

2019-21 RECOMMENDED REGIONAL FLEXIBLE FUND GRANTEES CONDITIONS OF APPROVAL

Conditions of approval are mechanisms to ensure the intent of the decision making body approving the projects is followed post allocation and into project design and construction. These conditions are intended to make sure that projects are built according to the elements proposed in the applications and approved by JPACT and Metro Council. Projects can be reviewed at any point in the process for consistency with the conditions of approval and action taken if they are not adhered to.

The conditions of approval emerged from two avenues: 1) comments provided by Metro and ODOT staff; and 2) public comment received from the regional public comment period. Both public and staff comments were provided to the project applicants and Metro requested all project applicants respond to comments. Based on the responses, conditions of approval were developed.

There are two sets of conditions which apply to projects: 1) conditions which address all projects; and 2) project specific conditions. The conditions for all projects outline expectations for which projects the funds are to be used, acknowledgments, and guidelines for design. The project-specific conditions outline expectations to create the best project possible. Many of the proposed projects are at different stages of development (e.g. some are in planning phases while others are ready for construction), so some of the same conditions were applied to projects based on the project's stage in development.

Conditions applied to all projects and programs:

1. Funding is awarded to the JPACT-recommended projects for the 2019-21 Regional Flexible Fund Allocation. If any project is determined to be infeasible, or is completed without expending all of the flexible funds awarded, any remaining flexible funds for that project shall revert to the regional pool for the next flexible fund allocation (i.e. 2022-24), to be distributed among the region, per MTIP/RFFA policy. Or, the project sponsor/local jurisdiction receiving the flexible funds may request that JPACT reallocate the funds per the MTIP amendment process.
2. The award amount is the total amount being provided to deliver the JPACT-recommended project. The project sponsor/local jurisdiction is expected to resolve any cost overruns or unexpected costs to emerge. It is understood by the project sponsor/local jurisdiction that Metro does not have any further financial commitment/responsibility beyond providing the amount awarded.
3. Project scopes will include what is written in their project application narrative and project refinements in response to comments. Requests for adjustments to project scopes shall be made in writing to the MTIP Project Manager utilizing the amendment procedures adopted in the MTIP (2018-21 MTIP amendment procedures are currently defined in chapter 6). Changes in project scopes must be approved by Metro to ensure the original intent of the project is still being delivered.
4. All projects will be consistent with street design guidelines as defined in the Creating Livable Streets guidebook (Metro; 2nd edition; June 2002 or subsequent edition in effect at the time a funding intergovernmental agreement is signed), as determined by the Metro Planning Director or designee.
5. All projects with bicycle and pedestrian components will update local network maps and provide relevant bike and pedestrian network data to Metro. Metro will provide guidelines on network data submissions upon request. Additionally all projects will implement sufficient wayfinding

signage consistent with Metro sign guidelines. (Ex. Metro's Intertwine Design Guidelines: http://library.oregonmetro.gov/files/intertwine_regional_trail_signage_guidelines.pdf) The Intertwine Design Guidelines will be updated to be consistent with federal guidelines.

6. All projects with ITS elements will be consistent with National ITS Architecture and Standards and Final Rule (23 CFR Section 940) and Regional ITS Architecture. This includes completing a systems engineering process during project development to be documented through the systems engineering form and submitted to Metro for inventory purposes. For further guidance, consult ODOT's ITS compliance checklist at: <https://www.oregon.gov/ODOT/HWY/ITS/Documents/ITS%20Systems%20Engineering%20Checklist.pdf>
7. All project public notifications and materials created or printed for the purposes of the project, including both printed and web-based information, shall acknowledge Metro as a partner. Acknowledgement can be in the form of: include the Metro logo on print or online materials, spoken attribution, and/or Metro staff at events. Metro will provide partners with Metro logos and usage guidelines upon request.
8. All projects will meet federal Title VI and Environmental Justice requirements and Metro guidelines for public involvement (as applicable to the project phase, including planning and project development) as self-certified in each application. As appropriate, local data and knowledge shall be used to supplement analysis and inform public involvement. Metro guidelines for public involvement can be found in the Public Engagement Guide Appendix G: Local Engagement and Non-Discrimination Checklist. (http://www.oregonmetro.gov/sites/default/files/final_draft_public_engagement_guide_112113.pdf)
9. Per new federal requirements all projects will implement monitoring measures and performance evaluation to be reviewed by Metro. Performance evaluation measures are to be responsive to MAP-21 and FAST Act requirements and relevant to the type of project and project phase. (<http://www.fhwa.dot.gov/tpm/about/nhnp.cfm>) Additionally, all projects will share monitoring data and information upon request by Metro.
10. For federally funded projects, lead agencies awarded RFFA will comply with ODOT Local Agency Liaison (LAL) project re-submission requirements (e.g. completion of detailed scope of work, budget, project prospectus, etc.) as deemed required and in the proper format as part of the federal delivery process to complete required MTIP & STIP programming, initiate development and execution of the Intergovernmental Agreement (IGA), plus obligate and expend awarded federal funds for the project.
11. Locally funded projects – projects to be funded via an exchange of federal funds for local funding – will be subject to concurrence with ODOT that the project does not contain any conflicts with ODOT right-of-way or facilities, and must comply with Metro's requirements for funding as defined through an intergovernmental agreement.

Active Transportation and Complete Streets projects:

City of Gresham – Complete Cleveland Street

- a. Project funding award is contingent upon the City's commitment of \$2,000,000 of local transportation system development charge (SDC) funding to contribute towards the Complete Division Street project, as defined in the City's Regional Flexible Fund Allocation (RFFA) submitted application.
- b. The City has indicated a commitment to investing these system development funds in the Complete Division Street project, to be paid for with a planned-for increase in the City's SDC rates.
- c. The City agrees to enter an Intergovernmental Agreement (IGA) with Metro prior to the funding obligation for the Complete Cleveland Street project. This IGA will be agreed upon by Jan. 1, 2018, or the parties will pursue mediation. The IGA will specifically memorialize the following key elements of agreement:
 1. The \$2,000,000 of local system development charge funds will be used in a timeframe as agreed upon by the City and Metro, up to and including potential debt vehicles provided by partner agencies in order to accomplish key project elements as quickly as possible.
 2. The City agrees to construction of the Complete Division Street Project as described in the RFFA submitted application on a schedule agreed upon by the City and Metro, understanding that external funding is required to complete financing for the full project scope.
 3. The City agrees to work with partner agencies to complete key project elements within the 2019-2021 timeframe and on a schedule agreed upon by the City and Metro.
 4. The City agrees to work with Metro, TriMet, and other external partners to prioritize the Complete Division Street Project for external funding.
 5. If the City is unable to secure full funding for the Division Street project to complete construction within the 2019-2021 timeframe, Metro and the City can amend the IGA to extend the construction schedule.
- d. The project agreement between ODOT and the City for the Complete Cleveland Street project will include language indicating the above contingencies regarding the Complete Division Street project. If the above contingencies are not fulfilled, JPACT and the Metro Council have the option to take action to remove funding for the Complete Cleveland Street project.

City of Portland – Brentwood-Darlington Safe Routes to School

- a. Project scope will be reduced by eliminating the segment from 32nd to 52nd, and the connection from 87th and Flavel to the Springwater Corridor.
- b. The segment from 32nd to 52nd will be constructed at a later time using local funds.
- c. PBOT and Portland Parks and Recreation are discussing using local funds to construct the connection to the Springwater Corridor.
- d. PBOT will increase amount of local matching funds from \$3,100,000 to \$3,150,000.

City of Portland – Cully Walking and Biking Parkway

- a. The project will utilize a neighborhood greenway design between Sandy and Prescott.
- b. The project is a candidate for funding via a federal funding exchange, as it does not impact any ODOT facilities or any NHS roadways.
- c. PBOT has requested a project start date in 2017 or 2018.

City of Portland – Halsey Street Safety and Access to Transit

- a. Project scope will be reduced by removing elements redundant with the Seventies Neighborhood Greenway project. That project includes re-striping of NE Halsey St west of 80th Ave, and the crossing in the vicinity of 65th and Halsey.
- b. PBOT will increase amount of local matching funds from \$2,167,200 to \$2,580,000.

City of Portland – Jade and Montavilla Connected Centers

- a. Project scope will be reduced by removing the element improving SE Alder St from 82nd to 84th. If anticipated circulation changes around 82nd/Stark/Washington are approved by ODOT and implemented, the need to address cut-through traffic on Alder is removed.
- b. PBOT will increase amount of local matching funds from \$3,941,500 to \$3,994,000.

City of Oregon City – Molalla Avenue Walking and Biking Improvements

- a. Project is a candidate for funding via a federal funds exchange. Scope will be adjusted so as not to impact OR 213 if doing so would create an issue with using local funding on the project.
- b. TriMet has committed \$21,000 in transit stop amenities in the project area, based on a RFFA funding award.
- c. The City has requested a project start date in 2018.

City of Tualatin – Herman Road Walking and Biking Improvements

- a. No additional conditions.

City of West Linn – Highway 43 Walking and Biking Improvements

- a. ODOT has committed \$1,100,000 in funding to this project.
- b. The City will increase amount of local matching funds from \$1,310,000 to \$1,710,000.

City of Wilsonville – I-5 Walking and Biking Bridge

- a. No additional conditions.

Tualatin Hills Parks and Recreation District – Beaverton Creek Trail

- a. THPRD will increase amount of local matching funds by \$199,187.

Regional Freight Initiatives:

City of Portland – Central Eastside Access & Circulation Improvements

- a. PBOT will increase amount of local matching funds from \$2,400,000 to \$2,596,554.
- b. PBOT will seek additional potential cost savings through various means, including federal funds exchange and project scope adjustments. These further cost savings, up to \$210,000, will be added to 2019-21 RFFA funding for Regional Freight Studies.

City of Tigard – Hunziker Road Industrial Area

- a. Project is a candidate for federal funds exchange. The City has indicated a potential cost savings of \$30,000 by using local funding on the project.
- b. The City will seek additional cost savings through scope reductions or using development funding to pay for certain project elements (i.e. sidewalks fronting developed parcels) to accommodate a total reduction in RFFA funding from \$1,851,740 to \$1,730,516. Any change in implementation or scope reduction must be approved by the Metro Planning & Development Director as consistent with the overall objectives and expected outcomes of the original application.

Washington County – Basalt Creek Parkway Extension

- a. The County will seek additional cost savings or increase local funding to reduce their RFFA award to \$2,803,605.

Metro – Regional Freight Studies

- a. As noted above, RFFA cost savings achieved by PBOT on the Central Eastside project, up to \$210,000, will be repurposed to conduct freight studies on behalf of the region.
- b. Specific studies to be funded through this method will be brought before TPAC for discussion and input prior to commencing work and approved through the annual Unified Planning Work Program (UPWP) adoption process.

Planning and Region-wide Programs:

The high capacity transit bond payment will be completed consistent with Metro Resolution 10-4185 regarding the multi-year commitment of regional flexible funds and the subsequent Metro and TriMet intergovernmental agreement to implement Resolution 10-4185.

Planning activities and region-wide programs funded with regional flexible funds must be implemented consistent with the Unified Planning Work Program (UPWP). Additionally, the following programs and planning activities are guided by and must be consistent with the following plans and legislation or as updated by any subsequent legislation (including most current UPWP) adopted by JPACT and the Metro Council directing program or plan activities:

- Transit Oriented Development: TOD Strategic Plan
- Regional Travel Options: RTO Strategic Plan (to be updated in 2017-18 to include guidance for additional investments for Safe Routes to School and 2014 Climate Smart Strategy implementation.)
- Corridor and Systems Planning, Regional Freight Studies: Unified Planning Work Program, 2014 Regional Transportation Plan and its components, including 2010 Regional Transportation System Management and Operations Plan, 2010 Regional Freight Plan, 2014 Regional Active Transportation Plan, and 2014 Climate Smart Strategy
- Transportation System Management and Operations: 2014 RTP – TSMO vision and plan components; 2010-2020 Regional TSMO Plan (to be updated in 2017-2018 to include guidance for Climate Smart Strategy implementation.)
- High Capacity Transit development

Requests for adjustments to program activities shall be made in writing to the UPWP Project Manager utilizing the amendment procedures adopted in the UPWP. Requests for changes in regional flexible fund allocations to region-wide programs or planning shall be made in writing to the MTIP Project Manager utilizing the amendment procedures adopted in the MTIP.