

# Memo

Date: Friday, December 29, 2017  
To: JPACT and Interested Parties  
From: Ken Lobeck, Funding Programs Lead, 503-797-1785  
Subject: December 2017 MTIP Formal Amendment plus Approval Request of Resolution 18-4858

## STAFF REPORT

FOR THE PURPOSE OF ADDING OR AMENDING EXISTING PROJECTS TO THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM INVOLVING SIX PROJECTS REQUIRING PROGRAMMING ADDITIONS, CORRECTIONS, OR CANCELLATIONS IMPACTING GRESHAM, KING CITY, AND ODOT (DE18-05-DEC)

## BACKGROUND

### What this is:

The December 2017 Formal MTIP Amendment bundle contains required changes and updates impacting Gresham, King City, and ODOT. Six projects are included in the amendment bundle and are summarized in the below table:

2018-2021 Metropolitan Transportation Improvement Program Exhibit A to Resolution 18-4858			
Proposed December 2017 Formal Amendment Bundle Amendment Type: <b>FORMAL, DE18-05-DEC</b> Total Number of Projects: 6			
ODOT Key	Lead Agency	Project Name	Required Changes
#1 18306	Gresham	East Metro Connections ITS	Add \$570,000 of agency local funds to the construction phase to address a revised construction phase cost increase.
#2 18807	King City	<del>OR99EW: SW Beef Bend Rd—SW Durham Rd</del> <del>(King City)</del> OR99W: SW Royalty Parkway - SW Durham Rd (King City)	Changing name, reducing scope to include only one sidewalk infill, reduce ROW funding, reduce the construction phase funding (from the reduced scope), and moving the savings back to PE
#3 19719	ODOT	OR212/224 Sunrise Corridor: 122nd Ave - 172nd Ave	Splitting unexpended funding from this project from the 2015 MTIP and STIP project to two projects being re-added to the 2018 MTIP and STIP with the following changes: Splitting existing unexpended funding with \$330k committed to Key 19720 and \$910k committed to Key 19721. Reduced obligated funding in Key 19719 decreases key 19719 to \$3,400,000. Key 19719 remains as a prior obligated project and will not show up as a active project
#4 19720 New	ODOT	OR224 (Milwaukie Expressway): SE Rusk Rd - I-205	Re-adding project to the 2018 MTIP enabling PE phase to be increased
#5 19721 New	ODOT	I-205: OR224 (Sunrise Expressway) - Sunnybrook Blvd	Splitting \$990k from Key 19719 and adding it to Key 19721 for additional PE phase requirements
#6 18769	ODOT	<del>OR99E: Rockfall Mitigation MP 12.62—MP 14.06</del> OR99E: Rockfall - Oregon City Tunnel to Old Canemah Park	Changing project limits greater than 0.25 miles total and adjusting project name and description per updated scope

**What is the requested action?**

Staff is providing TPAC notification of the formal amendment and requesting their approval recommendation to JPACT for resolution 18-4858 to Metro Council enabling the six identified projects to be amended correctly into the 2018 MTIP, and then allowing final approval to occur from USDOT.

A detailed summary of the six projects being amended is provided in the below tables:

1. Project: East Metro Connections ITS			
Lead Agency:	Gresham		
ODOT Key Number:	18306	MTIP ID Number:	70609
Project Description:	Update traffic signal hardware and communications. Install changeable message sign.		
What is changing?	Note: Through the Public Comment/Notification period, Metro received a technical comment from the city of Gresham requesting a change to the proposed project programming as presented to the TPAC due to a second identified cost increase to the project. The second cost increase to the project has been requested to be included as part of the overall formal amendment.		
	Updated cost estimates as final design for the project was being completed revealed increases to the construction phase, required increases to be included for necessary administrative overhead, and project contingencies. The summary of the cost increases can be attributed a project moving from general scope and design objectives that was refined through the normal federal NEPA and final design process. The impact of the construction, overhead, and contingency cost increases to the project adds an additional \$610,000 to the total project cost. The revised total project cost is now \$1,685,000. Note: The cost increase for this Intelligent Transportation System project is not unusual for ITS projects. Due to changing technology and the requirement to prove their concept of operation as a beneficial improvement to the transportation system, ITS projects can easily evolve into much more complicated, technically constrained, and costly projects than first proposed.		
	The city of Gresham has the local funding to cover the cost increase and commit to the project. Rather than waiting to accomplish another cost increase amendment to the project, the city of Gresham requested the revised cost increase to be included as part the current formal amendment to avoid further delays to implement the project. As part of the public comment process, staff have reviewed and approved Gresham’s request.		
Additional Details:	The city of Gresham is adding local funds to the construction and Other phases to address the cost increase and ensure the construction phase is not considered short-programmed.		
Why a Formal amendment is required?	Per the FHWA STIP and MTIP amendment matrix, Projects with a total project cost of \$1 million or greater that experience a cost increase above 20% require a formal MTIP amendment to complete the cost increase for the project.		
Total Programmed Amount:	The amendment adds a total of \$570,000 to the construction phase. The project programming amount increases from \$1,075,000 to \$1,685,000		
Added Notes:	The additional local funds committed to the project will ensure the project can implement and delivery the full project scope without requiring any changes.		

<b>2. Project:</b> <del>OR99W: SW Beef Bend Rd – SW Durham Rd</del> <b>OR99W: SW Royalty Parkway - SW Durham Rd (King City)</b>			
Lead Agency:	King City		
ODOT Key Number:	18807	MTIP ID Number:	70769
Project Description:	<del>Install sidewalk on the west side of OR99W</del> <b>On OR99W near King City, fill sidewalk gaps to connect the City to OR99W corridor to increase access to transportation, improve travel options, promote vitality within the town center and enhance overall livability.</b>		

What is changing?	Due to a revision in the project limits, the project scope is being modified. This results in a required updated to the project name and description. Project funding remains unchanged. Scope reduction now only includes sidewalk infill between SW Royalty Pkwy and SW Durham Rd (MP 11.21 to MP11.36). Additional funds were not available to address the cost increase resulting in the revised limits and scope of work.
Additional Details:	As a result of the scope adjustment, the Right of Way phase also decreases from \$30,000 to \$12,000
Why a Formal amendment is required?	Per the FHWA STIP and MTIP amendment matrix, major scope changes or project limit changes beyond 0.25 miles require a formal amendment to complete the changes.
Total Programmed Amount:	The amendment swaps out several funds with State STP funds. Overall, the project programming amount remains unchanged at \$1,141,020
Added Notes:	

Changes being made to Key 19719 impact Keys 19720 and 19721 that are also part of this amendment

<b>3. Project: OR212/224 Sunrise Corridor: 122nd Ave - 172nd Ave</b>	
Lead Agency:	ODOT
ODOT Key Number:	19719 MTIP ID Number: 70846
Project Description:	Funding for RW protective purchases
What is changing?	Unexpended obligated Right of Way phase funding that is not currently required for this project is being de-obligated and shifted to Keys 19720 and 19721 (next two projects). The de-obligated funding is being reprogrammed to the PE phases of project Keys 19720 and 19721. A total of \$1,240,000 is being shifted from Key 19719 to Key 19720 (which adds \$330,000 to the PE phase) and to Key 19721 (which adds \$910,000 to the PE phase)
Additional Details:	Because the ROW phase obligation occurred in 2016, the project was not carried over into the 2018 MTIP. However, the changes to Keys 19720 and 19721 needs to include this project to show the audit trail of how the funds were shifted. Key 19719 (this project) will remain as a prior obligated project and not show up in the 2018 MTIP as an active project.
Why a Formal amendment is required?	Because Keys 19720 and 19721 are being re-added to the MTIP, they are considered to be new projects. Per the FHWA STIP and MTIP amendment matrix, new projects being added to the MTIP require a formal amendment. Since Key 19719 is part of the re-add process, it must proceed as well as a formal amendment.
Total Programmed Amount:	The amendment reduces the total programmed amount from \$4,640,000 to \$3,400,000
Added Notes:	De-obligation and transfer approval from Key 19719 to Keys 19720 and 19721 occurred by OTC at their November 2017 meeting

<b>4. Project: OR224 (Milwaukie Expressway): SE Rusk Rd - I-205</b>	
Lead Agency:	ODOT
ODOT Key Number:	19720 MTIP ID Number: 70845
Project Description:	Add a westbound lane and improve the signals
What is changing?	The project receives an additional \$330,000 from Key 19719 to continue PE activities. The PE phase was initially programmed with \$1,770,000 of HB 2001 JTA state funds which were obligated back in 2016. They are shown in the Other phase in Exhibit A/Public Notification Tables. The additional \$330,000 is shown in 2018 in the year it will be obligated in support of the project.
Additional Details:	Funding is being added only to the PE phase to continue with PE phase work
Why a Formal amendment is required?	Since the project obligated the phase as part of the 2015 MTIP and no new funds were identified for the project, it was not carried over into the 2018 MTIP. With the addition of the new PE funds in FY 2018, the project needs to be re-added to the 2018 MTIP. Per the FHWA Amendment Matrix, adding a new project to the MTIP

	requires a formal amendment
Total Programmed Amount:	The amendment increase the total programmed amount from \$1,770,000 to \$2,100,000
Added Notes:	De-obligation and transfer approval from Key 19719 to Key 19720 occurred by OTC at their November 2017 meeting

5. Project:	I-205: OR224 (Sunrise Expressway) – Sunnybrook Blvd		
Lead Agency:	ODOT		
ODOT Key Number:	19721	MTIP ID Number:	70844
Project Description:	Design to add a northbound auxiliary lane from westbound Sunrise Expressway entrance ramp to Sunnybrook Blvd exit ramp.		
What is changing?	The project receives an additional \$910,000 from Key 19719 to continue PE activities. The PE phase was initially programmed with \$590,00 of HB 2001 JTA state funds which were obligated back in 2016. They are shown in the Other phase in Exhibit A/Public Notification Tables. The additional \$910,000 is shown in 2018 in the year it will be obligated in support of the project. The new funding is split between HB 2001 funds and National Highway Performance Program Funds (NHPP)		
Additional Details:	Funding is being added only to the PE phase to continue with PE phase work		
Why a Formal amendment is required?	Since the project obligated the phase as part of the 2015 MTIP and no new funds were identified for the project, it was not carried over into the 2018 MTIP. With the addition of the new PE funds in FY 2018, the project needs to be re-added to the 2018 MTIP. Per the FHWA Amendment Matrix, adding a new project to the MTIP requires a formal amendment		
Total Programmed Amount:	The amendment increases the total programmed amount from \$590,000 to \$1,500,000		
Added Notes:	De-obligation and transfer approval from Key 19719 to Key19721 occurred by OTC at their November 2017 meeting		

6. Project:		<del>OR99E Rockfall Mitigation MP 12.62- MP 14.06</del> OR99E:Rockfall - Oregon City Tunnel to Old Canemah Park	
Lead Agency:	ODOT		
ODOT Key Number:	18769	MTIP ID Number:	70801
Project Description:	<del>Rockfall Mitigation</del> On OR99E near Oregon City, inspect and repair mesh. Scale slope behind mesh removing loose rock and vegetation. Rock bolting as needed and clear catchment area/roadside ditch		
What is changing?	Project limits have been reduced and adjusted due to scope update. This results in a required name change and description update. The total project cost remains unchanged but STP is now committed to the PE phase to address a PE funding shortfall.		
Additional Details:	The change in limits and scope reduces the construction phase cost. The savings are being shifted back to the PE phase to cover the PE phase shortfall		
Why a Formal amendment is required?	Since the project obligated the phase as part of the 2015 MTIP and no new funds were identified for the project, it was not carried over into the 2018 MTIP. With the addition of the new PE funds in FY 2018, the project needs to be re-added to the 2018 MTIP. Per the FHWA Amendment Matrix, adding a new project to the MTIP requires a formal amendment		
Total Programmed Amount:	The amendment results in no change to the programmed amount for the project. The project remains programmed at \$1,889,000.		
Added Notes:			

## 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 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
- 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 as well.
  - Programming determined to be reasonable of phase obligation timing and is consistent with project delivery schedule timing.
- 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 December 2017 Formal MTIP amendment will include the following:

- | <u>Action</u>   | <u>Target Date</u>      |
|---|-------------------------|
| • Initiate the required 30-day public notification process..... | December 11, 2017       |
| • TPAC notification and approval recommendation.....            | December 15, 2017       |
| • Completion of public notification process.....                | January 12, 2018        |
| • <b>JPACT approval and recommendation to Council.....</b>      | <b>January 18, 2018</b> |
| • Metro Council approval.....                                   | Early February, 2018*   |

Note: The February Metro Council date for the December 2017 Formal Amendment item could occur on February 1, 2018 or February 8, 2018. The final decision on which agenda it will be added will be made after the JPACT meeting

USDOT Approval Steps:

<u>Action</u>	<u>Target Date</u>
• Metro development of amendment narrative package .....	NLT February 9 , 2018
• Amendment bundle submission to ODOT for review.....	NLT February 12, 2018
• Submission of the final amendment package to USDOT.....	NLT February 19, 2018
• ODOT clarification and approval.....	Early March , 2018
• USDOT clarification and final amendment approval.....	Mid March 2018

**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. **Metro Budget Impacts:** None to Metro

**RECOMMENDED ACTION:**

TPAC recommends the approval of Resolution 18-4858. (TPAC approval 12/15/2017)

Attachment: Project Location Maps