

Memo



Metro

600 NE Grand Ave.
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Date: Friday, September 21, 2017
To: Metro Council and Interested Parties
From: Ken Lobeck, Funding Programs Lead, 503-797-1785
Subject: August 2017 MTIP Formal Amendment plus Approval Request of Resolution 17-4830

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO ADD A NEW HB2017 AWARDED PROJECT, THE I-205 JOHNSON CREEK TO GLENN JACKSON BRIDGE CORRIDOR BOTTLENECK AND ATMS PROJECT PLUS AMEND A SECOND EXISTING PROJECT WITH HB2017 CONDITIONED FUNDING, THE I-205 STAFFORD RD TO OR99E PROJECT AFFECTING ODOT WHICH COMPRISE THE AUGUST 2017 FORMAL MTIP AMENDMENT (AG17-01-AUG)

PREVIOUS ACTIONS

<u>Committee</u>	<u>Date</u>	<u>Action</u>
• TPAC	August 25, 2017	Approved
• JPACT	September 21, 2017	Approved

BACKGROUND

A Modified Amendment Approval Request:

This staff report has been modified and updated from the initial version proposed to TPAC on August 25, 2017. TPAC did receive the modified amendment proposal during their meeting which is covered in detail in this staff report. TPAC unanimously approved the modified formal amendment proposal which is now being brought to JPACT for review and approval. The above resolution purpose statement, draft Resolution 17-4830, Exhibit A (before and after funding tables) to Resolution 17-4830, support documentation, the public notification tables, and 30-day notification/comment period all have been updated as required to now reflect the correct information as part of the August 2017 Formal Amendment to the 2018 MTIP.

What the Modified August 2017 Formal MTIP Amendment Now Includes:

The August 2017 Formal MTIP Amendment bundle contains required changes and updates to two urgent HB2017 projects that affect ODOT, the 2018 STIP, the 2018 MTIP, and the implementation of HB2017. The August 2017 Formal MTIP Amendment represents the first amendment to the new 2018-21 MTIP. Highlights of the required changes include:

- **Key TBD – New Project Addition:**

- **Short Name: I-205 Corridor Bottleneck Project**
- Expanded Name: I-205 Johnson Creek to Glenn Jackson Bridge Corridor Bottleneck CBOS and ATMS Project
- Lead Agency: ODOT
- Description & Impact: Tied to the implementation of HB2017 with a delivery condition that triggers the gas tax increases stipulated in HB2017. The project will implement approved strategies from the Corridor Bottleneck Operations Study (CBOS) which primarily includes construction of NB auxiliary lane segments on I-205 from Powell Blvd NB to EB I-84 also including various ramp work improvements. The project also will implement Active Transportation Management System (ATMS) improvements (Intelligent Transportation type scope elements) along NB and SB I-205 from Johnson Creek to the Glenn Jackson Bridge.
- Programming Total: \$30.7 million

- **Key 19786 – Existing Project Adding Funding:**

- Project Name: I-205: Stafford Rd to OR99E
- Lead Agency: ODOT
- Description and Impact: Planning activities to add a third lane in each direction between Stafford Road and OR43 and a forth lane on the Abernethy Bridge to help separate through traffic.
- Description and Impact: Programming Total: A total of \$10 million for the Preliminary Engineering (PE) phase is being added to that consist of federal National Highway Freight Program (NHFP) and matching funds.

ODOT requested a second modification on 9-8-2017 to revise the programming fund codes for the HB2017 awarded projects. ODOT initially provided guidance that the state fund code “HB2017” would be used for all HB2017 awarded projects. However, to address fund leveraging needs, ODOT-Salem decided to replace the HB2017 fund code with the federal general fund code of “Advance Construction” or ADVCON. The use of this fund code identifies the project as federalized project. The final federal and/or state fund codes to be committed to the project can occur later. For projects on the Interstate system, the required match will be 7.78% with the federal share equaling 92.22%. For HB2017 awarded projects not on the Interstate system, the match requirement is set at 10.27% with the federal share equaling 89.73%. To help ensure the HB2017 name projects don’t get lost in the fund leveraging effort, and for financial constraint monitoring requirements, all HB2017 awarded projects will include an earmark tag identifying the project as an HB2017 named and awarded project along with the original funding award in the MTIP description for the project.

What is the requested action?

JPACT recommends approval of Metro Council of resolution 17-4830 to JPACT enabling the two projects to be amended in the new 2018-21 MTIP allowing final approval to then occur from USDOT before the end of October 2017. Timing is urgent for both projects to complete their required amendment approvals.

JPACT vote note: There was one opposing vote cast at JPACT concerning approval of Resolution 17-4830. The opposing vote came from the Washington Clark County JPACT member who expressed serious concern over the funding structure of HB2017. It was her interpretation that the “conditioned” funding requirement for the I-205 CBOS-ATMS project was being driven from expected future revenues from the value pricing/congestion pricing effort discussed in the legislation. Metro ODOT staff explained that the two specific projects in the amendment and all of

the named programmatic projects considered awarded HB2017 projects (totaling 112 projects) are HB2017 funded projects. Three freight category projects are conditioned to move forward now and apply federal National Highway Freight Program (NHFP) funds as well. The HB2017 condition on the I-205 CBOS-ATMS project relates to the delivery timing for the project. The I-205 CBOS-ATMS project must be delivered before the end of 2019 in order for the gas tax increase to be implemented. All of the named and/or programmatic HB2017 awarded projects are not tied to the congestion pricing study ODOT must also complete.

Why is this amendment occurring now?

House Bill 2017 provides additional funding for projects named in the bill and for bridge, pavement, culvert, seismic and safety projects. The attached list includes all of these projects that are funded for the 2018-2021 timeframe. Future STIP updates will incorporate the remaining named projects and other funded projects.

HB2017 stipulates various required benchmarks and process completion steps to occur which the Oregon Transportation Commission must verify. The I-205 CBOS-ATMS project is tied to the proposed gas tax increase. The condition for the gas tax increase to occur is predicated on the I-205 CBOS-ATMS project being delivered before the end of 2019. The delivery timing for both projects requires an accelerated amendment and development process to occur. HB2017 also conditions the I-205 Stafford Road to OR99E project to add federal National Highway Freight funds now to keep the project moving.

A summary of the projects included in the August 2017 Formal MTIP Amendment bundle is provided in the following tables.

1. Project: I-205 JOHNSON CREEK TO GLENN JACKSON BRIDGE CORRIDOR BOTTLENECK AND ATMS PROJECT	
Lead Agency:	ODOT
ODOT Key Number:	New TBD. The Key number has not yet been assigned to the project
Project Description:	The project will implement approved strategies from the Corridor Bottleneck Operations Study (CBOS) which primarily includes construction of NB auxiliary lane segments on I-205 from Powell Blvd NB to EB I-84 also including various ramp work improvements. The project also will implement Active transportation Management System (ATMS) improvements (Intelligent Transportation type scope elements) along NB and SB I-205 from Johnson Creek to the Glenn Jackson bridge.
What is changing?	This is a new project being added to the 2018 MTIP with funding awarded from HB2017.
Additional Details:	This project is tied to the HB2017 proposed gas tax increase and conditioned to be delivered by the end of 2019 to trigger the gas tax increase. The full project is being added to the 2018 MTIP through this amendment.
CBOS Study I-205 NB Proposed Improvements	<p>The I-205 NB proposed improvements primarily consist of adding auxiliary lane segments and completing require rehab work to existing ramps between US26 (Powell Blvd north to eastbound I-84. The proposed segments identified in the CBOS study include the following NB aux lanes (Note: The project's cleared NEPA document and final design will determine the specific aux lane segments.):</p> <ul style="list-style-type: none"> - I-205 NB: Powell Blvd. Entrance Ramp to Division St Entrance Ramp – Auxiliary Lane Extension and 2-Lane Exit at Washington St - I-205 NB: Phase 1 Powell Blvd Entrance to Washington Street Exit Ramp Exit Ramp-Auxiliary Lane Extension - I-205 NB: Phase 2 – Washington Street Exit Ramp to Glisan St Exit Ramp – Auxiliary Lane Extension - I-205 NB: Phase 3 – Glisan St Exit Ramp to I-84 WB Exit Ramp – Auxiliary Lane

	<p>Extension</p> <ul style="list-style-type: none"> - I-205 NB: Phase 4 – Division Street to Stark S/Washington Street Exit Ramp – Auxiliary Lane Extension w/ 2-Lane Exit at Washington Street - I-205 NB: I-205 Division Street Entrance Ramp to I-84 WB Exit Ramp – Auxiliary Lane Extension w/ 2-Lane Exit at Washington St <p>(Note: See Attachment 4 for aux lane exhibits)</p>
Why a Formal amendment is required?	Per the FHWA STIP and MTIP amendment matrix, adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized requires a full/formal amendment to be completed to add the project to the MTIP.
Total Programmed Amount:	\$30,700,000 of state HB2017 awarded funds.
Other and Notes:	OTC approval was required for this project. Approval occurred during their August 17, 2017 meeting. Reference OTC August 17, 2017 Agenda item C. Proof of funding is now considered verified and available to the project by this action.

2. Project: I-205: Stafford Rd – OR99E	
Lead Agency:	ODOT
ODOT Key Number:	19786
Project Description:	This project is a major capacity enhancing project that will add a third through-lane on I-205 and improvements the Abernethy Bridge
What is Changing?	This is a HB2017 conditioned project to add funding now to the PE
Additional Details:	A total of \$10 million of federal National Highway Freight Program (NHFP) and matching funds are being added to the project's Preliminary Engineering phase to continue development of this project. NHFP portion = \$9,222,000. Required matching funds = \$778,000.
Why a Formal amendment?	Per the FHWA STIP and MTIP amendment matrix, cost changes that exceed 20% to existing \$1 million dollar or greater projects require a full/formal amendment to be completed to add the project to the MTIP.
Total Programmed Amount:	The project currently has \$2,500,000 of NHFP & match programmed for Planning pre NEPA project development activities. Through this amendment, an additional \$10 million of NHFP & match will be added to the Preliminary Engineering (PE) phase in support of required NEPA environmental and project development/design activities.
Other and Notes:	OTC approval occurred during their August 17, 2017 meeting. Proof of funding is now considered verified and available to the project by this action.

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 seven MTIP review factors. The seven factors include:

- Project eligibility/proof of funding commitment and verification:
 - OTC approval August 17, 2017.
 - HB2017 proof of funding verified through OTC action on August 17, 2017.
 - Note: The remaining HB2017 named projects are expected to go to OTC for approval during their September 2017 meeting.
- RTP consistency review with the financially constrained element:
 - The capacity enhancing scope elements (aux lane portion) are named projects in the current approved constrained 2014 RTP.
 - RTP project references include:

- Project #11370: I-205 NB Phase 1 Aux Lane – Powell Blvd north to Division Street
 - Project #11399: I-205 NB Phase 2: Aux Lane Extension – Division St to I-84 WB Exit Ramp
 - Project #11398: I-205 NB Auxiliary Lane – I-84 to Killingsworth St Exit Ramp
- RTP goals and strategies consistency: The I-205 CBOS-ATMS project is in support of multiple RTP goals that include:
 - Goal 4: Emphasize Effective and Efficient Management of the Transportation System
 - Objective 4.1 Traffic Management: Apply technology solutions to actively manage the transportation system.
 - Objective 4.2 Traveler Information – Provide comprehensive real-time traveler information to people and businesses in the region.
 - Objective 4.3 Incident Management – Improve traffic incident detection and clearance times on the region's transit, arterial and throughways networks.
 - Goal 9: Ensure Fiscal Stewardship:
 - Objective 9.1 Asset Management– Adequately update, repair and maintain transportation facilities and services to preserve their function, maintain their useful life and eliminate maintenance backlogs.
 - Objective 9.2 Maximize Return on Public Investment - Make transportation investment decisions that use public resources effectively and efficiently, using a performance-based planning approach supported by data and analyses that include all transportation modes.
- Amendment type determination; **Formal** or Administrative:
 - Adding a new project to the MTIP is required per the FHWA STIP & MTIP Amendment Matrix.
 - Guidance: FHWA STIP/MTIP Amendment Matrix which includes:
 - Adding or cancelling a federally funded and regionally significant project to the STIP and state funded projects which will potentially be federalized.
 - Cost changes above 20% for \$1 million dollar or greater projects require a full/formal MTIP amendment.
- Air conformity review:
 - The I-205 NB aux lane segments are conformed as part of the 2014 RTP.
 - Reference 2014 RTP projects 113470, 11399, & 11398.
- Fiscal constraint verification:
 - Both projects are named projects in HB2017
 - Verification and approval of project funding also occurred through the ODOT review and verification, plus OTC action on August 17, 2017
 - Secondary formal project approvals by OCT on September 22, 2017
- MPO responsibilities completion:
 - Completion of the required 30 day Public Notification period:
 - Initiated on August 17, 2017 with a planned conclusion on September 25, 2017
- Other: The I-205 Stafford Rd to OR99E project is a capacity enhancing project that will add a 3rd through lane in each direction within the project limits. At this time only funding for PE activities is being added to the MTIP. At this point in the project development's life, it is not subject to air conformity or verification that the project is included in the Metro modal network as part of the

required RTP consistency check. To add funding for the right of way and construction phases, the project will need to be included in the constrained 2018 RTP. Per review with ODOT staff, ODOT has submitted the project for inclusion in constrained 2018 RTP.

MPO responsibilities include the completion of a required 30-day public notification period for all projects in the May 2017 Formal Amendment. Both projects have been posted on Metro's MTIP web page for notification and comment opportunity. Metro staff will respond to received comments as necessary. Staff's opinion is that the projects can be amended as requested and added to the 2018-21 MTIP without issue. Staff will forward TPAC's recommendation to JPACT for approval consideration during their September 21, 2017 meeting.

APPROVAL STEPS AND TIMING

Metro's approval process for formal amendment includes multiple steps. The required approvals for the August 2017 Formal MTIP amendment will include the following:

<u>Action</u>	<u>Target Date</u>
• Initiate the required 30-day public notification process.....	August 17, 2017
• TPAC notification and approval recommendation.....	August 25, 2017
• Completion of public notification process.....	September 25, 2017
• JPACT approval recommendation to Council.....	September 21, 2017
• Approval of the 2018 MTIP (on or about).....	October 2, 2017
• Metro Council approval.....	October 5, 2017

USDOT Approval Steps:

<u>Action</u>	<u>Target Date</u>
• Metro development of amendment narrative package	October 5, 2017
• Amendment bundle submission to ODOT and USDOT.....	October 6, 2017
• ODOT clarification and approval.....	Mid October, 2017
• USDOT clarification and final amendment approval.....	Mid October, 2017

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:** Amends the 2018-2021 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 17-4817 on July 27, 2017 (For The Purpose of Adopting the Metropolitan Transportation Improvement Program for the Portland Metropolitan Area).
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds.
4. **Budget Impacts:** None

RECOMMENDED ACTION:

JPACT recommends the approval of Resolution 17-4830.

Attachments:

1. Project Location Maps
2. OTC letter
3. I-205 Charter Map
4. CBOS Study Exhibits: I-205 NB Proposed Auxiliary Lanes