

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: Thursday, July 19, 2018
To: JPACT and Interested Parties
From: Ken Lobeck, Funding Programs Lead, 503-797-1785
Subject: July 2018 MTIP Formal Amendment plus Approval Request of Resolution 18-4901

STAFF REPORT

FOR THE PURPOSE OF ADDING OR AMENDING EXISTING PROJECTS TO THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM INVOLVING FOUR PROJECTS IMPACTING METRO, ODOT AND TRIMET (JL18-12-JUL)

BACKGROUND

What this is:

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

July 2018 Formal MTIP Amendment Amendment Type: Formal Name: JL18-12-JUL Number of Projects: 4			
ODOT Key MTIP ID	Lead Agency	Project Name & Description	Required Changes
Project #1 ODOT Key 21271 MTIP ID 71053	Metro	Portland Metro Planning SFY19 SFY 2019 annual MPO planning funds allocation in support of MPO planning requirements.	ADDED FUNDING: This amendment is adds a total of \$1,712,418 of STP and PL funds (plus associated required matching funds) of prior year unobligated carry-over still approved and eligible for the project
Project #2 ODOT Key 18839 MTIP ID 70661	TriMet	OR8: SW 115th Ave (Beaverton) - SW 192nd Ave OR8: SW 192nd Ave (Aloha) - SW 160th Ave (Beaverton) Sidewalk infill and improvements, Signal priority, bus stop relocations, bus pads, mobility improvements and enhanced pedestrian crossing	LIMITS/SCOPE CHANGE: The amendment increases the PE phase funding, reduces ROW phase. The project adds a small UR phase and decreases the construction phase funding. Various project locations needed to be dropped or split in order to keep project within budget, avoid overlaps with existing projects, and to drop work not wanted by applicant. The PE budget decided to be outsourced. This amendment serves to increase the budget for consultant design services. The scope update also requires adjustments to the project limits.
Project #3 ODOT Key 18794 MTIP ID 70766	ODOT	OR8: SW 10th - SW 110th OR8: SW Murray Blvd - SW 110th Ave (Beaverton) Systematic safety improvements Safety upgrades to install larger signal heads, reflective backboards, pedestrian countdown signals and left turn phasing where feasible	SCOPE CHANGE: The original scope for this project included 23 locations to receive signal head upgrades. ADA scope elements were not included. The project now includes AADA requirements resulting in a reduction to 9 locations to keep the project within the budgetary limitations.

ODOT Key MTIP ID	Lead Agency	Project Name & Description	Required Changes
Project #4 ODOT Key 19786 MTIP 70859	ODOT	I-205: Stafford Rd - OR99E 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.	ADD FUNDING: Partial Right-of-Way phase funding is being added to the project per review and approval by FHWA. The PE and ROW funding codes are being changed to reflect state HB2001.

What is the requested action?

JPACT recommends Metro Council approval of the July 2018 formal amendment and for resolution 18-4901 enabling the four identified projects to be amended correctly into the 2018 MTIP, with final approval to occur from USDOT.

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

1. Project: Portland Metro Planning SFY19			
Lead Agency:	Metro		
ODOT Key Number:	21271	MTIP ID Number:	71053
Project Description:	<p>The project represents annual planning funds allocated to Metro in support of regional planning requirements as stated in 23 CFR 450.300-338 including development and management of the RTP, UPWP, and the MTIP, plus completing major regional transportation related studies of significance and other activities that support metropolitan planning.</p> <p>Metro is allocated three types of funds used for annual planning activities: Federal Metropolitan Planning (PL) funds, FTA Section 5303 funds, and Surface Transportation Block Grant (STBG) funds. PL and STBG funds support various MPO planning studies UPWP work efforts and other planning activities the MPO is responsible for completing. FTA Section 5303 funds also support MPO planning activities, but focus on transit planning areas.</p>		
What is changing?	Additional unobligated PL and STP funds from past years are being carried over into the SFY 2019 cycle enabling the funds to be now be obligated and expended in support of required Metro planning projects.		
Additional Details:	This is one of possibly two UPWP funding corrective that will occur to resolve remaining unobligated authorized UPWP funds for Metro. In the past, there have been some issues between the statewide MPO UPWP program and ODOT's SPR program. This amendment reflects the ongoing clean-up effort to correct past issues the UPWP program.		
Why a Formal amendment is required?	A total of \$1,536,522 is being added to the project. The net cost increase is 37.6% which exceeds the Administrative Modification maximum threshold of 20%		
Total Programmed Amount:	Total programming increases from \$4,079,989 to \$5,782,407		
Added Notes:			

2. Project: OR8: SW 115th Ave (Beaverton) - SW 192nd Ave OR8: SW 192nd Ave (Aloha) - SW 160th Ave (Beaverton)			
Lead Agency:	TriMet		
ODOT Key Number:	18839	MTIP ID Number:	70780
Project Description:	Sidewalk infill and improvements, bus stop relocations, bus pads, mobility improvements and enhanced pedestrian crossing.		
What is changing?	Limits change along with the project scope.		

	<p>A review between ODOT and TriMet of the proposed original site locations revealed potential cost issues above the available budget and potential overlaps with other related projects, and projects deemed not required by the lead agency. The re-scoping effort resulted in a decision to also utilize a consultant driven PE phase rather than in-house delivery. As a result of this decision, the PE phase required additional funding which is being addressed through this amendment.</p> <p>The summary of changes to the project include the following:</p> <ul style="list-style-type: none"> - Split 188K & associated scope (OR8 @ SW 115th, OR8 @ Hall Blvd) to 18794 - Drop various locations to keep project within budget and to avoid overlap w/ existing projects - Change name and mile points to reflect scope change - Increase by 42K to address budget shortfall with remaining scope, adjusting funding between phases to make each phase whole and adding a UR phase <p>These changes decrease the required project total from \$1,844,000 to \$1,690,000</p>
Additional Details:	<p>Specific site locations adjustments include the following:</p> <p>Split to K18794:</p> <ul style="list-style-type: none"> - OR8 @ SW 115th - OR8 @ Hall Blvd <p>Remove (either due to overlap w/ other projects or insufficient budget):</p> <ul style="list-style-type: none"> - OR8 @ Broadway - 12900 block of OR8 - OR8 @ SW Hocken - OR8 @ SW 142nd - OR8 @ Murray Blvd - OR8 @ SW 170th - OR8 @ Aloha Village - OR8 @ SW 185th - OR8 @ SW 198th - OR8 @ Market Center <p>Keep:</p> <ul style="list-style-type: none"> - OR8 @ 160th Ave - OR8 @ St Mary's Home - OR8 @ SW 178th - OR8 @ 192nd Ave
Why a Formal amendment is required?	Limits changes in excess of 0.25 miles require a formal MTIP Amendment. Major scope changes to a project also require a formal MTIP Amendment. Both actions are occurring to the project resulting in the need for the formal amendment.
Total Programmed Amount:	The total project programming amount decreases from \$1,844,000 to \$1,698,000
Added Notes:	OTC action was not required for this change

3. Project:	OR8: SW10th - SW 110th OR8: SW Murray Blvd - SW 110th Ave (Beaverton)		
Lead Agency:	ODOT		
ODOT Key Number:	18794	MTIP ID Number:	70766
Project Description:	Systematic safety improvements Safety upgrades to install larger signal heads, reflective backboards, pedestrian countdown signals and left turn phasing where feasible		

What is changing?	<p>Scope Change: The original scope for this project included 23 locations to receive signal head upgrades. ADA scope elements were not included. The project now includes ADA requirements resulting in a reduction to 9 locations to keep the project within the budgetary limitations.</p> <p>K18794 was originally scoped as signal head upgrades at 23 locations with no ADA improvements. Newer requirements under the ADA settlement led R1 to revise the scope to include signal upgrades and ADA upgrades at 9 locations. The revised scope will require rebalancing original funding and creation of a ROW phase.</p> <p>Improvements originally part of K18839 will be added to K18794 to avoid overlaps and design conflicts between the projects. Funds associated with those improvements will be transferred to K18794.</p> <p>The summary of changes include the following: Remove various project locations due to insufficient budget</p> <ul style="list-style-type: none"> - Change project name and mile points to reflect revised scope - Split \$188K & associated scope from K18839 - Add a ROW phase of \$304,000, reducing CN by \$22,557 and adding \$93,443 from R1 Financial Plan to cover shortage
Additional Details:	<p>Revised locations for K18794:</p> <ul style="list-style-type: none"> - OR8 @ SW 110th - OR8 @ OR217 NB - OR8 @ OR217 SB - OR8 @ SW 115th (scope added from K18839) - OR8 @ SW 117th (scope added from K18839) - OR8 @ SW Lombard - OR8 @ Hall Blvd (scope added from K18839) - OR8 @ SW Watson - OR8 @ SW Murray <p>Removed locations (due to insufficient budget):</p> <ul style="list-style-type: none"> - OR8 @ 153rd Dr - OR8 @ 160th Ave - OR8 @ 170th Ave - OR8 @ 198th Ave - OR8 @ Brookwood - OR8 @ Shute Plaza - SE 10th Ave @ Maple St - SE 10th Ave @ Walnut St - SE 10th Ave @ Oak St - SE 10th Ave @ SE Baseline St - SE Baseline St @ SE 5th Ave - SE Baseline St @ SE 3rd Ave - SE Baseline St @ SE 2nd Ave - SW Baseline St @ W Main St
Why a Formal amendment is required?	Major scope changes to a project also require a formal MTIP Amendment
Total Programmed Amount:	The project total programming increases from \$1,824,396 to 2,144,043
Added Notes:	OTC approval was not required for these changes.

4. Project: I-205: Stafford Rd - OR99E	
Lead Agency:	ODOT
ODOT Key Number:	19786
	MTIP ID Number: 70859
Project Description:	<p><i>July 18, 2018 Project Status Additional Update for Metro Council:</i> ODOT submitted an official public comment requesting that the fund type codes for the PE and ROW phases be changed from their current proposed federal Advance Construction (ACP0) fund code to be 100% State HB2001 funds. ODOT's request is consistent with the OTC action approving the funds for the PE and ROW phases. The final submitted amendment package to FHWA will reflect the \$14 million for PE and \$1.4 million for the ROW phase as 100% State HB2001 funds. – KL 7-19-2018</p> <p>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.</p> <p>The project scope includes four main components:</p> <ul style="list-style-type: none"> A. Widen and seismically retrofit the George Abernethy Bridge near Oregon City. B. Retrofit or replace the other seismically vulnerable bridges carrying Interstate 205 in the project corridor. C. Widen the freeway to three northbound and three southbound lanes between Stafford Road and Oregon 99 East. D. Modify interchanges at Oregon 43 and Oregon 99 East to conform to the additional freeway lanes and add Active Traffic Management (ATM) elements consistent with the Oregon Department of Transportation (ODOT) Region 1's ATM Project Atlas.
What is changing?	The amendment adds \$1.4 million total of funding in support of right-of-way activities.
Additional Details:	FHWA reviewed ODOT's request and reversed their earlier decision supporting the MPO concerning partial implementation phase programming for this project.
Why a Formal amendment is required?	Adding partial funding to an implementation phase represents a core change to FHWA programming policy.
Total Programmed Amount:	The programming for the project increases from \$29,000,000 to \$30,400,000.
Added Notes:	Approval from the Oregon Transportation Commission (OTC) was required for this project. OTC approval occurred during their April 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
 - 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.

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.	

- 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 July 2018 Formal MTIP amendment will include the following:

<u>Action</u>	<u>Target Date</u>
● Initiate the required 30-day public notification process.....	June 29, 2018
● TPAC notification and approval recommendation.....	July 13, 2018
● JPACT approval and recommendation to Council.....	July 19, 2018
● Completion of public notification process.....	July 30, 2018
● Metro Council approval.....	August 2, 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	August 6, 2018
● Amendment bundle submission to ODOT for review.....	August 7, 2018
● Submission of the final amendment package to USDOT.....	August 7, 2018
● ODOT clarification and approval.....	Mid-August , 2018
● USDOT clarification and final amendment approval.....	Mid-August 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:

JPACT recommends the approval of Resolution 18-4901.

- TPAC notification and approval date: July 13, 2018
- JPACT approval recommendation date: July 19, 2018

Attachment: Project Location Maps