

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: Tuesday, June 4, 2019
To: JPACT and Interested Parties
From: Ken Lobeck, Funding Programs Lead, 503-797-1785
Subject: June 2019 MTIP Formal Amendment plus Approval Request of Resolution 19-5001

STAFF REPORT

FOR THE PURPOSE OF ADDING OR AMENDING EXISTING PROJECTS TO THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM INVOLVING FOUR PROJECTS IMPACTING PORTLAND, SMART, AND TRIMET (JN19-10-JUN)

BACKGROUND

What This Is:

The June 2019 Formal Metropolitan Transportation Improvement Program (MTIP) Amendment bundle (for FFY 2019) contains required changes and updates impacting Portland, SMART, and TriMet. Four projects comprise the amendment bundle.

What is the requested action?

Staff is providing JPACT notification of the June 2019 formal amendment and requesting their approval recommendation to the Metro Council for Resolution 19-5001 to be amended correctly into the 2018 MTIP, with final approval to occur from USDOT.

Added Notes:

- The June 7, 2019 Transportation Policy Alternatives Committee (TPAC) was cancelled. The June 2019 Formal Amendment bundle is proceeding directly to JPACT as a result. All other processing requirements are being completed in compliance with the MPO and USDOT MTIP amendment approved processes (e.g. 30-day public notice, development of staff report, supporting resolution, etc.). The four projects contained in the June 2019 Formal MTIP Amendment Bundle represent major technical corrections.
- Portland's East Portland Access to Employment and Education requires a construction phase increase to address ADA requirements and inclusion of a small Utility Relocation phase. Completion of the finding increase to the project needs to occur now to enable the construction phase the ability to obligate during mid-August.
- SMART's two projects are duplicates and are being removed from the MTIP as a correction. There is no FTA Section 5310 funding loss to SMART as a result.
- TriMet's Open Trip Planner project was included in the MTIP as a placeholder based on follow-on funding assumptions to their FFY 2017 Open Trip Planner project. However, funding is not directly required for FFY 2019 through this project allowing it to be cancelled now in the MTIP.

- Both SMART and TriMet's project cancellation were determine through an annual project review during May with both agencies to update project grant approvals by FTA, required project slips and any needed project cancellations for the year.

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

Proposed June 2019 Formal Amendment Bundle Amendment Type: Formal/Full Amendment #: JN19-10-JUN Total Number of Projects: 4					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
19297	70675	Portland	East Portland Access to Employment and Education	At various locations in east Portland build and improve sidewalks, crossings, bus stops, bike facilities and other safety facilities to provide improved access to jobs, businesses, and education opportunities	<u>COST INCREASE:</u> The formal amendment adds approximately \$80,000 in support of a required UR phase and \$5.2 million of local agency funds needed to address the adjusted construction phase scope of activities. The adjusted scope includes an increase in the number of curbs that will be rebuilt than originally estimated. Additionally, the scope includes additional ADA ramp improvements which were not part of the original scope of work. The updated scope of work also requires an adjustment to the project limits. The scope changes result in a construction phase increase from the original estimate of \$4,165,184 to \$9,370,185. The net cost increase to the project equals a 54.8% increase and is above the cost threshold of 20% for administrative modifications.
20865	70895	SMART	SMART ADA Stop Enhancements (2019)	Bus stop enhancements	<u>CANCELLED PROJECT:</u> Upon the completion of their annual project reviews, SMART identified key 20865 as a duplicate project in the MTIP. The MTIP Manager and Region 1 STIP Coordinator confirmed SMART's finding and authorized the project to be removed from the MTIP. There is no impact to SMART or the 5310 program as a result of the project cancellation in the MTIP.
20863	70893	SMART	SMART Mobility Management (2019)	Ride Wise Travel Trainer	<u>CANCELLED PROJECT:</u> Upon the completion of their annual project reviews, SMART identified key 20863 as a duplicate project in the MTIP. The MTIP Manager and Region 1 STIP Coordinator confirmed SMART's finding and authorized the project to be removed from the MTIP. There is no impact to SMART or the 5310 program as a result of the project cancellation in the MTIP.
20850	70893	TriMet	Open Trip Planner	Add to current Open Trip Planner (OTP) other transit planning function to incorporate first/last mile connections by ride hailing and bike share. Already OTP supports connections to transit by bike	<u>CANCELLED PROJECT:</u> Upon the completion of their annual project reviews, TriMet identified Key 20850 as an unnecessary project they have not funded. Most likely, the project was included in the MTIP as a placeholder based on previous versions that was expected to carry-over into 2018 MTIP. However, upon developing their actual program of projects, Key 20850 was not included. The MTIP Manager and Region 1 STIP Coordinator confirmed TriMet's assessment and authorized the project to be removed from the MTIP.

Supplement Guidance as of June 4, 2019: Impact of ODOT's STIP Re-balancing Effort.

The four projects included in the June 2019 Formal MTIP Amendment are proceeding separately from the STIP project Re-balancing Effort. An annual transit project review occurred around the same time as the STIP Re-balancing Effort focusing on transit fund/grant approvals in FTA's Transit Award Management System (TrAMS) system, required project slips, delays implementing transit projects, and other issue such as inadvertent project programming duplications.

ODOT's STIP Re-balancing Effort is focusing on ODOT funded projects and Metro funded projects managed by ODOT's Local Delivery program. The focus on this review is to determine if project funding is sufficient, delivery schedules are accurate, determine and confirm which phase obligations will occur before the end of FFY 2019 (before September 30, 2019), and identify what project phases unfortunately must be slipped from 2019 to 2020. The STIP Re-balancing Effort is a corrective action due to the initial discovery of several ODOT projects were severely underfunded. The review then spread to include the Metro funded projects.

Currently one Metro project (Portland's East Portland Access to Employment and Education included this amendment bundle). If time permitted, ODOT Region 1 decided to allow the Metro funded projects to move forward separately through the normal amendment process.

Why ODOT identified the need for a STIP Re-balancing Effort: The period of May through June represents final project reviews and staging period for end of year phase obligations. During preliminary reviews of several bridge improvement projects, scoping and funding issues were identified for a few projects. The review then expanded to other ODOT funded projects to determine if similar funding issues or scoping problems were present. Two core reasons have been identified contributing to the scoping and funding issues. They include:

- **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.

Where are we now?

As of June 4, 2019, ODOT regions have submitted the impacted projects requiring scope adjustments or cost increases to ODOT Salem for review and final actions. ODOT senior management will determine final decisions to cannibalize projects in order salvage other existing

projects and which projects are required to be slipped into the next STIP cycle. The review also includes FHWA who will provide additional conditions for the final approval changes. The final recommend changes are planned to proceed to the Oregon Transportation Commission (OTC) at their June 2019 meeting.



The MPOs will need to complete a summary verification that RTP consistency still exists and no major impacts to fiscal constraint or conformity/air quality will result. The level of review will depend upon FHWA direction to the MPOs. A second issue needing additional FHWA guidance is the process for the MPOs complete the required project amendments or administrative modifications, or both to ensure the MTIP and STIP maintain programming consistency and the proper documentation trail exists. Because of volume of project changes, both ODOT and the MPOs expect FHWA to grant a simplified amendment/administrative modification process to update the MTIP and STIP.

Assuming OTC approves the re-balanced 2018 STIP and no RTP consistency or fiscal constraint issues are present, plus the required amendment/administrative modification requirements are completed, Metro staff will bring forward the final project list to TPAC and JPACT at their July 2019 meeting as an information item for their review and discussion.

June 2019 Formal Amendment Project Summaries:

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

Project 1: East Portland Access to Employment and Education	
Lead Agency:	Portland
ODOT Key Number:	19297 MTIP ID Number: 70675
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: At various locations in east Portland build and improve sidewalks, crossings, bus stops, bike facilities and other safety facilities to provide improved access to jobs, businesses, and education opportunities. Source: Existing MTIP project. Funding: Metro RFFA awarded Surface Transportation Program federal funds plus local matching and local overmatching funds Type: Active Transportation (Pedestrian and bicycle improvements) Location: In east Portland - multiple sites for project improvements Cross Streets: <ul style="list-style-type: none"> 100s Neighborhood Greenway Alignment- Generally on 106th and 108th Ave from NE Tillamook St in the north south to Franklin St about 400 yards north of SW Powell Blvd along the 100s Neighborhood Greenway Alignment Along the 150s Neighborhood Greenway Alignment from NE Halsey St south to Powell Blvd Mile Post Limits: N/A - local arterials Current Status Code: 6 = Pre-construction activities (pre-bid, construction management oversight, etc.). STIP Amendment Number: TBD MTIP Amendment Number: JN19-20-JUN
What is changing?	<p>AMENDMENT ACTION: COST INCREASE & ADD UR PHASE:</p> <ul style="list-style-type: none"> The amendment adds a new \$80,000 Utility Relocation phase to address utility issues not originally identified as part of the scope of work

	<ul style="list-style-type: none"> Adds approximately \$5.2 million of local funds to the construction phase to address additional ADA requirements (construction of additional ramps to ADA specification) not originally identified as part of the scope of work.
Additional Details:	<p>With the additional local funding commitment, pedestrian and bikeway improvements will continue as the existing approved scope activities identified in the 100s and 150s Neighborhood Greenway Alignment areas.</p> <div style="display: flex; justify-content: space-around;">   </div>
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO Amendment Matrix, cost changes beyond the administrative modification threshold require a formal/full amendment. The additional \$5+ million results in a net cost change of 54.8% and is well above the 20% administrative threshold for cost changes.
Total Programmed Amount:	The total project programming amount increases from \$6,499,830 to \$11,768,129
Added Notes:	The addition of the UR phase and construction phase cost increase needs to first occur as a condition for the project to obligate the construction phase by mid-August 2019.


Project 2: SMART ADA Stop Enhancements (2019)	
Lead Agency:	SMART
ODOT Key Number:	20865
	MTIP ID Number: 70895
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: ADA related bus stop enhancements and improvements Source: Existing MTIP project. Funding: FTA Section 5310 federal funds

	<ul style="list-style-type: none"> • Type: Transit project. • Location: Various transit bus stops in and around the Wilsonville area • Cross Streets: N/A • Overall Mile Post Limits: N/A • Current Status Code: N/A – Project is a duplicate project. • STIP Amendment Number: TBD • MTIP Amendment Number: JN19-10-JUN
What is changing?	<p>AMENDMENT ACTION: CANCELLED PROJECT</p> <p>Each year Metro and ODOT complete a transit project review and status update concerning their current year programmed projects. The review asks SMART and TriMet:</p> <ul style="list-style-type: none"> • Identify which projects have been submitted for their Federal Transit Administration (FTA) grant approval in the FTA Transit Award Management System (TrAMS) • Identify which projects and how much grant funding was awarded via their TrAMS grant award which allows the federal funds to be considered obligated and also allows the agency to begin expending their FTA funds. • Identify which projects received only partial awards and need to carry-over their unobligated funds into the next federal fiscal year. • Identify project programming issues or needed clean-up actions • Identify any problems or trends involving the obligation of federal funds through the FTA. <p>Upon completion of their annual projects review, SMART identified two projects that appeared to be duplicate 5310 funded projects programmed in 2019. SMART requested the two projects be removed from the MTIP to avoid confusion over obligations and TrAMS grant approvals. Metro and ODOT's review concurred with SMART assessment and Key 20865 and 20863 are being cancelled from the MTIP through this amendment. The project cancellation acts as a required technical correction to the MTIP</p>
Additional Details:	SMART's authorized FTA section 5310 formula funds for FY 2019 is programmed in Key 19316 5310 FY 2018 Senior and Disabled: For Services and facility improvements for elderly and disabled customers
Why a Formal amendment is required?	Per FHWA/FTA/ODOT & the MPOs Amendment Matrix, cancelling and removing a project from the MTIP requires a formal/full amendment
Total Programmed Amount:	The total project programming amount decreases from \$68,454 to \$0
Added Notes:	

Project 3: SMART Mobility Management (2019)	
Lead Agency:	SMART
ODOT Key Number:	20863 MTIP ID Number: 70893
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> • Proposed improvements: Ride Wise Travel Trainer • Source: Existing MTIP project. • Funding: Federal FTA Section 5310 funds • Type: Transit • Location: N/A

	<ul style="list-style-type: none"> • Cross Streets: N/A • Overall Mile Post Limits: N/A • Current Status Code: N/A • STIP Amendment Number: TBD • MTIP Amendment Number: JN19-10-JUN
What is changing?	<p>AMENDMENT ACTION: CANCELLED PROJECT (Duplicate Project)</p> <p>Project is consider a duplicate project and is being removed from the MTIP</p> <p>RideWise is an information program designed for senior adults (60+) or a person with a disability and live within the SMART area of service (primarily Wilsonville) that provides the “ropes of public transportation” to provide seniors and the disabled with a greater share of mobility and freedom.</p> <p>Participants in our RideWise program receive access to information, public transportation training, and support centered on the safe and independent use of public transportation which includes:</p> <ul style="list-style-type: none"> • Public transit info: Information is sometimes all it takes to get someone traveling independently on transit. We are at the ready to provide support and knowledge over the phone • Group transit trips: Group trips are designed to help people feel comfortable with the transit system in a social, relaxed environment • One-on-one travel training: Personalized, hands-on experience using our regional transit system • Support for educators: We provide technical assistance and support, which may include fare for staff, for those providing transit training in the classroom. <p>SMART delegates the RideWise travel training to Ride Connection who currently provides the bulk of the RideWise training. Ride Connection also provides the RideWise travel training program throughout the entire three county Metro region. Funding to Ride Connection is passed on from SMART's regular FTA Section 5310 project in Key 19316. As a result, Key 20863 became an unnecessary duplicate project.</p>
Additional Details:	SMART's authorized FTA section 5310 formula funds for FY 2019 is programmed in Key 19316 5310 FY 2018 Senior and Disabled: For Services and facility improvements for elderly and disabled customers
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO Amendment Matrix, cancelling a project requires a formal/full amendment
Total Programmed Amount:	The total project programming amount decreases from \$39,607 to \$0
Added Notes:	

Project 4:	
Lead Agency:	TriMet
ODOT Key Number:	20850 MTIP ID Number: 70936
Projects Description:	Project Snapshot: <ul style="list-style-type: none"> • Proposed improvements: Open Trip Planner • Source: Existing MTIP project.

	<ul style="list-style-type: none"> • Funding: Federal FTA Section 5312 funds • Type: Transit • Location: N/A • Cross Streets: N/A • Overall Mile Post Limits: N/A • Current Status Code: N/A • STIP Amendment Number: TBD • MTIP Amendment Number: JN19-10-JUN
What is changing?	<p>AMENDMENT ACTION: CANCELLED PROJECT (Unnecessary Placeholder)</p> <p>Key 20850 was added to the 2018 MTIP with the intent for possible follow-on activities. However, TriMet's annual project review determined the placeholder was not required and has requested the project removed from the MTIP</p> <p>OpenTripPlanner (OTP) is an open source, multimodal trip planning system that is collaboratively developed by a team from across the world. Initially coordinated by OpenPlans and TriMet, the OTP Project was first funded through a Metro 2009–2011 Regional Travel Options Grant.</p>
Additional Details:	<p>TriMet was one of eleven grant recipients of the Federal Transit Administration's (FTA) Mobility on Demand (MOD) Sandbox Project. The program is designed to provide the public transportation industry with a better understanding of how to adapt to the rapidly changing mobility marketplace. TriMet proposed to extend our existing multimodal trip planner to include private mobility service providers. As a result, TriMet is the first US transit agency to release a multimodal trip planner that incorporates shared-use mobility service providers, including BIKETOWN, car2go, Lyft (pilot only participation), Uber and Zipcar. This is a fundamental step towards providing our customers with convenient, personalized door-to-door travel options.</p>  <p>The new trip planner is designed to be easily replicated by transit agencies in other cities. Because it uses open source technology and open data, including OpenStreetMap, other transit agencies can quickly adjust the trip planner for their system. TriMet can then benefit from improvements other agencies make and incorporate them into our trip planner.</p>
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO Amendment Matrix, cancelling a project requires a full/formal amendment to the MTIP
Total Programmed Amount:	The total project programming amount decreases from \$14,779 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
- 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.

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.	

- 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 June 2019 Formal MTIP amendment will include the following:

<u>Action</u>	<u>Target Date</u>
● Initiate the required 30-day public notification process.....	June 4, 2019
● TPAC notification and approval recommendation.....	N/A (June meeting cancelled)
● JPACT approval and recommendation to Council.....	June 18, 2019*
● Completion of public notification process.....	July 3, 2019
● Metro Council approval.....	July 11, 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	July 15, 2019
● Amendment bundle submission to ODOT for review.....	July 16, 2019
● Submission of the final amendment package to USDOT.....	July 16, 2019
● ODOT clarification and approval.....	Early August, 2019
● USDOT clarification and final amendment approval.....	Mid-August, 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:

Staff recommends JPACT approve Resolution 19-5001 and recommend Metro Council approval of Resolution 19-5001 to enable submission to USDOT for final approval and programming updates to the 2018-21 MTIP.

Attachments: None