

# Memo

Date: Thursday, March 15, 2018  
To: JPACT and Interested Parties  
From: Ken Lobeck, Funding Programs Lead, 503-797-1785  
Subject: March 2018 MTIP Formal Amendment plus Approval Request of Resolution 18-4876

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## STAFF REPORT

FOR THE PURPOSE OF ADDING OR AMENDING EXISTING PROJECTS TO THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM INVOLVING FIVE PROJECTS REQUIRING PROGRAMMING ADDITIONS, CORRECTIONS, OR CANCELLATIONS IMPACTING METRO, MULTNOMAH COUNTY, ODOT AND PORTLAND (MA18-07-MAR)

## BACKGROUND

### What this is:

The March 2018 Formal Metropolitan Transportation Improvement Program (MTIP) Amendment bundle contains required changes and updates impacting Metro, Multnomah County, ODOT and Portland. Five projects are included in the amendment bundle. Three of the five projects in the March 2018 bundle are new projects being added to the 2018 MTIP. They are summarized in the below table:

2018-2021 Metropolitan Transportation Improvement Program Exhibit A to Resolution 18-4876			
Proposed March 2018 Formal Amendment Bundle Amendment Type: <b>FORMAL, MA18-07-MAR</b> Total Number of Projects: 5			
ODOT Key	Lead Agency	Project Name	Required Changes
Project #1 21284	Multnomah County	Burnside St: Burnside (Willamette River) Bridge East Approach	<b>ADD NEW PROJECT:</b> The project is being added to the 2018 MTIP and is being funded from the bridge overpass protective screening program. Constructing the fence on this freeway overpass will improve safety for motorists.
Project #2 21271	Metro	Portland Metro Planning SFY19	<b>ADD NEW PROJECT:</b> The project is being added to the 2018 MTIP and support required MPO transportation planning activities that USDOT mandates the MPO to complete
Project #3 21283	Portland	NE 12th Ave Over I-84 & Union Pacific RR Bridge (Portland)	<b>ADD NEW PROJECT:</b> The project is being added to the 2018 MTIP and is being funded from the bridge overpass protective screening program. Constructing the fence on this freeway overpass will improve safety for motorists.
Project #4 18819	Portland	St Johns Truck Strategy Phase II	<b>SCOPE CHANGE:</b> The amendment reflects a significant scope change to the project due to budget limitations. The North Portland Rd/Columbia Blvd intersection realignment is being removed from the project through the formal amendment
Project #5 20414	ODOT	Road Safety Audit Implementation	<b>COST DECREASE/FUNDING SPLIT:</b> This amendment reduces the overall programming amount of committed HSIP to the project. \$1,655,000 in committed funding is being split off this project and re-programmed to Keys 21071, 18789, and 21289.

### What is the requested action?

TPAC requests JPACT's approval recommendation to Metro Council for resolution 18-4876 enabling the five identified projects to be amended correctly into the 2018 MTIP, with final approval to occur from USDOT.

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

<b>1. Project: Burnside St: Burnside (Willamette River) Bridge East Approach</b>	
Lead Agency:	<b>Multnomah County</b>
ODOT Key Number:	<b>21284</b> MTIP ID Number: <b>TBD</b>
Project Description:	On Burnside St at I-5, construct protective fencing for Burnside St Bridge east approach to provide safety to the traveling motorist
What is changing?	Through this formal amendment, the new project is being added to the 2018 MTIP.
Additional Details:	<p><u>From the December 2017 OTC Staff Report:</u></p> <p>Oregon Revised Statute (ORS) 366.462 requires that all freeway overpasses constructed after November 4, 1993 have fences that are designed to deter persons from throwing objects from the overpasses onto the freeways. This statute also requires that the Oregon Department of Transportation (ODOT) develop a prioritization system to construct fences first on those overpasses that involve the greatest risks, and to construct at least 15 fences per year on existing freeway overpasses.</p> <p>Currently 12 freeway overpasses in Region 1 do not have fences. The intent is to complete the fences on these remaining freeway overpasses as part of the 2018-2021 STIP.</p> <p>The Burnside Bridge (bridge 00511) is owned by Multnomah County. The eastern approaches (bridge 00511B) cross over Interstate 5, three Interstate 5 connections, and several rail lines. Constructing the fence on this freeway overpass will improve safety for motorists and move ODOT closer to completion of this program. Since this local agency bridge crosses a freeway, the state will provide the funding to install the fencing. ODOT prioritized this location because this bridge has sidewalks and is in an urban area. Funding for this project will come from the bridge overpass protective screening program. <b>The budget for this program is \$1.5 million per year.</b></p>
Why a Formal amendment is required?	Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized requires a formal amendment.
Total Programmed Amount:	\$80,000 of National Highway Performance Program (NHPP) + match for Preliminary Engineering plus \$570,000 of NHPP + match for the Construction phase for a <b>total programmed amount of \$650,000</b>
Added Notes:	OTC approval required and occurred during their December 2017 meeting.

<b>2. Project: Portland Metro Planning SFY2019</b>	
Lead Agency:	<b>Metro</b>
ODOT Key Number:	<b>21271</b> MTIP ID Number: <b>TBD</b>
Project Description:	For Metro, annual MPO planning funds for federal fiscal year 2019 in support of UPWP and other planning activities the MPO is required to complete.
What is changing?	This is a new project being added to the 2018 MTIP. Per agreement with USDOT, the planning funds are authorized to be programmed in FFY 2018 with a planned obligation at the beginning of the 2019 State Fiscal Year (July 2018).
Additional Details:	<p>The STP/STBG, PL, and 5303 Planning funds are allocated to Metro on an annual basis directly from ODOT-Salem and are used to fund the required activities within the Unified Planning Work Program (UPWP). These activities are required planning activities approved by USDOT and are in compliance with 23 CFR 450.308 and 23 450.420</p> <p>Funding is allocated to Metro to complete various required planning activities identified in the annual UPWP that support the RTP and other regionally significant transportation studies and activities. A few examples of transportation planning</p>

	<p>areas the UPWP funds support include the following:</p> <ul style="list-style-type: none"> <li>- RTP development and management activities</li> <li>- MTIP development, management, and amendment</li> <li>- Regional Transit Strategies</li> <li>- Air Quality program</li> <li>- Designing Livable Streets</li> <li>- Public involvement</li> <li>- Title VI – Environmental Justice</li> <li>- Transportation Systems Management and Operations (TSMO) – Regional Mobility Program</li> <li>- TSMO – Regional Travel Options</li> <li>- Regional Freight Program</li> </ul> <p>The Planning funds also support technical areas the MPO must complete including:</p> <ul style="list-style-type: none"> <li>- Geographic Information Systems – Mapping and Land Formation</li> <li>- Economic Demographic and Land Use Forecasting</li> <li>- Model Development Program</li> <li>- Behavior Based Freight Model</li> </ul> <p>Finally, the Planning funds support areas within the MPO to complete required administrative services and special corridor planning studies and project of regional significance.</p> <p>The complete list of planning and administrative activities, their scope of work and estimated costs the annual Planning funds support can be seen in the UPWP Metro produces each year.</p>
Why a Formal amendment is required?	Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized requires a formal amendment.
Total Programmed Amount:	Includes \$1,244,481 of STP>200k + match, and \$1,841,187 of PL + match and \$575,307 of 5303 + local match = <b>a total programming amount of \$4,079,989</b>
Added Notes:	UPWP planning fund allocations occur around the same time as the new draft UPWP is moving forward through the approval process.

<b>3. Project:</b>	<b>NE 12th Ave Over I-84 &amp; Union Pacific RR Bridge (Portland)</b>		
Lead Agency:	<b>Portland</b>		
ODOT Key Number:	<b>21283</b>	MTIP ID Number:	TBD
Project Description:	On NE 12th Ave over I-84, construct protective fencing for the 12th Ave bridge to provide safety to the traveling motorist		
What is changing?	The amendment adds a new project to the 2018 MTIP.		
Additional Details:	<p><u>From the December 2017 OTC Staff Report:</u></p> <p>The project will provide protective safety fencing to traveling motorists. The approved funding for this project originates from the bridge overpass screening program. Funding for this project will come from the bridge overpass protective screening program. <b>The budget for this program is \$1.5 million per year.</b></p> <p>Oregon Revised Statute <a href="#">(ORS) 366.462</a> requires that all freeway overpasses constructed after November 4, 1993 have fences that are designed to deter persons from throwing objects from the overpasses onto the freeways. This statute also requires that the Oregon Department of Transportation (ODOT) develop a prioritization system to construct fences first on those overpasses that involve the greatest risks, and to construct at least 15 fences per year on existing freeway overpasses.</p>		

	<p>Currently 12 freeway overpasses in Region 1 do not have fences. The intent is to complete the fences on these remaining freeway overpasses as part of the 2018-2021 STIP.</p> <p>The Northeast 12th Avenue over Interstate 84 and Union Pacific Railroad Bridge (bridge 07039) is owned by the City of Portland. Constructing the fence on this freeway overpass will improve safety for motorists and move ODOT closer to completion of this program. Since this local agency bridge crosses a freeway, the state will provide the funding to install the fencing. This location was prioritized because this bridge has sidewalks, and is located within one block of Benson High School</p>
Why a Formal amendment is required?	Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized requires a formal MTIP amendment
Total Programmed Amount:	The project is programmed with \$45,000 of federal National Highway Performance Program (NHPP) + match for Preliminary Engineering plus \$205,000 of NHPP + match for construction for a <b>total programming amount of \$250,000</b>
Added Notes:	Approval from the Oregon Transportation Commission (OTC) was required for this project. OTC approval occurred during their December 2017 meeting.

<b>4. Project: St Johns Truck Strategy II</b>	
Lead Agency:	<b>Portland</b>
ODOT Key Number:	<b>18819</b>
MTIP ID Number:	<b>70773</b>
Project Description:	<p><del>Freight mobility—bicycle and pedestrian safety improvements</del></p> <p>Construct roadway safety improvements to N Lombard, N Fessenden/St Louis, and N Columbia Way corridors.</p>
What is changing?	<p>The primary project initially included three main safety improvement design elements to construct which included (1) traffic calming on N St Louis/ Fessenden, (2) safety Improvements to N Lombard, and (3) Intersection modifications to N Portland Rd/ Columbia Blvd. However, updated cost estimates revealed the three scope elements would significantly exceed the amount of grant funding for the project.</p> <p>The amendment reflects a major scope change to the project due to budget limitations. The initial North Portland Rd/ Columbia Blvd intersection planned scope improvement is being removed from the project. The updated cost estimate with all three scope activities totals \$7.4 million. The North Portland Rd/Columbia Blvd intersection improvement costs have been estimated now at \$3.04 million.</p> <p>The change does not significantly affect the original Intent of the project. The primary design objective is to reduce the attractiveness of using N St Louis/ Fessenden as an alternative route for freight traffic through the St Johns neighborhood, and instead use the designated freight route around the neighborhood.</p> <p>The earlier Implementation phase of the truck strategy constructed most of significant improvements to encourage freight to use the designated freight route within the strategy. The remaining freight route Improvements will be constructed via the current phase (on N Lombard west of St Louis Ave). The current phase also plans to construct the most significant disincentive element of the strategy, which is traffic calming and pedestrian crossing safety Improvements on N St Louis and Fessenden.</p> <p>The final disincentive element is the intersection improvements at N Portland Rd/ Columbia Blvd Intersection, but are not considered as effective as the traffic calming, and may not even be necessary If the traffic calming element performs well. PBOT</p>

	<p>plans to evaluate the effectiveness of traffic calming Improvements upon completion in terms of reducing cut-through freight traffic. The evaluation will be based primarily on an assessment of how much cut-through truck traffic is still using N St Louis/Fessenden. If more disincentives are needed, and final phase that constructs the N Portland Rd/ Columbia Blvd improvements will be initiated with planned System Development Charge funds allocated to the St Johns Truck Strategy.</p> <p>The removal of the North Portland Rd/Columbia Blvd intersection enables the other two scope elements for traffic calming to N St Louis/Fessenden, and safety improvements to North Lombard can continue as part of the project, and are considered higher priorities. Removing the North Portland Rd/Columbia Blvd scope eliminates a planned re-alignment of the intersection geometry and replacement of a traffic signal.</p> <p>The federal funding for the project originates from ODOT. As a result, ODOT has participated in the reviews and final recommendations for the project's revised scope of work.</p>
Additional Details:	The City is considering completing the removed improvements at a later date. The revised project scope also adds storm water mitigation management to the scope for the North St Johns/Lombard intersection as a result of the reviews.
Why a Formal amendment is required?	The change to the project reflects a significant scope change which requires a formal MTIP Amendment per the FHWA/FTA MTIP STIP Amendment Matrix
Total Programmed Amount:	The total project programmed amount increases from \$3,345,990 to \$4,519,092. The city of Portland is providing an additional \$1,035,057 in local funds for the construction phase to cover the remaining major scope elements.
Added Notes:	OTC approval is also required. The item will go before OTC during their March 2018 meeting. The Metro formal amendment process and OTC approval step is occurring in a concurrent fashion. If OTC does not approve the item, it will be pulled from the March 2018 Formal Amendment bundle and re-submitted at a later date.

<b>5. Project: Road Safety Audit Implementation</b>	
Lead Agency:	<b>ODOT</b>
ODOT Key Number:	<b>20414</b>
MTIP ID Number:	<b>70980</b>
Project Description:	Address unanticipated safety improvements as identified
What is changing?	The amendment reduces the current HSIP funding amount of \$3,034,244 to \$1,719,244 by splitting off existing funding and committing it to other existing ARTS projects
Additional Details:	<p><u>From the 10/18/2018 OTC Staff Letter:</u></p> <p>The Oregon Department of Transportation (ODOT) conducted a Road Safety Audit (RSA) in July 2015 on Oregon 99 West (Barbur Boulevard) to identify system-wide and location-specific safety issues including short, intermediate, and long term recommendations for improving safety on Oregon 99 West between Southwest Naito Parkway to Southwest Huber Street in the City of Portland. ODOT has since committed to using the recommendations from the RSA to select and fund projects that support goals for short and intermediate term improvements that will improve safety on the corridor.</p> <p>The Barbur RSA report identified inconsistent signage as one of the key safety issues of Southwest Barbur corridor between Naito Parkway and Capitol Highway and suggested overhead signing to increase sign visibility and improve way finding. ODOT evaluated and prioritized recommendations provided by the Barbur RSA team and identified two overhead signs for priority implementation to improve safety in the corridor:</p> <p>Northbound Oregon 99 West :</p> <ul style="list-style-type: none"> <li>• MP 2.01 – south of Southwest Barbur at Southwest Naito Parkway Split, and</li> <li>• MP 2.2 – north of Southwest Bancroft Street.</li> </ul>

	<p>If the signs are not constructed at these locations, it is possible that ODOT will not fulfill all the safety improvement recommendations in the Barbur Road Safety Audit which could result in more crashes on the corridor.</p> <p>The total cost for the project is approximately \$775,000 and will come from funds set aside in the 2018-2021 Draft STIP from the All Roads Transportation Safety (ARTS) Program to implement the RSA findings.</p>
Why a Formal amendment is required?	Cost changes above 20% to projects with than exiting cost of \$1 million or more require a formal MTIP Amendment
Total Programmed Amount:	The project is programmed 100% federal HSIP (no local or state matching funds required) currently at \$3,034,244. <b>The three funding splits reduce the HSIP programming to \$1,719,244.</b>
Added Notes:	OTC approval was required and occurred during their 1/18/2018 meeting

Note: The Amendment Matrix at right is included as a reference the rules and justification for Formal Amendment and Administrative Modifications 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 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

ODOT-FTA-FHWA Amendment Matrix	
<b>Type of Change</b>	
<b>FULL AMENDMENTS</b>	
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"> <li>• Change in project termini - greater than .25 mile in any direction</li> <li>• Changes to the approved environmental footprint</li> <li>• Impacts to AQ conformity</li> <li>• Adding capacity per FHWA Standards</li> <li>• Adding or deleting worktype</li> </ul>	
3. Changes in Fiscal Constraint by the following criteria: <ul style="list-style-type: none"> <li>• FHWA project cost increase/decrease:               <ul style="list-style-type: none"> <li>• Projects under \$500K – increase/decrease over 50%</li> <li>• Projects \$500K to \$1M – increase/decrease over 30%</li> <li>• Projects \$1M and over – increase/decrease over 20%</li> </ul> </li> <li>• All FTA project changes – increase/decrease over 30%</li> </ul>	
4. Adding an emergency relief permanent repair project that involves substantial change in function and location.	
<b>ADMINISTRATIVE/TECHNICAL ADJUSTMENTS</b>	
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.	

- 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 March 2018 Formal MTIP amendment will include the following:

<u>Action</u>	<u>Target Date</u>
• Initiate the required 30-day public notification process.....	February 26, 2018
• TPAC notification and approval recommendation.....	March 9, 2018
• <b>JPACT approval and recommendation to Council.....</b>	<b>March 15, 2018</b>
• Completion of public notification process.....	March 27, 2018
• Metro Council approval.....	April 5, 2018*

\*Note: If any significant public comments are received that are deemed necessary for review by JPACT, the impacted projects or complete amendment will be pulled from the Metro Council agenda and returned to JPACT for their review and direction.

### USDOT Approval Steps:

<u>Action</u>	<u>Target Date</u>
• Metro development of amendment narrative package .....	April 9, 2018
• Amendment bundle submission to ODOT for review.....	April 10, 2018
• Submission of the final amendment package to USDOT.....	April 16, 2018
• ODOT clarification and approval.....	Mid April, 2018
• USDOT clarification and final amendment approval.....	Late April 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 18-4876. (*TPAC approval 3/9/2018*)

Attachment: Project Location Maps and OTC Staff Report copies