

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

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 21-5218 Approval Request

FORMAL AMENDMENT STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2021-26 METROPOLITAN IMPROVEMENT PROGRAM (MTIP) TO AMEND THREE PROJECTS IMPACTING GRESHAM AND ODOT ALLOWING FEDERAL APPROVALS AND PHASE OBLIGATIONS TO BE APPROVED (NV22-02-NOV1)

BACKGROUND

What This Is:

The November 2021 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment regular bundle which is contained in Resolution 21-5218 and being processed under MTIP Amendment NV22-02-NOV1. The bundle contains a total of 3 project amendments.

What is the requested action?

JPACT approved Resolution 21-5218 on November 18, 2021 and now is providing their approval recommendation to Metro Council to approve Resolution 21-5218 consisting of three projects which impacts the city of Gresham and ODOT allowing the required adjustments to occur to obtain their next federal approval step and/or phase obligation.

Proposed November 2021 (FFY 2022) Formal Amendment Bundle					
Amendment Type: Formal/Full					
Amendment #: NV22-02-NOV1					
Total Number of Projects: 3					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 19120	70799	Gresham	SE 242nd/Hogan: NE Burnside - E. Powell (Gresham)	Operational improvements, signal upgrades, bicycle and pedestrian improvements	COST INCREASE: Additional local overmatching funds are committed to the construction phase to address the updated construction cost estimate

ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #2 Key 21616	71170	ODOT	OR99W:N Schmeer Rd– SW Meinecke Pkwy & US30B: Kerby–165th	Upgrade signals, replace or modify signs and road markings, install lighting and bike lane conflict markings to improve safety on this section.	SPLIT FUNDS: Split \$25k off the construction phase and commit to Key 20435.
Project #3 Key 20435	70988	ODOT	OR99W: I-5 - McDonald St	Repave roadway; upgrade ADA ramps to current standards; improve access management; pedestrian improvements and address drainage as needed. Includes full signal upgrade at Johnson/Main. Repave roadway, sidewalk/bicycle gap fill-ins, construct ADA ramps and access management upgrades, provide drainage upgrades, add water quality facility, full signal upgrade at Johnson/Main, plus repair rutting and surface damage allowing safer travel	SCOPE CHANGE Project limits are extended, a third site location is added to the project, additional scope work elements are included resulting in a cost increase of 10.49% for a revised total project cost of \$26,585,468

AMENDMENT BUNDLE SUMMARY:

JPACT Meeting Summary:

JPACT approved Resolution 21-5218 on November 18, 2021. The three project regular amendment bundle in Resolution 21-5218 was passed without comment on the JPACT Consent agenda. There was no discussion.

TPAC Overview (11-5-2021):

TPAC members received an overview of the amendment bundle during their November 5, 2021 meeting. The amendment bundle of three projects contained the “regular” type of project changes they normally see as part of the MTIP Formal amendment process. Staff covered the summary changes to the three projects in the bundle. TPAC members had no discussion of the amendment bundle and provided a unanimous approval recommendation to JPACT.

The November 2021 (FFY 2022) Formal MTIP Amendment bundle initiates project programming adjustments needed for federal fiscal Year (FFY) 2022. The amendment bundle contains 3 projects.

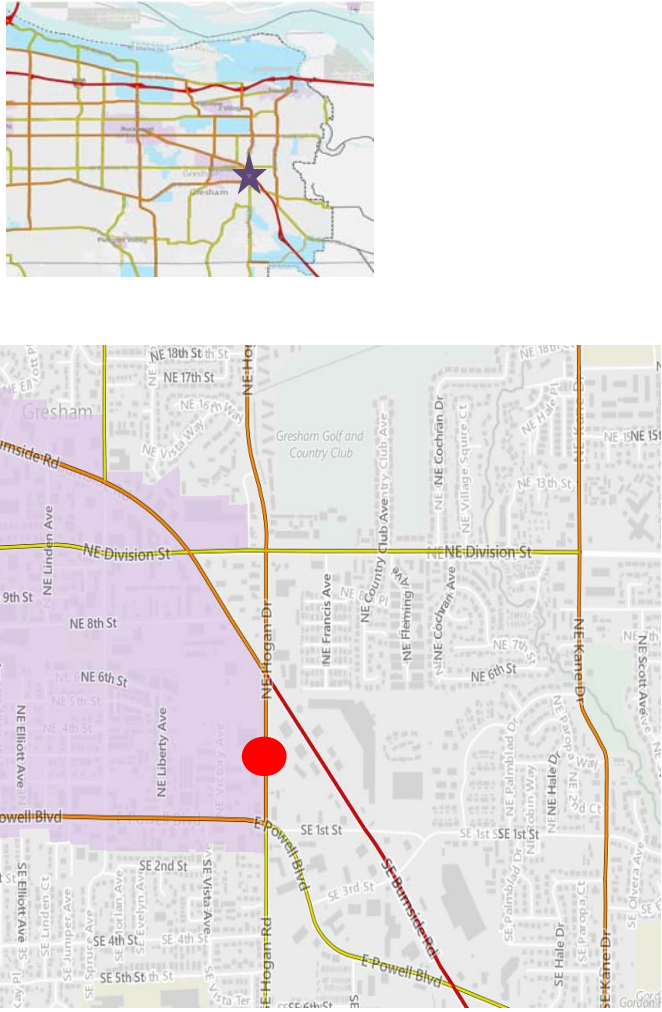
Below is a summary list of key acronyms used in the report:

- AC-STBG = “AC” = Federal Advance Construction programmatic fund type code used as placeholder. The “STBGS” tag represents the expected federal fund type code of State allocated Surface Transportation Block Grant funds that will become the final federal fund for the project.
- ADVCON = Generic Advance Construction fund type code where the future federal fund code is not yet known.
- AC-NHPP = Federal Advance Construction fund type code used with the expectation that the final federal fund code will be National Highway Performance Program funds.
- ADA = Americans with Disabilities Act

- Cons = Construction phase
- FFY = Federal Fiscal Year (e.g. October 1 through September 30)
- FHWA = Federal Highways Administration
- FMIS = FHWA’s Financial Management Information System
- HSIP = Federal Highway Safety Improvement Program funds
- ITS = Intelligent Transportation System
- LAL = ODOT Local Agency Liaison staff member
- LPA = Locally Preferred Alternative
- MP = Mile Post limit markers on the State Highway system
- NHPP = Federal National Highway Performance Program funds appropriated to ODOT
- ODOT = Oregon Department of Transportation
- OTC = Oregon Transportation Commission
- PE = Preliminary Engineering
- ROW/RW = Right of Way phase

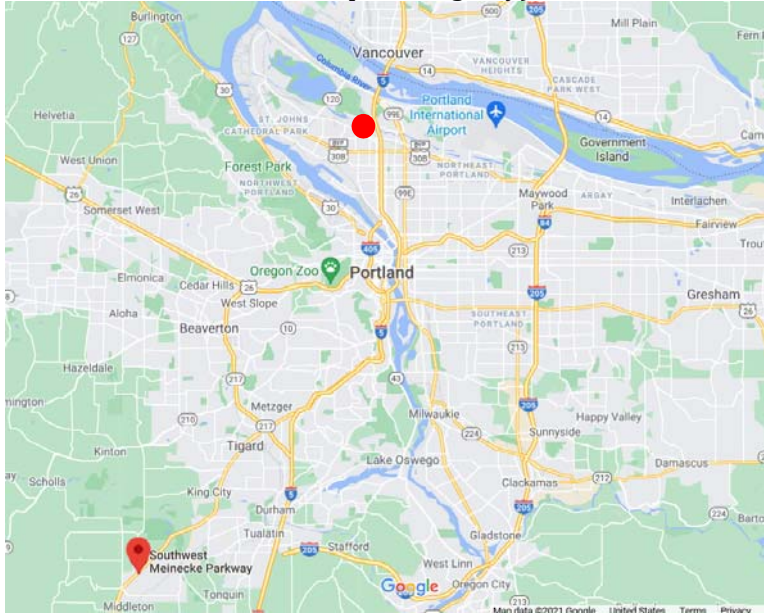
Project 1		SE 242nd/Hogan: NE Burnside - E. Powell (Gresham)	
Lead Agency:	Gresham		
ODOT Key Number:	19120	MTIP ID Number:	70
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> • <u>Quick Amendment Summary:</u> The amendment commits \$1,832,000 of additional local overmatch funds to the construction phase. The increase is due to design and cost updates, plus additional requirements to complete the project. The cost increase equals a 43% increase to the project which triggered the formal amendment. • <u>Metro UPWP Project:</u> No • <u>Proposed improvements:</u> Key 19120 will widen SE Hogan Road from NE Burnside St to E Powell Blvd to provide increased access for economic development and freight mobility. The project includes signals, bicycle and pedestrian improvements to provide safer and improved access for all road user. The widening does not provide add capacity through lanes. • <u>Source:</u> Existing project. • <u>Amendment Action:</u> Add \$1,832,000 of extra local overmatch to the construction to address updated cost estimates • <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. • <u>Funding:</u> The funding for the project consists of federal Redistribution funds and Advance Construction funds. The final federal funds for the construction are estimated to be State STBG. 		

	<ul style="list-style-type: none"> • <u>FTA Conversion Code:</u> Not applicable. No transit funds are involved. • <u>Location, Limits and Mile Posts:</u> <ul style="list-style-type: none"> ○ Location: In the city of Gresham on SE 242nd Ave/Hogan ○ Cross Street Limits: Burnside to Powell Blvd ○ Overall Mile Post Limits: N/A • <u>Current Status Code:</u> 5 = (RW) Right-of Way activities initiated including R/W acquisition and/or utilities relocation. • <u>Air Conformity/Capacity Status:</u> Key 19120 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. • <u>Regional Significance Status:</u> The is regionally significant as it contains federal funds and is located on a defined Major Arterial in the Metro Motor Vehicle Modeling Network • <u>Amendment ID and Approval Estimates:</u> <ul style="list-style-type: none"> ○ STIP Amendment Number: 21-24-0993 ○ MTIP Amendment Number: NV22-02-NOV1 ○ OTC approval required: No. ○ Metro approval date: Tentatively scheduled for December 9, 2021.
<p>What is changing?</p>	<p><u>AMENDMENT ACTION: COST INCREASE</u></p> <p>Key 19120 is a safety and operational improvement project on Hogan Dr. that will provide arterial widening, signal upgrades, bicycle and pedestrian improvements. The arterial widening does not add capacity through lanes.</p> <p>The amendment commits additional local funding overmatch to the construction phase to address a cost increase to the phase. The formal amendment increases the local overmatch funding from \$1,407,683 to \$3,229,683 (an addition of \$1,883,000) in to the construction phase. The total project cost increases from \$4,180,398 to \$6,012,398 which represents a 43.82% increase to the project.</p> <p>The primary factors cited by Gresham for the cost increase include (1) the increase in construction cost are the level of complexity of several design elements including stormwater quality management, stormwater infrastructure replacement and (2) significant pavement degradation since 2015 when the project was introduced to the STIP. (3) Construction costs have been on the rise for the past 10 years with even higher escalations anticipated resulting from material demand, more costly materials production, increases in petroleum cost, labor shortages, and finally the COVID pandemic.</p>

<p>Additional Details:</p>	<p style="text-align: center;">Project Location Maps</p> 
<p>Why a Formal amendment is required?</p>	<p>The project cost increase at 43% exceeds the maximum administrative threshold of 20% for projects costing \$1million or greater which triggers the need for a formal amendment</p>
<p>Total Programmed Amount:</p>	<p>The construction phase increases from \$2,550,010 to \$4,382,010. The total project cost increases from \$4,180,392 to \$6,012,398</p>
<p>Added Notes:</p>	

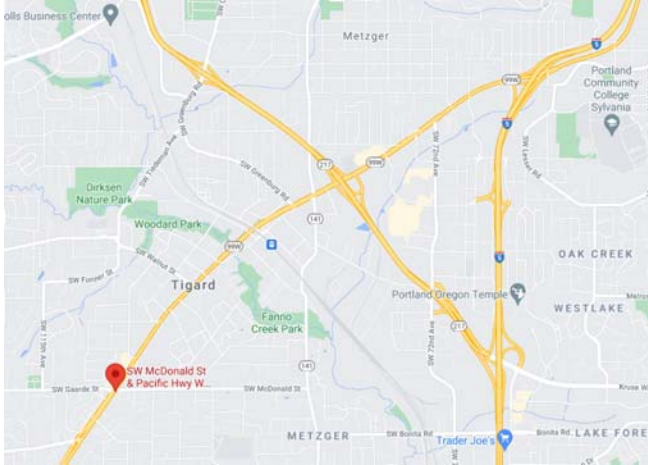
<p>Project 2</p>	<p>OR99W:N Schmeer Rd- SW Meinecke Pkwy & US30B: Kerby-165th</p>		
<p>Lead Agency:</p>	<p>ODOT</p>		
<p>ODOT Key Number:</p>	<p>21616</p>	<p>MTIP ID Number:</p>	<p>71170</p>
<p>Projects Description:</p>	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Quick Amendment Summary: The amendment splits \$25,000 off the construction phase and commits it to Key 20435 (also part of this bundle) 		

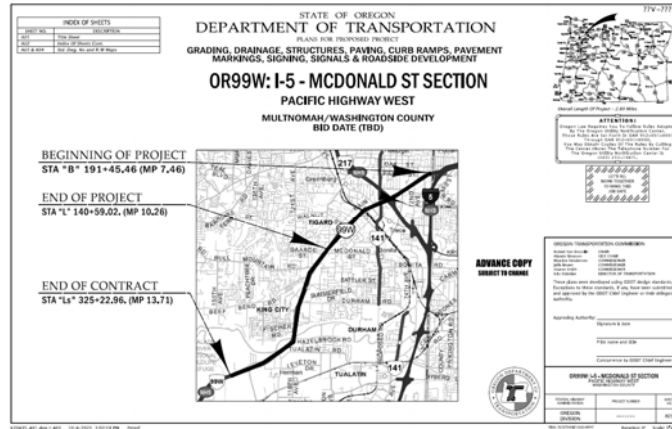
- Metro UPWP Project: No
- Proposed improvements:
Upgrade signals, replace or modify signs and road markings, install lighting and bike lane conflict markings to improve safety on this section.
- Source: Existing project.
- Amendment Action: Split \$25k and commit it to key 20435.
- Additional Amendment Evaluation Required: 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.
- Funding:
The funding for the project consists of federal Highway Safety Improvement Program (HSIP) funds and state matching funds.
- FTA Conversion Code: Not applicable. No transit funds are involved.
- Location, Limits and Mile Posts:
 - Location: On OR99E and US30BY
 - Cross Street Limits: Multiple
 - Overall Mile Post Limits:
 - OR99E = MP -5.71 to MP 15.95
 - US30BY = MP 5.60 to MP 14.70
- Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated).
- Air Conformity/Capacity Status:
Key 21616 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.
- Regional Significance Status: The project is regionally significant as it contains federal funds and is located on the Metro Motor Vehicle Modeling Network
- Amendment ID and Approval Estimates:
 - STIP Amendment Number: 21-24-1535
 - MTIP Amendment Number: NV22-02-NOV1
 - OTC approval required: No.
 - Metro approval date: Tentatively scheduled for December 9, 2021.

<p>What is changing?</p>	<p><u>AMENDMENT ACTION: SPLIT FUNDS</u></p> <p>The amendment splits off \$25k from the construction phase and commits the funds to Key 20435 (next project) as the scope for Key 20435 is being adjusted.</p>
<p>Additional Details:</p>	<p align="center">Project Location Map (Multiple site locations on OR99W and US30BY from northwest Portland south to past King City)</p> 
<p>Why a Formal amendment is required?</p>	<p>The project cost change is only 1%, but it is tied to the scope changes to Key 20435. Therefore, it is being processed as part of the formal change to Key 20435.</p>
<p>Total Programmed Amount:</p>	<p>The total project cost decreases from \$2,495,798 to \$2,470,797</p>
<p>Added Notes:</p>	

<p>Project 3</p>	<p>OR99W: I-5 - McDonald St</p>		
<p>Lead Agency:</p>	<p>ODOT</p>		
<p>ODOT Key Number:</p>	<p>20435</p>	<p>MTIP ID Number:</p>	<p>70988</p>
<p>Projects Description:</p>	<p>Project Snapshot:</p> <ul style="list-style-type: none"> • <u>Quick Amendment Summary:</u> The formal amendment completes required scope updates to three areas: (1) adds and expands scope activities, (2) extends project limits, and (3) increases the total project cost to address the revised project scope. • <u>Metro UPWP Project:</u> No 		

	<ul style="list-style-type: none"> • <u>Proposed improvements:</u> The revised overall project scope will now repave roadway, complete sidewalk/bicycle gap fill-ins, construct ADA ramps and access management upgrades, provide drainage upgrades, add water quality facility, include a full signal upgrade at Johnson/Main, plus repair rutting and surface damage allowing safer travel . • <u>Source:</u> Existing project • <u>Amendment Action:</u> Update the project sort and detailed descriptions based on the revised scope and update the project PE and construction phase costs. • <u>Funding:</u> The funding for the project consists of federal National Highway Performance Program (NHPP) funds, federal Highway Safety Improvement Program (HSIP) funds, federal Advance Construction funds, state HB2017 funds and state Bikeways funds along with required state matching funds • <u>FTA Conversion Code:</u> Not applicable. No transit funds are committed to the project. • <u>Location, Limits and Mile Posts:</u> <ul style="list-style-type: none"> ○ Location: ON OR 99W near King City ○ Cross Street Limits: N/A ○ Overall Mile Post Limits: Overall with the three site locations – MP 10.47 to MP 13.74 • <u>Current Status Code:</u> 5 = (ROW) Right-of Way activities initiated including R/W acquisition and/or utilities relocation. • <u>Air Conformity/Capacity Status:</u> The 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. • <u>Regional Significance Status:</u> Yes. • <u>Amendment ID and Approval Estimates:</u> <ul style="list-style-type: none"> ○ STIP Amendment Number: 21-24-1535 ○ MTIP Amendment Number: NV22-02-NOV1 ○ OTC approval required: No. ○ Metro approval date: Tentatively scheduled for December 9, 2021.
<p>What is changing?</p>	<p><u>AMENDMENT ACTION: SCOPE CHANGE</u></p> <p>The required changes to ODOT’s OR99W: I-5 - McDonald St project reflect more of a scope enhancement than an actual scope change. The project adjustments involve four areas: (1) adjustment in scope, (2)</p>

	<p>adding a third site location to the project, (3) extending the project limits, and (4) the resulting cost increase from the other changes. Overall, the project scope remains basically the same.</p> <p>The adjusted scope elements include added striping, signing, and tree cutting work is within the adjusted K20435 project limits. The project does continue as an overall safety improvement project Safety work type. The scope work now includes adding a water quality facility due to FAHP triggers. The third site location is on OR99W at MP 13.54 to MP 13.74.</p> <p>The updated description for the project is now the following:</p> <p>On OR99W from I-5 to McDonald St at three site locations (at MP 7.47 to MP 10.29 and MP 13.54 to MP 13.74) north of King City, repave roadway, fill in sidewalk and bike lane gaps, upgrade curb ramps to current standards, improve access management, and address drainage as needed. Includes full signal upgrade at Johnson/Main. The project will repair rutting and surface damage from vehicles and allow safer travel for motor vehicle operators, bicycle riders and pedestrians</p> <p>The scope adjustment triggers a cost increase of \$2,525,000 to the project which equals a 10.49% change and primarily impacts the construction phase. Although the overall scope of work for the project basically remains the same, the complexity of all the changes together, cost increase + third site location + added scope element pushed the project outside of the Administrative modification threshold and triggered the formal amendment.</p>
<p>Additional Details:</p>	<p style="text-align: center;">Project Location</p>  <p>The map displays the project location in the Tigard area of Oregon. It shows major roads including I-5, OR99W, and Pacific Highway West. A red pin is placed at the intersection of SW McDonald St and Pacific Hwy W. Other landmarks like Woodard Park, Fanno Creek Park, and the Portland Oregon Temple are also visible.</p>
<p>Why a Formal amendment is required?</p>	<p>The multiple changes to the project including adding a third site location and scope elements pushed the project into the formal/full amendment category to complete the required changes</p>
<p>Total Programmed Amount:</p>	<p>The programmed increases from \$24,060,468 to \$26,585,468 which represent an increase of \$2,525,000 or 10.49%.</p>
<p>Added Notes:</p>	



Note: The Amendment Matrix located below is 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.
- 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

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.	

- 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 (regular bundle) (NV22-02-NOV1) 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 21-5218 on November 18, 2021 and now is providing their approval recommendation to Metro Council to approve Resolution 21-5218 consisting of three projects which impacts the city of Gresham and ODOT allowing the required adjustments to occur to obtain their next federal approval step and/or phase obligation.

- JPACT Approval; November 18, 2021
- TPAC Approval: November 5, 2021

No Attachments