

# Memo



**Metro**

600 NE Grand Ave.  
Portland, OR 97232-2736

Date: Monday, May 6, 2019  
To: JPACT and Interested Parties  
From: Ken Lobeck, Funding Programs Lead, 503-797-1785  
Subject: May 2019 MTIP Formal Amendment plus Approval Request of Resolution 19-4993

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## STAFF REPORT

FOR THE PURPOSE OF ADDING OR AMENDING EXISTING PROJECTS TO THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM INVOLVING 6 PROJECTS IMPACTING ODOT, PORTLAND AND TIGARD (AP19-09-MAY)

## BACKGROUND

### What This Is:

The May 2019 Formal Metropolitan Transportation Improvement Program (MTIP) Amendment bundle (for FFY 2019) contains required changes and updates impacting ODOT, Portland, and Tigard. Six projects comprise the amendment bundle.

### What is the requested action?

Staff is providing JPACT notification of the May 2019 formal amendment and requesting their approval recommendation to the Metro Council for resolution 19-4993 to be amended correctly into the 2018 MTIP, with final approval to occur from USDOT.

**Note: Amendment approval recommendation modification may be required pending guidance from FHWA from the results of the STIP Re-balancing Amendment currently in development. See the Supplemental Guidance section after the project tables.**

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

Proposed May 2019 Formal Amendment Bundle Amendment Type: <b>Formal/Full</b> Amendment #: <b>AP19-09-MAY</b> Total Number of Projects: 6					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 20481	70973	ODOT	I-405: Fremont (Willamette River) Bridge	Paint bridge approaches; other section as funding allows.	<b><u>CANCELLED PROJECT:</u></b> Project funding by approved OTC action is being de-programmed and transferred among three other projects. Existing funding was sufficient to cover only five of fifteen approach ramps. However, a partial project was deemed inefficient. Full project funding mostly will return as part of the next STIP (2021-24)

Project #2 Key 20410	70967	ODOT	I-84: I-205 – NE 181 <sup>st</sup> Ave	On I-84 <del>from I-205 to NE 181<sup>st</sup> Ave</del> , remove and replace asphalt surface to repair rutted pavement & repair the driving surface of four bridges (#07088A, #07044A, #07043A and #13514F. (HB2017 Awarded Project, <del>\$3,100,000 awarded funding</del> )	<b><u>SCOPE CHANGE/COST INCREASE:</u></b> The formal amendment adds rehab/repair of four additional bridges within the project limits. The additional needed funding originates from Key 20481 (I-405 Fremont Bridge) transfer and cancellation as noted for Key 20481 (in this amendment bundle). . The ODOT Bridge program has approved funding to repair the driving surface of these bridges. OTC approval also was required with approval occurring during their May 2019 meeting
Project #3 Key 20471	70999	ODOT	OR99W: Tualatin River Northbound Bridge	On OR99W near King City, replace the current structural overlay (HB2017 Awarded Project, \$1,202,900 Original Award).	<b><u>COST DECREASE/SCOPE CHANGE:</u></b> The formal amendment de-programs the construction phase planned for 2020 and shifts \$453,000 to the PE phase to support a funding shortfall in the PE phase. Construction phase fund de-programming (\$746,877) is being transferred to Key 20485, NW Forest Lane over I-84 (which is outside of the MPO boundary) and not included as part of this amendment bundle. The remaining \$3,023 from the construction phase will be transferred to the State Bridge Program
Project #4 Key 21283	71054	Portland	NE 12th Ave Over I-84 & Union Pacific RR Bridge (Portland)	On NE 12th Ave over I-84, construct protective fencing for the 12th Ave bridge to provide safety to the traveling motorist	<b><u>COST INCREASE/PHASE SLIP:</u></b> The formal amendment adds funding to the Preliminary Engineering and construction phases from the funding pot supporting bridge protective screening. The ODOT Bridge program has approved additional funding to address these elements. The construction year also has been moved out to 2021 based on the expected time to complete the PE phase
Project #5 Key 20811	70888	Tigard	SW Wall St Extension to SW Tech Center Dr (Hunziker)	This project will connect Tigard's Tech Center Drive to SW Wall Street with more than 3,500 feet of new public road.	<b><u>REMOVE PROJECT:</u></b> The formal amendment removes the project from the MTIP and STIP. The project originally is a 2019-21 RFFA federal awarded project. The project was deemed an appropriate candidate to de-federalize without impacting the project delivery. Metro will monitor project delivery like other federal projects awarded Metro funding.
Project #6 Key 17757	70594	Tigard	Main St Ph2: Rail Corridor-Scoffins	Green street retrofit, pedestrian amenities, street lights	<b><u>REMOVE PROJECT:</u></b> The formal amendment removes the project from the MTIP and STIP. The project is a RFFA federally awarded project that has been de-federalized for expedited project delivery. Local funds from another Tigard project were exchanged for the federal funds previously. Therefore, the project is being removed from the MTIP and STIP. Metro maintains a separate IGA with Tigard for the delivery of this project. Metro will monitor delivery separately from the usual federal transportation project delivery process.

### **Supplement Guidance as of May 6, 2019: Impact of ODOT's STIP Re-balancing Effort.**

Subsequent to the submission of the six projects (four from ODOT) included in draft Resolution 19-4993, ODOT notified Metro that a statewide action has commenced to "Re-balance" the 2018-21 STIP". The re-balancing effort is a kind way of stating there is insufficient committed funding to support all programmed ODOT projects in the approved STIP. Technically, the MTIP and STIP are no longer fiscally constrained resulting in a fiscal constraint violation. ODOT has notified FHWA of the STIP funding shortfall and is currently working with FHWA to make the required adjustments. Since ODOT self-identified this issue FHWA is not considering a STIP and MTIP suspension due to the fiscal constraint violation.

The STIP re-balancing effort requires each ODOT Region and program area to review and assess their STIP projects to update project and phase costs, determine which projects can and should progress towards construction or required phase obligation, and which projects can be delayed and pushed out into the next STIP cycle. The four ODOT bridge projects included within draft Resolution 19-4893 represent a microcosm of the entire STIP re-balancing effort. Key 20481, I-405 Fremont Bridge's funding is being cannibalized to salvage and support other bridge and interstate projects including the I-84 – I-205 to 181<sup>st</sup> pavement rehabilitation project also part of this amendment bundle to now include repair work to four identified bridges as part of the adjusted scope of work.

#### **How We Got Here:**

The federal fiscal year third quarter (April – June) normally is the time when projects are reassessed and properly positioned to obligate their federal funds to initiate Preliminary Engineering (PE), Right-of-Way (ROW), Utility Relocation (UR), and/or the Construction phase. About 10-20% of the updated projects are determined not ready to move forward for various reasons and their current year project phase will be slipped to the federal fiscal year. This provides additional funding to support other projects with a phase funding shortfall to keep them on schedule.

During this year's final assessment review to determine phase obligation readiness levels, many projects were identified with phase funding shortfalls especially for their construction phases. These funding shortfalls have gone well beyond the normal 10% to 15% range with the shortfalls in excess of 25% and above for the construction phase as an example. While project managers include cost increase contingency funding for the project, the cost increases have well exceeded their estimates. Two primary reasons have been cited for this:

- **The Hot Economy:** The building and construction industry is still considered "hot" resulting in short-term inflationary cost increases on transportation projects. This has resulted in construction bids for major capital projects coming in above 30% of the project engineer's estimate. Some of the construction bid estimates have come in well over 50% of the engineer's estimate further exacerbating the funding shortfalls.
- **Project Scoping Issues:** As projects work through the National Environmental Protection Act (NEPA), they include the identification of required scope of work activities and the projection of cost estimates to assist in developing the final design and scope elements for the project. This portion of the federal delivery process is often simply referred to project development activities. The intent of project development is to identify the estimated project scope of work, potential barriers to delivery, possible mitigation requirements to offset delivery barriers, offer alternatives in alignment and construction, and determine project phase costs for delivery that can be five to six years in the future. Unfortunately, the

project scoping/project development efforts applied to current ODOT STIP projects has not resulted in accurate cost estimates or complete scope of work requirements for numerous projects.

Added note: The project scoping issues ODOT is currently facing also is being experienced by the Metro funded project lead agencies as well. The project scoping issue is not limited to ODOT projects and is a statewide issue. As a result of this ongoing issue, the ODOT Certified User Group (CUG) has been attempting to properly diagnosis the scoping problem for the last two years and provide appropriate corrections to improve project development and scoping efforts for improved cost methodology results.

Due to the scope issues and cost increases facing many ODOT funded STIP projects, ODOT has called for a STIP re-balancing effort in order to salvage as many as many projects as projects in order for them to be ready to obligate their federal phase funds and implement their next appropriate project phase before the end of the federal fiscal year. The STIP re-balancing assessment and review is expected to be completed by early June 2019. Metro will then be advised by ODOT and FHWA of the next steps to complete the required project amendments.

*What this means for the May 2019 Formal Amendment Bundle in draft Resolution 19-4993:*

FHWA is still working through the review and assessment to determine allowable amendment process deviations. Metro expects FHWA's guidance by June 2019. If the number of project changes are as high as forecasted (e.g. potentially 100 projects or more for Region 1), then FHWA may grant a one-time deviation to process the project adjustments administratively to ensure projects still will be able to obligate their federal funds. However, FHWA still may require a full public notification/30- day public comment period to be included. The level of documentation required to justify each project amendment also is expected to be reduced with the standard documentation and narratives waived as an amendment requirement. At present, no final decisions have been made.

As a result of the developing STIP Re-balancing Amendment, the four ODOT projects (Keys 20481, 20410, 20471, and 21283) included in the May Formal MTIP Amendment bundle may be withdrawn and added into the final STIP Re-balancing Amendment package. However, if the re-balancing effort takes longer than expected, the four projects will process as submitted for Metro Council approval on May 30, 2019 and then be sent on to ODOT and USDOT for final approval.

With the situation still murky, ODOT and FHWA requested Metro to continue processing the full amendment as submitted until additional guidance is provided which is hopefully before JPACT meets. If requested to withdraw the four ODOT projects, the final May 2019 Formal MTIP amendment will consist only of the two project removals for the city of Tigard. Resolution 19-4993 will be adjusted to reflect the change as well. As of May 6, 2019, staff guidance to JPACT is to:

1. Continue to process and recommend approval to Metro Council for the full six-project amendment bundle in AP19-09-MAY as currently written and approved by TPAC.
2. Understand that as of May 16, 2019, (or before the proposed amendment approval by Metro Council on My 30, 2019), FHWA may provide amendment change direction to remove the four ODOT four projects from the May 2019 Formal MTIP Amendment Bundle and include them in the final STIP Re-Balancing Amendment. The direction to Metro will include additional processing procedural requirements to complete the STIP Re-balancing Amendment based on special one-time deviation procedures.

3. Understand that due to the STIP Re-balancing Amendment now in development, ODOT will not send the projects identified in the May 2019 Formal Amendment Bundle to OTC, but will include them as part of the final STIP Re-Balancing Amendment when presented to OTC.
4. If removed, recommend approval then only for the two included Tigard project and just all required amendment documentation accordingly.
5. Finish processing the STIP Re-Balancing Amendment per guidance and direction from FHWA.

A detailed summary of the amended projects is provided in the tables on the following pages.

Project 1:		<del>I-405: Fremont (Willamette River) Bridge</del> Cancelled Project																			
Lead Agency:	ODOT																				
ODOT Key Number:	20481	MTIP ID Number:	70973																		
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"><li>Proposed improvements: Paint bridge approaches; other section as funding allows.</li><li>Source: Existing MTIP project</li><li>Funding: FHWA National Highway Performance Program (NHPP-FAST) appropriated to ODOT from the FAST Act</li><li>Type: Bridge</li><li>Location: In Portland at the Fremont Bridge at the Willamete River</li><li>Cross Streets: Approximately between I-405 split at NW Savier St west to I-5 interchange at about N Stanton St</li><li>Mile Post Limits: 3.12 to 3,53 = 0.41 miles</li><li>Current Status Code: 6 to 0 = By OTC approval, project funding is being de-programmed and transferred among three other projects</li><li>STIP Amendment Number: 18-21-2415</li><li>MTIP Amendment Number: AP19-09-MAY</li></ul>																				
What is changing?	<p><b>AMENDMENT ACTION: CANCEL PROJECT</b></p> <p>The existing approved funding for Key 20481 is being cancelled and re-programmed among two other ODOT projects. One is outside of Region 1 and includes Key 20109 (Yaquina Bay Bridge). The second project is the I-84: I-205 to NE 181<sup>st</sup> Ave project in Key 204810 and is included in this amendment bundle. The remaining funding is being transferred to the 2020 State Bridge Program. The summary of the reprogramming is as follows:</p> <ul style="list-style-type: none"><li>Transfer \$1,582,100 of the canceled Fremont Bridge project to the Yaquina Bay Bridge project.</li><li>Transfer \$2,179,980 of the funds from the Fremont Bridge project to the Interstate 84: Interstate 205 to NE 181<sup>st</sup> Avenue project.</li><li>Transfer remaining \$14,032,536 of the Fremont Bridge funds to the 2020 state bridge program.</li></ul> <table><tr><th>Project</th><th>Current</th><th>Proposed</th></tr><tr><td>US101: Yaquina Bay Bridge</td><td>\$24,667,900</td><td>\$26,250,000</td></tr><tr><td>I-84: I-205 – NE 181<sup>st</sup> Ave</td><td>\$3,600,000</td><td>\$5,779,980</td></tr><tr><td><b>I-405: Fremont (Willamette River) Bridge</b></td><td><b>\$17,794,616</b></td><td><b>\$0</b></td></tr><tr><td>State bridge program – federal fiscal year 2020</td><td>1,729,403</td><td>\$15,761,939</td></tr><tr><td><b>TOTAL</b></td><td><b>\$47,791,919</b></td><td><b>\$47,791,919</b></td></tr></table>			Project	Current	Proposed	US101: Yaquina Bay Bridge	\$24,667,900	\$26,250,000	I-84: I-205 – NE 181 <sup>st</sup> Ave	\$3,600,000	\$5,779,980	<b>I-405: Fremont (Willamette River) Bridge</b>	<b>\$17,794,616</b>	<b>\$0</b>	State bridge program – federal fiscal year 2020	1,729,403	\$15,761,939	<b>TOTAL</b>	<b>\$47,791,919</b>	<b>\$47,791,919</b>
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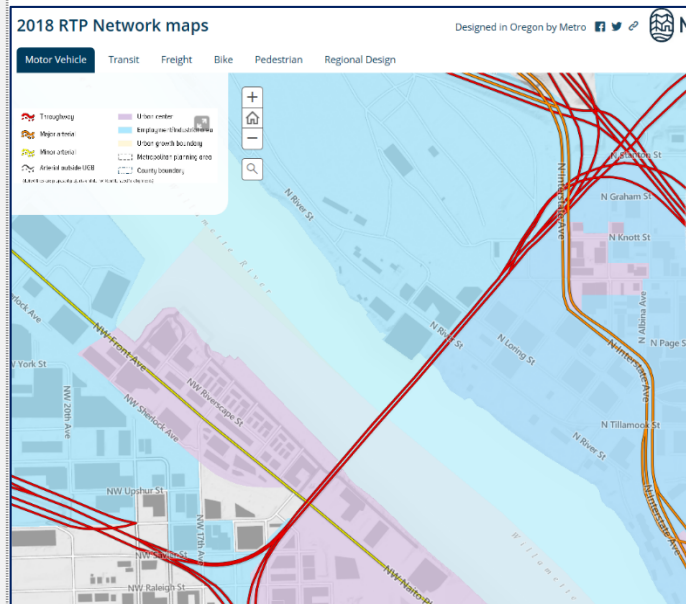
As a result of the de-programming and fund transfers, Key 20481 is cancelled from the MTIP.

*Cited from the OTC Staff Report*

### **Background – project to be canceled**

#### ***Interstate 405: Fremont (Willamette River) Bridge:***

The Interstate 405: Fremont (Willamette River) Bridge was built in 1973. This bridge is 2154 feet long and carries 130,000 vehicles daily on eight lanes. There are eight ramps on the east approach to the bridge, and seven ramps on the west approach.



The paint on this bridge has been in service for 46 years and is nearing the end of its service life. There are numerous areas where the paint is peeling and there are some areas that are in the early stages of corrosion. The funding that was originally allocated to this project was intended to paint the eight ramps on the east approach. In January 2018, funds totaling \$3,060,275 were moved to

Additional Details:

another project in Southern Oregon so that project could be awarded. In January 2019, funds totaling \$10,000,000 were moved to the Major Bridge Maintenance program, so that major bridges in the Portland Metropolitan area, and other bridges statewide, could be strengthened.



While the remaining funding could be used to paint up to five of the east approach ramps, depending on which ramps are chosen, this is a small portion of the entire bridge. Although the paint is nearing the end of its service life, this bridge is not in a salt water environment so the rate of corrosion is low compared with other locations. Due to the area of steel for

the main portion of the Fremont Bridge and the fifteen approach ramps, any paint project will need to be completed in stages. However, a project funded at the current level is not efficient.

### **Background – projects to be increased**

#### ***U.S. 101: Yaquina Bay Bridge – Key 20109:***



The U.S. 101: Yaquina Bay Bridge (Newport, Oregon) was built in 1936 and is listed on the National Register. The concrete approach spans have a corrosion control system installed that is near the end of its useful life and should be removed so that a new coating and power supply and control system can be installed.



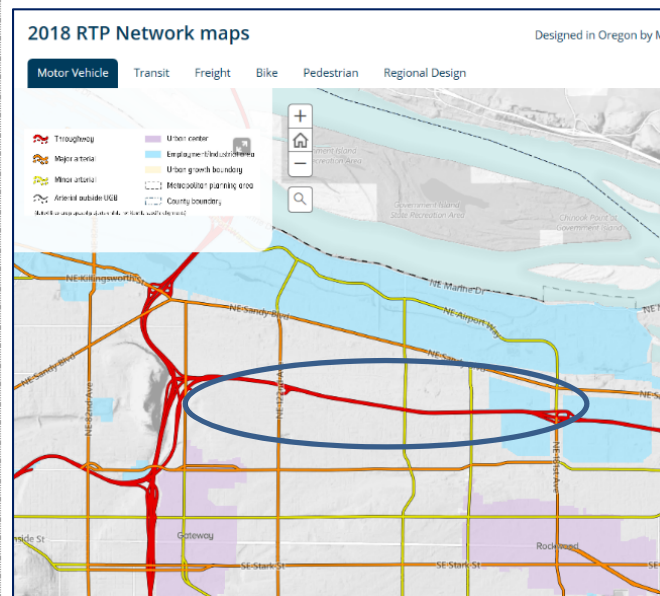
There are fifteen approach spans on the southern portion of this bridge, including five arch spans. The history of funding for this project is that a portion of the funds needed to address the corrosion control on the southern

spans was split from another project to enable some work to be done. House Bill 2017 funding was added so that the entire southern approach could be addressed in one project.

There are five concrete spans on the northern approach that have the same need for a new cathodic protection system as the southern approach. Adding the northern approach to the current project will be more efficient than having a separate future contract that is just for the northern approach.

#### **Interstate 84: Interstate 205 to NE 181<sup>st</sup> Avenue:**

The construction phase of this project was added using House Bill 2017 funding.



The Interstate 84: Interstate 205 to NE 181<sup>st</sup> Avenue project will remove and replace five and a half miles of rutted pavement on Interstate 84, but it does not currently include repairs to the concrete bridge surfaces. There are four bridges that have worn concrete driving surfaces within the limits of this project.

Adding the repair of the driving surface of these bridges to this project creates funding efficiencies and will


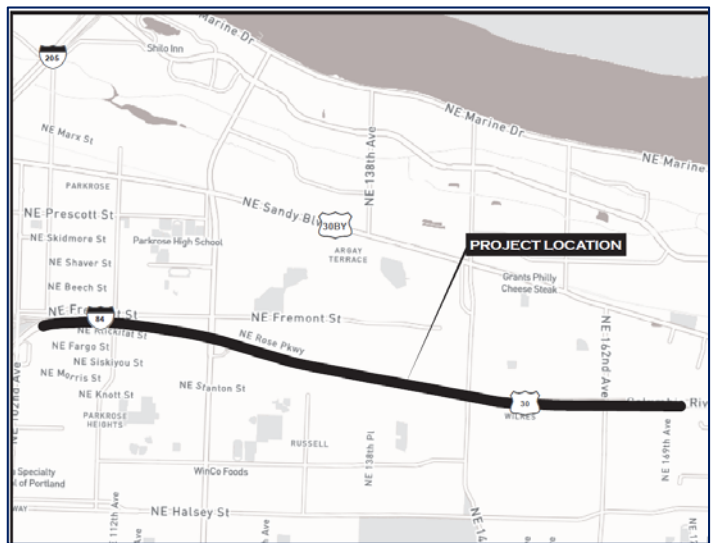
allow those traveling this section a smoother, safer driving experience.

*Clarifying note: **Cathodic protection (CP)** is a technique used to control the corrosion of a metal surface by making it the cathode of an electrochemical cell. A simple method of protection connects the metal to be protected to a more easily corroded "sacrificial metal" to act as the anode. Cathodic protection systems protect a wide range of metallic structures in various environments. Common applications are: steel water or fuel pipelines and steel storage tanks such as home water heaters; steel pier piles; ship and boat hulls; offshore oil platforms and onshore oil well casings; offshore wind farm foundations and metal reinforcement bars in concrete buildings and structures. Another common application is in galvanized steel, in which a sacrificial coating of zinc on steel parts protects them from rust.*


Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO Amendment Matrix, new projects being added to or cancelled from the MTIP require a formal/full amendment.
Total Programmed Amount:	The total project programming amount decreases from \$17,794, 616 to \$0
Added Notes:	The project was first amended last January when \$10 million of programmed funding was transferred to the State Bridge Program for maintenance needs.

<b>Project 2:</b>	<b>I-84: I-205 – NE 181<sup>st</sup> Ave</b>		
Lead Agency:	<b>ODOT</b>		
ODOT Key Number:	<b>20410</b>	MTIP ID Number:	70967
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> <li>Proposed improvements: On I-84 from I-205 to NE 181<sup>st</sup> Ave, remove and replace asphalt surface to repair rutted pavement &amp; repair the driving surface of four bridges (#07088A, #07044A, #07043A and #13514F).</li> <li>Source: Existing MTIP project.</li> <li>Funding: HB2017 original award of \$3.1 million plus expected NHPP-FAST, but programmed using Advance Construction fund type code for flexibility.</li> <li>Type: Highway.</li> <li>Location: On I-84 between I-205 and 181<sup>st</sup> Ave in northeastern Portland.</li> <li>Cross Streets: Overall - approximately between I-205 &amp; 181<sup>st</sup> Ave with added bridge locations at bridges: <ul style="list-style-type: none"> <li>#7088A (MP 12.12 to 12.14)</li> <li>#07044A (MP 11.41 to 11.45)</li> <li>#07043A (MP 10.06 to 10.10)</li> <li>#13514F (MP 6.90 to 7.00)</li> </ul> </li> <li>Overall Mile Post Limits: 6.90 to 12.52 = 5.62 miles</li> <li>Current Status Code: 4 = (PS&amp;E) Planning Specifications, &amp; Estimates (final design 30%, 60%, 90% design activities initiated).</li> <li>STIP Amendment Number: 18-21-2415</li> <li>MTIP Amendment Number: AP19-09-MAY</li> </ul>		
What is changing?	<p><b>AMENDMENT ACTION: SCOPE CHANGE/COST INCREASE</b></p> <p>Rehabilitation/repair work to four additional bridge is being added to the over project limits and scope of work for the project. The project remains a non-capacity enhancing pavement rehabilitation project now with non-capacity bridge repair scope elements.</p> <p>As currently approved, this project will remove and replace five and a half miles of rutted pavement on I-84, but it does not currently include repairs to the concrete bridge surfaces. There are four bridges that have worn concrete driving surfaces within the limits of this project.</p>		



	 <p>The construction phase of this project was added using House Bill 2017 funding. The Interstate 84: Interstate 205 to NE 181<sup>st</sup> Avenue project will remove and replace five and a half miles of rutted pavement on Interstate 84. There are four bridges that have worn concrete driving surfaces within the limits of this project. Adding the repair of the driving surface of these bridges to this project creates funding efficiencies and will allow those traveling this section a smoother, safer driving experience.</p> <p>The required added funding is being re-programmed from Key 20481 (I-405 – Fremont Bridge) which is being cancelled as part of this amendment bundle.</p>
<p>Additional Details:</p>	
<p>Why a Formal amendment is required?</p>	<p>Per the FHWA/FTA/ODOT/MPO Amendment Matrix, one million dollar or greater projects with amendments involving a significant scope adjustment where resulting in a funding change is greater than 20% require a formal/full amendment. The net cost increase to the project is \$2,179,980 which equal a 60.5% cost increase to the project and is above the 20% threshold.</p>

Total Programmed Amount:	The total project programming amount increases from \$3,600,000 to \$5,779,980
Added Notes:	OTC approval was required as part of this amendment and occurred during their May 2019 meeting.

Project 3: OR99W: Tualatin River Northbound Bridge			
Lead Agency:	ODOT		
ODOT Key Number:	20471	MTIP ID Number:	70999
Projects Description:	Project Snapshot: <ul style="list-style-type: none"><li>• Proposed improvements: Replace the current structural overlay</li><li>• Source: Existing MTIP project.</li><li>• Funding: HB2017 awarded project \$1.2 million original award. Project federalized with NHPP replacing HB2017 for PE phase.</li><li>• Type: Highway.</li><li>• Location: On OR99W south of King City over the Tualatin River NB bridge</li><li>• Cross Streets: between SW Versailles Rd south to SW Hazelbrook Rd</li><li>• Overall Mile Post Limits: 12.14 to 12.23 = 0.09 miles</li><li>• Current Status Code: 4 = (PS&amp;E) Planning Specifications, &amp; Estimates (final design 30%, 60%, 90% design activities initiated).</li><li>• STIP Amendment Number: 18-21-2408</li><li>• MTIP Amendment Number: AP19-09-MAY</li></ul>		
	NB traffic on OR99W over the Tualatin River		
What is changing?			
AMENDMENT ACTION: COST DECREASE/SCOPE CHANGE			
OR99W: Tualatin River northbound bridge (KN 20471)			
		COST	
PHASE	YEAR	Current	Proposed
Preliminary Engineering	2018	\$188,500	\$641,500
Right of Way	N/A	\$0	\$0
Utility Relocation	N/A	\$0	\$0
Construction	2020	\$1,202,900	\$0
TOTAL		\$1,391,400	\$641,500
The formal amendment cancels the construction phase and shifts \$453,000 to the PE phase to address a PE phase funding shortfall. Construction phase funding of \$746,877 is transferred to Key 20485. The additional PE funding addresses a current PE phase that is underfunded. The design will be outsourced, which will add to the cost. Also, the load			

rating needs to be updated as part of the design process, and the bridge will likely require strengthening to be able to remain unrestricted for all legal and permit loads. The original estimate did not account for the costs associated with these elements. Funding for construction phase will return at a later date.

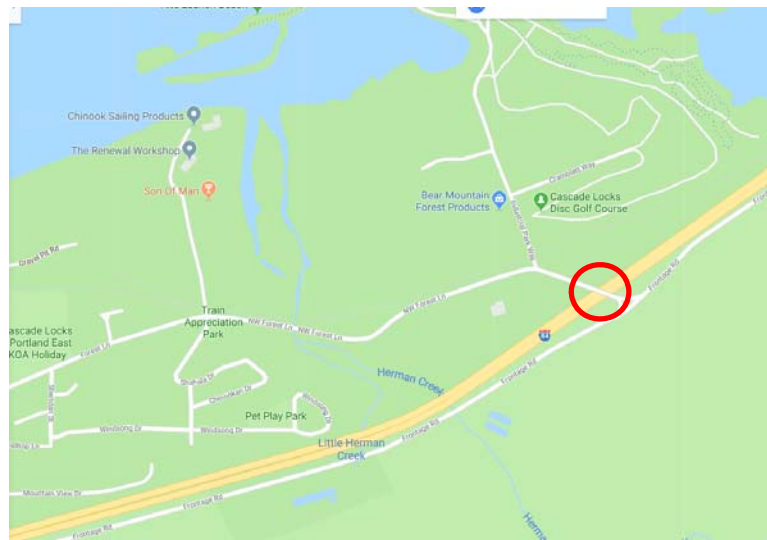
Name: I-84: NW Forest Lane over I-84					Key: 20485	
Description: Increase vertical clearance by 4 inches.					Region: 1	
MPO: Non-MPO			Work Type: BRIDGE			
Applicant: ODOT			Status: PROJECT SCHEDULED FOR CONSTRUCTION			
Location(s)-						
Mileposts		Length	Route	Highway	ACT	County(s)
46.33 to 46.37		0.04	I-84	COLUMBIA RIVER	REGION 1 ACT	HOOD RIVER
Current Project Estimate						
Planning		Prelim. Engineering	Right of Way	Utility Relocation	Construction	Other
Year		2019			2021	
Total		\$261,000.00			\$1,170,123.00	
Fund 1		\$240,694.20			\$1,079,087.43	
Match		\$20,305.80			\$91,035.57	
Footnote:						

### ***Interstate 84: NW Forest Lane over Interstate 84***

The Interstate 84: NW Forest Lane over Interstate 84 bridge was built in 1965. It has the lowest clearance of any Interstate 84 overpass from Interstate 205 to Interstate 82. This project will increase the vertical clearance for this portion of Interstate 84 by 5 inches in the eastbound direction and by 4 inches in the westbound direction. If more clearance can be gained without an unreasonable increase in cost, then more clearance will be provided. This will help in the long term effort to improve vertical clearance on Interstate 84. Increasing vertical clearance on the interstates improves safety since large loads do not have to travel on two-lane highways. Also, detours are minimized, which is especially important in winter when detour routes can require traveling through mountainous regions.

#### **Additional Details:**

The design for this project will be completed by consultants, which will increase the cost of the project. This was not accounted for in the original estimate. The increase in construction and in construction engineering, due to inflation and market values, was also not accounted for in the original estimate.



**I-84: NW Forest Lane over I-84 (KN 20485)**

PHASE	YEAR	COST	
		Current	Proposed
Preliminary Engineering	2019	\$261,000	\$696,000
Right of Way	N/A	\$0	\$0
Utility Relocation	N/A	\$0	\$0
Construction	2021	\$1,170,123	\$1,482,000
<b>TOTAL</b>		<b>\$1,431,123</b>	<b>\$2,178,000</b>

The third impact of the construction phase de-programming and transfer results in the Return of \$3,023 freed up to the state bridge program.

Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO Amendment Matrix, one million dollar or greater projects with amendments involving a significant scope adjustment where resulting in a funding change is greater than 20% require a formal/full amendment. The net cost increase to the project is \$749,900 which equals a 53.8% cost decrease to the project and is above the 20% threshold.
Total Programmed Amount:	The total project programming amount decreases from \$1,391,400 to \$641,500
Added Notes:	OTC approval was required as part of this amendment and occurred during their May 2019 meeting.

<b>Project 4: NE 12th Ave Over I-84 &amp; Union Pacific RR Bridge (Portland)</b>	
Lead Agency:	<b>ODOT</b>
ODOT Key Number:	<b>21283</b> MTIP ID Number: 71054
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> <li>Proposed improvements: On NE 12th Ave over I-84, construct protective fencing for the 12th Ave bridge to provide safety to the traveling motorist</li> <li>Source: Existing MTIP project.</li> <li>Funding: Federal Advance Construction fund type code committed to the project as a placeholder until the final federal fund are committed to the project</li> <li>Type: Local Road.</li> <li>Location:</li> <li>Overall Mile Post Limits: N/A</li> <li>Current Status Code: 2 = Pre-design/project development activities (pre-NEPA) (ITS = ConOps.)</li> <li>STIP Amendment Number: 18-21-2407</li> <li>MTIP Amendment Number: AP19-09-MAY</li> </ul>
What is changing?	



**AMENDMENT ACTION: COST INCREASE/PHASE SLIP**

Additional approved funding from the Bridge Program is being added to the project's PE and Construction phases to address the updated cost estimate for the project. The Construction phase also is being slipped to 2021.

The required added funding originates from the Bridge Overpass Protective Screening FY 2020 funding pot and the FY 2021 funding allocation as follows:

- Transfer \$431,244 from the bridge overpass protective screening federal fiscal year 2020 funds.
- Transfer \$1,500,000 from the bridge overpass protective screening federal fiscal year 2021 funds.

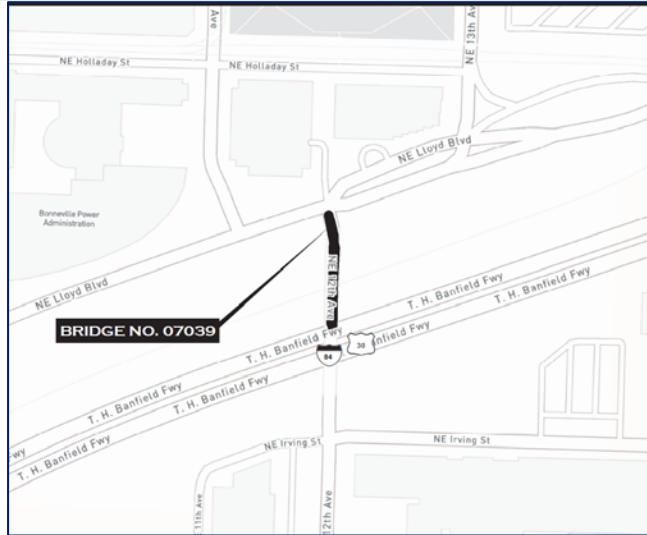
Project	Current	Proposed
NE 12 <sup>th</sup> Ave over I-84 & Union Pacific RR bridge (Portland)	\$250,000	\$2,181,244
Bridge overpass protective screening FFY2020	\$614,916	\$183,672
Bridge overpass protective screening FFY 2021	\$1,500,000	\$0
<b>TOTAL</b>	<b>\$2,364,916</b>	<b>\$2,364,916</b>

**Additional Details:**


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 ORS 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.

In December 2017, the OTC approved funding to add protective screening to the NE 12<sup>th</sup> Ave over I-84 & Union Pacific RR Bridge, (Bridge 07039), which is owned by the City of Portland. On March 15, 2019, an updated project estimate was provided by the City of Portland. This estimate includes the handling and disposal of lead paint; the need for railroad flagging due to the close proximity to the Union Pacific Railroad right-of-way, and coordination needed for multiple partial closures of Interstate 84 to complete the project. Installing the protective screen is complicated by the bridge being over 100 years old, and there are additional aesthetic considerations due to it being in a special local zoning district.

As a result of the updated cost estimate and project review, the construction phase is being slipped from 2020 to 2021 as part of this amendment. The PE phase is expected to begin by FFY 2020.





	
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO Amendment Matrix, projects costing up to \$500,000 involving an amendment with a significant funding change greater than 50% require a formal/full amendment. The net cost increase to the project is \$1,778,598 which equal a 441% cost increase to the project and is above the 50% threshold.
Total Programmed Amount:	The total project programming amount increases from \$402,646 to \$2,181,244
Added Notes:	OTC approval was required as part of this amendment and occurred during their May 2019 meeting.

<b>Project 5:</b>	<b>SW Wall St Extension to SW Tech Center Dr (Hunziker)</b>		
Lead Agency:	<b>Tigard</b>		
ODOT Key Number:	<b>20811</b>	MTIP ID Number:	70888
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> <li>Proposed improvements: This project will connect Tigard's Tech Center Drive to SW Wall Street with more than 3,500 feet of new public road.</li> <li>Funding: 2019-21 Regional Flexible Funds Allocation (RFFA) awarded project. Federal funds swapped out with local funds de-federalizing the project. The source of local funds is from TriMet.</li> <li>Type: Capital improvement.</li> <li>Location: In the city of Tigard north of the I-5/OR217 split and south of SW Hunziker Rd on SW Wall St</li> <li>Cross Streets: Between SW Hall Blvd and SW 72<sup>nd</sup> Ave on SW Wall Street connecting to SW Tech Center Drive</li> <li>Overall Mile Post Limits: N/A. Local arterial</li> <li>Current Status Code: 4 = (PS&amp;E) Planning Specifications, &amp; Estimates (final design 30%, 60%, 90% design activities initiated).</li> <li>STIP Amendment Number: TBD</li> <li>MTIP Amendment Number: AP19-09-MAY</li> </ul>		
What is changing?	<p><b>AMENDMENT ACTION: REMOVE PROJECT</b></p> <p>The formal amendment removes the project from the MTIP and STIP.</p>		

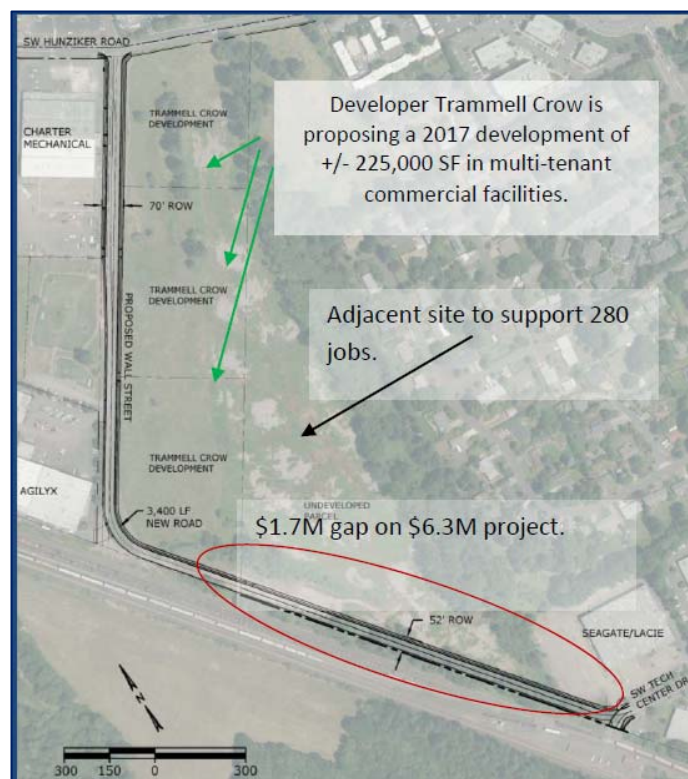
The project originally is a 2019-21 RFFA federal awarded project. The project was deemed an appropriate candidate to de-federalize without impacting the project delivery.

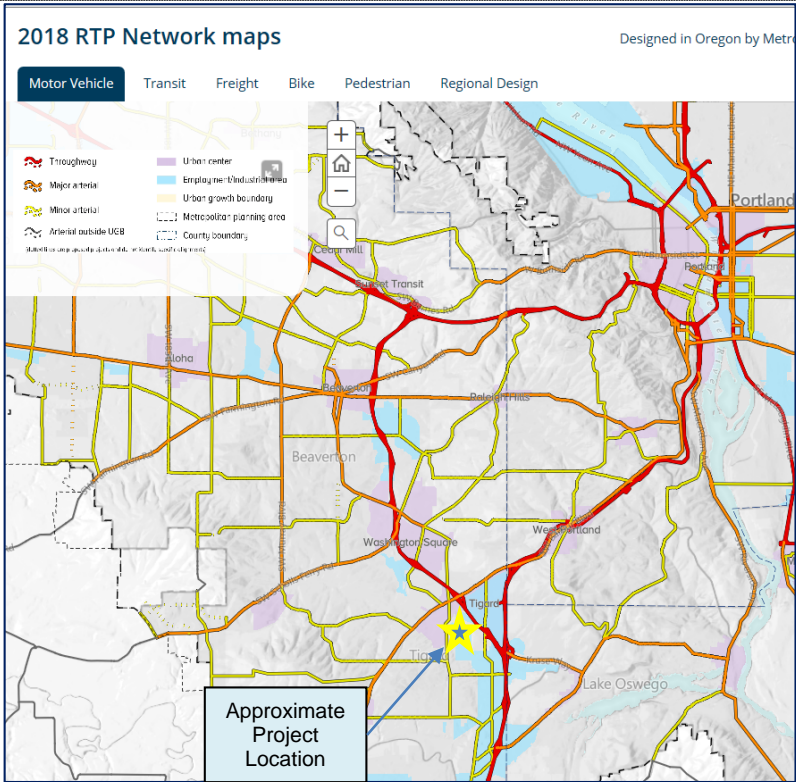
A fund swap between Metro and TriMet occurred. The project has become completely locally funded. Metro has developed a separate local IGA with Tigard to complete the project. Although it is locally funded, project oversight administration still falls to ODOT as a project identified in the STIP. By removing the project from the MTIP and STIP, the ODOT will avoid potential oversight criticism.

Metro will monitor project delivery like other federal projects awarded Metro funding. The local funds committed to the project remain awarded to the project and will be used to deliver the scope of work for the project. Added note: The project is considered capacity enhancing. As a RFFA awarded project, required air conformity analysis was completed as part of the 2018 RTP with a reconfirmation through the 2018-2021 MTIP Update. There is no conformity issue present as a result of the project removal from the MTIP.

The project will complete the SW wall St extension road providing a gap closure from existing SW Wall street to SW Tech Center Dr.

Additional Details:



	
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO Amendment Matrix, adding or removing a project from the MTIP requires a full/Formal Amendment
Total Programmed Amount:	The total MTIP project programming amount decreases from \$2,324,909 to \$0. However, all awarded local funds still are committed to the project for delivery purposes.
Added Notes:	The required local IGA between Metro and Tigard has been completed,

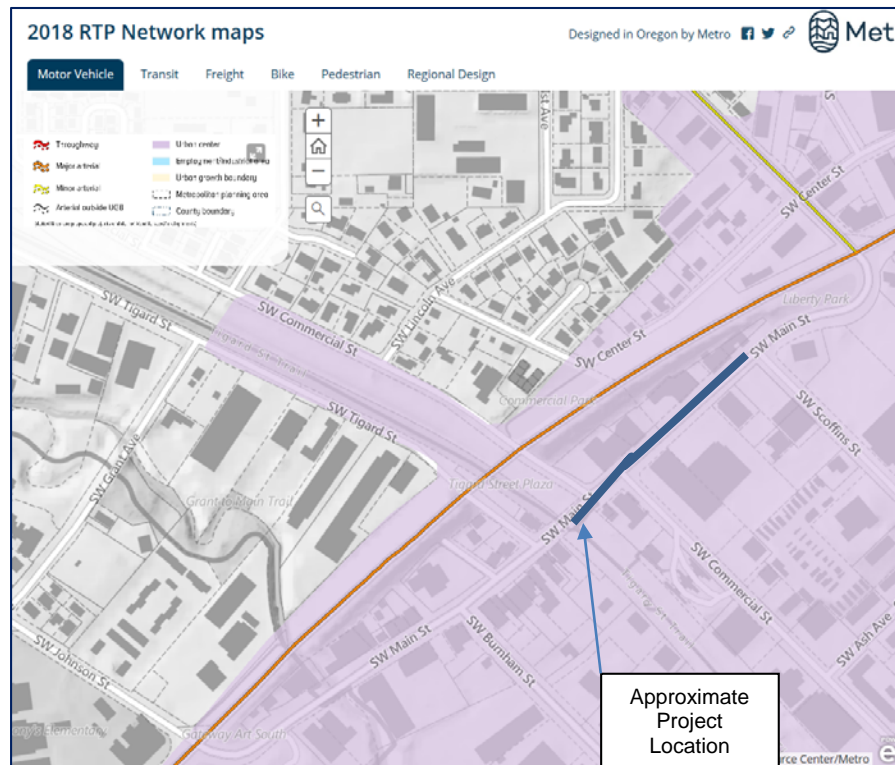
<b>Project 6:</b>	<b>Main St Ph2: Rail Corridor-Scoffins</b>		
Lead Agency:	<b>Tigard</b>		
ODOT Key Number:	<b>17757</b>	MTIP ID Number:	70594
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> <li>Proposed improvements: Active transportation/green street retrofit, pedestrian amenities, street lights</li> <li>Source: Existing MTIP project.</li> <li>Funding: Prior Metro Regional Flexible Funds Allocation (RFFA) grant award. The federal funds were swapped out with local funds from another RFFA awarded Tigard project to help expedite delivery of the Main St project</li> <li>Type: Active Transportation/Green Streets project</li> <li>Location: In Tigard on Main Street</li> <li>Cross Streets: Between the rail corridor east to SW Scoffins St</li> <li>Overall Mile Post Limits: N/A</li> <li>Current Status Code: 4 = (PS&amp;E) Planning Specifications, &amp; Estimates (final design 30%, 60%, 90% design activities initiated).</li> <li>STIP Amendment Number: TBD</li> <li>MTIP Amendment Number: AP19-09-MAY</li> </ul>		



**AMENDMENT ACTION: REMOVE PROJECT**

The formal amendment removes the project from the MTIP and STIP. The project is a RFFA federally awarded project that has been de-federalized for expedited project delivery. Local funds from another Tigard project were exchanged for the federal funds previously. However, even as a locally funded project listed in the STIP, possible oversight issues with ODOT may exist. Therefore, the project is being removed from the MTIP and STIP. Metro maintains a separate IGA with Tigard for the delivery of this project. Metro will monitor delivery separately from the usual federal transportation project delivery process. The approved funding remains committed to the project. However, its removal eliminates the oversight conflicts with ODOT.

What is changing?



Main Street in Tigard looking west from near the SW Scoffins St intersection

Additional Details:



Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO Amendment Matrix, adding or removing a project from the MTIP and STIP requires a formal amendment
Total Programmed Amount:	The total project programming amount decreases from \$2,225,000 to \$0
Added Notes:	

Note: The Amendment Matrix located below 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

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.	

- 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 May 2019 Formal MTIP amendment will include the following:

<u>Action</u>	<u>Target Date</u>
• Initiate the required 30-day public notification process.....	April 26, 2019
• TPAC notification and approval recommendation.....	May 3, 2019
• <b>JPACT approval and recommendation to Council.....</b>	<b>May 16, 2019*</b>
• Completion of public notification process.....	May 27, 2019
• Metro Council approval.....	May 30, 2019

### Notes:

- \* Final amendment composition is dependent upon upcoming direction from FHWA concerning the ODOT STIP Re-balancing Amendment processing instructions

### USDOT Approval Steps:

<u>Action</u>	<u>Target Date</u>
• Metro development of amendment narrative package .....	June 3, 2019
• Amendment bundle submission to ODOT for review.....	June 4, 2019
• Submission of the final amendment package to USDOT.....	June 5, 2019
• ODOT clarification and approval.....	Mid/Late June, 2019
• USDOT clarification and final amendment approval.....	Late June, 2019

## 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 19-4993 with the understanding that FHWA may direct a change in the final amendment bundle composition as described in this staff report.**

- TPAC approval date: May 3, 2019

**Attachments:**

1. Project Location Maps
2. OTC Staff Reports