

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: December 19, 2022
To: Metro Council and Interested Parties
From: Ken Lobeck, Funding Programs Lead
Subject: December FFY 2023 MTIP Formal Amendment & Resolution 22-5299 Approval Request
– MODIFICATION #1

FORMAL MTIP AMENDMENT STAFF REPORT

Amendment Purpose Statement

FOR THE PURPOSE OF AMENDING FOUR EXISTING PROJECTS TO ENABLE PENDING FEDERAL APPROVAL STEPS AND PHASE OBLIGATIONS TO OCCUR

BACKGROUND

What This Is:

The December FFY 2023 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment bundle address needed scope, limits, and funding adjustments to four projects enabling the next federal approval step or phase obligations to occur. The summary of changes includes the following:

- Three ODOT projects (Keys 20474, 21601, and 21602) are involved in funding and scope splits (from 20474 and 21601) to be combined into Key 21602.
- The two projects include Key 21638 and 21614. Both projects were previously processed and approved as part of the October FFY 2023 Formal Amendment bundle. Through Modification #1, Keys 21638 and 21614 are removed from the December 2023 Formal MTIP Amendment bundle.
- The fourth project updates and confirms the Metro-TriMet annual fun exchange to Key 22164. TriMet receives STBG in exchange for local funds Metro will use for Transit Oriented Development (TOD) outreach activities. TriMet will use the federal Surface Transportation Block Grant funds to support their annual Preventative Maintenance program.

What is the requested action?

JPACT approved Resolution 22-5299 on December 15, 2022 and now recommends Metro Council provide the final approval step to Resolution 22-5299 consisting of the four remaining amended projects enabling federal reviews and fund obligations to then occur.

A summary of the projects and amendment actions within the bundle are shown on the next pages.

December FFY 2023 Formal Transition Amendment Bundle Contents				
Amendment Type: Formal/Full				
Amendment #: DC23-04-DEC				
Total Number of Projects: 4				
Key Number & MTIP ID	Lead Agency	Project Name	Project Description	Amendment Action
(#1) ODOT Key # 20474 MTIP ID 71002	ODOT	Regionwide ITS Improvements and Upgrades	Install new or upgraded variable message signs (VMS); travel-time signs; network/communication technology; and other intelligent transportation system (ITS) functionality at various locations throughout Region 1	<u>SPLIT & CANCEL:</u> The formal amendment transfers the remaining unexpended funds from the project to be combined into Key 21602 (also included in this bundle) to improve delivery options. As a result Key 20474 is canceled.
(#2) ODOT Key # 21601 MTIP ID 71155	ODOT	Portland Metro and Surrounding Areas Variable Message Signs	Replacement and installation of Variable Message Signs (VMS) signs to improve operations and provide real time travel information throughout the ODOT Region 1 area located in Clackamas, Hood River, Multnomah and Washington Counties.	<u>SPLIT & TRANSFER:</u> The formal amendment splits funding from Key 20601 and transfers/combines the funds into Key 20602.
(#3) ODOT Key # 21602 MTIP ID 71156	ODOT	I-5: Marquam Bridge - Capitol Highway	Install Variable Advisory Speed (VAS) and truck warning signs to improve safety by informing drivers of expected downstream conditions.	<u>COMBINE:</u> The formal amendment completes the funding and scope splits and transfers from Keys 20474 and 20601 into Key 20602.
(#4) ODOT Key # 21638 MTIP ID: 71191	ODOT	OR213: I-205— OR211 OR213: Glen Oak Rd—S Barnards Rd Sec.	Improvements including signals, reflectorized back plates, advance intersection warning signs, flashing lights, radar detection units and stop bars to increase safety on this section of highway.	<u>LIMITS CHANGE—MAJOR</u> The project limits and scope elements are reduced based on the ODOT Traffic Section assessment for the project
(#5) ODOT Key # 22614 MTIP ID: 71168	ODOT	US26: SE 8th Ave—SE 87th Ave US26: SE 8th Ave—SE 58th Ave Sec.	Update signals and improve intersection warning signage to improve safety on this section of highway.	<u>SCOPE CHANGE:</u> The formal amendment adjusts the project name, limits, and adds funding to support the revised project scope.

				The ODOT Traffic section evaluated the project scope and limits and determined the project scope could be reduced.
(#4) ODOT Key # 22164 MTIP ID: 71103	Metro TriMet	Transit Oriented Development (TOD) program (FFY 2023) Preventive Maintenance Support (FFY 2023)	Partner with developers and local jurisdictions to attract private development near transit stations to reduce auto trips and improve the cost-effectiveness of regional transit investments. (FY 2023 allocation year) Metro (RFFA Step 1) STBG/Local exchange supporting TriMet's Bus and Rail Preventative Maintenance program needs for labor and materials/services used for on-going maintenance of Bus and Rail fleets in TriMet's 3-county service district.	SCOPE CHANGE/ADVANCE: The formal amendment changes the project from the Trans Oriented Development (TOD) placeholder based on TriMet's confirmation to use the STBG fund exchange from Metro in support of the Preventative Maintenance program

AMENDMENT BUNDLE SUMMARY:

The initial December FFY 2023 Formal MTIP Amendment bundle contained six projects and has been modified to four projects. Two projects were previously processed and approved as part of last October's FFY 2023 Formal Amendment bundle. The mistake was caught shortly before the TPAC meeting. A revised amendment consisting of four projects and deletes Key 21638 and 21614 is now proposed for the December FFY 2023 Formal Amendment bundle. All related materials have been corrected to reflect the amendment bundle with only four projects.

The amendment bundle is proceeding under amendment number DC23-04-DEC with no other changes approved by TPAC. All projects are completing a 30-day public notification/opportunity to comment period consistent with Metro's Public Participation Plan. The public comment period opened on November 29, 2022, and closes on December 30, 2022.

TPAC December 2, 2022 Meeting Summary:

Ken Lobeck, Metro staff provided TPAC members their MTIP amendment notification overview of the amendment bundle contents. He advised TPAC members of the processing mistake involving Keys 21638 and 21614. Both projects are ODOT safety upgrade projects. Upon review of the scope and limits ODOT's Traffic Division determined both safety improvement projects did not require the full proposed scope and limits. The amendment requested an adjustment to the project limits and modification to the scope.

Both projects were process and approved as part of the October FFY 2023 Formal MTIP Amendment bundle. Around the same time Metro complete a Microsoft Office and Outlook email system upgrade. An upgrade error occurred in the MTIP Amendment email submission folder. Both projects remained in the “unprocessed” section of the amendment email folder. Unfortunately, both projects were missed as already processed and inadvertently added again to the December FFY 2023 Formal Amendment bundle. Staff was contacted about the double processing issues a day prior to TPAC. Appropriate corrections to remove both projects were and approved by TPAC under Modification #1. The modified amendment bundle was approved by TPAC and now moves on to JPACT.

JPACT December 15, 2022 Meeting Summary:

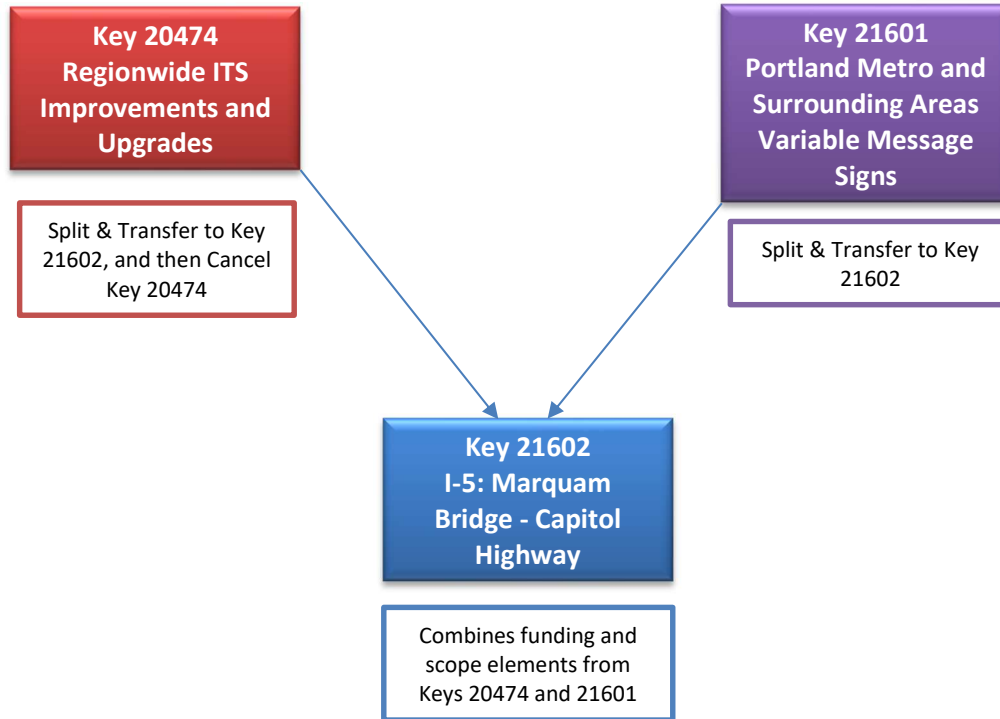
The December FFY 2023 Formal MTIP Amendment was included on the JPACT Consent agenda. The passed unanimously with no discussion.

A more detailed overview of each project amendment in the bundle begins below.

Project #1 Key 20474	Regionwide ITS Improvements and Upgrades (Split & Cancel) Lead Agency: ODOT
<u>Project Description:</u> Install new or upgraded variable message signs (VMS); travel-time signs; network/communication technology; and other intelligent transportation system (ITS) functionality at various locations throughout Region 1	
Identifications/Key Consistency Check Areas: <ul style="list-style-type: none"> • Lead Agency: ODOT • ODOT Key Number: 20474 • MTIP ID#: 71002 • RTP ID: 11584 • Proof-of Funding/Fiscal Constraint Demonstrated: Yes • Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements • OTC approval required: No. • Performance Measurements applicable: No. Remaining scope is being transferred to Key 21602 • Special Amendment Performance Assessment Required: No • Were overall RTP Consistency checks achieved and satisfactory: Yes • Can the required changes be made, or can the project be added to the MTIP without issues: Yes 	
<u>Description of Changes</u> The formal amendment transfers the remaining unexpended funding (\$292,947 total) to Key 21602 along with the scope elements. Initial research and scope evaluation determined the total project cost was well outside of the available budget. The unexpended funds and scope will be applied to the "I-5: Marquam Bridge to Capitol Hwy" project in Key 21602 which will install Variable Advisory Speed (VAS) and truck warning signs to improve safety by informing drivers of expected downstream conditions. The scope surrounds the need for the Iowa site improvement location initially in Key 20474 to be shifted to Key 21602 which ODOT has deemed a high priority. The actions to Key 20474 result in the project being canceled which triggers the need for the formal amendment.	

Project #2 Key 21601	Portland Metro and Surrounding Areas Variable Message Signs (Split & Transfer) Lead Agency: ODOT
<u>Project Description:</u> Replacement and installation of Variable Message Signs (VMS) signs to improve operations and provide real time travel information throughout the ODOT Region 1 area located in Clackamas, Hood River, Multnomah and Washington Counties.	
Identifications/Key Consistency Check Areas: <ul style="list-style-type: none"> • Lead Agency: ODOT • ODOT Key Number: 21601 • MTIP ID#: 71155 • RTP ID: 11584 • Proof-of Funding/Fiscal Constraint Demonstrated: Yes • Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements • OTC approval required: No. • Performance Measurements applicable: No. Funding is being split and transferred to Key 21602 • Special Amendment Performance Assessment Required: No • Were overall RTP Consistency checks achieved and satisfactory: Yes • Can the required changes be made, or can the project be added to the MTIP without issues: Yes 	
<u>Description of Changes</u> The formal amendment splits and transfers funding, and combines the funds into Key 21602. Key 21601 functions as an ITS project grouping bucket with revenues dedicated to active traffic management. The purpose of the Portland Metro and surrounding areas variable message signs project (K21601) is the replacement and installation of Variable Message Signs (VMS) signs to improve operations and provide real time travel information throughout the ODOT Region 1 area located in Clackamas, Hood River, Multnomah and Washington Counties. The proposed change will move funds to K21602 to deliver improvements at four locations on I-5 between the Marquam Bridge and Capitol Highway. This one of two funding contributions to Key 21602 with the other from Key 20474. The added funding supports ITS scope elements combined from Key 20474 into Key 21602. Summary of Splitting, transfer, canceling, and combining actions to Keys 20474, 21601, and 21602 All three projects involve related Intelligent Transportation System (ITS) Active Traffic Management	

(ATM) improvements

**Support Item(s): Summary of funding transfer:****Requested Action:**

Approve amending the 2021-2024 Statewide Transportation Improvement Program (STIP) reducing scope and budget on *Portland Metro and surrounding areas variable message signs* project.

Project being reduced:

Portland Metro and surrounding areas variable message signs (K21601)			
PHASE	YEAR	COST	
		Current	Proposed
Preliminary Engineering	2023	\$328,437	\$328,437
Construction	2024	\$1,314,085	\$266,572
TOTAL		\$1,642,522	\$595,009

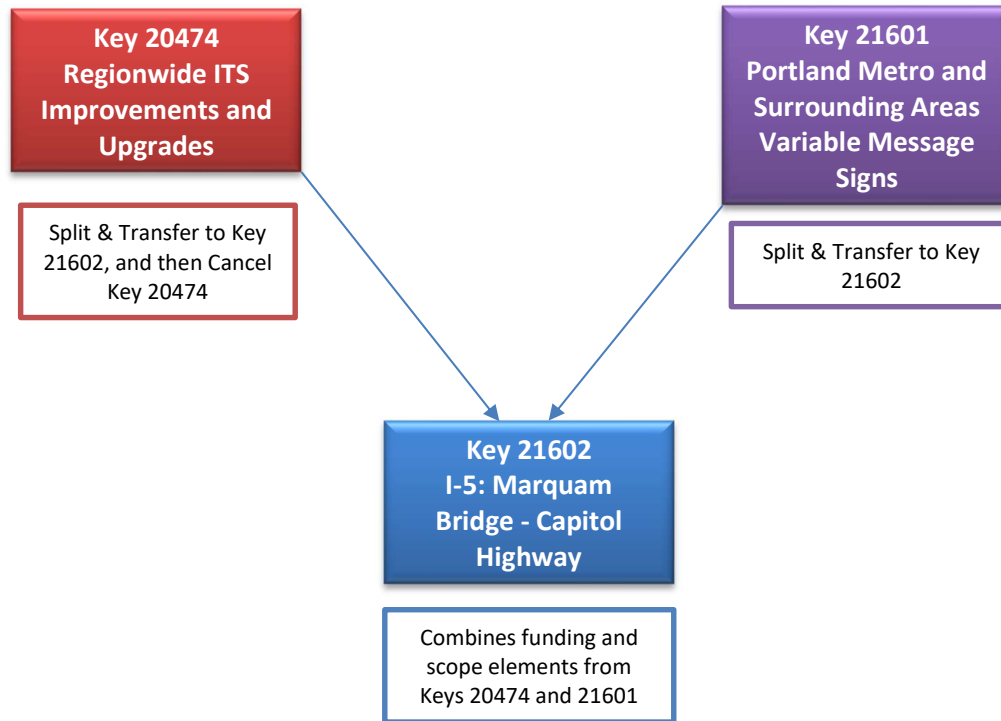
Key 21601 functions as a regional revenue project grouping bucket (PGB) supporting Active Traffic Management Improvements across the three counties within the Metro MPA boundary.



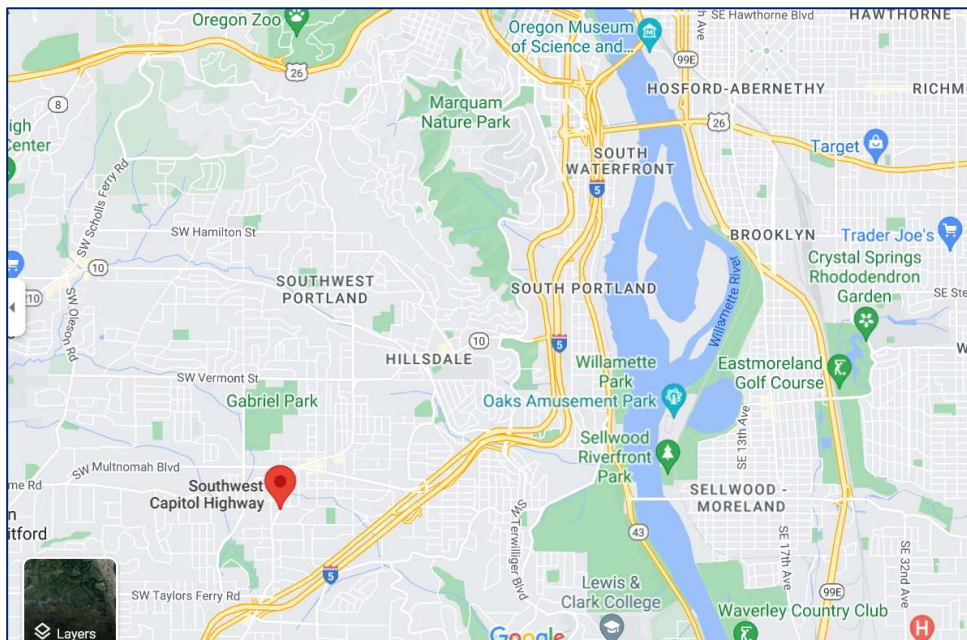
Project #3 Key 21602	I-5: Marquam Bridge - Capitol Highway (Split & Transfer) Lead Agency: ODOT
<u>Project Description:</u> Install Variable Advisory Speed (VAS) and truck warning signs to improve safety by informing drivers of expected downstream conditions.	
Identifications/Key Consistency Check Areas: <ul style="list-style-type: none"> • Lead Agency: ODOT • ODOT Key Number: 21602 • MTIP ID#: 71156 • RTP ID: 11584 • Proof-of Funding/Fiscal Constraint Demonstrated: Yes • Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements • OTC approval required: No. • Performance Measurements applicable: No. Funding is being split and transferred to Key 21602 • Special Amendment Performance Assessment Required: No • Were overall RTP Consistency checks achieved and satisfactory: Yes • Can the required changes be made, or can the project be added to the MTIP without issues: Yes 	
<u>Description of Changes</u> The formal amendment completes the funding splits and scope transfers from Key 20474 and 21601. Changing the scope between Key 20474 and Key 21602 was a result that the total PE design estimate that covers (ODOT fees in addition to the consultant fees) came much higher than the STIP PE budget. The PE budget in the STIP that was underestimated during the scoping. ODOT went through several exercises to evaluate the scope and budget for this project also evaluated other locations from other projects based on their priorities in addition to find other source of safety fund to cover the gap. Advance investigation was performed by ODOT and based on traffic recommendations it was recommended to Move the NB-Iowa Location from K20474 to K21602 based on the priority and high ranked. Budget change actions: <ol style="list-style-type: none"> 1. The PE phase budget is increased to cover the gap on the PE fund to cover (ODOT fees and the consultant fees) that came much higher than the estimated STIP PE amount. The current PE budget that shows in the STIP was underestimated during the scoping. 2. Other actions included the creation of the Other phase to make it available to the ITS' group to purchase the VMS signs utilizing the current contract. The VMS cost is locked in the current contract and Salem ITS group recommended to use the contract to avoid the cost getting higher because of the material inflation. 	

3. The final action decreases the construction phase to move \$514,000 to the OTHER phase to purchase the VMS.

Summary of Splitting, transfer, canceling, and combining actions to Keys 20474, 21601, and 21602
All three projects involve related Intelligent Transportation System (ITS) Active Traffic Management (ATM) improvements




Support Item(s): General project location map



Project #4 Key 22164 The Key # will be changed	Transit Oriented Development (TOD) program (FFY 2023) Preventive Maintenance Support (FFY 2023) (Scope Change) Lead Agency: Metro TriMet
<p><u>Project Description:</u></p> <p>Partner with developers and local jurisdictions to attract private development near transit stations to reduce auto trips and improve the cost-effectiveness of regional transit investments. (FY 2023 allocation year)</p> <p>Metro (RFFA Step 1) STBG/Local exchange supporting TriMet's Bus and Rail Preventative Maintenance program needs for labor and materials/services used for on-going maintenance of Bus and Rail fleets in TriMet's 3- county service district.</p>	
<p>Identifications/Key Consistency Check Areas:</p> <ul style="list-style-type: none"> • Lead Agency: TriMet • ODOT Key Number: 22164. Note: The project is being advanced from FFY 2025 which is outside of the constrained STIP to FFY 2023. From the STIP perspective, it appears a new project is being added. Because of this, a new ODOT Key number must be assigned to the project to be reprogrammed in FFY 2023. • MTIP ID#: 71103 • RTP ID: 11335 • Proof-of Funding/Fiscal Constraint Demonstrated: Yes • Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements • OTC approval: No. • Performance Measurements applicable: Yes – Congestion mitigation • Special Amendment Performance Assessment Required: No • Were overall RTP Consistency checks achieved and satisfactory: Yes • Can the required changes be made, or can the project be added to the MTIP without issues: Yes 	
<p><u>Description of Changes</u></p> <p>Each year Metro and TriMet complete a fund exchange to help better leverage both agency's funds. Metro exchanges allocated Surface Transportation Bloc Grant (STBG) for TriMet local funds. Metro uses the local funds to support their Transit Oriented Development (TOD) program outreach activities. By defederalizing the TOD program and funding it with local funds, a greater and more efficient use of the funds results.</p> <p>TriMet receives STBG from Metro. The STBG is eligible to be flex transferred over to FTA to support various FTA transit program areas. TriMet already commits federal funds to their annual Preventative Maintenance program. Through the exchange, TriMet adds the STBG to their federalized annual Preventative Maintenance program.</p> <p>In a few past years, FTA's formula fund apportionments (5307, 5310, 5339, etc.) were not consistent. To provide maximum flexibility from the fund exchange, Metro set-up a federalized TOD placeholder project that provided extra time to TriMet to resolve any apportionment issues and decide how they wanted to apply STBG. The current TOD project in Key 22164 was created</p>	

with the understanding that it would be converted into the final transit support area when TriMet was ready to flex transfer and obligate the funds.

The formal now occurring is converting the project base don TriMet's confirmation to support their annual Preventative Maintenance program

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details costs programming map amendments obligations earmarks comments rffa

ODOT Key: 22164 | MTIP ID: 71103

Transit Oriented Development (TOD) program (FFY 2023) - Cycle 2021-26

Current Programming

phase	year	fund type	federal amount	minimum local match	other amount	total	hold from mtip
Other (explain)	2025		\$3,600,373	\$412,079		\$4,012,452	<input type="checkbox"/>
	2023	STBG-URBAN	\$3,600,373	\$412,079		\$4,012,452	
Totals >>			\$3,600,373	\$412,079	\$0	\$4,012,452	

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 and eligible to be programmed in the MTIP.
- Passes fiscal constraint verification.
- 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
- Consistent with RTP project costs when compared with programming amounts in the MTIP
- If a capacity enhancing project, the project is identified in the approved Metro modeling network and has completed required air conformity analysis and transportation demand modeling
- 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.
- Reviewed and determined that Performance Measurement will or will not apply.
- Completion of the required 30-day Public Notification period:
- Meets MPO responsibility actions including project monitoring, fund obligations, and expenditure of allocated funds in a timely fashion.

APPROVAL STEPS AND TIMING

Metro's approval process for formal amendment includes multiple steps. The required approvals for the December FFY 2023 Formal MTIP amendment (DC23-04-DEC) will include the following:

<u>Action</u>	<u>Target Date</u>
• TPAC Agenda mail-out.....	November 22, 2022
• Initiate the required 30-day public notification process.....	November 29, 2022
• TPAC notification and approval recommendation.....	December 2, 2022
• JPACT approval and recommendation to Council.....	December 15, 2022
• Completion of public notification process.....	December 30, 2022
• Metro Council approval.....	January 5, 2023

Notes:

* The above dates are estimates. JPACT and Council meeting dates could change.

** If any notable comments are received during the public comment period requiring follow-on discussions, they will be addressed by JPACT.

USDOT Approval Steps (The below timeline is an estimation only):

<u>Action</u>	<u>Target Date</u>
• Final amendment package submission to ODOT & USDOT.....	January 12, 2023
• USDOT clarification and final amendment approval.....	Early to mid-February 2023

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 22-5299 on December 15, 2022 and now recommends Metro Council provide the final approval step to Resolution 22-5299 consisting of the four remaining amended projects enabling federal reviews and fund obligations to then occur.

No Attachments