

Memo



Date: November 18, 2021
To: Metro Council and Interested Parties
From: Ken Lobeck, Funding Programs Lead
Subject: November 2021 (FFY 2022) MTIP Formal Amendment & Resolution 21-5219 Approval Request for Portland’s 82nd Ave Safety Upgrade Improvement Project

FORMAL AMENDMENT STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2021-26 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO ADD PORTLAND’S 82ND AVE SAFETY UPGRADE PROJECT FUNDED WITH \$80 MILLION FROM THE AMERICAN RESCUE PLAN ACT OF 2021 (NV22-04-NOV3)

BACKGROUND

What This Is:

The November #3 2021 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment bundle #3 is contained in Resolution 21-5219 and being processed under MTIP Amendment NV22-04-NOV3. The amendment contains the new Portland 82nd Ave Safety Upgrade project.

What is the requested action?

JPACT approved Resolution 21-5219 on November 18, 2021 and is providing their approval recommendation to Metro Council for Resolution 21-5219 consisting of the 82nd Ave Safety Upgrade project impacting the city of Portland which requires to be added to the MTIP.

Proposed November 2021 (FFY 2022) Formal Amendment Bundle #3 Amendment Type: Formal/Full Amendment #: NV22-04-NOV3 Total Number of Projects: 1					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key New	TBD	Portland	82nd Ave: NE Killingsworth St - SE Clatsop St (Portland)	Complete safety upgrades including enhance crossings, lighting, intersection left-turn pocket lanes and signal TSMO upgrades, sidewalk improvements, ADA compliance upgrades, and pavement rehabilitation for motorist and pedestrian/cyclist increased safety	<u>ADD NEW PROJECT</u> The formal amendment adds Portland’s 82 nd Ave Safety Upgrade project funded from the American Rescue Plan Act of 2021 to the 2021-26 MTIP

JPACT Meeting Summary:

JPACT approved Resolution 21-5219 on November 18, 2021. The item was included on the Consent calendar. There was no discussion of the item.

TPAC Meeting Summary (11/5/2021):

TPAC members received an overview of Portland's 82nd Ave Safety Upgrade project originally funded from the ARPA and approved by the Oregon Legislature during their November 5, 2021 meeting. Staff provided the overview of the unique nature of the project that the funding creates. Since the original funding was allocated to the Oregon Department of Administrative Services (DAS) and then was awarded to Portland, the funds are now considered local and will not follow the regular transportation federal delivery process. TPAC members had no discussion of the amendment and provided a unanimous approval recommendation to JPACT.

One change has been made to the Resolution 21-5219 from what was submitted to For added clarification, the following statement was added to the resolution to note that a special amendment performance evaluation assessment was not required to be completed as part of the amendment submission and approval process:

"WHEREAS, the 82nd Ave Safety Upgrade Project total project cost at \$80 million is under the \$100 million threshold, and includes only non-capacity scope improvements which are exempt from air transportation demand and air quality conformity modeling analysis negates the need to complete and include a special amendment performance evaluation beyond the regular MTIP consistency checks completed for formal/full amendments;"

The Staff Report already contains this acknowledgment that a special amendment performance evaluation was not required as part of this amendment submission.

AMENDMENT BUNDLE SUMMARY:

The November 2021 #3 (FFY 2022) Formal MTIP Amendment bundle #3 adds a new regionally significant project to the MTIP for federal fiscal Year (FFY) 2022. The amendment bundle contains Portland's 82nd Ave Safety Upgrade project.

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

ADA = Americans with Disabilities Act

Cons = Construction phase

DAS = Oregon Department of Administrative Services

FFY = Federal Fiscal Year (e.g. October 1 through September 30)

FHWA = Federal Highways Administration

FMIS = FHWA's Financial Management Information System

ITS = Intelligent Transportation System

MP = Mile Post limit markers on the State Highway system

ODOT = Oregon Department of Transportation

OTC = Oregon Transportation Commission

PE = Preliminary Engineering phase

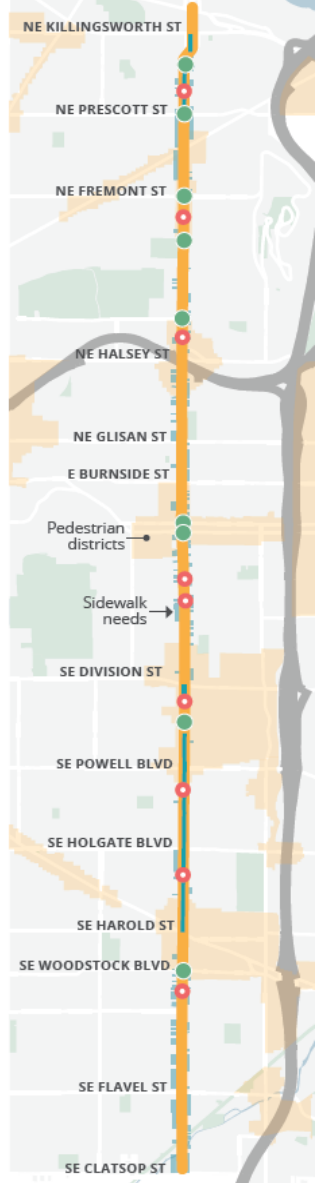
ROW/RW = Right of Way phase

TSMO = Transportation System Management and Operations

The next pages contain summary elements of the MTIP amendment to add Portland's new 82nd Ave Safety Upgrade project.

Project 1	82nd Ave: NE Killingsworth St - SE Clatsop St (Portland)		
Lead Agency:	Portland		
ODOT Key Number:	NEW - TBD	MTIP ID Number:	TBD
Projects Description:	<p>Project Snapshot: <u>Quick Amendment Summary:</u> The amendment adds Portland's new 82nd Ave Safety Upgrade project with \$80 million of American Rescue Plan Act (ARPA) for informational purposes to the MTIP.</p> <p><u>Metro UPWP Project:</u> No</p> <p><u>Proposed improvements:</u> The project will complete safety upgrades including enhance crossings, lighting, intersection left-turn pocket lanes and signal TSMO upgrades, sidewalk improvements, ADA compliance upgrades, and pavement rehabilitation for motorist and pedestrian/cyclist increased safety</p> <p><u>Source:</u> New project.</p> <p><u>Amendment Action:</u> Add the new project funded from the ARPA to the MTIP for informational purposes.</p> <p><u>Additional Amendment Evaluation Required:</u> No. The project does not add motor vehicle through lane capacity and is considered exempt for air quality and transportation modeling analysis. Additionally, the project cost does not exceed \$100 million.</p> <p><u>Funding:</u> The origin of the \$80 million is from the ARPA. The ARPA funds were appropriated to the State of Oregon to the Department of Administrative Services (DAS). \$80 million of these funds has been approved for the Portland 82nd Ave Safety Upgrade project. Once the funds were appropriated to DAS, they were considered local funds and are being programmed this way.</p> <p><u>FTA Conversion Code:</u> Not applicable. No transit funds are involved.</p> <p><u>Location, Limits and Mile Posts:</u> Location: In the city of Portland on 82nd Ave. Cross Street Limits: NE Killingsworth St south to SE Clatsop St Overall Mile Post Limits: N/A</p> <p><u>Current Status Code:</u> 2 = Pre-design/project development activities (pre-NEPA) (ITS = ConOps.).</p> <p><u>Air Conformity/Capacity Status:</u> The project is a non-capacity enhancing project. It is exempt from air quality conformity analysis per 40 CFR 93.126, Table 2 – Safety, Projects that correct, improve, or eliminate a hazardous location or feature.</p>		

	<p><u>Regional Significance Status:</u> The project is regionally significant as it is located on a defined Major Arterial in the Metro Motor Vehicle Modeling Network and provides safety improvements which support a key RTP improvement goal.</p> <p><u>Amendment ID and Approval Estimates:</u> STIP Amendment Number: TBD MTIP Amendment Number: NV22-04-NOV3 OTC approval required: Yes. OTC action is schedule for their December 2021 meeting. Metro approval date: Tentatively scheduled for December 2, 2021.</p>
<p>What is changing?</p>	<p><u>AMENDMENT ACTION: ADD NEW PROJECT</u></p> <p>The formal amendment adds \$80 million of American Rescue Plan Act of 2021 funding for Portland to complete various safety improvements on 82nd Ave. The ARPA funds were appropriated to the Oregon Department of Administrative Services (DAS) and approved for Portland's 82nd Ave Safety Upgrade project. ODOT will act as oversight manager to ensure the project is properly delivered. Because of the ARPA funds appropriation format to the Oregon DAS, they now are considered local funds. The funds will not obligate through FHWA's Financial Management Information System (FMIS), or complete the regular federal transportation delivery process. As a result, the funds are being programmed as local "Other" funds and be delivered under the logic of a locally funded project.</p> <p>Since the regular federal approval steps will not apply to this project, programming in the MTIP is for information purposes only. With a total project cost of \$80 million dollars, the project is considered regionally significant. Final allocation of the funds will require OTC approval. The OTC is expected to address the item during their December 2021 meeting. Programming in the MTIP is occurring contingent on OTC approval in December which is expected to occur without issue.</p> <p>Proposed 82nd Ave safety improvements include:</p> <ul style="list-style-type: none"> • Additional new or enhanced crossings (6-10) • Safety lighting improvements through the corridor • Intersection safety enhancements such as: <ul style="list-style-type: none"> ○ Transportation System Management and Operations (TSMO) signal improvements ○ High visibility pedestrian crossings ○ Protected left-turn lane signal phasing improvements

Project Location Map and Improvement																					
Additional Details:	<p>FIGURE 2. 82ND AVENUE PROPOSED \$80M INITIAL SAFETY INVESTMENT</p> <p><i>PBOT and ODOT will take near-term action to invest in urgent safety improvements.</i></p> <ul style="list-style-type: none"> ○ 1. Potential crossing location — 2. Add lighting where missing — 2 & 3. Corridor-wide improved lighting and systemic safety ● 3. Identified intersection safety upgrades 																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;"></th> <th style="width: 15%;">DELIVERY TIMEFRAME</th> <th style="width: 15%;">BUDGET</th> </tr> </thead> <tbody> <tr> <td> 1. Additional new or enhanced crossings (6 to 10) Locations to be determined, drawing on unfunded locations identified in PBOT's 82nd Avenue Plan. </td> <td style="text-align: center;">1-2 years</td> <td style="text-align: center;">\$10-12M</td> </tr> <tr> <td> 2. Lighting for safety throughout the corridor Fill in lighting where it is missing on one side, add pedestrian lighting at crossings and intersections, and upgrade existing lighting to meet standards. </td> <td style="text-align: center;">1-2 years</td> <td style="text-align: center;">\$10-12M</td> </tr> <tr> <td> 3. Intersection safety enhancements Systemic safety and intelligent transportation system investments, including treatments such as leading pedestrian intervals, protected left turn phasing, high visibility crossings, etc. </td> <td style="text-align: center;">1-4 years</td> <td style="text-align: center;">\$8-10M</td> </tr> <tr> <td> 4. Cross Section Planning and Project Development PBOT-led project development and implementation planning to develop envisioned cross section and transit investment approach. </td> <td style="text-align: center;">0-4 years</td> <td style="text-align: center;">\$2-3M</td> </tr> <tr> <td> 5. Sidewalk improvements, ADA, signals, and pavement investments Depending on the outcome of the cross section planning, invest in pavement, sidewalks, ADA ramps, signals, and safety upgrades on a portion of 82nd Ave. </td> <td style="text-align: center;">2-4 years</td> <td style="text-align: center;">\$43-50M</td> </tr> <tr> <td style="text-align: right;">TOTAL</td> <td></td> <td style="text-align: center;">\$80M</td> </tr> </tbody> </table> 		DELIVERY TIMEFRAME	BUDGET	1. Additional new or enhanced crossings (6 to 10) Locations to be determined, drawing on unfunded locations identified in PBOT's 82nd Avenue Plan.	1-2 years	\$10-12M	2. Lighting for safety throughout the corridor Fill in lighting where it is missing on one side, add pedestrian lighting at crossings and intersections, and upgrade existing lighting to meet standards.	1-2 years	\$10-12M	3. Intersection safety enhancements Systemic safety and intelligent transportation system investments, including treatments such as leading pedestrian intervals, protected left turn phasing, high visibility crossings, etc.	1-4 years	\$8-10M	4. Cross Section Planning and Project Development PBOT-led project development and implementation planning to develop envisioned cross section and transit investment approach.	0-4 years	\$2-3M	5. Sidewalk improvements, ADA, signals, and pavement investments Depending on the outcome of the cross section planning, invest in pavement, sidewalks, ADA ramps, signals, and safety upgrades on a portion of 82nd Ave.	2-4 years	\$43-50M	TOTAL	
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Why a Formal amendment is required?	Per the ODOT/FWHA/FTA/MPO Amendment Matrix, adding a new project to the MTIP requires a formal/full amendment.																				
Total Programmed Amount:	The project is being programmed under the logic of a project grouping bucket with all \$80 million in the MTIP's Other phase.																				
Added Notes:	MTIP programming is for informational purposes and not to comply with standard federal transportation project delivery requirements																				

Note: The Amendment Matrix located on the next page is included as a reference for the rules and justification 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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • FHWA project cost increase/decrease: <ul style="list-style-type: none"> • 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 November 2021 Formal MTIP amendment (82nd Ave Safety Upgrade project) (NV22-04-NOV3) will include the following:

<u>Action</u>	<u>Target Date</u>
● Initiate the required 30-day public notification process.....	November 2, 2021
● TPAC notification and approval recommendation.....	November 5, 2021
● JPACT approval and recommendation to Council.....	November 18, 2021
● Completion of public notification process.....	December 1, 2021
● Metro Council approval.....	December 2, 2021

Notes:

- * The above dates are estimates. JPACT and Council 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.....	December 17, 2021
● USDOT clarification and final amendment approval.....	Early to mid-January, 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 21-5219 on November 18, 2021 and is providing their approval recommendation to Metro Council for Resolution 21-5219 consisting of the 82nd Ave Safety Upgrade project impacting the city of Portland which requires to be added to the MTIP.

- TPAC Approval Date: November 5, 2018
- JPACT Approval Date: November 18, 2021

No Attachments