

# Memo

Date: Tuesday April 10, 2018  
To: JPACT and Interested Parties  
From: Ken Lobeck, Funding Programs Lead, 503-797-1785  
Subject: April 2018 MTIP Formal Amendment plus Approval Request of Resolution 18-4883

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## 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 METRO, ODOT AND TRIMET (AP18-08-APR)

## BACKGROUND

### What this is:

The April 2018 Formal Metropolitan Transportation Improvement Program (MTIP) Amendment bundle contains required changes and updates impacting Metro, ODOT and TriMet. Six projects are included in the amendment bundle. They are summarized in the below table:

Proposed April 2018 Formal Amendment Bundle Amendment Type: <b>FORMAL, AP18-08-APR</b> Total Number of Projects: <b>6</b>			
ODOT Key	Lead Agency	Project Name	Required Changes
Project #1 21312 New	Metro	Metro Transportation Options (FFY 18-20)	<b>Add New Project:</b> The amendment adds approved funding for Metro's Regional Transportation Options Program for the federal fiscal Year period of 2018-2020). Funding is in addition to identified funding in project ID 19292
Project #2 20703 New	ODOT	US30: Sandy River (Troutdale) Bridge	<b>Add New Project:</b> The construction phase is added to the project which adds the project to the active 2018-21 MTIP.  The project is an HB2017 awarded project with a total of \$6,315,000 allocation of HB2017 funding. The scope of work includes sidewalk replacement, foundation repair, and bridge painting. Subsequent to the HB2017 award, a bridge inspection revealed that it did not require painting. Consequently, a savings of \$4,580,000 was realized and transferred to another Bridge program project.  The revised total project cost estimate to complete the revised scoped project consisting of sidewalk replacement and foundation repair totals \$1,735,000.  <b>Add Funding:</b> \$2.5 million is being added to the PE phase.
Project #3 21179	ODOT	OR217: SW 72nd Ave - OR10 (SW Scholl's Ferry Rd)	In 2016, the Metro Joint Policy Committee on Transportation (JPACT) voted to bond a subset of Regional Flexible Fund dollars to develop high capacity transit, highway bottleneck, and active transportation projects in preparation for potential state and regional investment. Metro has agreed to provide these funds to TriMet, and TriMet will then sell the bonds.  TriMet will provide \$10,000,000 to State upon the completion of the bond sale to assist in developing the projects set forth in this Agreement as part of a multiagency approach to address multiple transportation, safety, and freight issues in the region. This one of three projects receiving a portion of the \$10 million from TriMet.

Project #4 19071	ODOT	I-5 Rose Quarter Improvement Project	<p><b>Add Funding:</b> \$5 million is being added to the PE phase.</p> <p>In 2016, the Metro Joint Policy Committee on Transportation (JPACT) voted to bond a subset of Regional Flexible Fund dollars to develop high capacity transit, highway bottleneck, and active transportation projects in preparation for potential state and regional investment. Metro has agreed to provide these funds to TriMet, and TriMet will then sell the bonds.</p> <p>TriMet will provide \$10,000,000 to State upon the completion of the bond sale to assist in developing the projects set forth in this Agreement as part of a multiagency approach to address multiple transportation, safety, and freight issues in the region. This one of three projects receiving a portion of the \$10 million from TriMet.</p>
Project #5 19786	ODOT	I-205: Stafford Rd - OR99E	<p><b>Add Funding:</b> This amendment adds 2.5 million of local funds contributed from TriMet to support the pre-NEPA project development Planning phase per the approved ODOT-TriMet Intergovernmental Agreement Funding Contribution Agreement: I-205, OR217, and Rose Quarter Improvement project.</p> <p>In 2016, the Metro Joint Policy Committee on Transportation (JPACT) voted to bond a subset of Regional Flexible Fund dollars to develop high capacity transit, highway bottleneck, and active transportation projects in preparation for potential state and regional investment. Metro has agreed to provide these funds to TriMet, and TriMet will then sell the bonds.</p> <p>TriMet will provide \$10,000,000 to State upon the completion of the bond sale to assist in developing the projects set forth in this Agreement as part of a multiagency approach to address multiple transportation, safety, and freight issues in the region. This one of three projects receiving a portion of the \$10 million from TriMet.</p>
Project #6 20843	TriMet	Portland to Milwaukie Light Rail (2019)	<p><b>Add Funding:</b> This amendment increases the authorized Section 5309 Capital Investment Grant (CIG) allocation to the Portland to Milwaukie Light Rail in 2019. The increase is based on the FTA CIG recommendations for Federal Fiscal Year 2019.</p>

### What is the requested action?

**TPAC is requesting JPACTs approval of the April 2018 formal MTIP amendment as stated in Resolution 18-4883 with several modifications to the required amendment support material for this and future amendments, and then on to the Metro Council enabling the five identified projects to be amended correctly into the 2018 MTIP, with final approval to occur from USDOT.**

### **TPAC DISCUSSION**

The amendment discussion at TPAC was far more detailed than past formal amendment notifications. TPAC members are demonstrating an increased hunger for the logic and rationale driving the MTIP amendments. TPAC members also provided staff with a request to expand the level of details about the project amendments especially for Exhibit A and the Public Notification tables. Their questions are similar to the questions USDOT asks about the project amendment. Understanding the specific changes to the project is important as a result of the proposed amendment, but also why the change is occurring.

A specific area TPAC members asked for expanded amendment details are in the preview summary tables in the change field in Exhibit A and the Public Notification Tables. This field was used to provide a simple one line tickler about the amendment change. TPAC members asked staff to provide expanded details to help understand the need for the amendment.

TPAC members also requested specific details about the JPACT bonding decision to be included for three affected projects: Keys 21179, 19071, and 19786. As noted in the preview table on the previous pages, the bond information has been added to the project change field for the three impacted projects.

A final discussion area included the ability of staff to develop and provide TPAC members with a construction phase equity report summary. The purpose of such a report would provide a perspective of projects with construction phases and how they support RTP equity goals. MTIP amendments occur to position phase funding in the correct timing and amount for obligation purposes enabling the lead agency then to expend the funds. When construction phase funding is obligated, the lead agency solicits bids for construction and construction management as required. The selection of the construction contractor and the relationship towards RTP equity goals is at the heart of the TPAC request. Developing such a report appears feasible and there is interest behind it. However, developing a construction equity report will require voluntary effort from local agencies and ODOT to submit the required construction contractor data to Metro. The advantage of developing a construction equity report would help address Metro equity performance measurement requirements.

In a somewhat parallel effort, Metro staff are working on Construction Career Pathways project that is examining equity issues in the hiring and career progression of construction personnel. MTIP/RTP staff will coordinate with the project manager to determine what they have learned and incorporate any recommendations into the TPAC request. Staff will return with a progress report to TPAC at a future date.

The TPAC discussion resulted in a modified approval recommendation of draft resolution 18-4883 and the April 2018 Formal MTIP amendment as follows:

- Provide a few necessary corrections to Exhibit A and the Public Notification tables as noted (e.g. Two projects were missing required funding years in the table. Correction have been made).
- Expand the amendment change details in Exhibit A and the Public Notification tables to provide additional details about the project amendment.
- Expand the project change details for Keys 21179, 19701, and 19786 in this amendment for improve clarity to include remarks about the JPACT vote to bond a subset of the RFFA funds and TriMet's involvement.
- Explore the feasibility of and develop a construction phase equity compliance report which TPAC members could review on a periodic basis.

Note: MTIP staff concurs with the above TPAC recommendations.

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

<b>1. Project: Metro Transportation Options (FFY 18-20)</b>			
Lead Agency:	<b>Metro</b>		
ODOT Key Number:	<b>20703</b>	MTIP ID Number:	TBD
Project Description:	Supplemental funding from ODOT supporting Key 19292 - FY 2018 Metro RTO program (from ODOT Keys 20582, 20583, & 20584)		
What is changing?	Through this formal amendment, the new project is being added to the 2018 MTIP. ODOT is contributing funding towards Metro Regional Transportation Options (RTO) program for FY 2018-2020. Metro's RTO program is the region's transportation demand management program to manage congestion and reduce air pollution through the reduction of single-occupant vehicle travel. RTO supports the work of regional public and private partners who help people become more aware of the		

	various travel options available to them and encourage the use of those options. A variety of strategies are implemented to address trips for all purposes, including commuting, shopping, activities, and more. As the region's population and economy grows, the RTO program will gain efficiencies moving people and goods on built-out transportation infrastructure. RTO funding is sourced from RFFA Step 1 allocation and is programmed in Keys 19292 for FY 2018.
Additional Details:	RTO funding is sourced from RFFA Step 1 allocation and is programmed in Keys 19292 for FY 2018. The supplemental STBG funding from ODOT is split off of three existing project grouping buckets in Keys 20582, 20583, and 20584. The supplemental funding is available to be obligated as of July 2018.
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:	All funds are programmed in the MTIP's Other phase. The ODOT total STBG contribution is \$590,720 with Metro providing \$31,975 of required local matching funds. The total programmed amount is \$622,695
Added Notes:	

<b>2. Project: US30: Sandy River (Troutdale) Bridge</b>	
Lead Agency:	<b>ODOT</b>
ODOT Key Number:	<b>20703</b>
MTIP ID Number:	71007
Project Description:	Replace sidewalk and repair foundation
What is changing?	Through this formal amendment, the new project is being added to the 2018 MTIP.
Additional Details:	<p>The project is an HB2017 awarded project with a total of \$6,315,000 allocation of HB2017 funding. The scope of work includes sidewalk replacement, foundation repair, and bridge painting. Subsequent to the HB2017 award, a bridge inspection revealed that it did not require painting. At the December 2017 OTC meeting, the OTC agreed to change the project scope and removed the painting component to the project. ODOT estimated a savings of \$4,580,000 of which \$1,246,615 was transferred to the I-5 Crowson Rd project (in Jackson County, OR). The remaining savings was returned to the State Bridge Program (and for later re-allocation back to this project as needed).</p> <p>The revised total project cost estimate to complete the revised scoped project consisting of sidewalk replacement and foundation repair totals \$1,735,000. The PE phase is now estimated at \$270,000 with the Construction phase estimated at \$1,465,000. Unexpended obligated funds from the PE phase are being transferred to the Construction phase with the remaining balance coming from the State Bridge Program and HB2017 authorized allocation.</p> <p>The Construction phase is schedule to begin during federal fiscal year 2019.</p> <p>The amendment adds the full project to the 2018 MTIP which includes adjusting the project scope, corrects the PE phase programming, and adds the construction phase.</p>

Project Name	US30: SANDY RIVER (TROUTDALE) BRIDGE	
	K20703	
PHASE	YEAR	COST
Planning		\$ -
Preliminary Engineering	2017	\$ 565,000
Right of Way		\$ -
Utility Relocation		\$ -
Construction	2019	\$ 5,750,000
Other		\$ -
<b>TOTAL</b>		<b>\$ 6,315,000</b>



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:	The PE phase is decreased to a total of \$270,000. The Construction phase programming is \$1,465,000 for a <b>total programmed amount of \$1,735,000</b>
Added Notes:	OTC approval based on the HB2017 award first occurred during their September 2017 meeting. The re-scoping and funding re-programming action occurred during their December 2017 meeting.

3. Project: OR217: SW 72nd Ave - OR10 (SW Scholl's Ferry Rd)																		
Lead Agency:	ODOT																	
ODOT Key Number:	21179	MTIP ID Number:	71034															
Project Description:	On OR217 from about 72nd Ave to SW Scholl's Ferry Road (OR210) construct New NB auxiliary lane segments (HB2017 awarded Project, \$54,000,000 original award) In 2016, the Metro Joint Policy Committee on Transportation (JPACT) voted to bond a subset of Regional Flexible Fund dollars to develop high capacity transit, highway bottleneck, and active transportation projects in preparation for potential state and regional investment. Metro has agreed to provide these funds to TriMet, and TriMet will then sell the bonds.  TriMet desires to provide \$10,000,000 to State upon the completion of the bond sale to assist in developing the projects set forth in this Agreement as part of a multiagency approach to address multiple transportation, safety, and freight issues in the region.  ODOT has begun development of the following three projects: <div><div>1. Construction of a northbound auxiliary lane along OR217 between SW 72<sup>nd</sup> Avenue and SW Scholl's Ferry Rd (the "NB OR217 Project")</div><div>2. Widening of I-205 between Abernethy Bridge and Stafford Road (the "I-205 Project")</div><div>3. Construction of an auxiliary lane and shoulders on I-5 near the Broadway/Weidler interchange, and replacing existing overpasses with a land bridge (the "Rose Quarter Project").</div></div>																	
What is changing?	<div>As a result of the agreement between ODOT and TriMet:<div><div>• \$2,500,000 will be added to the planning phase of the Interstate 205: Stafford Road to Oregon Highway 99 East project (ODOT Project Key 19786)</div><div>• <b>\$2,500,000 will be added to the preliminary engineering phase of the Oregon 217: Southwest 72nd Avenue to Oregon 10 (Southwest Scholl's Ferry Road) project (ODOT Project Key 21179).</b></div><div>• \$5,000,000 will be added to the preliminary engineering phase of the Interstate 5 Rose Quarter Improvement Project (ODOT Project Key 19071).</div></div></div> <div>STIP amendment funding summary<table><tr><th>Project</th><th>Current Funding</th><th>Proposed Funding</th></tr><tr><td>Interstate 205: Stafford Road to Oregon 99 East</td><td>\$12,500,000</td><td>\$15,000,000</td></tr><tr><td>Oregon 217: Southwest 72nd Avenue to Oregon 10 (Southwest Scholl's Ferry Road) (not including HB 2017 funding)</td><td>\$9,400,000</td><td>\$11,900,000</td></tr><tr><td>Interstate 5 Rose Quarter Improvement Project (not including HB 2017 funding)</td><td>\$20,391,997</td><td>\$25,391,997</td></tr><tr><td>TOTAL</td><td>\$42,291,997</td><td>\$52,291,997</td></tr></table></div>			Project	Current Funding	Proposed Funding	Interstate 205: Stafford Road to Oregon 99 East	\$12,500,000	\$15,000,000	Oregon 217: Southwest 72nd Avenue to Oregon 10 (Southwest Scholl's Ferry Road) (not including HB 2017 funding)	\$9,400,000	\$11,900,000	Interstate 5 Rose Quarter Improvement Project (not including HB 2017 funding)	\$20,391,997	\$25,391,997	TOTAL	\$42,291,997	\$52,291,997
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Additional Details:	The IGA is the "Funding Contribution Agreement: I-205, OR217, and Rose Quarter" and was approved on February 6, 2018.																	



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:	All current funding programmed in Key 21179 is in the PE phase. As a result of the funding addition, the PE phase to Key 21179 will increase from \$9,400,000 to \$11,900,000
Added Notes:	OTC approval was required and occurred during their March 2018 meeting

<b>4. Project: I-5 Rose Quarter Improvement Project</b>	
Lead Agency:	<b>ODOT</b>
ODOT Key Number:	<b>19071</b> MTIP ID Number: <b>19071</b>
Project Description:	Planning and project development efforts of the Broadway-Weidler facility plan and the N/NE Quadrant, which identified transportation investments that would result in improved safety and operations as well as supporting economic growth. Proposed multi-modal improvements include: ramp-to-ramp (auxiliary) lanes, highway shoulders, highway covers, new overcrossing, I-5 southbound ramp relocation, new bike and pedestrian crossing, and improved bike and pedestrian facilities. (HB2017 Named & Conditioned project to add \$16,265,452 of NHFP funds)
What is changing?	<p>The amendment adds \$5 million of local TriMet funds to support the PE phase</p> <p>In 2016, the Metro Joint Policy Committee on Transportation (JPACT) voted to bond a subset of Regional Flexible Fund dollars to develop high capacity transit, highway bottleneck, and active transportation projects in preparation for potential state and regional investment. Metro has agreed to provide these funds to TriMet, and TriMet will then sell the bonds.</p> <p>TriMet desires to provide \$10,000,000 to State upon the completion of the bond sale to assist in developing the projects set forth in this Agreement as part of a multiagency approach to address multiple transportation, safety, and freight issues in the region.</p> <p>ODOT has begun development of the following three projects:</p> <ol style="list-style-type: none"> <li>4. Construction of a northbound auxiliary lane along OR217 between SW 72<sup>nd</sup> Avenue and SW Scholl's Ferry Rd (the "NB OR217 Project")</li> <li>5. Widening of I-205 between Abernethy Bridge and Stafford Road (the "I-205 Project")</li> <li>6. Construction of an auxiliary lane and shoulders on I-5 near the Broadway/Weidler interchange, and replacing existing overpasses with a land bridge (the "Rose Quarter Project").</li> </ol> <p>As a result of the agreement between ODOT and TriMet:</p> <ul style="list-style-type: none"> <li>• \$2,500,000 will be added to the planning phase of the Interstate 205: Stafford Road to Oregon Highway 99 East project (ODOT Project Key 19786)</li> <li>• \$2,500,000 will be added to the preliminary engineering phase of the Oregon 217: Southwest 72nd Avenue to Oregon 10 (Southwest Scholl's Ferry Road) project (ODOT Project Key 21179).</li> <li>• <b>\$5,000,000 will be added to the preliminary engineering phase of the Interstate 5 Rose Quarter Improvement Project (ODOT Project Key 19071).</b></li> </ul>

	<b>STIP amendment funding summary</b>		
	<b>Project</b>	<b>Current Funding</b>	<b>Proposed Funding</b>
	Interstate 205: Stafford Road to Oregon 99 East	\$12,500,000	\$15,000,000
	Oregon 217: Southwest 72nd Avenue to Oregon 10 (Southwest Scholl's Ferry Road) (not including HB 2017 funding)	\$9,400,000	\$11,900,000
	Interstate 5 Rose Quarter Improvement Project (not including HB 2017 funding)	\$20,391,997	\$25,391,997
	<b>TOTAL</b>	<b>\$42,291,997</b>	<b>\$52,291,997</b>
Additional Details:	The IGA is the "Funding Contribution Agreement: I-205, OR217, and Rose Quarter" and was approved on February 6, 2018.		
Why a Formal amendment is required?	Cost increases at or greater than 20% for \$1 million or higher programmed projects require a formal amendment per the Amendment Matrix. The additional \$5 million equals a 24.5% increase to the project		
Total Programmed Amount:	The programming for the project (all in the PE phase) increase <b>from \$20,391,997 to \$25,391,997</b>		
Added Notes:	Approval from the Oregon Transportation Commission (OTC) was required for this project. OTC approval occurred during their March 2017 meeting.		

<b>5. Project: I-205: Stafford Rd to Oregon 99 East</b>			
Lead Agency:	<b>ODOT</b>		
ODOT Key Number:	<b>19786</b>	MTIP ID Number:	70859
Project Description:	Complete pre-NEPA project development planning activities to add a 3rd through-lane on I-205 in each direction and a 4th lane on the Abernethy Bridge to separate through traffic and complete required seismic upgrades.		
What is changing?	\$2.5 million of local funds from TriMet are being added to support the project's the pre-NEPA project development planning phase.		
	In 2016, the Metro Joint Policy Committee on Transportation (JPACT) voted to bond a subset of Regional Flexible Fund dollars to develop high capacity transit, highway bottleneck, and active transportation projects in preparation for potential state and regional investment. Metro has agreed to provide these funds to TriMet, and TriMet will then sell the bonds.		
	TriMet desires to provide \$10,000,000 to State upon the completion of the bond sale to assist in developing the projects set forth in this Agreement as part of a multiagency approach to address multiple transportation, safety, and freight issues in the region.		
	<p>ODOT has begun development of the following three projects:</p> <ol style="list-style-type: none"> <li>7. Construction of a northbound auxiliary lane along OR217 between SW 72<sup>nd</sup> Avenue and SW Scholl's Ferry Rd (the "NB OR217 Project")</li> <li>8. Widening of I-205 between Abernethy Bridge and Stafford Road (the "I-205 Project")</li> <li>9. Construction of an auxiliary lane and shoulders on I-5 near the Broadway/Weidler interchange, and replacing existing overpasses with a land bridge (the "Rose Quarter Project").</li> </ol> <p>As a result of the agreement between ODOT and TriMet:</p> <ul style="list-style-type: none"> <li>• <b>\$2,500,000 will be added to the planning phase of the Interstate 205: Stafford Road to Oregon Highway 99 East project (ODOT Project Key 19786)</b></li> <li>• \$2,500,000 will be added to the preliminary engineering phase of the Oregon 217: Southwest 72nd Avenue to Oregon 10 (Southwest Scholl's Ferry Road) project (ODOT Project Key 21179).</li> </ul>		

	<ul style="list-style-type: none"><li>\$5,000,000 will be added to the preliminary engineering phase of the Interstate 5 Rose Quarter Improvement Project (ODOT Project Key 19071).</li></ul> <p><b>STIP amendment funding summary</b></p> <table><tr><th>Project</th><th>Current Funding</th><th>Proposed Funding</th></tr><tr><td>Interstate 205: Stafford Road to Oregon 99 East</td><td>\$12,500,000</td><td>\$15,000,000</td></tr><tr><td>Oregon 217: Southwest 72nd Avenue to Oregon 10 (Southwest Scholl’s Ferry Road) (not including HB 2017 funding)</td><td>\$9,400,000</td><td>\$11,900,000</td></tr><tr><td>Interstate 5 Rose Quarter Improvement Project (not including HB 2017 funding)</td><td>\$20,391,997</td><td>\$25,391,997</td></tr><tr><td><b>TOTAL</b></td><td><b>\$42,291,997</b></td><td><b>\$52,291,997</b></td></tr></table>	Project	Current Funding	Proposed Funding	Interstate 205: Stafford Road to Oregon 99 East	\$12,500,000	\$15,000,000	Oregon 217: Southwest 72nd Avenue to Oregon 10 (Southwest Scholl’s Ferry Road) (not including HB 2017 funding)	\$9,400,000	\$11,900,000	Interstate 5 Rose Quarter Improvement Project (not including HB 2017 funding)	\$20,391,997	\$25,391,997	<b>TOTAL</b>	<b>\$42,291,997</b>	<b>\$52,291,997</b>
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Additional Details:	The IGA is the “Funding Contribution Agreement: I-205, OR217, and Rose Quarter” and was approved on February 6, 2018.															
Why a Formal amendment is required?	Cost increases at or greater than 20% for \$1 million or higher programmed projects require a formal amendment per the Amendment Matrix. The additional \$2.5 million equals a 20% increase to the project															
Total Programmed Amount:	The total project programmed amount increases from \$12,500,000 to \$15,000,000.															
Added Notes:	Approval from the Oregon Transportation Commission (OTC) was required for this project. OTC approval occurred during their March 2017 meeting.															

<b>6. Project:</b>	<b>Portland to Milwaukie Light Rail (2019)</b>		
Lead Agency:	<b>TriMet</b>		
ODOT Key Number:	<b>20843</b>	MTIP ID Number:	<b>70929</b>
Project Description:	This project extends light rail from PSU in downtown Portland to Milwaukie and north Clackamas County. It includes a multi-modal bridge carrying light rail, streetcar, buses, bicycles and pedestrians.		
What is changing?	<p>The amendment increases the estimated FFY 2019 5309 grant allocation based on the Annual Report on Funding Recommendations for FY 2019 – FTA 5309 Capital Investment Grants Program.</p> <p>The approved 5309 grant allocation to the Portland – Milwaukie Light Rail project increases from \$38,000,000 to \$65,664,144.</p> <p>The <i>Annual Report on Funding Recommendations</i> is issued by the United States Secretary of Transportation to help inform the appropriations process for the upcoming fiscal year (FY) by providing information on projects that have been submitted to the Federal Transit Administration's (FTA) discretionary Capital Investment Grants Program.</p> <p>Since 1964, Congress has provided Federal funds to supplement certain local transit projects. In FY 2017, Congress provided \$9.1 billion in formula funds distributed to state and local governments for local transit projects. The CIG Program supplements those expenditures with additional financial resources for transit capital projects that are locally planned, implemented, and operated. It provides discretionary funding for fixed guideway investments such as new and expanded heavy rail, commuter rail, light rail, streetcars, bus rapid transit, and ferries as well as corridor-based bus rapid transit investments that emulate the features of rail.</p> <p>There are three categories of eligible projects under the CIG program: New Starts, Small Starts, and Core Capacity. New Starts and Core Capacity projects are required by law to go through a three phase process - Project Development, Engineering, and Construction. Small Starts projects are required by law to go through a two phase</p>		

### Annual Report on Funding Recommendations

Fiscal Year 2019  
Capital Investment Grants Program

Report of the Secretary of Transportation  
to the United States Congress  
Pursuant to 49 USC 5309(o)(1) and  
Section 3005(b)(11) of the Fixing America's Surface Transportation Act

February 2018

Prepared by:  
Federal Transit Administration

Available from:  
Federal Transit Administration  
Office of Planning and Environment  
1200 New Jersey Avenue, SE  
Washington, DC 20590



	<p>process - Project Development and Construction. As defined in law, New Starts projects are those whose sponsors request \$100 million or more in Capital Investment Grants Program funds <u>or</u> have an anticipated total capital cost of \$300 million or more. Core Capacity projects are substantial investments in existing fixed-guideway corridors that are at capacity today or will be in five years, where the proposed project will increase capacity by not less than 10 percent. Small Starts projects are those whose sponsors request less than \$100 million in Capital Investment Grants Program funds <u>and</u> have an anticipated total capital cost of less than \$300 million.</p> <p>Section 5309 CIG funding is provided for a portion of the total project cost, including design and construction. By law, New Starts projects are limited to a maximum Section 5309 CIG program share of 60 percent, and Core Capacity and Small Starts projects are limited to a maximum Section 5309 CIG program share of 80 percent.</p> <p>Previous programming for the project was based on early estimates in 2019 for eligible projects. The FTA <i>Annual Report on Funding Recommendations</i> provides the approved updates for 2019.</p>
Additional Details:	The specific funding recommendations are stated on page 5 of the document in Table 1, "FY 2019 Funding Recommendations for the Section 5309 Capital Investment Grants (CIG) Program"
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 5309 amount increases to \$65,664,144. The local funding contribution increases to \$51,851,705. <b>The revised total project programming amount is now \$117,515,849.</b>
Added Notes:	

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

ODOT-FTA-FHWA Amendment Matrix	
Type of Change	
FULL AMENDMENTS	
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:	
• Change in project termini - greater than 25 mile in any direction	
• Changes to the approved environmental footprint	
• Impacts to AQ conformity	
• Adding capacity per FHWA Standards	
• Adding or deleting worktype	
3. Changes in Fiscal Constraint by the following criteria:	
• FHWA project cost increase/decrease:	
• Projects under \$500K - increase/decrease over 50%	
• Projects \$500K to \$1M - increase/decrease over 30%	
• Projects \$1M and over - increase/decrease over 20%	
• All FTA project changes - increase/decrease over 30%	
4. Adding an emergency relief permanent repair project that involves substantial change in function and location.	
ADMINISTRATIVE/TECHNICAL ADJUSTMENTS	
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.	

- 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 March 2018 Formal MTIP amendment will include the following:

<u>Action</u>	<u>Target Date</u>
● Initiate the required 30-day public notification process.....	March 28, 2018
● TPAC notification and approval recommendation.....	April 6, 2018
● <b>JPACT approval and recommendation to Council.....</b>	<b>April 19, 2018</b>
● Completion of public notification process.....	April 26, 2018
● Metro Council approval.....	May 3, 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 .....	May 4, 2018
● Amendment bundle submission to ODOT for review.....	May 7, 2018
● Submission of the final amendment package to USDOT.....	May 11, 2018
● ODOT clarification and approval.....	Mid May , 2018
● USDOT clarification and final amendment approval.....	Late May/Early June 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 ACTIONS:**

TPAC recommends the approval of Resolution 18-4883 with the following modifications to the supporting materials and amendment processes:

1. Update the Public Notification and Exhibit A tables with the required years for two projects and minor corrections needed in the Preview Summary tables in Exhibit A and the Public Notification tables.
2. Expand the summary information in the preview tables to provide additional details about each project amendment as needed.
3. Expand the preview summary in the Public Notification and Exhibit A tables to include applicable references and information about the 2016 JPACT action to bond a subset of RFFA funds to develop the high capacity transit, highway bottleneck and active transportation projects in preparation for potential state and regional investments for the three impacted project in this formal amendment.
4. Explore and develop follow-on reporting processes concerning how the MTIP amendment programming actions result in the final construction phase contracting decisions, bid awards, etc. from an equity perspective and report back to TPAC on a periodic basis as a way to close the circle from the initial MTIP programming and amendment process to the final contractor selection for the construction phase.

Staff comments to the above four TPAC modified approval recommendations: Staff concurs with all four approval recommendations in support of Resolution 18-4883 as follows:

- a. Required corrections have been made to Exhibit A and to the Public Notification tables.
- b. The "Required Changes" field preview summary tables in Exhibit A and the Public Notification tables include additional change details about the project amendment.
- c. The three bond related projects (in Key - 21179, OR217 SW 72<sup>nd</sup> Ave to OR10-Scholl's Ferry Rd, Key 19071 - Rose Quarter Improvement Project, and Key 19786 - I-205 Stafford Rd to OR99E) had additional bond related details added to the preview summary tables for both Exhibit A and the Public Notification Tables
- d. The request to develop a summary report concerning the final construction phase contractor selection and its impact upon equity is an endeavor that has an existing desire for additional discussion. Staff will coordinate with a parallel effort, the Construction Career Pathways project to help refine and determine the requirements TPAC has requested. Staff

will bring progress report back to TPAC in the near future concerning the contracting equity reporting item request.

Attachment: Project Location Maps and OTC Staff Report copies