

# Memo



**Metro**

600 NE Grand Ave.  
Portland, OR 97232-2736

Date: Friday, February 22, 2019  
To: Metro Council and Interested Parties  
From: Ken Lobeck, Funding Programs Lead, 503-797-1785  
Subject: February 2019 MTIP Formal Amendment plus Approval Request of Resolution 19-4965

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## **STAFF REPORT**

FOR THE PURPOSE OF ADDING OR AMENDING EXISTING PROJECTS TO THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM INVOLVING TWO PROJECTS IMPACTING TRIMET (FB19-06-FEB)

## **BACKGROUND**

### **What This Is:**

The February 2019 Formal Metropolitan Transportation Improvement Program (MTIP) Amendment bundle (for FFY 2019) contains required changes and updates impacting TriMet. Two projects comprise the amendment bundle. The amendment is increasing TriMet's Community Job Connector's project by transferring 5307 and required match from their preventative maintenance project

### **TPAC's Role with the Public Notification Process:**

A key part of the formal amendment process includes the public notification process which involves ensuring the public has an opportunity to comment on the proposed changes. For formal amendments, the public comment period lasts thirty days. Metro posts the amendment on the MTIP website and collects any and all public comments submitted via email.

Public comment can also occur through the Metro approval committees including the Transportation Policy Alternatives Committee (TPAC), Joint Policy Advisory Committee on Transportation (JPACT), and Metro Council. The public notification and opportunity to comment period for MTIP formal amendments originates from a USDOT requirement stated in 23 CFR 450.316(a) and Section 318(b). USDOT takes the public notification requirement seriously and expects the MPOs to as well.

In addition to the standard public comment opportunities as noted previously, USDOT considers the requirement to also include an overview presentation at the MPO prior to final approval. At Metro, this is achieved at TPAC where a summary and overview of the amendment bundle is presented to committee members. The purpose of the amendment overview presentation provides expanded discussion and comment opportunities from agency staff and community representatives. FHWA considers TPAC opportunity to review and discuss projects in the amendment bundle a key part of the public notification process. From FHWA's perspective, the TPAC discussion provides the required representation of public sentiment, concerns, needed clarification, objections, or support when changes occur to the MTIP. TPAC members should never undervalue their role in submission and approval process for formal MTIP amendments. TPAC's role in the review and discussion is the key piece for the successful completion of the public notification process and the cornerstone for allowing the item to proceed to JPACT via consent.

**What is the requested action?**

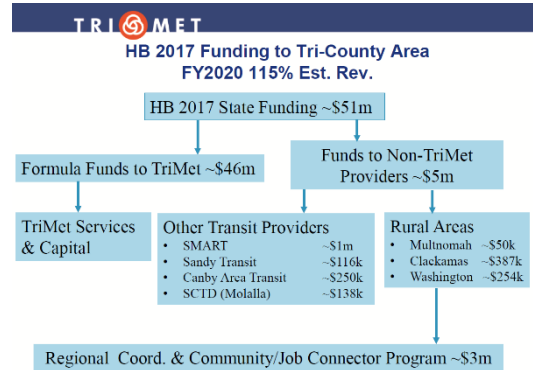
**JPACT recommends approval of the February 2019 formal MTIP amendment to Metro Council for resolution 19-4965 enabling the two identified projects to be amended correctly into the 2018 MTIP with final approval to occur from USDOT.**

The summary of the two projects is shown in the below table:

<b>Proposed February 2019 Formal Amendment Bundle</b> <b>Amendment Type: Formal/Full</b> <b>Amendment #: FB19-06-FEB</b> <b>Total Number of Projects: 2</b>					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
19712	70857	TriMet	Community Job Connector Shuttle 2018	<del>Implement a new job connector shuttle north and south of Hwy 26 supporting low and middle wage workers transit needs within the North Hillsboro Industrial District</del> Replace with --> <b>Improved access to jobs and job-related activities for the low-income workforce and to transport residents of urbanized and non-urbanized areas to suburban employment opportunities.</b>	<b>COST INCREASE:</b> An additional \$417,088 of federal FTA Section 5307 funds (along with local matching funds) are being added to the project to implement planned services during FFY 2019. The cost increase represents a 33.6% change to the project and is above the FTA threshold for cost changes via administrative modifications. The added federal 5307 is being transferred from TriMet's Preventative Maintenance project in Key 19334. The project's description is updated to be consistent with the standardized description in place for the annual job connector projects
19334	70737	TriMet	Capital Maintenance For Bus And Rail	Capital Maintenance For Bus And Rail	<b>FUNDS TRANSFER:</b> \$417,088 of federal; FTA Section 5307 funds and associated local matching funds are being transferred to Key 19712, TriMet's Community Job Connector Shuttle project to increase its authorized funding level.

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

<b>Project 1: Community Job Connector Shuttle 2018</b>			
Lead Agency:	<b>TriMet</b>		
ODOT Key Number:	<b>19712</b>	MTIP ID Number:	<b>70857</b>
Projects Description:	Project Snapshot: <ul style="list-style-type: none"> <li>Proposed improvements: To improve access to jobs and job-related activities for the low-income workforce and to transport residents of urbanized and non-urbanized areas to suburban employment opportunities. Implement specialized job commuter shuttle services in areas where regular fixed routes services would not support.</li> <li>Source: TriMet Enhancement Plans</li> <li>Funding: Federal FTA Section 5307</li> <li>Type: Transit - Shuttle</li> <li>Location: Various – region wide</li> <li>Cross Streets: N/A</li> <li>Mile Post Limits: N/A</li> <li>Current Status Code: T22 = Programming actions in progress or programmed in current MTIP</li> </ul>		

	<ul style="list-style-type: none"> <li>STIP Amendment Number: TBD</li> <li>MTIP Amendment Number: FB19-06-FEB</li> </ul>
What is changing?	<p><b>AMENDMENT ACTION: COST INCREASE</b></p> <p>The amendment adds \$417,088 of federal FTA Section 5307 funds and required local match in support of TriMet's Community Jobs Connector program. The additional federal 5307 is being transferred from TriMet's FY 2018 Preventative Maintenance project in Key 19334.</p> <p>About the Community Jobs Connector projects: There are areas where the businesses and/or homes are so scattered or are located on so much land that there aren't enough people within walking distance of bus stops to cost-effectively provide traditional fixed route bus service. In some instances there aren't enough roadway connections to allow people to walk to and from bus stops safely. These areas, unfortunately, are often in industrial and warehousing areas where entry-level and living wage jobs are available, but are too spread out to support fixed-route transit service.</p> <p>TriMet has identified in their area Service Enhancement Plans multiple Community Job Connector services to be implemented over the next several years. The total funding will support operational services during 2019. The additional funding being transferred from Key 19334 to this project will support the following projects:</p> <ul style="list-style-type: none"> <li>North Hillsboro Community Job Connector</li> <li>Swan Island Community Job Connector</li> <li>Grove Link Community Job Connector</li> <li>Tualatin Community Job Connector</li> </ul>
Additional Details:	<p>Future expansion of the community job connector projects is anticipated to be state funded from HB2017 plus local funds as required.</p>  <pre> graph TD     A["TRI MET HB 2017 Funding to Tri-County Area FY2020 115% Est. Rev."] --&gt; B["HB 2017 State Funding ~\$51m"]     B --&gt; C["Formula Funds to TriMet ~\$46m"]     B --&gt; D["Funds to Non-TriMet Providers ~\$5m"]     C --&gt; E["TriMet Services &amp; Capital"]     C --&gt; F["Other Transit Providers • SMART ~\$1m • Sandy Transit ~\$116k • Canby Area Transit ~\$250k • SCTD (Molalla) ~\$138k"]     D --&gt; G["Rural Areas • Multnomah ~\$50k • Clackamas ~\$387k • Washington ~\$254k"]     D --&gt; H["Regional Coord. &amp; Community/Job Connector Program ~\$3m"]   </pre>
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO Amendment Matrix, Cost changes for FTA projects that are in excess of 30% require a formal amendment. Adding \$417,008 of 5307 plus match represents a 33.6% cost change to the project and is above the 30% threshold.
Total Programmed Amount:	The total project cost increases from \$1,240,000 to \$2,074,176
Added Notes:	

Project #2: FY18 Bus & Rail Preventive Maint (5307)	
Lead Agency:	TriMet
ODOT Key Number:	19334
MTIP ID Number:	70737
Project Description:	Project Snapshot: <ul style="list-style-type: none"> <li>Proposed improvements:</li> </ul>

	Capital Maintenance For Bus And Rail. <ul style="list-style-type: none"> <li>• Source: Federal formula allocation to TriMet</li> <li>• Funding: Annual federal FTA Section 5307 formula funds</li> <li>• Type: Transit – Maintenance support</li> <li>• Location: Region wide</li> <li>• Cross Streets: N/A</li> <li>• Mile Post Limits: N/A</li> <li>• Current Status Code: T22</li> <li>• STIP Amendment Number: TBD</li> <li>• MTIP Amendment Number: FB19-06-FEB</li> </ul>
What is changing?	<b>AMENDMENT ACTION: FUND TRANSFER</b> Past TriMet Community Job Connector projects have drawn their 5307 funds from TriMet's larger annual Preventative Maintenance project. Key 19934 is the FY18 Bus & Rail Preventative Maintenance project. \$417,088 of 5307 and required match being transferred to Key 19712 through this amendment.
Additional Details:	
Why a Formal amendment is required?	Although the net change to Key 19334 is less than 1%, the fund transfer is tied to the funding addition to Key 19712. Since 19712 requires a formal amendment, Key 19334 proceeds with 19712 as part of the formal amendment.
Total Programmed Amount:	The total project programming decreases from \$50,141,149 to \$49,619,788
Added Notes:	

Note: The Amendment Matrix located on the next page is included as a reference for the rules and justifications governing Formal Amendments and Administrative Modifications to the MTIP 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.
  - 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.

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:	
• 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.	
<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.	

## APPROVAL STEPS AND TIMING

Metro's approval process for formal amendment includes multiple steps. The required approvals for the February 2019 Formal MTIP amendment will include the following:

- | <u>Action</u>   | <u>Target Date</u> |
|---|--------------------|
| • Initiate the required 30-day public notification process..... | January 28, 2019   |
| • TPAC notification and approval recommendation.....            | February 1, 2019   |
| • JPACT approval and recommendation to Council.....             | February 21, 2019* |

- Completion of public notification process..... February 26, 2019
- Metro Council approval..... March 7, 2019

## Notes:

- \* If any notable comments are received during the public comment period requiring follow-on discussions, they will be addressed by JPACT.

## USDOT Approval Steps:

<u>Action</u>	<u>Target Date</u>
• Metro development of amendment narrative package .....	March 11, 2019
• Amendment bundle submission to ODOT for review.....	March 12, 2019
• Submission of the final amendment package to USDOT.....	March 12, 2019
• ODOT clarification and approval.....	Mid-March, 2019
• USDOT clarification and final amendment approval.....	Mid to Late March, 2019

## Notes:

**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 19-4965.**

- JPACT approval: February 21, 2019
- TPAC approval: February 1, 2019

Attachments: No attachments included with the staff report