Conservation Strategy and Regional Conservation Strategy including riparian, floodplain, wetlands, oak woodland and forest, oak savanna and prairie and upland forest.
- Advanced an [understanding of concepts underlying climate resilience](#) for Metro staff, local park providers and other grant recipients by providing additional resources on considerations and definitions.
- As part of the refinement of land acquisition priorities, Metro staff engaged with BIPOC and people with disabilities and applied these findings to conduct an initial analysis that provides additional context on environmental burdens, access to natural areas and where potential land purchases may have greater opportunity to prevent flooding for these communities. This analysis will complement the data from the ecological assessments. Staff will continue to refine this analysis and identify additional uses for it across Parks and Nature's portfolio.

Ensure that bond programs are considering and addressing racial disparities in benefits from our parks, trails and natural areas

- Set a 20 % minimum for participation of minority-owned, women-owned and emerging small business owners registered with Oregon's Certification Office for Business Inclusion and Diversity (COBID) for bond contracting, with plans to set and meet higher goals for COBID participation through the life of the bond.

- Set a 20 % minimum for participation of minority-owned, women-owned and emerging small business owners registered with [Oregon's Certification Office for Business Inclusion and Diversity \(COBID\)](#) for bond contracting, with plans to set and meet higher goals for COBID participation through the life of the bond. In addition, developing and evaluating strategies to meet and exceed these goals including outreach with and technical assistance to potential contractors and reducing barriers to entry.
- Incorporated the requirements of [Metro's Construction Career Pathways framework](#) to increase the opportunities for access to the trades for women and people of color in greater Portland on bond funded projects at Metro facilities. The request for proposals for the upcoming bond funded improvement projects at Blue Lake Regional Park is the first to use Metro's Construction Careers Pathways Project framework to set specific diversity goals alongside its construction requirements for contractors.
- Supported local park providers to implement goals and tracking around COBID participation and workforce diversity for bond funded investments.
- Conducted [an initial analysis](#) of anti-displacement impacts and mitigation strategies related to trails and natural area investments and sharing those considerations with Metro staff and the region's park providers.
- Hosted [roundtables](#) for the region's park providers to share lessons learned about topics such as meaningful community engagement, tribal government engagement, anti-displacement, contracting with minority and women owned firms and workforce diversity.

Carry out meaningful community engagement that centers the needs and builds trust with BIPOC and other marginalized community members

- Implement a community engagement framework that centers the voices of Black, Indigenous and other people of color (BIPOC), LGBTQ+ community members, immigrants and refugees, people with low incomes, people with disabilities, and other marginalized communities.
- Goals for [community engagement](#) during the last year of bond refinement activities included
 - Center BIPOC communities in development of bond programs and prioritization of bond investments
 - Increase transparency and access about bond decision-making
 - Shift decision-making to community members where possible
- Utilized a broad set of community engagement strategies and tactics to achieve these goals, which are summarized in the appendix in this report on page 16.

Develop bond evaluation framework

The voters of the region have asked us to do our work differently with this bond and that means listening and learning about the needs and priorities of communities who haven't benefitted equitably from previous investments. This also means we need to identify new ways to understand whether and how we are fulfilling this promise. Metro's Parks and Nature department has experience in collecting a robust set of data to quantify our work funded by voter approved measures and the values of this bond require us to think differently about measuring our impact.

Metro staff have launched a process with a consultant, Dialogues in Action, to develop a framework to monitor efforts towards meeting the three bond criteria and measuring the impact of bond investments through the life of the bond. Staff anticipates bringing an update on the status of this work for the committee's review and expects that the oversight committee will want to help shape the analysis of data as part of its work in 2022 and beyond.

2. BOND REFINEMENT PROGRAM UPDATES

Bond refinement, the process to turn the bond measure language into six functional programs, will be nearly complete by spring 2022. Previous natural areas bond measures in 1995 and 2006 went through similar refinement processes. The 2019 parks and nature bond is following that same trajectory with staff having built six new bond programs with entirely new criteria that shift how we do our work. It takes time to build programs that center racial equity and climate resilience and to conduct meaningful community engagement in ways that actually shape these processes and programs. This work has been completed in the context of the COVID-19 pandemic, which impacted Metro as an agency as well as the capacity of Metro staff, partners and community members in unanticipated ways. The following summary provides updates on the status of each program area and work completed to date. More detail about the specific engagement activities for the development of each program area can be found in the community engagement summary in the appendix on page 16.

PROTECT AND RESTORE LAND

\$155 million allocated for acquisition and restoration of priority habitat across 24 target areas,
<https://www.oregonmetro.gov/protect-and-restore-land>

Program description: Protect and restore land builds on the successes of the 1995 and 2006 natural areas bond measures in protecting greater Portland's special places, by purchasing land and restoring it in 24 target areas across the region. Land protection and restoration in all 24 target areas helps restore and preserve regional watersheds, protect some of the region's rarest habitats, protect culturally important plants and create future potential access to nature.

Key bond refinement activities completed in 2021:

- [Completed ecological assessments of the 24 target areas](#) outlined in the bond measure with deep partnerships and ongoing input from members of the urban Indigenous community
- Engagement sessions to help confirm priorities and compile local knowledge for each of the 24 target areas with conservation partners, park providers and community members including focused engagement with BIPOC and people with disabilities. Summaries of these engagements and the feedback received can be found in the appendix and on the [Metro website](#).
- [Develop draft refinement plans](#) that articulate a road map for acquisition for each of the 24 target areas based on information collected and engagement findings
- Creating space for tribal governments to provide input on the priorities in refinement plans currently and post-Council approval in spring 2022
- In spring 2022, Council's consideration and approval of refinement plans for each of the 24 target areas will give staff direction to purchase land through our willing seller program.

Key implementation activities in 2022:

- Finalize refinement plans that articulate a road map for acquisition for each of the 24 target areas based on information collected and engagement findings
- Purchase land in priority habitats across the region through willing seller program
- Continue to receive feedback from tribal governments on refinement plans

LOCAL SHARE

\$92 million allocated to local governments for park improvement projects and locally important acquisitions, www.oregonmetro.gov/localshare

Program description: The local share program distributes \$92 million to 27 park providers (23 cities, 2 counties and 2 park districts) across the metro area to invest in their community's parks and nature projects including land acquisition, habitat restoration and connectivity, park access facilities at public parks and natural areas, local and regional trails and interpretive or environmental education facilities.

Key bond refinement activities completed in 2021:

- Developed a [local share program handbook](#) and supporting materials that provides guidance to park providers as they identify and submit priority projects
- Metro Council approved an Intergovernmental Agreement template to govern individual agreements with park providers once they have submitted projects
- Convened the region's 27 park providers in monthly roundtables to share lessons learned around addressing the bond criteria including community engagement and anti-displacement
- Approved the use of local share funds for the [City of Gresham to acquire land near Southwest Community Park](#)

Key implementation activities in 2022:

- Review park providers' project submissions and finalizing agreements to disburse bond funds
- Convene the region's 27 park providers to share lessons learned around meeting the bond criteria including tribal government engagement

NATURE IN NEIGHBORHOODS CAPITAL GRANTS

\$40 million to community groups, non-profits and local governments for projects that “re-green” or “re-nature” neighborhoods, <https://www.oregonmetro.gov/tools-partners/grants-and-resources/nature-grants>

Program description: The Nature in Neighborhoods capital grants program provides up to \$40 million for grants supporting projects that protect and improve water quality and fish and wildlife habitat, support climate resilience and increase people’s experience of nature at the community scale. This program also includes the Nature in Neighborhoods Capital Grants Pilot, which will use a participatory budgeting process and recommend up to \$4 million in grant funding to Metro Council to invest in projects selected by the community and that benefit BIPOC and other historically marginalized communities.

Key bond refinement activities completed in 2021:

- Designed framework for capital grants pilot in partnership with Participatory Budgeting Oregon
- Recruited and convened a committee of community members to help design the capital grants pilot program and began meeting in January 2022

Key implementation activities in 2022:

- Launch and support the committee to help design the solicitation for up to \$4 million in grant funding through the capital grants pilot program
- Work with committee to develop a guidebook to launch the solicitation of project ideas in summer 2022.
- Begin to develop the guidebook for the Nature in Neighborhoods grant program for the remainder of the program funds to launch in 2023

WALKING AND BIKING TRAILS

\$40 million for building out the regional trails network, oregonmetro.gov/regional-trails-and-greenways-system

Program description: This program provides \$40 million to plan and build out trails that close gaps in the regional trails system via \$10 million for acquisition from willing sellers and roughly \$20 million for competitive grants to local governments to plan, design and build regional trails.

Key bond refinement activities completed in 2021:

- Compiled local knowledge and priorities for 39 regional trails listed in the bond measure from park providers, trail advocates and community members
- [Developed a tool to prioritize gaps](#) in the regional trail network for acquisition and refined it using feedback from partners and community members
- Led focused community engagement with BIPOC to revise and influence how factors were weighted in the trail prioritization tool according to relative priorities as expressed by the engagement participants, which helped shape priorities for trail gap acquisition. The summary report can be found on the [Metro website](#).
- Developed a draft refinement plan that articulates a road map for trail acquisition priorities across 39 regional trails for Council approval in spring 2022. This refinement plan reflects priorities that were shared through community engagement with BIPOC and discussions with the region's park providers.
- Developed solicitation in fall 2021 for local government grants to plan and build regional trails

Key implementation activities in 2022:

- Finalize a refinement plan that articulates a road map for trail acquisition priorities across 39 regional trails for Council approval in spring 2022
- Purchase land through the willing seller program where Metro and partners will one day build regional trails according to the refinement plan that reflects priorities from community and partner engagement shared in 2021.
- [Solicit and review applications from local jurisdictions for trail grants](#), with grant awards expected to be made by the Metro Council in fall 2022

TAKE CARE OF METRO PARKS

\$98 million for safety and accessibility improvements at Metro parks and facilities across the region

Program description: Metro's regional parks, boat launches and cemeteries areas welcome nearly 2.5 million visitors a year to enjoy nature, exercise and cultural gatherings. The take care of Metro parks program funding is a promise to take care of Metro's existing sites by addressing capital maintenance, repair and improvement needs at Metro facilities and completing nature parks with adopted master plans.

Key bond refinement activities in 2021:

- Opened two new nature parks: [Newell Creek Canyon](#) in Oregon City and [Chehalem Ridge](#) south of Forest Grove
- Worked to advance health and safety improvements at Metro's sites like [Blue Lake Regional Park](#) and addressed barriers to meet or exceed Americans with Disabilities Act barriers
- Dedicated \$4 million to Lone Fir Cemetery's cultural heritage and memorial garden, also known as Block 14, to honor Chinese immigrants and patients from the Oregon Hospital for the Insane

Key implementation activities in 2022:

- Complete a municipal water supply connection to Blue Lake Park and plan for the next phase of maintenance facility and utility improvements. Begin community engagement for Blue Lake Park renovation planning and design.
- Installation of a generator at the Oxbow Welcome Center and completion of maintenance area improvements as part of the Phase 2 of the welcome center and initiate assessment of Oxbow's potable water system for repair
- Continue to work with community members to advance a vision and design for a cultural heritage garden at Lone Fir cemetery honoring Chinese immigrants and patients from the Oregon Hospital for the Insane
- Continue to plan and prioritize bond funded projects to improve access that meet or exceed ADA standards at Metro parks and facilities across the region

LARGE-SCALE COMMUNITY VISIONS

\$50 million for green investments in regional transformative projects

Program description: The Metro Council created the large scale community visions program to fund regionally significant catalytic investments that re-green communities and connect parks and nature with other community assets such as transportation and affordable housing. \$20 million is set aside for the Willamette Falls Legacy Project.

Key bond refinement activities completed in 2021:

- Develop program criteria in alignment with what's already in the bond measure and additional considerations to ensure projects selected through this program match the policy direction set by the Metro Council

Key implementation activities in 2022

- Work with the Metro Council to finalize more detailed program parameters and guidance by spring 2022.

3. BOND FINANCIAL REPORTING

The committee will regularly review financial reports for the limited remaining money from the 2006 natural areas bond, capital investments from the parks and nature levy, and the 2019 parks and nature bond. Financial data is tracked by Metro's fiscal year, which goes from July 1 through June 30.

Metro issued the first round of bonds on April 21 2020. So far, Metro has issued \$200 million in bonds for the start of this 10-year program and has been able to take advantage of historically low interest rates and earn a return while preparing to spend in the form of a bond premium.

As of December 2021, Metro has spent \$18.3 million of bond proceeds available. Here is how spending breaks down by program area. More details about bond spending by program area can be found in the appendix.

- Protect and restore land (including acquisitions): \$5.3 million
- Taking care of Metro parks: \$5.1 million
- Local share: \$2.9 million
- Capital grants: \$337k
- Walking and biking trails: \$374k
- Large-scale community visions: \$43k

The focus on bond refinement for six new program areas over the last year has meant that bond spending overall appears low. Additionally, there are many administrative costs Metro

has had to incur to shape the programs. With little capital investment spent to date, the current administrative rate of 23 percent of total bond spending to date or \$4.17 million, is high.

As with other voter investments, administrative expenses tend to be highest in the first few years as new programs are being built. Once the programs are up and running, the administrative expenses as a percentage of total spending decrease significantly, before a small uptick in the last few years of the life of a bond measure. We fully expect administrative expenses with the 2019 parks and nature bond measure to do the same. The 2006 natural areas bond measure's administrative cost was under 10 percent of total spending and staff are committed to ensuring that the 2019 parks and nature bond to be close to that over the life of this bond measure.

Here are some of the specific projects and programs that have received bond investment from spring 2020 to December 2021. Note: some of these projects have received funding from several funding sources including the 2006 Natural Areas Bond, 2019 Parks and Nature Bond, and the parks and nature local-option levy:

- Acquisition to protect key parcels from the Sandy River Gorge to the Dairy McKay Creeks bordering Hillsboro totaling \$2,699,500. Most recently, Metro acquired two properties totaling 169 acres. Out at Killin Wetlands Nature Park, near Banks in Washington County, 52 acres were added to the natural area surrounding the park. And in the East Buttes area right on the Clackamas-Multnomah county line, 117 acres connect to the Sunshine Butte Natural Area. The property includes a hilltop where several small streams begin their way down to Johnson Creek. A complete list of all acquisition activities in this period can be found in the appendix on page 24.
- Local share funds for Gresham's acquisition of the Shaul property: \$2.5 million.
- Chehalem Ridge Nature Park, \$5.3 million: Chehalem Ridge Nature Park is just south of Forest Grove and is Metro's biggest park west of the Willamette River. The park has 10 miles of trails for hiking, biking and horseback riding.
- Newell Creek Canyon Nature Park, \$2.9 million: Newell Creek Canyon Nature Park, which is in the heart of Oregon City also opened in 2021. Newell Creek Canyon has 2.5 miles of hiking and walking trails and 2 miles of dedicated mountain biking trails.
- Blue Lake Regional Park utilities and facilities improvements, \$337k: The money that has been spent at Blue Lake is only the start of improvements and renovations at this beloved park. The work so far has focused on connecting the park's water system to the City of Fairview. In December 2021, staff put out a request for proposals on a contract to demolish and replace several buildings at the park, which will set up for additional park improvements that community members will help identify.
- Oxbow Regional Park health and safety improvements, \$296k: The biggest project so far at Oxbow is the replacement of a sanitation system.

COBID spending

Metro tracks the percentage of bond spending with minority owned, women owned and emerging small businesses that are certified with [Oregon's Certification Office for Business Inclusion and Diversity \(COBID\)](#). In addition, Metro tracks the spending percentage with each type of COBID certification (minority owned, women owned and emerging small businesses, service-disabled veteran-owned).

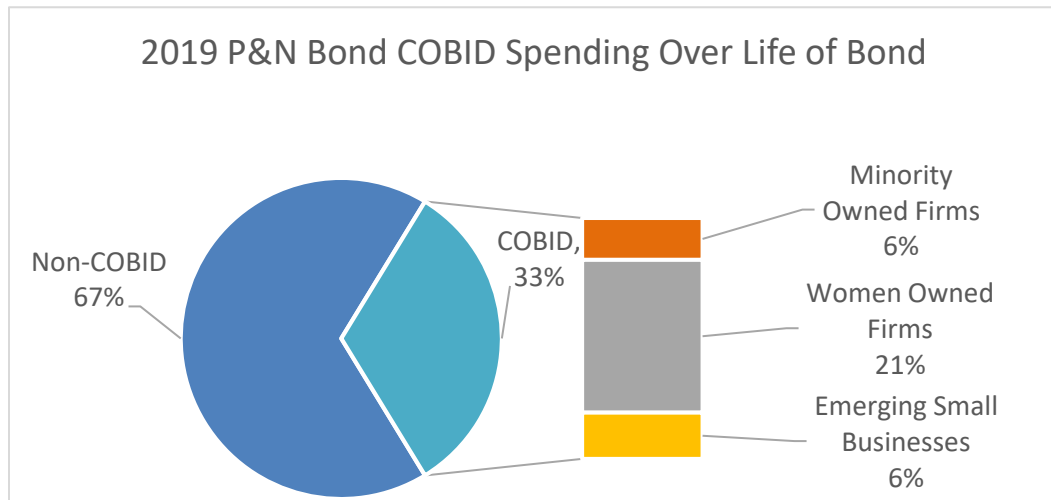
Metro's participation reporting method removes work that cannot reasonably be performed by a COBID-certified firms from the participation rate calculation. Metro excludes the following types of contracts and payments from the calculation:

- Services provided by another public agency that do not compete with the private sector
- Services for which there is a single or limited group of businesses, none of which are COBID-certified
- Services mandated by Oregon Law (Oregon Revised Statutes) to be provided by qualified rehabilitation facilities

Metro continues to identify, implement and evaluate strategies to increase the participation of COBID contractors for bond funded contracts in alignment with agency-wide priorities and protocol. In addition, staff will continue to explore ways for Metro and Parks and Nature to analyze and understand the COBID participation figures on a more granular basis including racial and other identity groups. Currently Metro may not have the tools to do so, but could learn from other agencies are doing.

Parks and nature bond COBID participation percentages from fiscal year 2019-20 to December 2021

Fiscal Year	2006 bond	2019 bond
FY20	32%	1%
FY21	14%	29%
FY22 YTD	59%	46%



2006 natural areas bond measure

Metro sold the remaining 2006 bonds in spring 2018. Remaining funds from the 2006 bond measure are close to being spent or are dedicated to upcoming projects or acquisitions. Staff will continue to provide the 2006 natural areas bond spending report to the oversight committee until funds are completely spent. The latest 2006 natural areas bond spending report can be found in the appendix on page 23.

Local-option levy

Metro's parks and nature local-option levy protects clean water, restores fish and wildlife habitat at natural areas across the region and connects people with nature across 17,000 acres of parks, trails and natural areas through investments in capital projects and programs. The Natural Areas Oversight Committee will review any capital investments supported by the levy. In the last calendar year, the levy did not fund any capital investments, but in future years, the committee can expect to review levy-funded capital projects at Metro's parks, trails and natural areas.

APPENDIX

BOND MEASURE PROGRAM CRITERIA

Community engagement and racial equity criteria

Investments in all program areas must satisfy all of the following community engagement and racial equity criteria:

- Meaningfully engage with communities of color, Indigenous communities, people with low incomes and other historically marginalized communities in planning, development and selection of projects.
- Prioritize projects and needs identified by communities of color, Indigenous communities, low-income and other historically marginalized groups.
- Demonstrate accountability for tracking outcomes and reporting impacts, particularly as they relate to communities of color, Indigenous communities, people with low incomes and other historically marginalized communities.
- Improve the accessibility and inclusiveness of developed parks.
- Include strategies to prevent or mitigate displacement and/or gentrification resulting from bond investments.
- Set aspirational goals for workforce diversity and use of COBID contractors and work to reduce barriers to achieving these goals; demonstrate accountability by tracking outcomes and reporting impacts.

Climate Resilience Criteria

All projects funded by the bond must identify at least one climate resilience criterion that the project will satisfy from among the following:

- Protect, connect and restore habitat to support strong populations of native plants, fish and wildlife that can adapt to a changing climate.
- Protect and restore floodplains, headwaters, streams and wetlands to increase their capacity to handle stormwater to protect vulnerable communities from flooding.
- Increase tree canopy in developed areas to reduce heat island effects.
- Use low-impact development practices and green infrastructure in project design and development.
- Invest in segments of the regional trail system to expand active transportation opportunities for commuting, recreation and other travel.

GLOSSARY

BIPOC: Abbreviation for Black, Indigenous, and people of color

COBID: [Oregon's Certification Office for Business Inclusion and Diversity](#). The primary goal of certification is to level the playing field by providing certified firms a fair opportunity to compete for government contracts regardless of owner ethnicity, gender, disability or firm size.

Construction Career Pathways: Regional effort of public agencies teaming up with stakeholders from private industry, apprenticeship programs, unions and community-based organizations to provide reliable career pathways for women and Black, Indigenous, and people of color in the construction trades.

Refinement plans: Formal publically adopted road maps outlining strategies for land acquisition that reflect Council direction, community input and give Metro staff the guidance to protect habitat and land for future trails.

Bond refinement: The work to turn the 2019 parks and nature bond measure language into programs ready to invest in parks, trails and natural areas across the region.

BOND REFINEMENT COMMUNITY ENGAGEMENT SUMMARY, FEBRUARY 2022

Does not include Metro Council or tribal government engagement

Introduction

In November 2019, voters in greater Portland approved a \$475 million bond measure to further protect clean water, restore fish and wildlife habitat and provide opportunities for people to connect with nature close to home.

Much of the work to turn the parks and nature bond into programs ready to invest in our region's parks, trails and natural areas is on track to be complete by spring 2022. The investments from the 2019 bond measure will continue to strengthen our unique system with nature at its heart. The local share program is ready to make investments in parks, trails and natural areas in communities across the region, health and safety updates and renovation projects are underway at Blue Lake and Oxbow regional parks, and an application process is open for up to \$20 million in grants for local governments to plan and construct regional trails.

With this bond measure, the voters of the region asked us to do our work differently. That has meant listening and learning about the needs and priorities of communities who haven't benefited equitably from previous investments. Over the last year, communities across the region have participated in meaningful engagement that staff have designed to meet the following core values:

- Center BIPOC communities in development of bond programs and prioritization of bond investments
- Increase transparency of and access to bond decision-making
- Increase access to engagement opportunities

The feedback collected in the last year from community members and partners has helped shape bond programs that protect clean water, restore fish and wildlife habitat and provide access to nature. In addition, the feedback captured will be instrumental in informing work across the parks and nature portfolio from community grants to restoration work.

Initial reflections from engagement planning and execution

- Setting clear expectations about what participants can influence, and acknowledging feedback even if it's outside the scope of the topic at hand increases transparency and can build trust
- Capturing and reporting back on feedback through follow up sessions with the same stakeholders can create stronger relationships with partners and increase interest in participation. Many community members participated in multiple engagement activities across bond programs from 2021-2022.

- Organizing focused events tailored to specific audiences can help build more meaningful and productive engagements
- It will be important for Parks and Nature staff to continue engaging with and building relationships with those who participated in engagement activities over the last year to continue to help shape future bond investments where there are opportunities to do so.

ENGAGEMENT ACTIVITIES BY PROGRAM AREA THROUGH JANUARY 2022

Note: engagement reporting described below can be found at the [Metro website](#).

Bond program	Goals for engagement during refinement	Engagement work complete to date.	How engagement has shaped the bond programs and parks and nature
<p>Protect and restore land</p> <p>www.oregonmetro.gov/public-projects/parks-and-nature-bond-measure/protect-and-restore-land</p> <p><i>(engaged conservation partners, park providers, urban Indigenous community, tribal governments, BIPOC community members, people with disabilities)</i></p>	<p>Community and partner review of acquisition strategies for each of the 24 target areas before Metro Council approval</p> <p>Nurture authentic partnership with urban Indigenous community cohort throughout the refinement process</p> <p>Continue to work with conservation partners on information collection</p> <p>Include goals and priorities from BIPOC communities into refinement plans</p>	<ul style="list-style-type: none"> • 100 community members and partners participated across three engagement sessions to review acquisition strategies in winter 2022 • At least six meetings with urban Indigenous community on data and format for ecological assessments of 24 target areas • Hosted 6 affinity group roundtables for BIPOC and people with disabilities in fall 2021 (with over 100 participants) and 2 follow up sessions in winter 2022 (with 60 participants) • Interviews with 129 individuals representing 59 organizations including park providers and watershed councils 	<ul style="list-style-type: none"> • Data collected to understand each of the 24 target areas in the bond measure expanded to include stream daylighting/inline pond removal, pollution/toxins/water quality data, among others • Acquisition strategies for the 24 target areas reflect information and local knowledge shared from partners and community members • Environmental justice analysis that reflects the priorities of BIPOC and people with disabilities provided additional context to target area refinement plans

		<ul style="list-style-type: none"> • Two information sessions with over 70 participants in fall 2021 	
Local share www.oregonmetro.gov/tools-partners/grants-and-resources/local-share <i>(engaged the region's 27 park providers)</i>	<p>Ensure program materials reflect needs and concerns raised by park providers</p> <p>Support park providers in identifying project priorities that meet bond criteria</p> <p>Build spaces for collaboration between Metro and park providers</p>	<ul style="list-style-type: none"> • Development of local share program materials • Hosted 6 roundtables for staff from region's park providers • Shared bond updates at 7 quarterly park directors meetings • At least one meeting with most of the 27 park providers across the region around project priorities 	<ul style="list-style-type: none"> • Local share projects submitted and more on the way • Lessons learned around strategies to meet bond criteria help shape park providers' local share project identification processes • Increased connections across park providers
Walking and biking trails <i>(engaged with the region's park providers, trail advocates and BIPOC community members)</i>	<p>Build relationships with BIPOC community members around needs and priorities for regional trails</p> <p>Ensure that up to \$20 million for grant program to plan and build regional trails has a solicitation process that reflects partner input</p>	<ul style="list-style-type: none"> • Two focused community sessions with over 100 BIPOC community members to provide input on what factors are most important for trail projects and 88 participants responded to a follow up survey • Five open houses in fall 2021 with 100 participants across the sessions to share information and collect feedback about priorities for trail acquisition • 127 individuals responded to a survey to collect feedback on draft priorities for trail acquisition 	<ul style="list-style-type: none"> • Tool to help prioritize trail gap acquisitions weights factors according to the relative priorities expressed by BIPOC • Prioritization tool was refined with additional feedback from park providers, trail advocates and the general community • Final prioritization of hundreds of trail segments will reflect priorities and feedback from community

		<ul style="list-style-type: none"> • Meetings with each 27 park providers and local jurisdictions about priorities for regional trails • Performance evaluation work group with park provider staff and community members to help shape a grant solicitation for trail projects in fall 2021 • Two information sessions with over 70 participants in fall 2021 	
Capital grants www.oregonmetro.gov/tools-partners/grants-and-resources/nature-grants/capital-grants/capital-grants-pilot <i>(engaging with pilot committee)</i>	<p>Test participatory budgeting principles through development of pilot to allocate \$4 million to community projects selected through a community process and vote</p> <p>Recruit a capital grants pilot design and review committee that reflects the diversity of the region and the requirements laid out in the bond measure</p>	<ul style="list-style-type: none"> • 2 info sessions on committee recruitment in fall 2021 • Partnering with community organizations and individuals to spread the word about the committee recruitment • 44 completed applications received of which 7 were selected to serve on the committee • Convene review panel of Metro staff and community members to evaluate applications received 	<ul style="list-style-type: none"> • Initial capital grants pilot design and review committee established as a result of recommendation from review panel • Capital grants pilot design and review committee will shape pilot guidebook and idea generating sessions, which will determine path for community project
Take care of Metro parks	<p>Advance safety, health and accessibility projects that reflect feedback from community during bond</p>	<ul style="list-style-type: none"> • Reviewed and analyzed feedback during bond development • Planning to convene a BIPOC partner cohort to help shape the 	

	<p>development to “take care of what we have”</p> <p>Ensure that major projects at specific Metro sites like Blue Lake and Oxbow regional parks are shaped by community members</p>	<p>renovation planning at Blue Lake Park</p> <ul style="list-style-type: none"> • Partnership with Lone Fir Foundation around the project scope and planning for engagement with new partners including the Oregon Chinese Consolidated Benevolent Association, the Mental Health Association of Portland, the Chinese American Citizens Alliance, the Buckman Neighborhood Association, Friends of Lone Fir, the Oregon Chinese Coalition and the Portland Chinatown History Foundation to advance a concept for the cultural heritage garden at Block 14 	
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2019 BOND SPENDING DETAIL AS OF DECEMBER 31, 2021, BY PROGRAM AREA

	FY20	FY21	FY22 YTD	Total Spend	Percent of All 2019 Bond Spend
Protect/Restore					
Total	128,960	1,870,959	3,348,060	5,347,979	29.27%
Take Care of Metro Parks					
Total	230,744	3,693,245	1,207,295	5,131,284	28.08%
Local Share					
Total	29,397	216,142	2,621,373	2,866,912	15.69%
Grants					
Total	12,847	186,475	137,348	336,670	1.84%
Trails					
Total	12,314	244,096	117,799	374,209	2.05%
Community Visions					
Total	-	3,480	39,387	42,867	0.23%
Total Program Spend	414,262	6,214,397	7,471,262	14,099,921	77.16%
Admin					
Total	812,528	1,573,851	1,787,762	4,174,141	22.84%
Total Bond Spend	1,226,790	7,788,248	9,259,024	18,274,062	
Administrative Spending as a % of Total Bond Spend	66.23%	20.21%	19.31%		22.84%

**2006 BOND SPENDING DETAIL AS OF DECEMBER 31, 2021,
BY PROGRAM AREA**

	FY07 through FY21	FY22 YTD	Total Spend	Percent of All 2006 Bond Spend
Land Acquisition, Due Diligence and Stabilization				
Total	156,432,555	278,152	156,710,707	56.97%
Local Share				
Total	43,751,359	(2,716)	43,748,643	15.90%
Capital Grants				
Total	16,371,476	(212)	16,371,264	5.95%
Construction				
Total	31,191,964	118,414	31,310,378	11.38%
Total Program	247,747,354	393,638	248,140,992	90.20%
Admin				
Total	26,492,684	460,842	26,953,526	9.80%
Total Bond	274,240,038	854,480	275,094,518	
Administrative Spending as a % of Total Bond Spend	9.66%	53.93%		9.80%

ACQUISITIONS

The following chart lists all land acquisitions made with 2019 bond funds between spring 2020 and December 2021. In early 2020, the Metro Council directed staff continue to buy properties that come once in a generation and that meet the bond's criteria during the refinement period for the 2019 bond measure. In this time period, no funds from the 2006 natural areas bond measure were used for land acquisition.

Related Site	Target Area	Price	Close Date	Acres	County	Highlights
Kingfisher Natural Area (S 04.08)	Sandy River	\$350,000	9/8/2020	86.76	Multnomah	Purchase of this 86-acre property protects highly productive native fish habitat on both sides of Trout Creek, a tributary to the Sandy River, and expands the size of the Kingfisher Natural area to almost 127 acres. The property is part of an important corridor for Roosevelt elk which move through the very large tract of public ownership which extends for several miles up the Sandy River. This acquisition also protects wetlands, riparian areas, and is known to contain culturally important native plants.
Gabbert Butte Natural Area (S 02.07)	East Buttes	\$340,000	12/8/2020	8.59	Multnomah	This property contains significant forested habitat, and purchase of this property closes an important gap in public ownership along Butler Ridge, which will benefit species that require larger protected habitat patches. The property also contains 815 feet of Heiney Creek, a seasonal tributary of Johnson Creek, and protection will contribute to improved water quality.

West Council Creek (S 07.03)	Dairy and McKay Creeks	\$9,000	2/10/2021	5.21	Washington	Purchase of this property closes a gap and connects East and West Council Creek Natural Areas, creating a connected habitat corridor along Council Creek that is 54 acres in size. This property also contains 850 feet of both banks of Council Creek, a significant tributary of Dairy Creek, and protects important riparian and wetland habitat within the target area which will contribute to improved water quality in the Tualatin River.
Killin Wetlands Nature Park (S 56.01)	Killin Wetlands	\$465,000	11/24/2021	52.28	Washington	The acquisition of this 52 acre property protects a critical portion of Killin Wetlands, one of the Willamette Valley's largest remaining peat soil wetlands, and adds to Metro's existing 590-acre natural area. Acquiring this property protects scrub-shrub and open water wetlands as well as upland habitat that support a variety of native species including waterfowl and water birds, raptors, resident and migratory songbirds, land and amphibious mammals such as American beaver and river otter, and amphibians and reptiles such as Western pond turtle. Upland areas of the property that were farmed provide opportunities to restore upland prairie and oak savanna in the future.

Sunshine Butte (S 02.09)	East Buttes	\$1,422,000	12/9/2021	117.09	Clackamas	The purchase of this 117 acre parcel on Sunshine Butte immediately south of Gresham protects the uppermost headwaters of Sunshine Creek and Hogan Creek as well as multiple smaller tributaries. The property is immediately adjacent to the 85-acre Sunshine Butte Natural Area and more than doubles its size to over 202 acres. This property aligns with goals for the East Buttes target area by further protecting remaining undeveloped wooded slopes of extinct lava domes, water quality and connecting natural areas for wildlife habitat and corridors.
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Agenda Item No. 4.1

Resolution No. 22-5265, For the Purpose of Amending the 2021-26 Metropolitan Transportation Improvement Program (MTIP) to Increase the Construction Phase for the I-205: I-50R 213, Phase 1A Project Allowing the Construction Phase to Move Forward and be Implemented (MY22-11-MAY1)

Resolutions

Metro Council Meeting
Tuesday, May 24th, 2022

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2021-)	RESOLUTION NO. 22-5265
26 METROPOLITAN TRANSPORTATION)	
IMPROVEMENT PROGRAM (MTIP) TO)	Introduced by: Chief Operating Officer
INCREASE THE CONSTRUCTION PHASE FOR)	Marissa Madrigal in concurrence with
THE I-205, I-5 to OR 213, PHASE IA PROJECT)	Council President Lynn Peterson
ALLOWING THE CONSTRUCTION PHASE TO)	
MOVE FORWARD AND BE IMPLEMENTED)	
(MY22-11-MAY1))	

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan (RTP) to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2021-24 MTIP via Resolution 20-5110 on July 23, 2020; and

WHEREAS, JPACT and the Metro Council must approve any subsequent amendments to add new projects or substantially modify existing projects in the MTIP; and

WHEREAS, the U.S. Department of Transportation (USDOT) has issued clarified MTIP amendment submission rules and definitions for MTIP formal amendments and administrative modifications that both ODOT and all Oregon MPOs must adhere to which includes that all new projects added to the MTIP must complete the formal amendment process; and

WHEREAS, ODOT's I-205 I-5 to OR 213, Phase IA Project, also referred to as the I-205 Abernethy Bridge segment will reconstruct and widening I-205/Abernethy Bridge, include lane widening, a roundabout at I-205/OR43 interchange construction, reconstruct the OR99 interchange, include sound walls, stormwater improvements, and various paving, signage, and landscaping; and

WHEREAS, construction phase bids were submitted much higher than expected resulting in a revised construction phase cost and a funding shortfall; and

WHEREAS, the revised construction phase cost estimate has increased from \$375 million to \$495 million; and

WHEREAS, ODOT will utilize added bonding capacity under HB3055 to initially cover the funding increase; and

WHEREAS, the ODOT Region 1 Unit Mobility Office requires approval from the Oregon Transportation Commission (OTC) for the added funding for the project; and

WHEREAS, a formal/full MTIP amendment is required to address the funding increase which includes proof of funding validation, plus fiscal constraint verification, and is contingent upon OTC approval for the added funds for the project; and

WHEREAS, Metro also will complete a special amendment performance evaluation as the project exceeds \$100 million, is capacity enhancing, and is regionally significant; and

WHEREAS, the project scope and limits remain unchanged as a result of the cost increase; and

WHEREAS, the a review of the proposed project changes has been completed against the current approved Regional Transportation Plan to ensure the projects remain consistent with the goals and strategies identified in the Regional Transportation Plan; and

WHEREAS, Regional Transportation Plan consistency check areas included financial/fiscal constraint verification, an assessment of possible air quality impacts, consistency with regional approved goals and strategies, and a reconfirmation that the MTIP's financial constraint finding is maintained a result of this amendment; and

WHEREAS, Metro's Transportation Policy and Alternatives Committee (TPAC) received their notification plus amendment summary overview, and recommended approval to Metro's Joint Policy Advisory Committee on Transportation (JPACT) on May 6, 2022; and

WHEREAS, OTC approved ODOT's revised funding approach to secure the additional funds for the project on May 12, 2022; and

WHEREAS, JPACT approved Resolution 22-5265 consisting of the I-205 I-5 to OR 213, Phase IA Project cost increase Formal MTIP Amendment on May 21, 2022 and provided their approval recommendation to Metro Council; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on May 24, 2022 through Resolution 22-5265 to formally amend the 2021-26 MTIP to complete the cost increase for the I-205 I-5 to OR 213, Phase IA Project.

ADOPTED by the Metro Council this ____ day of _____ 2022.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2021-)	RESOLUTION NO. 22-5265
26 METROPOLITAN TRANSPORTATION)	
IMPROVEMENT PROGRAM (MTIP) TO)	Introduced by: Chief Operating Officer
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ALLOWING THE CONSTRUCTION PHASE TO)	
MOVE FORWARD AND BE IMPLEMENTED)	
(MY22-11-MAY1))	

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WHEREAS, the a review of the proposed project changes has been completed against the current approved Regional Transportation Plan to ensure the projects remain consistent with the goals and strategies identified in the Regional Transportation Plan; and

WHEREAS, Regional Transportation Plan consistency check areas included financial/fiscal constraint verification, an assessment of possible air quality impacts, consistency with regional approved goals and strategies, and a reconfirmation that the MTIP's financial constraint finding is maintained a result of this amendment; and

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WHEREAS, OTC approved ODOT's revised funding approach to secure the additional funds for the project on May 12, 2022; and

WHEREAS, JPACT approved Resolution 22-5265 consisting of the I-205 I-5 to OR 213, Phase IA Project cost increase Formal MTIP Amendment on May 21, 2022 and provided their approval recommendation to Metro Council; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on May 24, 2022 through Resolution 22-5265 to formally amend the 2021-26 MTIP to complete the cost increase for the I-205 I-5 to OR 213, Phase IA Project.

ADOPTED by the Metro Council this ____ day of _____ 2022.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

2021-2026 Metropolitan Transportation Improvement Program
Exhibit A to Resolution 22-5265



Proposed May 2022 Formal Amendment Bundle
Key 22467, I-205: I-5 - OR 213, Phase 1A Project Amendment
Amendment Type: **Formal/Full**
Amendment #: **MY22-11-MAY1**
Total Number of Projects: 1

Key Number & MTIP ID	Lead Agency	Project Name	Project Description	Amendment Action
Project #1 ODOT Key 22467 MTIP ID 71251	ODOT	I-205: I-5 - OR 213, Phase 1A Project Amendment	Abernethy Bridge segment to include bridge reconstruction/widening, lane widening, roundabout at I-205/OR43 IC construction, OR99 IC reconstruction, sound walls, stormwater improvements, and various paving, signage, and landscaping	<u>COST INCREASE:</u> Add \$120 million to the construction phase based on updated submitted construction phase bids to cover the phase funding shortfall.



Metro
20121-24 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

Formal/Full Amendment
COST INCREASE
 Add \$120 million to Construction

Lead Agency: ODOT		Project Type:	Capital		ODOT Key:	22467
Project Name: I-205: I-5 - OR 213, Phase 1A	1	ODOT Type	Modern		MTIP ID:	71251
		Performance Meas:	Yes		Status:	6
		Capacity Enhancing:	Yes		Comp Date:	1/31/2026
		Conformity Exempt:	No		RTP ID:	11969
Project Status: 6 = Pre-construction activities (pre-bid, construction management oversight, etc.).		On State Hwy Sys:	I-205		RFFA ID:	N/A
Short Description: Abernethy Bridge segment to include bridge reconstruction/widening, lane widening, roundabout at I-205/OR43 IC construction, OR99 IC reconstruction, sound walls, stormwater improvements, and various paving, signage, and landscaping		Mile Post Begin:	8.30		RFFA Cycle:	N/A
		Mile Post End:	11.09		UPWP:	No
		Length:	2.79		UPWP Cycle:	N/A
		Flex Transfer to FTA	No		Transfer Code	N/A
		1st Year Program'd:	2022		Past Amend:	3
		Years Active:	1		OTC Approval:	Yes
		STIP Amend #: 21-24-2042			MTIP #:	MY22-11-MAY1
Detailed Description: On I-205 from MP 8.30 to 11.09, complete the Abernethy Bridge improvement segment which includes constructing ground improvements, new foundations, sub-structure and superstructure and adding a lane in both directions of I-205. The I-205 NB and OR 43 IC will be reconstructed and include a roundabout. The OR 99 IC will be reconstructed to accommodate the bridge widening. Additional scope elements include a sound walls in the vicinity of SB I-205 at Exit 9, stormwater mitigation, landscaping, paving, striping, signing and lighting improvements.						
STIP Description: This segment of the project will seismically retrofit and widen the Abernethy Bridge by constructing ground improvements, new foundations, sub-structure and superstructure and adding a lane in both directions of I-205. The interchange at I-205 NB and OR 43 will be reconstructed and include a roundabout. The interchange at OR 99 will be reconstructed to accommodate the bridge widening. The project includes a noise wall in the vicinity of SB I-205 at Exit 9. Stormwater, landscaping, paving, striping, signing and lighting are also included as part of this project.						

Last Amendment of Modification: Administrative - October 2021 - AM22-02-OCT2- Minor correction to the project name.

PROJECT FUNDING DETAILS

Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other	Total
Federal Funds								
ADVCON	ACP0	2022				\$ 359,200,000		\$ -
ADVCON	ACP0	2022				\$ 379,942,669		\$ 379,942,669
NHFP	Z46E	2022				\$ 1,000,000		\$ 1,000,000
								\$ -
								\$ -
Notes: ADVCON = Advance Construction programmatic fund type code							Federal Totals:	\$ 380,942,669
Federal Fund Obligations \$:							\$ -	Federal Aid ID
EA Number:							C0031501	S064(063)
Initial Obligation Date:							11/3/2021	
EA End Date:							6/30/2023	
Known Expenditures:							N/A	
State Funds								
State	S010	2022					\$ 350,000	\$ -
HB3055	S090	2022					\$ 350,000	\$ 350,000
State (AC)	Match	2022				\$ 94,985,667		\$ 94,985,667
State (NHFP)	Match	2022				\$ 250,000		\$ 250,000
								\$ -
							State Total:	\$ 95,585,667
Local Funds								
Other	OTH0	2022				\$ 15,800,000		\$ -
Other	OTH0	2022				\$ 18,821,664		\$ 18,821,664
								\$ -
							Local Total	\$ 18,821,664
Phase Totals Before Amend:			\$ -	\$ -	\$ -	\$ 375,000,000	\$ 350,000	\$ 375,350,000
Phase Totals After Amend:			\$ -	\$ -	\$ -	\$ 495,000,000	\$ 350,000	\$ 495,350,000
Year Of Expenditure (YOE):							\$	495,350,000
Net Phase Funding Change:			\$ -	\$ -	\$ -	\$ 120,000,000	\$ -	\$ 120,000,000
Phase Percent Change:			0.0%	0.0%	0.0%	32.0%	0.0%	32.0%

Notes and Summary of Changes:

- > Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.
- > What are we changing? \$135,800,000 of new funds from ODOT are being added to the project to support the revised construction phase cost estimate. The cost increase results from construction phase bids received for the project which were much greater than expected.

Amendment Summary:

The formal amendment increases the construction from \$375,000,000 to \$495,000,000 due to receipt of higher than expected construction phase bids. The cost increase represent a 32% increase to the project. Four complete bids (technical and cost submissions) were received and scored. All of the bids were over \$490 million and three of the four were within 4% of the selected bid. Based on the Multi-Parameter scoring criteria Kiewit Infrastructure West Co was selected as the apparent best value contractor, with a bid of \$512 million. The most significant reason for higher than expected bids is current market conditions including, supply chain uncertainty, steel and concrete material costs, and market volatility and risk. OTC approval is required to secure the additional funding for the project. OTC action appears is planned for their May meeting (scheduled for Thursday, May 12, 2022 in Salem). It is possible OTC may convene a special meeting for this item as well. Either way, a copy of the OTC staff item will be included as the proof-of-funding validation and fiscal constraint demonstration for the added funding.

- > Will Performance Measurements Apply: Yes, safety, bridge, and pavement

RTP References:

- > RTP ID: 11969 - I-205 Abernethy Bridge (CON)
- > RTP Description: Widen both directions of the I-205 Abernethy Bridge and approaches to address recurring bottlenecks on the bridge. Install Active Traffic Management (ATM) on northbound and southbound I-205. Preliminary Engineering (PE) and Right-of-Way (ROW) phase.
- > Regional Significant Project: Yes - (Federal funds, + bridge + capacity enhancing + modeled project + located on primary network)
- > UPWP amendment: No
- > RTP Goals: Goal 10 - Fiscal Stewardship
- > Goal Description: Plan, build and maintain regional transportation assets to maximize their useful life, minimize project construction and maintenance costs and eliminate maintenance backlogs.
- > Proof of Funding Verification: No. The amendment is moving concurrently with OTC action. Draft and final OTC items are expected soon from ODOT.
- > Scope changes included: No. The cost increase does not result from a change in scope.
- > Limit changes included: No. The cost change does not change the project limits.
- > Formal/full amendment requirement under Matrix: Cost changes for \$5 million and greater projects which exceed a 20% increase threshold. The cost increase for this project is 32.0%
- > Add Special Performance Evaluation assessment required to be completed: Under review
- > Exempt or Capacity Project: Capacity enhancing project. The project is not exempt from air quality and transportation demand management analysis (modeling)
- > Exemption reference: N/A

Fund Codes:

- > ADVCON = A Federal fund code placeholder used until the actual federal fund code is known and committed to the project.
- > NHFP = Federal National Highway Freight Program funds. These funds are apportioned to the state DOT to support eligible freight/goods movement type improvements
- > HB3055 = State funds that originate from Oregon House Bill HB3055.
- > State = General state funds provided by the lead agency as part of the required match to federal funds
- > Other = General local funds committed to the project above the required federal match. Often referred to local overmatching funds.

Other

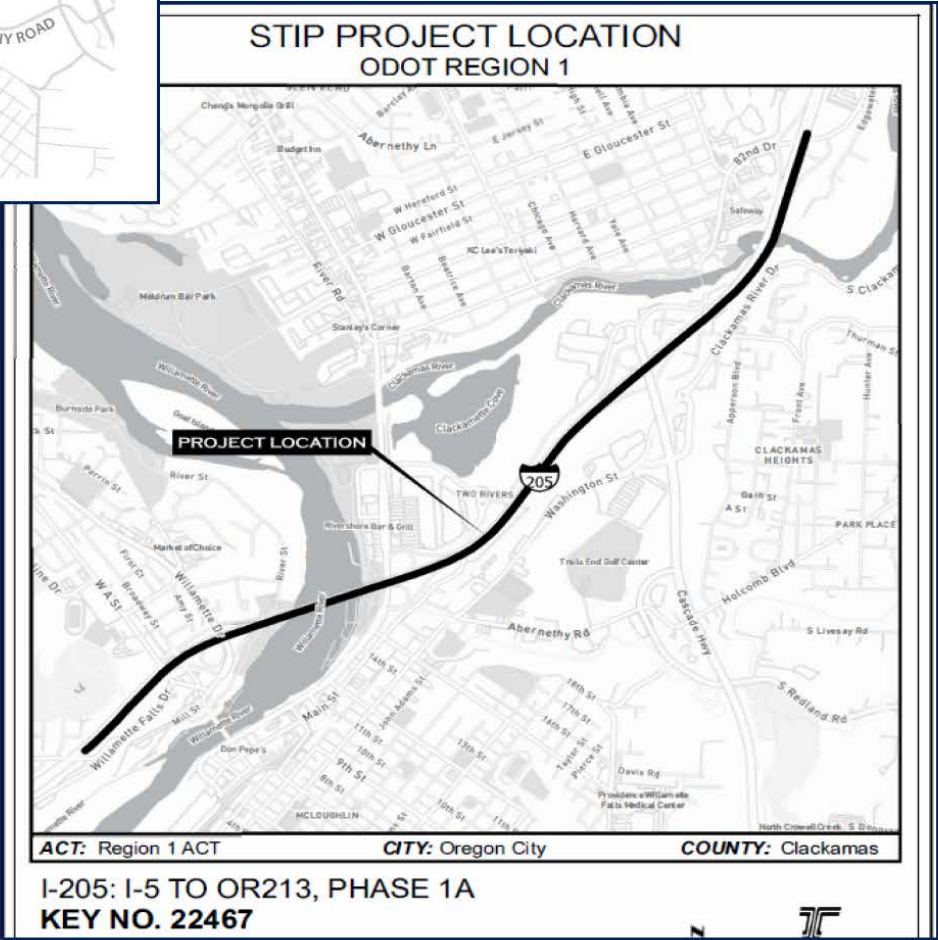
- > On NHS: Yes. I-205 is identified as a component on the Eisenhower Interstate System
- > Metro Model: Yes - Motor Vehicle Network
- > Model category and type: The project limits are identified as a "Throughways" in the Motor Vehicle modeling network
- > TCM project: No
- > Located on the CMP: Yes

Fund Codes											
Phase	Fund Code	Description	ICA P	Percent of Phase	Total Amount	Federal Percent	Federal Amount	State Percent	State Amount	Local Percent	Local Amount
CN	ACPO	ADVANCE CONSTRUCT PR		95.95%	474,928,335.93	80.00%	379,942,668.74	20.00%	94,985,667.19	0.00%	0.00
	OTH0	OTHER THAN STATE OR		3.80%	18,821,664.07	0.00%	0.00	0.00%	0.00	100.00%	18,821,664.07
	Z46E	National highway freight program FAST ext	Y	0.25%	1,250,000.00	80.00%	1,000,000.00	20.00%	250,000.00	0.00%	0.00
	CN Totals				100.00%	495,000,000.00		380,942,668.74		95,235,667.19	
OT	S090	HB3055 Funding Package		100.00%	350,000.00	0.00%	0.00	100.00%	350,000.00	0.00%	0.00
	OT Totals				100.00%	350,000.00		0.00		350,000.00	
Grand Totals					495,350,000.00		380,942,668.74		95,585,667.19		18,821,664.07



Abernethy Other Bridge Improvements

Improvements will strengthen the Abernethy Bridge to withstand a major earthquake and help improve congestion by adding a third travel lane. Once complete, the bridge will be the first earthquake-ready interstate structure across the Willamette River and will have three travel lanes in each direction plus one auxiliary lane for people entering and exiting I-205.



Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: May 21, 2022
To: Metro Council and Interested Parties
From: Ken Lobeck, Funding Programs Lead
Subject: May #1 2022 MTIP Formal Amendment & Resolution 22-5265 Notification and Approval Request
I-205: I-5 - OR 213, Phase 1A Project Amendment (Abernethy Bridge segment)

FORMAL AMENDMENT STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2021-26 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO INCREASE THE CONSTRUCTION PHASE FOR THE I-205, I-5 to OR 213, PHASE 1A PROJECT ALLOWING THE CONSTRUCTION PHASE TO MOVE FORWARD AND BE IMPLEMENTED (MY22-11-MAY1)

BACKGROUND

What This Is:

The May #1 2022 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment contains two projects Both projects are being submitted and processed for final Metro approval under separate resolutions. The first project under MTIP Amendment MY22-11-MAY1 is contained in Resolution 22-5265. The project is the I-205: I-5 - OR 213, Phase 1A Project (Abernethy Bridge improvement segment).

What is the requested action?

JPACT approved Resolution 22-5265 on May 21, 2022 consisting of the I-205, I-5 - OR 213, Phase 1A project which requires a cost increase to the construction phase which will enable the construction phase to then move forward, and now recommends approval by Metro Council

Proposed May1 2022 Formal Amendment Amendment Type: Formal/Full Amendment #: MY22-11-MAY1 Total Number of Projects: 1					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 22467	71251	ODOT	I-205: I-5 - OR 213, Phase 1A	Abernethy Bridge segment to include bridge reconstruction/ widening, lane widening, roundabout at I-205/OR43 IC construction, OR99 IC reconstruction, sound walls, stormwater improvements, and various paving, signage, and landscaping	COST INCREASE: Add \$120 million to the construction phase based on updated submitted construction phase bids to cover the phase funding shortfall.

AMENDMENT SUMMARY:

ODOT initially notified Metro of the urgent cost increase amendment needed for the I-205: I-5 - OR 213, Phase 1A, Abernethy Bridge segment) on April 8, 2022 for Key 22467, I-25: A subsequent STIP and MTIP programming occurred then on April 13th to coordinate and resolve any programming issues. Due to the urgent nature to complete the full/formal amendment, several early programming decisions were made with limited information that resulted in a few processing hiccups which have now been corrected.

The May #1 2022 Formal MTIP Amendment bundle involves adding \$120 million to the construction phase for the I-205, I-5 - OR 213, Phase 1A project (Abernethy Bridge improvement segment). The added funding increases the project's construction phase cost from \$375 million to \$495 million and represents a 32% cost increase to the project. The cost increase results from higher than expected submitted construction phase bids for the project. Oregon Transportation Commission (OTC) approval is required to commit the additional funding and occurred on April 29th and not May 12th as initially scheduled. JPACT is scheduled to consider the amendment on May 16th with final Metro approval scheduled for May 24th.

TPAC 5-6-2022 Meeting Summary:

Ken Lobeck, Metro Funding Programs Lead provided TPAC a summary of the formal amendment. He summarized the construction bid submission issue which resulted in higher than expected bids. This discussion followed an earlier inflation discussion among TPAC members. As a result of the higher project cost, ODOT requested an accelerated amendment approval process to address the funding shortfall. However, the accelerated format resulted in some minor programming mistakes which were clarified to TPAC members and corrected for JPACT. These included:

- Starting project costs and the discrepancy between the MTIP and ODOT. The cost increase for the project raises the construction phase to \$495 million. However, Chris Ford, ODOT, and Chris Deffebach noted that the amendment starting costs and ODOT costs were different, but the end total was correct. Initially, this was thought was due to an obligation discrepancy for the construction phase, but upon a more detailed review, Ken Lobeck discovered that the issue was really a translation discrepancy issue in the MTIP Worksheet. ODOT's starting amount of \$375 million is correct. The cost increase of \$120 million is correct and is not \$135 million. Impacted MTIP amendment documents are being corrected as a result.
- OTC Action scheduled for May 12th: ODOT initially informed Metro that the cost increase would be addressed by OTC at their May 12th meeting. ODOT also stated they were trying to accelerate the OTC date. Chris Ford, ODOT, informed TPAC members that OTC did meet earlier on April 29th and did approve the cost increase for the project. OTC approval is required to satisfy the MTIP's Proof of Funding requirement and to demonstrate fiscal constraint in the MTIP. With OTC's action, the amendment can proceed to JPACT without an approval condition from OTC.
- Composition of the approved funding supporting the cost increase: While no mistakes were made here, the rush to complete the initial programming documents for TPAC limited the time for ODOT to provide added details about how they will cover the cost increase. Several TPAC members requested additional details about how ODOT will use the bonding capacity from HB3055, or use other funding mechanism to secure the \$120 million for the construction phase. These comments were tied to an earlier discussion to have an expanded discussion at a future TPAC about inflations impact upon transportation projects. Chris Ford

stated ODOT was now more prepared to provide these details and would cover this when the inflation topic was presented.

With no further discussion, TPAC unanimously provided their approval recommendation to JPACT to approve the cost increase under Resolution 22-5265 for the I-205: I-5 - OR 213, Phase 1A (Abernethy Bridge segment)

JPACT Meeting 5-21-2022: JPACT approved Resolution 22-5265 on May 21, 2022.

Added Final Notes:

1. OTC approved the funding increase for the project on April 29, 2022, OTC approval was advanced from the original May 12, 2022 date.
2. A comment log was developed, yet only a few email comments were submitted. They have been sent on to Metro's Communications staff and JPACT.
3. The TPAC staff report contained a funding error which reflected the starting amount at \$359 million instead of the \$375 million correct starting point. All applicable documents for JPACT and Council have been corrected to reflect the project funding starting point at \$375 million.

A more detailed overview of both projects follows the acronym list

Below is a summary list of transportation acronyms used in the report:

- I-205 = Interstate 205
- ADVCON = Generic Advance Construction fund type code where the future federal fund code is not yet known.
- Cons or CN = Construction phase
- FFY = Federal Fiscal Year (e.g. October 1 through September 30)
- FHWA = Federal Highways Administration
- FMIS = FHWA's Financial Management Information System
- HB3055 = State funds from Oregon approved HB3055
- MP = Mile Post limit markers on the State Highway system
- NHFP = Federal National Highway Freight Program funds
- ODOT = Oregon Department of Transportation
- OTC = Oregon Transportation Commission
- PE = Preliminary Engineering
- ROW/RW = Right of Way phase
- SFY = State Fiscal Year (July 1 through June 30 of each calendar year)
- State = General state funds used as the match requirement for federal funds committed to a project. Also may be committed as stand-alone funding (state only funds) for a project.

A detailed overview of each project amendment in the bundle begins on the next page.

Project 1		I-205: I-5 - OR 213, Phase 1A	
Lead Agency:	Metro		
ODOT Key Number:	22467	MTIP ID Number:	71251
Projects Description:	Project Snapshot:		
	<ul style="list-style-type: none">• <u>Quick Amendment Summary:</u> The amendment adds \$120 million to the construction phase enabling construction to now move forward.• <u>Metro UPWP Project:</u> No This a large capital, capacity enhancing project being implemented• <u>Proposed improvements:</u> Key 22476 is also referred to as the Abernethy Bridge segment and will include bridge reconstruction/widening, lane widening, roundabout at I-205/OR43 IC construction, OR99 IC reconstruction, sound walls, stormwater improvements, and various paving, signage, and landscaping.• <u>Source:</u> Existing project• <u>Amendment Action:</u> The amendment:<ul style="list-style-type: none">○ Adds the \$120 million to the construction phase to address the funding shortfall from the higher bids○ Updates one of the programmatic fund type codes to reflect the NHFP federal contribution to the project.○ Updates the “Other” phase funding source from HB3055○ Increases the revised total cost to be \$495,350,350• <u>Additional Amendment Evaluation Required:</u> Yes. Upon additional review, a special amendment evaluation update was deemed required.• <u>Funding:</u> The current funding for the project primarily relies on the federal Advance Construction fund code for programming purposes. A portion of the project funding be sourced from available National Highway Freight (NHFP) federal funds. Adding bonding capacity from HB3055 is anticipated will later replace the Advance Construction fund code.• <u>FTA Conversion Code:</u> Not applicable. No transit funds are involved. The federal funds will not be flex transferred to FTA.• <u>Location, Limits and Mile Posts:</u><ul style="list-style-type: none">○ Location: I-205○ Cross Street Limits: About a mile + before and after the Abernethy Bridge on I-205○ Overall Mile Post Limits: MP 8.30 to MP 11.09 (approximately 2.79 miles total)		



- **Current Status Code:** 6 = Pre-construction activities (pre-bid, construction management oversight, etc.).
- **Air Conformity/Capacity Status:**
Key 22467 is a capacity enhancing improvement project. It is not exempt from air quality conformity and transportation demand modeling analysis per 40 CFR 93.126, Table 2. Both actions were completed as part of the 2018 Regional Transportation Plan Update.
- **Regional Significance Status:** The project is considered a regionally significant as it contains federal funds, involves major system bridge crossing, is capacity enhancing, and addresses a key Metro goal of safety
- **Amendment ID and Approval Estimates:**
 - STIP Amendment Number: 21-24-2042
 - MTIP Amendment Number: MY22-11-MAY1
 - OTC approval required: Yes. Scheduled for May 12, 2022
 - Metro approval date: Not specified yet. However, Metro's approval is contingent upon OTC approval for the added funds.

What is changing?

AMENDMENT ACTION: COST INCREASE:

Key 22467 received higher than expected construction bids creating the construction phase shortfall phase funding shortfall.

Per ODOT's 4/12/2022 correspondence concerning the amendment:

Explanation of Cost Increase

Four complete bids (technical and cost submissions) were received and scored. All of the bids were over \$490 million and three of the four were within 4% of the selected bid. Based on the Multi-Parameter scoring criteria Kiewit Infrastructure West Co was selected as the apparent best value contractor, with a bid of \$512 million. The most significant reason for higher than expected bids is current market conditions including, supply

chain uncertainty, steel and concrete material costs, and market volatility and risk.

Following negotiations, the final project amount (including contract value, ODOT construction engineering, and contingency costs) is \$495 million.

Project Scope:

This segment of the project will seismically retrofit and widen the Abernethy Bridge by constructing new foundations, sub-structure and superstructure and adding a lane in both directions of I-205. The interchange at I-205 NB and OR 43 will be reconstructed and include a roundabout. The interchange at OR 99 will be reconstructed to accommodate the bridge widening. The project includes a noise wall in the vicinity of SB I-205 at Exit 9. Stormwater, landscaping, paving, striping, signing and lighting are also included as part of this project. The project limits remain the same.

Two sign structures and ground improvements will be deferred to future contracts, both of which will go to bid by fiscal year 2024.


Funding Sources

In the 2021 Legislative Session, the Oregon State Legislature passed HB 3055 to provide this gap financing through a combination of cash, bonding and short-term borrowing. The legislation increased ODOT's short-term borrowing cap to \$600 million and allows for five year maturities, allowing ODOT to take out short-term debt that will be repaid by toll revenue or the proceeds of bonds, pending the conclusion of the I-205 Tolling NEPA process. This provide a means to interim fund Phase 1A of the I-205 OR213 to Stafford Road project before toll revenue becomes available. ODOT will finance Phase 1A ODOT by initially using a combination of cash on hand and short-term borrowing. The scheduled obligation of the construction phase funding remains as FFY 2022.

To address the repayment of the short-term borrowing, the Oregon State Legislature has identified future toll revenue as the primary source of funding for this project and directed ODOT to develop a toll program for the I-5 and I-205 corridors. The process to implement a toll program is lengthy and it will take several years before any revenues are available to finance the project in total. Tolling is currently being evaluated under the National Environmental Policy Act (NEPA) process. The earliest tolling could be implemented is late 2024 and toll revenue will not be available until that time.


I-205 Abernethy Bridge Segment Overview

I-205 IMPROVEMENTS
Stafford Road to OR 213
繁體中文 | 簡體中文 | русский | English

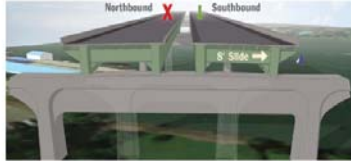


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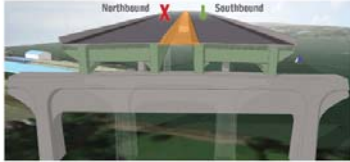
Construction Process




1. Construct new bridge foundations, widen each side. Slide one direction. Existing lanes will remain open to traffic during this time. (Phase 1A)



2. Slide the other direction. Existing lanes will remain open to traffic during this time. (Phase 1A)



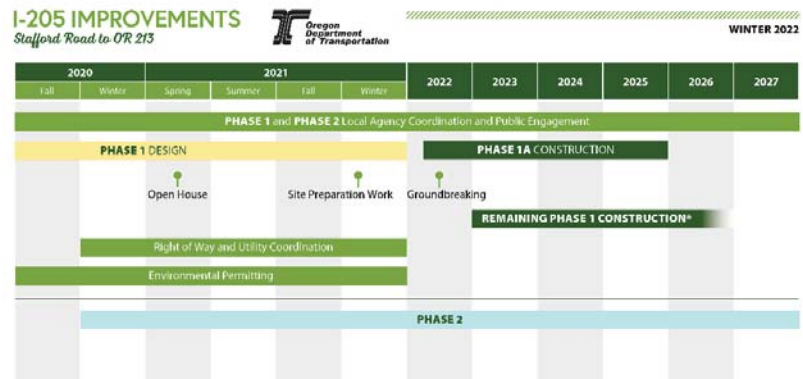
3. Complete remaining bridge widening toward the center to join the bridges together and remove existing supports. Existing travel lanes will remain open to traffic. (Phase 1A)



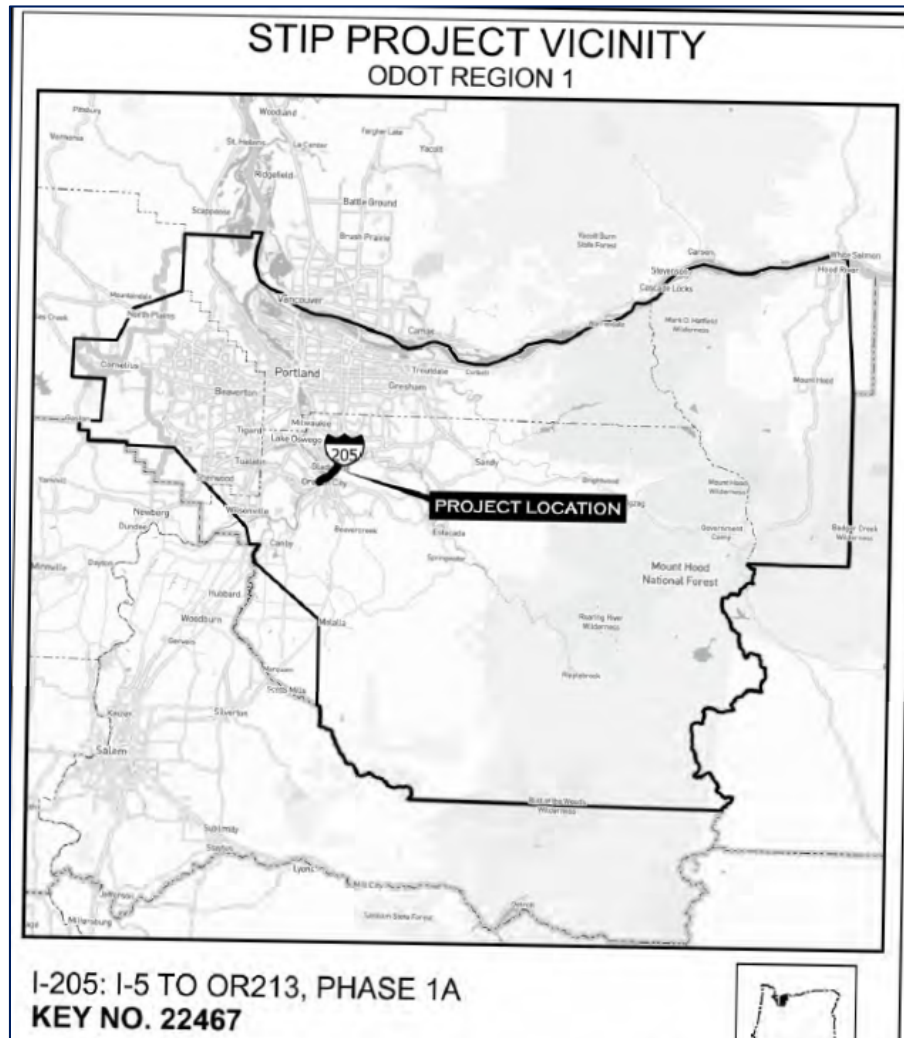
4. Striping for final lane configuration will be completed in a future phase.

COMPLETED ABERNETHY BRIDGE SECTION VIEW

Additional Details:



Why a Formal amendment is required?	Cost changes for projects above 20% for projects above \$5 million require a formal/full amendment per the approved FHWA/FTA/ODOT/MPO Amendment Matrix. The cost increase equals
Total Programmed Amount:	Key 22467 total programming (construction and other phases) increases from \$375 million to \$495,350,000
Added Notes:	2 Attachments: I-205 Improvements Fact Sheet and OTC letter



Note: The Amendment Matrix located on the next page included as a reference for the rules and justifications governing Formal Amendments and Administrative Modifications to the MTIP that the MPOs and ODOT must follow.

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:

- Verification as required to programmed in the MTIP:
 - Awarded federal funds and is considered a transportation project
 - Identified as a regionally significant project.
 - Identified on and impacts Metro transportation modeling networks.
 - Requires any sort of federal approvals which the MTIP is involved.

ODOT-FTA-FHWA Amendment Matrix	
Type of Change	
FULL AMENDMENTS	
1. Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized	
2. Major change in project scope. Major scope change includes:	
• Change in project termini - greater than .25 mile in any direction	
• Changes to the approved environmental footprint	
• Impacts to AQ conformity	
• Adding capacity per FHWA Standards	
• Adding or deleting worktype	
3. Changes in Fiscal Constraint by the following criteria:	
• FHWA project cost increase/decrease:	
• Projects under \$500K – increase/decrease over 50%	
• Projects \$500K to \$1M – increase/decrease over 30%	
• Projects \$1M and over – increase/decrease over 20%	
• All FTA project changes – increase/decrease over 30%	
4. Adding an emergency relief permanent repair project that involves substantial change in function and location.	
ADMINISTRATIVE/TECHNICAL ADJUSTMENTS	
1. Advancing or Slipping an approved project/phase within the current STIP (If slipping outside current STIP, see Full Amendments #2)	
2. Adding or deleting any phase (except CN) of an approved project below Full Amendment #3	
3. Combining two or more approved projects into one or splitting an approved project into two or more, or splitting part of an approved project to a new one.	
4. Splitting a new project out of an approved program-specific pool of funds (but not reserves for future projects) or adding funds to an existing project from a bucket or reserve if the project was selected through a specific process (i.e. ARTS, Local Bridge...)	
5. Minor technical corrections to make the printed STIP consistent with prior approvals, such as typos or missing data.	
6. Changing name of project due to change in scope, combining or splitting of projects, or to better conform to naming convention. (For major change in scope, see Full Amendments #2)	
7. Adding a temporary emergency repair and relief project that does not involve substantial change in function and location.	

- Passes fiscal constraint verification:
 - Project eligibility for the use of the funds
 - Proof and verification of funding commitment
 - Requires the MPO to establish a documented process proving MTIP programming does not exceed the allocated funding for each year of the four year MTIP and for all funds identified in the MTIP.
 - Passes the RTP consistency review: Identified in the current approved constrained RTP either as a stand- alone project or in an approved project grouping bucket
 - RTP project cost consistent with requested programming amount in the MTIP
 - If a capacity enhancing project – is identified in the approved Metro modeling network
- 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.
 - Adheres to conditions and limitation for completing technical corrections, administrative modifications, or formal amendments in the MTIP.
 - Is eligible for special programming exceptions periodically negotiated with USDOT.
 - Programming determined to be reasonable of phase obligation timing and is consistent with project delivery schedule timing.

- Reviewed and initially assessed for Performance Measurement impacts.
- MPO responsibilities completion:
 - Completion of the required 30 day Public Notification period:
 - Project monitoring, fund obligations, and expenditure of allocated funds in a timely fashion.
 - Acting on behalf of USDOT to provide the required forum and complete necessary discussions of proposed transportation improvements/strategies throughout the MPO.

APPROVAL STEPS AND TIMING

Metro's approval process for formal amendment includes multiple steps. The required approvals for the May #1 2022 Formal MTIP amendment (MY22-11-MAY1) will include the following:

<u>Action</u>	<u>Target Date</u>
• Initiate the required 30-day public notification process.....	April 15, 2022
• OTC Approval for the funding increase.....	April 29, 2022
• TPAC notification and approval recommendation.....	May 6, 2022
• Completion of public notification process.....	May 16, 2022
• JPACT approval and recommendation to Council.....	May 19, 2022
• Metro Council approval.....	May 24, 2022

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 time line is an estimation only):

<u>Action</u>	<u>Target Date</u>
• Final amendment package submission to ODOT & USDOT.....	May 31, 2022
• USDOT clarification and final amendment approval.....	Mid June 2022

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 to Metro

RECOMMENDED ACTION:

JPACT approved Resolution 22-5265 on May 21, 2022 consisting of the I-205, I-5 - OR 213, Phase 1A project which requires a cost increase to the construction phase which will enable the construction phase to then move forward, and now recommends approval by Metro Council

2 Attachments:

1. I-205 Improvements Fact Sheet
2. April 26th (for the April 29, 2022 OTC) OTC Letter

I-205 IMPROVEMENTS

Stafford Road to OR 213

Attachment 1: I-205 Improvements Fact Sheet



JULY 2021

WWW.I205CORRIDOR.ORG

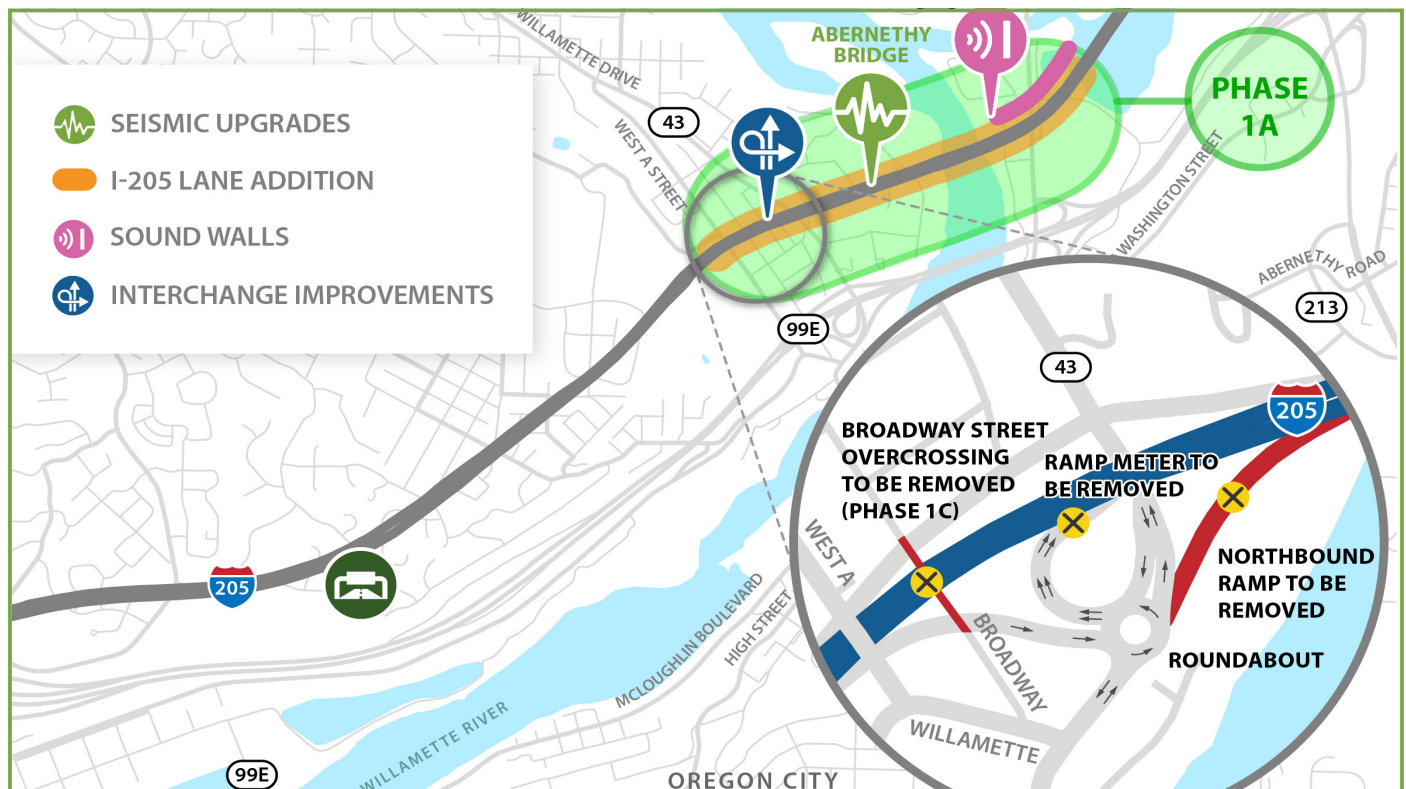
CONSTRUCTION BEGINS IN 2022

The I-205 Improvements Project will improve our economy by providing Oregonians safer, more reliable access to work and critical services, even after an earthquake or other major disaster. We are constructing the project in phases, with the first phase (Phase 1A) beginning in late spring/early summer of 2022. Learn more about project phasing at www.i205corridor.org.

KEY PHASE 1A IMPROVEMENTS INCLUDE:

- Earthquake-ready improvements to the Abernethy Bridge.
- Removing the current I-205 northbound on-ramp from OR 43 and replacing it with a roundabout.
- Realigning or widening the on- and off-ramps at OR 99E.
- Improvements for people who walk and bike on OR 43, Clackamette Drive and OR 99E.
- Sound wall near the southbound lanes of I-205 at exit 9.
- Widening I-205 in the Phase 1A project area to allow a third travel lane in each direction. The final lane configuration will be completed in a future phase.

Tree removal will occur on each bank of the Willamette River underneath the Abernethy Bridge in Oregon City and West Linn to provide construction access for Phase 1A. This work will occur in the fall of 2021 to avoid nesting birds and heavy rain.



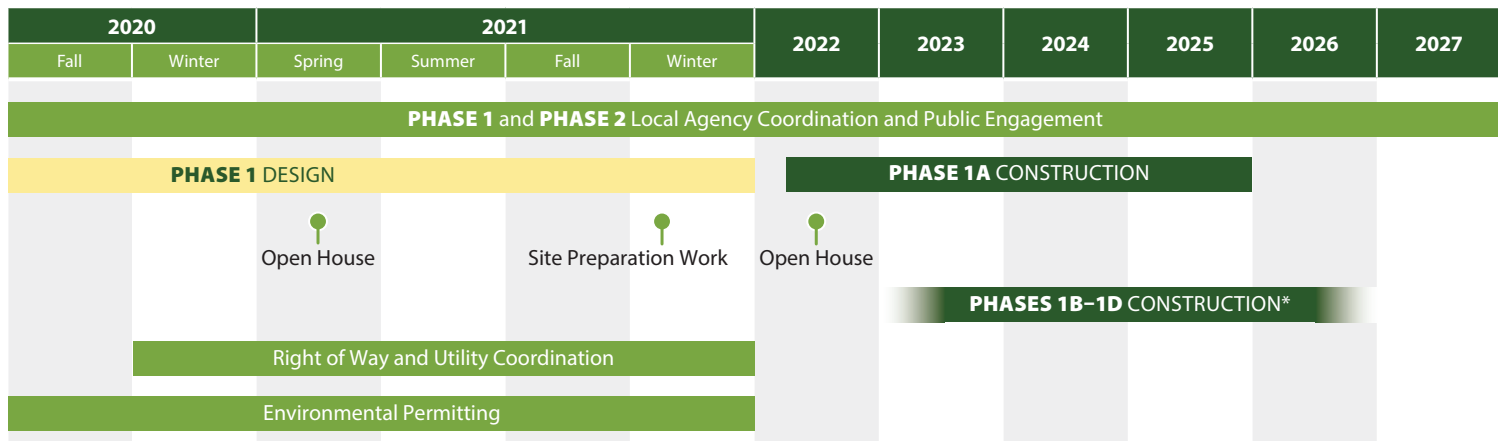
PHASE 1A CONSTRUCTION IMPACTS

Attachment 1: I-205 Improvements Fact Sheet

Visit www.i205corridor.org to sign up for email updates and learn about any traffic impacts or route detours once construction begins. Anticipated impacts include:

- Full weekend, nighttime directional closures and on- and off-ramp width restrictions.
- Full nighttime freeway closures later in the construction process, anticipated in 2024.
- Detours for I-205 northbound and southbound travelers and those traveling to local destinations in and around Oregon City and West Linn during freeway closures.

SCHEDULE



*Scheduling of Phases 1B, 1C and 1D is currently tentative and will be refined spring 2022.



STAY INVOLVED



Submit a comment online or sign up for project updates: www.i205Corridor.org

Questions and comments can be submitted at any time to the project team at:
205improvements@odot.state.or.us | 503-731-8276

For ADA (Americans with Disabilities Act) or Civil Rights Title VI accommodations, translation/interpretation services, or more information call 503-731-4128, TTY 800-735-2900 or Oregon Relay Service 7-1-1.

Si desea obtener información sobre este proyecto traducida al español, sírvase llamar al 503-731-4128.

Если вы хотите, чтобы информация об этом проекте была переведена на русский язык, пожалуйста, звоните по телефону 503-731-4128.

如果您想瞭解這個項目翻譯成 繁體中文 的相關資訊, 請致電 (503) 731-4128.

如果您想了解这个项目翻译成 简体中文 的相关信息, 请致电 503-731-4128.

이 프로젝트에 관한 한국어로 된 자료 신청방법 전화: 503-731-4128.

Nếu quý vị muốn thông tin về dự án này được dịch sang tiếng Việt, xin gọi 503-731-4128.



Oregon

Kate Brown, Governor

Oregon Transportation Commission

Office of the Director, MS 11

355 Capitol St NE

Salem, OR 97301-3871

DATE: April 26, 2022

TO: Oregon Transportation Commission

FROM: Kristopher W. Strickler
Director

SUBJECT: Amend the 2021-2024 Statewide Transportation Improvement Program (STIP) to increase funding for the *I-205: I-5 to OR213, Phase 1A (I-205 Improvements - Phase 1A Abernethy Bridge Widening)* project.

Requested Action:

Approve amending the 2021-2024 Statewide Transportation Improvement Program (STIP) to increase construction funding for the *I-205: I-5 to OR213, Phase 1A (I-205 Improvements - Phase 1A Abernethy Bridge Widening)* project from \$375,350,000 to \$495,350,000 for a total increase of \$120,000,000. The increase will be paid for using the financial tools provided in House Bill 3055.

Project to increase funding:

I-205: I-5 - OR213, Phase 1A Construction (KN 22467)			
PHASE	YEAR	COST	
		Current	Proposed
Planning	N/A	\$0	\$0
Preliminary Engineering	N/A	\$0	\$0
Right of Way	N/A	\$0	\$0
Utility Relocation	N/A	\$0	\$0
Other	2022	\$350,000	\$350,000
Construction	2022	\$375,000,000	\$495,000,000
TOTAL		\$375,350,000	\$495,350,000

Background:

The I-205 Improvements Project improves the congested seven-mile section of Interstate 205 between OR 213 and Stafford Rd. by widening and seismically retrofitting the Abernethy Bridge, adding a third general purpose lane (northbound and southbound), and creating safer options to enter and exit the corridor with an auxiliary lane from OR 43 to OR 213, and combining the OR 43 ramps. Once the project is complete, congestion will be reduced from 6.75 to 2 hours a day, the Abernethy Bridge will

Oregon Transportation Commission

April 26, 2022

Page 2

be the first earthquake-ready state crossing of the Willamette River and eight other bridges will be rebuilt or seismically retrofitted.

The I-205 project will be constructed in phases and the schedule is driven by the allowable in-water work windows. Missing the first in-water work window would result in an estimated \$24 million cost of delay. Multiple construction contracts will deliver the rest of the project, starting with Phase 1A. This phase was advertised for bid in December 2021, to allow construction to begin during the allowable in-water work window in summer 2022. Phase 1A includes Abernethy Bridge widening, highway construction, OR 43 roundabout construction and ramp improvements, OR 99E interchange improvements, stormwater treatment, retaining walls, signing, striping, sign structures, illumination, and construction of a sound wall at Exit 9. Locally funded water and sewer line improvements are also included in this phase. Construction of Phase 1A is expected to end after 4 in-water work cycles.

Phase 1A was delivered for bid with an alternative procurement method that scores technical qualifications, approach, and cost. Technical experience has been sought to match the complexities associated with the project including bridge construction/widening, drilled shafts, marine access, temporary traffic control and traffic maintenance, and permit compliance. ODOT worked with FHWA to supplement the Diversity Program goals in the contract for Disadvantaged Business Enterprises (DBEs), on the job training, and Tribal Employment Rights Ordinance (TERO) program, and added a preferential zip code hiring goal.

After review of technical and cost submissions, Kiewit Infrastructure West Co was determined to be the best value contractor. ODOT entered into negotiations with the contractor and jointly agreed to a contract value of approximately \$447 million.

Cost Increase Analysis:

The technical bids were opened on February 1, 2022 and cost submissions were opened on March 1, 2022. All bids were over \$490 million. Based on the Multi Parameter scoring criteria, the apparent best value contractor was Kiewit Infrastructure West Co with a bid of \$512 million.

The primary reason for the higher than anticipated bids are the escalation of the steel and high performance concrete unit prices, as identified in the Project Controls Office review. Significant items of note are:

- **Steel:** Steel cost came in significantly higher than anticipated due to fear of continued escalation and inflation due to the geopolitical risks and expected USA inflation rates. High costs are associated with reinforcement, bridge steel, and fabricated steel structures such as signs and fences.

Oregon Transportation Commission

April 26, 2022

Page 3

- Concrete: Concrete came in significantly higher than estimated due to limited supplier options and availability. There were limited suppliers available and equipment necessary to facilitate nitrogen injection for concrete on the project.
- Deep soil mixing: Deep soil mixing presented high risk as the depth and size of the stabilization is unknown. The stabilization is a performance specification in which the agency translates risk to the contractor to procure and install ground improvements to the performance specifications in the contract. Deferring this item will reduce contract costs and will allow ODOT to bid this work after a pilot test program is completed to provide more assurances to the contractor that the performance criteria can be met.

The apparent best value contractor was found to have submitted a responsive bid, and the Urban Mobility Office entered into negotiations with the contractor. Negotiations resulted in reduced bid due to reallocation of risk, adjustment of some specification language, and deferral of the deep soil mixing and two sign structures. The deferred items will be bid as future contracts.

Negotiations resulted in a total project cost of \$495 million (contractor costs, engineering, anticipated items, and contingency included), an increase of \$120 million over the previous amount programmed in the STIP.

Financial Plan

In the 2021 Legislative Session, the Oregon State Legislature passed HB 3055 to provide financing through a combination of cash, bonding and short-term borrowing. The legislation increased ODOT's short-term borrowing cap to \$600 million and allows for five year maturities, allowing ODOT to take out short-term debt that will be repaid by toll revenue or the proceeds of bonds, pending the conclusion of the I-205 Tolling NEPA process. In addition, bonding on the \$30 million provided by HB 2017 (2017 Session) is available starting in 2022. Combined these provide a means to interim fund Phase 1A of the I-205 OR213 to Stafford Road project before toll revenue becomes available. ODOT will finance Phase 1A by initially using a combination of bonding on the \$30 million, cash on hand, and short-term borrowing. The scheduled obligation of the construction phase funding remains as FFY 2022.

To address the repayment of the short-term borrowing, the Oregon State Legislature has identified future toll revenue as the primary source of funding for this project and directed ODOT to develop a toll program for the I-5 and I-205 corridors. The process to implement a toll program is lengthy and it will take several years before any revenues are available to finance the project in total. Tolling is currently being evaluated under the National Environmental Policy Act (NEPA) process. The earliest tolling could be implemented is late 2024 and toll revenue will not be available until that time.

Oregon Transportation Commission

April 26, 2022

Page 4

Options:

With approval, ODOT will proceed to fund, award, and construct this project.

Without approval, ODOT will not award this project at this time and construction will not begin as planned in 2022.

Attachments:

- Attachment 1 – Vicinity and Location Maps

Copies to:

Travis Brouwer	Cooper Brown	MacGregor Lynde	Brendan Finn	
Amanda Sandvig	Della Mosier	Mandy Putney	Jeff Flowers	Daniel Porter
Rian Windsheimer	Lindsay Baker	Talena Adams	Chris Ford	Adriana Antelo