

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: October 6, 2020
To: JPACT and Interested Parties
From: Ken Lobeck, Funding Programs Lead, 503-797-1785
Subject: October 2020 MTIP Formal Amendment & Resolution 20-5130 Approval Request

FORMAL AMENDMENT STAFF REPORT

FOR THE PURPOSE OF AMENDING OR ADDING NEW PROJECTS TO THE 2021-24 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) IMPACTING ODOT AND TRIMET (OC21-03-OCT)

BACKGROUND

What This Is:

The October 2020 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment which is contained in Resolution 20-5130 and being processed under MTIP Amendment OC21-03-OCT.

What is the requested action?

TPAC received their notification on Friday, October 2, 2020 and approved their recommendation to JPACT for approval of Resolution 20-5130 and to Metro Council consisting of five projects in the October 2020 Formal Amendment Bundle enabling the projects to be amended correctly into the 2021 MTIP with final approval to occur from USDOT.

Proposed October 2020 Formal Amendment Bundle					
Amendment Type: Formal/Full					
Amendment #: OC21-03-OCT					
Total Number of Projects: 5					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 20474	71002	ODOT	Region wide ITS Improvements and Upgrades	Install new or upgraded variable message signs (VMS); travel-time signs; network/communication technology; and other intelligent transportation system (ITS) functionality at various locations in Region 1	<u>SPLIT PROJECT:</u> The formal amendment splits funding and scope from Key 20474 and combines it into 18841 for increase delivery efficiency. A total of \$1,406,688 and the construction phase is split off from Key 20474 and combined into Key 18841 (also included this amendment bundle.

ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #2 Key 18441	70782	ODOT	OR217: OR10 to OR99W	On OR217: OR10 to OR99W, construct lane segments between existing aux lanes providing a NB & SB 3rd through lane, bridges refit, road rehab, and Hall Blvd widening. Install signs and technology to capture traffic statistics and improve operations. (Combines Key 21179, 20473, and 20474 into Key 18841) (HB2017 \$44 million award)	COMBINED PROJECT: The formal amendment combines the construction phase and funding from the Region wide ITS Improvements and Upgrades project in Key 20474 to increase delivery efficiencies. Key 18841 increases by \$4,195,528 as a result to \$138,616,368 which equals a 3.1% cost increase to the project. The project descriptions have been updated as well to incorporate the ATMS/ITS scope elements.
Project #3 Key 21218	71049	ODOT	I-5: Boone (Willamette River) Bridge	On I-5 at the Boone Bridge over the Willamette River, prepare shelf ready plans for future deck overlay, joint repairs and seismic retrofit place driving surface overlay on the Boone Bridge to remove ruts and provide a safe and even travel surface.	SPLIT PROJECT: The formal amendment splits the construction phase and funding off from Key 21218 and combines it into Key 20411.
Project #4 Key 20411	70968	ODOT	I-5: I-205 Interchange - Willamette River I-5: I-205 Interchange - Boone (Willamette River) Bridge	Remove and replace asphalt surface to repair rutted pavement. Includes driving surface on bridges #17096, #17096, #09743B, #09743C, & #09743A Remove and replace asphalt surface to repair pavement ruts and damage from vehicles. This includes the driving surface of seven bridges. Upgrade rail on two bridges to gain acceptable rail height and improve safety.	COMBINED PROJECT: The formal amendment combines the construction phase and funding of K21218 (\$3.2M) into K20411. The construction phase is further increased by an additional \$180K to fund a rail retrofit on bridges 09743B and 09743C for a net construction phase increase of \$3,380,000. Key 20411's name, description and mile points are updated to reflect the added scope from K21218 and the rail retrofit on the two bridges. Overall, although the amendment is primarily a combination action, there is a significant scope change present to require a full/formal amendment to the MTIP.
Project #5 Key NEW - TBD	TBD	TriMet	Preventative Maintenance (2019 HIP Fund Exchange)	\$3,305,682 million of \$7,305,682 Metro 2019 HIP fund exchange with TriMet committed here supporting preventative maintenance needs (IGA# 936755)	ADD NEW PROJECT: The formal amendment adds a new preventative maintenance project for TriMet based on Metro-TriMet fund exchange

TPAC Discussion Addendum:

TriMet's new Preventative Maintenance project with \$3.3 million of STBG being added as part of the October 2020 Formal MTIP Amendment Bundle will require a final modification to its short and long description in the MTIP. Approval of the 2021-24 MTIP and STIP included a transit finding involving project descriptions. The specific finding is stated below:

"STIP project titles, descriptions, or other project information can be vague, incorrect, or lack sufficient detail for USDOT to approve the project for inclusion in the STIP without additional clarifying information".

The finding specifically targets transit Preventative Maintenance type project which utilize federal funds for various eligible repair and maintenance areas. FTA requires additional preventative maintenance details incorporated into the project description. Metro is working with TriMet to adjust the final project description for submission to FTA for approval. While not yet determined, the final description will identify target areas where can and will be used, but not overly restrictive to limit the funding use. A soft example of the modified description will look something like the following:

Metro 2019 HIP fund exchange with TriMet supporting preventative maintenance needs (IGA# 936755) such as Regular bus and vehicle maintenance and repairs, MAX system track maintenance, MAX system cabs and cars ongoing maintenance, Bus facility and MAX station required maintenance, Park-n-Ride facility maintenance, etc.

The project description will be modified in time to ensure FTA will approve the project as part of the October 2020 Formal MTIP Amendment Bundle.

A detailed summary of the new proposed amended project is provided below.

Project 1: Region Wide ITS Improvements and Upgrades	
Lead Agency:	ODOT
ODOT Key Number:	20474 MTIP ID Number: 71002
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: Install new or upgraded variable message signs (VMS); travel-time signs; network/communication technology; and other intelligent transportation system (ITS) functionality at various locations in Region 1 Source: Existing project. Funding: The awarded source of funding for the project is from ODOT and contains federal funds Project Type: Transportation System Management & Operations (TSMO)/Intelligent Transportation System project Location: Region 1 – region-wide Cross Street Limits: N/A Overall Mile Post Limits: N/A Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated).. STIP Amendment Number: 18-21-3965 MTIP Amendment Number: OC21-13-OCT
What is changing?	<p>AMENDMENT ACTION: SPLIT PROJECT (Combine into Key 18841)</p> <p>The formal amendment splits funding and scope from Key 20474 and combines it into 18841 for increase delivery efficiency. Combining scope/funds from the Region wide ITS improvements and upgrades project (K20474) into the OR217 project (K18841) will provide additional safety features identified through project development including additional Variable Advisory Speed (VAS) signs, installation of sign structure catwalks, and additional maintenance pads to allow safer access to the</p>

	facilities without requiring lane closures. The Preliminary Engineering (PE) phase remains here with the contraction phase combined into Key 18841.
Additional Details:	The combining effort will also result in adding an automated traffic recording station. OR217 is the only major highway in the ODOT Region 1 network that does not yet have this equipment installed to provide detailed traffic statistics, data needed for capacity calculations and pavement designs, as well as work zone restriction requirements. By delivering these improvements as part of the larger OR217 project, ODOT will realize cost savings over delivering these elements as a future stand-alone project. The remaining funds on K20474 will be used to complete design of high priority ITS improvements to be constructed in the next STIP cycle.
Why a Formal amendment is required?	The splitting and combining action results in the cancellation of the construction phase to Key 20474 leaving only the PE phase programmed. Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, canceling the construction from a project requires a full/formal amendment.
Total Programmed Amount:	The project decrease from \$1,746,000 to \$339,312 as a result of splitting the construction phase and moving it to Key 18841.
Added Notes:	

Project 2: OR217: OR10 to OR99W	
Lead Agency:	ODOT
ODOT Key Number:	18841 MTIP ID Number: 70782
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: On OR217, add a southbound auxiliary lane from OR10 to OR99W and a northbound auxiliary lane from OR99W to SW Scholl's Ferry Rd (OR210). Driving surface overlay, protective screening, and rail retrofit on Allen Blvd and Denny Rd structures (bridge #16134, #16143). Driving surface overlay, replace joints, and repair deteriorating concrete columns on OR210 over OR217 structure (bridge #09672). Widen the Hall Blvd (OR141) over OR217 overcrossing to allow for the addition of a sidewalk and bike lanes. Add bridge rail that meets the current standards to the Fanno Creek Bridge. Install signs and technology to capture traffic statistics and improve operations. (HB2017 \$44 million award)(Combines Keys 21179, 20473, and 20474 into Key 18841). Source: Existing project. Funding: The project contains multiple federal fund types including Highway Safety Improvement Program (HSIP), State Surface Transportation Block Grant (STBG), Repurposed Earmark funds, HB2017, State Bikeways funds, and local funds. Project Type: Capacity Enhancing capital improvement type project and includes ITS improvements Location: OR 217, or 210, and OR 141 Cross Street Limits: Multiple Overall Mile Post Limits: - OR141: 2.60 to 2.84

	<ul style="list-style-type: none"> - OR210: 9.16 to 9.24 - OR217: 1.77 to 6.32 • Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). • STIP Amendment Number: 18-21-3965 • MTIP Amendment Number: OC21-03-OCT
What is changing?	<p>AMENDMENT ACTION: COMBINED PROJECT</p> <p>As stated for Key 20474, combining scope/funds from the Region wide ITS improvements and upgrades project (K20474) into the OR217 project (K18841) will provide additional safety features identified through project development including additional Variable Advisory Speed (VAS) signs, installation of sign structure catwalks, and additional maintenance pads to allow safer access to the facilities without requiring lane closures.</p> <p>The funds will also add an automated traffic recording station. OR217 is the only major highway in the ODOT Region 1 network that does not yet have this equipment installed to provide detailed traffic statistics, data needed for capacity calculations and pavement designs, as well as work zone restriction requirements. By delivering these improvements as part of the larger OR217 project, ODOT will realize cost savings over delivering these elements as a future stand-alone project. The remaining funds on K20474 will be used to complete design of high priority ITS improvements to be constructed in the next STIP cycle.</p> <p>The additional Bike/Ped Program funding will fully fund bike/pedestrian safety improvements along Hall Blvd. This critical system connectivity improvement will widen the Hall Blvd-OR217 overcrossing 19 feet to the north, allowing for added bike lanes in both directions and building sidewalk along the north side of Hall Blvd.</p> <p>The additional Bridge Program funding will address the increased unit prices of the planned rail retrofit work and the additional illumination replacement, signal replacements and associated temporary traffic control triggered by the bridge work.</p>
Additional Details:	See OTC Staff Report for additional details
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix,
Total Programmed Amount:	The total de-programming to Key 18841 increases by \$4,195,528 (3.1%) from \$134,420,840 to \$138,616,368.
Added Notes:	<p>OTC approval was required as part of this amendment. Included attachments with this project are as follows:</p> <ul style="list-style-type: none"> • Key 18841/20474 OTC Staff Letter • Project Location Maps

Project 3:	I-5: Boone (Willamette River) Bridge
Lead Agency:	ODOT

ODOT Key Number:	21218	MTIP ID Number:	71049
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: On I-5 at the Boone Bridge over the Willamette River, prepare shelf ready plans for future deck overlay, joint repairs and seismic retrofit place driving surface overlay on the Boone Bridge to remove ruts and provide a safe and even travel surface. Source: Existing project Funding: The project includes federal National Highway Performance Program funds. Project Type: Bridge Operations and Maintenance Location: On I-5 Cross Street Limits: At the Boone Bridge over the Willamette River Mile Post Limits: MP 283.0 to MP 283.22 Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). STIP Amendment Number: 18-21-3928 MTIP Amendment Number: OC21-03-OCT 		
What is changing?	<p>AMENDMENT ACTION: SPLIT PROJECT</p> <p>Key 21218 I-5: Boone (Willamette River) Bridge is at the southern project limits of K20411 I-5: I-205 Interchange - Willamette River. Combining the projects will result in reduced traffic control costs and allow for better coordination of the work with one contractor, rather than two. The PE phase is left programmed in Key 21218.</p>		
Additional Details:	The construction phase and funding is shifted to Key 20411.		
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, the split and combining effort results in a significant scope change which requires a formal/full amendment		
Total Programmed Amount:	The total programmed amount decreases from \$3,450,000 to \$250,000.		
Added Notes:	OTC approval was required. A copy of the OTC Staff Report is included as an attachment.		

Project 4:	I-5: I-205 Interchange - Willamette River I-5: I-205 Interchange - Boone (Willamette River) Bridge		
Lead Agency:	ODOT		
ODOT Key Number:	20411	MTIP ID Number:	70968
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: Remove and replace asphalt surface to repair rutted pavement, Includes driving surface on bridges #17995, #17996, #09743B, #09743C, & #09743A Remove and replace asphalt surface to repair pavement ruts and damage from vehicles. This includes 		

	<p>the driving surface of seven bridges. Upgrade rail on two bridges to gain acceptable rail height and improve safety.</p> <ul style="list-style-type: none"> Source: Existing project Funding: The project includes federal National Highway Performance Program funds. Project Type: Operations and Maintenance (O&M) Resurfacing project Location: I-5 Cross Street At the Willamette River Bridge Overall Mile Post Limits: 283.0 to 288.53 Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). STIP Amendment Number: 18-21-3928 MTIP Amendment Number: OC21-03-OCT
What is changing?	<p>AMENDMENT ACTION: COMBINE PROJECT</p> <p>Combining the projects will result in reduced traffic control costs and allow for better coordination of the work with one contractor, rather than two. Additionally, the scope from K21218 is being reduced from a deck overlay, joint repairs and seismic retrofit to just a deck overlay due to funding limitations. Seismic retrofit will be completed as a future project once a long term solution has been identified to provide additional capacity over the Willamette River in this location. This constitutes a major scope change and triggers a full STIP amendment.</p>
Additional Details:	<p>Two of the bridges within the limits of K20411 (bridge IDs 09743B and 09743C) currently have a rail height of 32". The overlay would reduce the height to 31". For a low cost (\$180,000), the bridge rails on this high use interchange can be retrofitted to gain acceptable rail height and improve safety. Work can be completed while the ramp bridges are closed for other work on the ramps and bridges.</p>
Why a Formal amendment is required?	<p>Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, the combination effort has resulted in a significant scope change which requires a formal/full amendment</p>
Total Programmed Amount:	<p>The project increases by \$3,380,000 from \$9,986,250 to \$13,366,280.</p>
Added Notes:	<p>OTC approval was required. Attachments supporting this include:</p> <ul style="list-style-type: none"> - OTC Staff Report - Project location maps

Project 5:	Preventative Maintenance (2019 HIP Fund Exchange) (New Project)		
Lead Agency:	TriMet		
ODOT Key Number:	TBD	MTIP ID Number:	TBD
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: \$3,305,682 million of \$7,305,682 Metro 2019 HIP fund exchange with TriMet committed here supporting preventative maintenance needs (IGA# 936755) 		

	<ul style="list-style-type: none"> • Source: New project • Funding: The project includes federal Surface Transportation Block Grant (STBG-U) allocated to Metro • Project Type: Transit • Location: N/A • Cross Street Limits: N/A • Mile Post Limits: N/A • Current Status Code: T22 = Programming actions in progress or programmed in current MTIP • STIP Amendment Number: TBD • MTIP Amendment Number: OC21-03-OCT
What is changing?	<p>AMENDMENT ACTION: ADD NEW PROJECT</p> <p>The formal amendment adds a new preventative maintenance project for TriMet based on Metro-TriMet fund exchange. Federal FY 2019 Highway Infrastructure Program (HIP) funds were allocated to ODOT which Metro receives a portion. ODOT and Metro agreed on a fund swap to convert the HIP to STBG-U funds. Metro now is completing the fund exchange with TriMet. The fund exchange is \$7,305,682. \$3,305,682 is committed to support TriMet's Preventative Maintenance program needs. TriMet is providing the local match (10.27%) to the exchanged STBG-U funds. The remaining \$4 million has been committed to the MAX Red Line Extension project. Metro and TriMet maintain a formal IGA, #936755 documenting the fund exchange. Although converted to STBG-U federal funds, the funds have a shelf-life obligation deadline of September 2022.</p>
Additional Details:	See attached IGA for additional details. The purpose of the Metro-TriMet fund exchange allows Metro to receive additional local funds which can be leveraged more efficiently towards MPO related activities (e.g. planning projects) than federal funds offer.
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, adding a new project to the MTIP requires a full/formal amendment.
Total Programmed Amount:	The total programmed amount is \$3,684,032.
Added Notes:	A copy of the approved IG is included for reference.

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.
- If not directly identified in the RTP's constrained project list, the project is verified to be part of the MPO's annual Unified Planning Work Program (UPWP) if federally funded and a regionally significant planning study that addresses RTP goals and strategies and/or will contribute or impact RTP performance measure targets.
- 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:

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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • FHWA project cost increase/decrease: <ul style="list-style-type: none"> • 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.	

- 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.
- Reviewed and initially assessed for Performance Measurement impacts to include:
 - Safety
 - Asset Management - Pavement
 - Asset Management – Bridge
 - National Highway System Performance Targets
 - Freight Movement: On Interstate System
 - Congestion Mitigation Air Quality (CMAQ) impacts
 - Transit Asset Management impacts
 - RTP Priority Investment Areas support
 - Climate Change/Greenhouse Gas reduction impacts
 - Congestion Mitigation Reduction impacts
- 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 October 2020 Formal MTIP amendment (OC21-03-OCT) will include the following:

<u>Action</u>	<u>Target Date</u>
● Initiate the required 30-day public notification process.....	September 28 , 2020
● TPAC notification and approval recommendation.....	October 2, 2020
● JPACT approval and recommendation to Council.....	October 15, 2020
● Completion of public notification process.....	October 27, 2020
● Metro Council approval.....	October 29, 2020

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>
● Amendment bundle submission to ODOT for review.....	November 2, 2020
● Submission of the final amendment package to USDOT.....	November 3, 2020
● ODOT clarification and approval.....	Mid - November, 2020
● USDOT clarification and final amendment approval.....	Late November, 2020

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:**
 - a. Amends the 2021-24 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 20-5110 on July 23, 2020 (FOR THE PURPOSE OF ADOPTING THE 2021-2024 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM FOR THE PORTLAND METROPOLITAN AREA).
 - b. Oregon Governor approval of the 2021-24 MTIP: July 23, 2020
 - c. 2021-2024 Statewide Transportation Improvement Program (STIP) Approval and 2021 Federal Planning Finding: September 30, 2020
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds, plus implement and deliver the projects.
4. **Metro Budget Impacts:** None to Metro

RECOMMENDED ACTION:

TPAC received their notification on Friday, October 2, 2020 and approved their recommendation to JPACT for approval of Resolution 20-5130 and to Metro Council consisting of five projects in the October 2020 Formal Amendment Bundle enabling the projects to be amended correctly into the 2021 MTIP with final approval to occur from USDOT.

Attachments:

1. OTC Staff Report (for Keys 20474, 18841, 21218 & 20411)
2. Project Location Maps (for 18841/20474 and 20411/21218)
3. Copy of Metro-TriMet IGA #936755



DATE: July 1, 2020

TO: Kristopher W. Strickler
Director

Attachment 1: OTC Staff Report (for Keys
20474, 18841, 21218 & 20411)

FROM: Rian Windsheimer
Region 1 Manager

SUBJECT: **Consent** – Amend the 2018-2021 Statewide Transportation Improvement Program (STIP) to increase funding for the *Oregon 217: Oregon 10 – Oregon 99 West* project.

Requested Action:

Approve amending the 2018-2021 Statewide Transportation Improvement Program (STIP) to increase funding for the *Oregon 217: Oregon 10 – Oregon 99 West* project by \$4,195,528.

The additional funding comes from the following sources:

- The *Regionwide intelligent transportation systems improvements and upgrades* project (\$1,406,688)
- The pedestrian/bicycle program (\$1,168,019)
- The fix-it statewide bridge program (\$1,620,821)

STIP Amendment Funding Summary

Project	Current Funding	Proposed Funding
Oregon 217: Oregon 10 – Oregon 99 West	\$134,420,839.16	\$138,616,367.16
Regionwide intelligent transportation systems improvements and upgrades	\$1,746,000	\$339,312
Statewide Bicycle/Pedestrian (SWIP) Program Federal Fiscal Year 2019	\$1,286,309.70	\$118,290.70
Fix-It Statewide Bridge program savings	\$1,620,821	\$0
TOTAL	\$139,073,969.86	\$139,073,969.86

Project to increase funding

Oregon 217: Oregon 10 – Oregon 99 West (KN 18841)			
PHASE	YEAR	COST	
		Current	Proposed
Preliminary Engineering	2014	\$21,000,000.22	\$21,000,000.22
Right of Way	2020	\$3,000,000	\$3,000,000
Utility Relocation	N/A	\$0	\$0
Construction	2021	\$109,620,838.94	\$113,816,366.94
Other	2019	\$800,000	\$800,000
TOTAL		\$134,420,839.16	\$138,616,367.16

Projects to decrease funding

Regionwide intelligent transportation systems improvements and upgrades (KN 20474)			
PHASE	YEAR	COST	
		Current	Proposed
Preliminary Engineering	2020	\$174,600	\$339,312
Right of Way	N/A	\$0	\$0
Utility Relocation	N/A	\$0	\$0
Construction	2021	\$1,571,400	\$0
TOTAL		\$1,746,000	\$339,312

Statewide Bicycle/Pedestrian (SWIP) Program Federal Fiscal Year 2019 (KN 20385)			
PHASE	YEAR	COST	
		Current	Proposed
Construction	2020	\$1,286,309.70	\$118,290.70
TOTAL		\$1,286,309.70	\$118,290.70

Background:

The *Oregon 217* project adds auxiliary lanes on northbound Oregon 217 from Oregon 99 West to Greenburg Road and on southbound Oregon 217 from Oregon 10 to Oregon 99 West to improve operations and safety. In addition, the project is improving bicycle and pedestrian connectivity throughout the corridor by closing gaps in the network with added bike lanes on local streets and overcrossing and new sections of trail to provide better North/South connections. In cooperation with the City of Beaverton and Washington County, Oregon Department of Transportation (ODOT) is contributing project funds to already programmed local projects to pay for required off-system improvements to be delivered by project partners at a cost savings to both agencies.

The project also includes creating a southbound frontage road as recommended in the Corridor Bottleneck Operations Study (CBOS) report to improve operations and safety by eliminating merging and weaving in the very short distance between the Allen Boulevard and Denney Road interchanges.

The requested amendment to incorporate funds from the *Regionwide intelligent transportation systems improvements and upgrades* project will provide additional safety features identified through project development including additional Variable Advisory Speed (VAS) signs, installation of sign structure catwalks, and additional maintenance pads to allow safer access to the facilities without requiring lane closures. The funds will also add an automated traffic recording station. Highway 217 is the only major highway in the ODOT Region 1 network that does not yet have this equipment installed to provide detailed traffic statistics, data needed for capacity calculations and pavement designs, as well as work zone restriction requirements. By delivering these improvements as part of the larger project ODOT will realize cost savings over delivering these elements as a future stand-alone project. The remaining *Regionwide intelligent transportation systems improvements and upgrades* project funds will be used to complete design of high priority intelligent transportation systems improvements to be constructed in the next STIP cycle.

The additional state-wide bicycle and pedestrian funding is being requested to add bicycle and pedestrian safety improvements along Hall Boulevard and will leverage an additional \$2,000,000 from our project partners Washington County (\$1,000,000) and the City of Beaverton (\$1,000,000). This critical system connectivity improvement will widen the Hall Boulevard over-crossing of Highway 217 19 feet to the north, allowing for added bike lanes in both directions and building sidewalk along the north side of Hall Boulevard.

Lastly, ODOT Bridge has asked Region 1 to incorporate bridge rail retrofit work at the Allen Boulevard and Denny Road interchanges, originally scoped for the 2018-2021 STIP, into the *Oregon 217* project. The additional Bridge program funding will address the increased unit prices of the planned rail retrofit work and the additional illumination replacement, signal replacements and associated temporary traffic control triggered by the added work.

Options:

With approval, this project will move forward with all of the described improvements.

Without approval, the above mentioned safety and multi-modal features will not be included in this project.

Attachments:

- Attachment 1 – Location and Vicinity Maps

Copies to:

Jerri Bohard	Travis Brouwer	Cooper Brown	Lindsay Baker
Jess McGraw	Tom Fuller	Mac Lynde	Jeff Flowers
Arlene Santana	Amanda Sandvig	Rian Windsheimer	Tova Peltz
Mandy Putney	Kelly Martin	Matt Freitag	Hideto Moriyasu
Kate Freitag	Talena Adams	Gabriela Garcia	Jessica Horning
Bert Hartman	Rachelle Nelson	Hope Derrickson	

COORDINATION SHEET

(If question does not apply to your item, please put N/A)

SUBJECT: Amend the 2018-2021 Statewide Transportation Improvement Program (STIP) to increase funding for the *Oregon 217: Oregon 10 – Oregon 99 West* project.

PRODUCT DRAFTER: Kelly Martin, Matt Freitag, Rian Windsheimer

PRESENTER(S) and TITLE(S): N/A

AGENDA PLACEMENT: N/A

TIME REQUESTED: N/A

RELATED RULES/STATUTES: N/A

AGENDA MATERIALS:

Below are suggested items to be included with agenda materials, if an item is not applicable put N/A.
(If you have documents not enclosed, add the name of document and when it will be ready.

- Cover letter title: Amend the 2018-2021 Statewide Transportation Improvement Program (STIP) to increase funding for the *Oregon 217: Oregon 10 – Oregon 99 West* project.
- Attachment 1-title: 18841_Loc
- Attachment 2-title: 18841_Vic

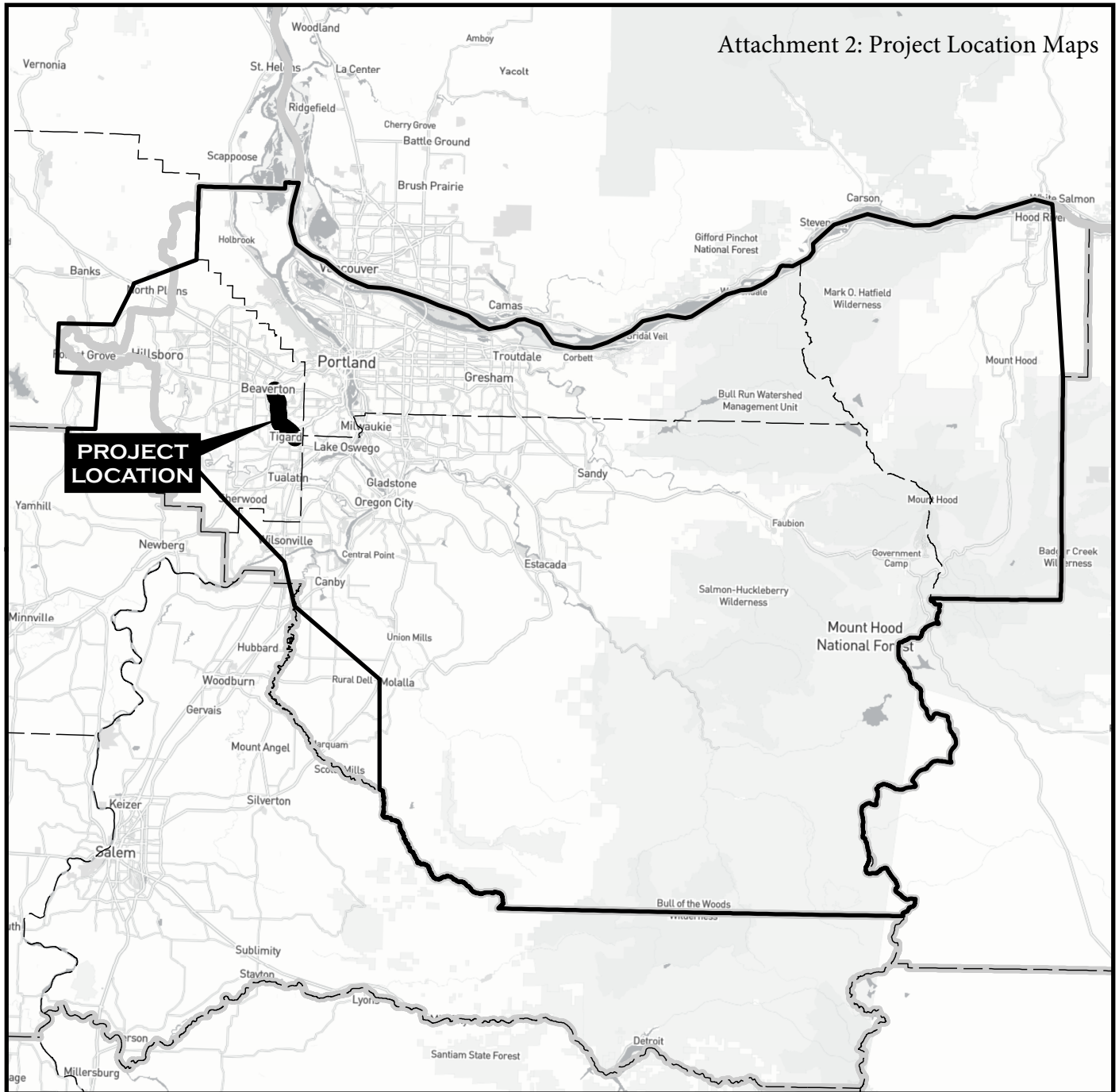
Required	Position	Name	Date
Always	Division/Deputy Administrator /Region Manager	Rian Windsheimer	6/24/20
When applicable:	Legal Counsel		
For all Highway Items	Active Transportation		

*****All materials must be approved by either a Division Administrator or Region Manager prior to submission to the OTC staff at OTCAdmin@odot.state.or.us or [ODOT Hwy OTC AgendaItems@odot.state.or.us](mailto:ODOT_Hwy_OTC_AgendaItems@odot.state.or.us) if a Highway related item.*****

STIP PROJECT VICINITY

ODOT REGION 1

Attachment 2: Project Location Maps



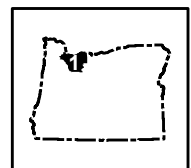
OR217: OR10 - OR99W
KEY NO. 18841

STATE HIGHWAY CLASSIFICATION

	INTERSTATE
	STATEWIDE
	LOCAL ROADS
	PROJECT LOCATION

BOUNDARIES

	ODOT REGION
	COUNTY
	ACT BOUNDARY
	HYDROLOGIC FEATURES



0 10
Miles

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 (503) 986-3154 - GIS NO. 23-52

DATE: 8/13/2019

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STIP PROJECT LOCATION

ODOT REGION 1

Attachment 2: Project Location Maps



ACT: Region 1 ACT

COUNTY: Washington

CITY: Tigard/Beaverton

OR217: OR10 - OR99W
KEY NO. 18841



STATE HIGHWAY CLASSIFICATION

	INTERSTATE
	STATEWIDE
	LOCAL ROADS
	PROJECT LOCATION

BOUNDARIES

	ODOT REGION
	COUNTY
	ACT BOUNDARY
	HYDROLOGIC FEATURES



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"This product is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. Users of this product should review and consult the primary data sources to determine the usability of the information. Conclusions drawn from this information are the responsibility of the user."

STIP PROJECT VICINITY

ODOT REGION 1

Attachment 2: Project Location Maps



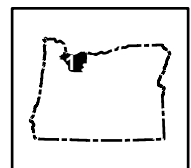
I-5: BOONE (WILLAMETTE RIVER) BRIDGE KEY NO. 21218

STATE HIGHWAY CLASSIFICATION

	INTERSTATE
	STATEWIDE
	LOCAL ROADS
	PROJECT LOCATION

BOUNDARIES

	ODOT REGION
	COUNTY
	ACT BOUNDARY
	HYDROLOGIC FEATURES



0 10
Miles

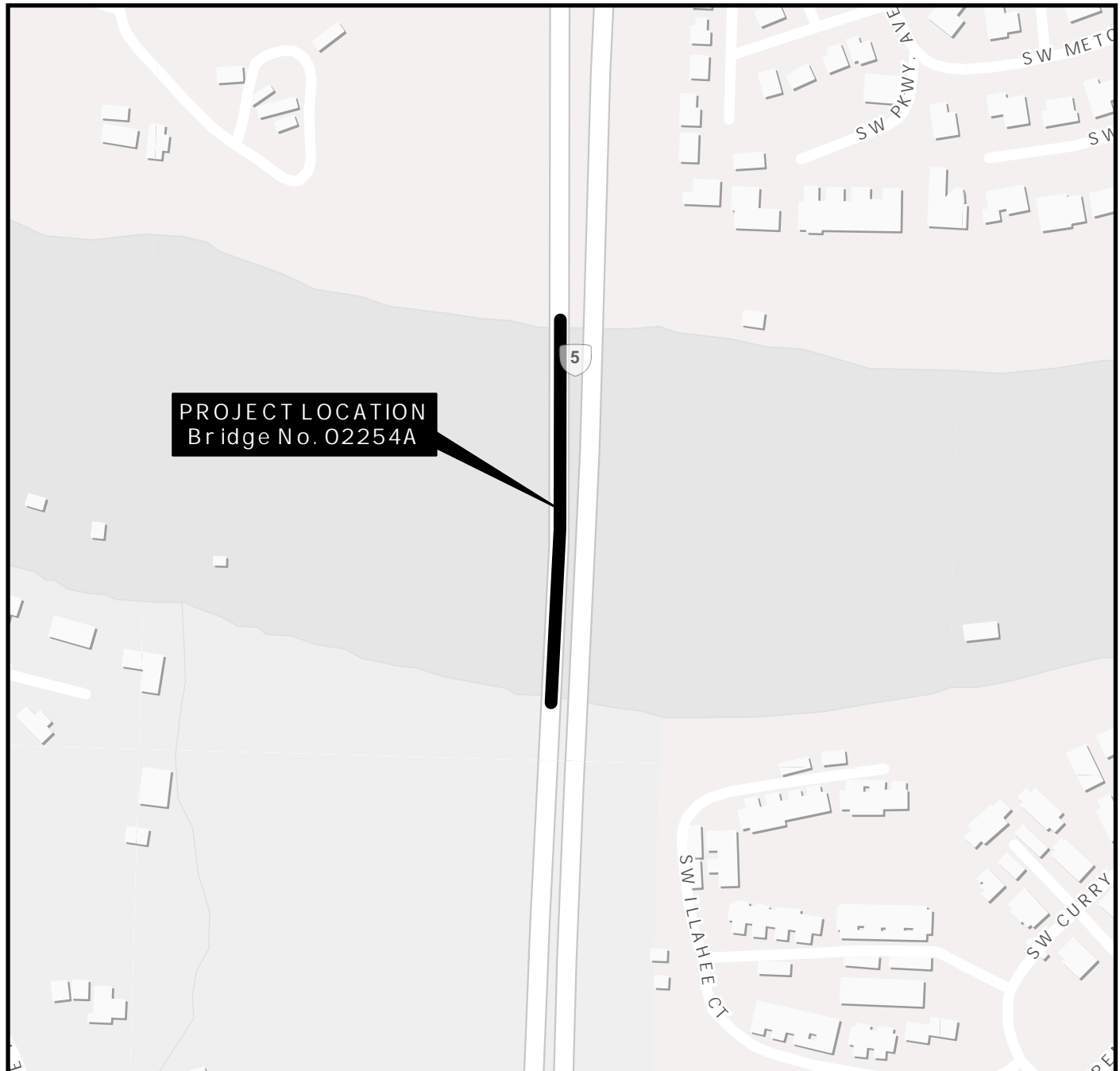
PRODUCED BY ODOT - GIS UNIT
ODOT.maps@odot.state.or.us
GIS NO. 23-52

DATE: 9/15/2020

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STIP PROJECT LOCATION

ODOT REGION 1 Attachment 2: Project Location Maps



ACT: Region 1 ACT

COUNTY: Clackamas

CITY: Wilsonville

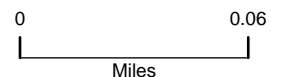
I-5: BOONE (WILLAMETTE RIVER) BRIDGE KEY NO. 21218

STATE HIGHWAY CLASSIFICATION

	INTERSTATE
	STATEWIDE
	LOCAL ROADS
	PROJECT LOCATION

BOUNDARIES

	ODOT REGION
	COUNTY
	ACT BOUNDARY
	HYDROLOGIC FEATURES



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ODOT.maps@odot.state.or.us

DATE: 9/15/2020

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STIP PROJECT VICINITY

ODOT REGION 1

Attachment 2: Project Location Maps



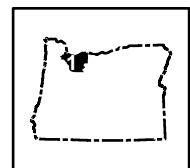
I-5: I-205 INTERCHANGE - WILLAMETTE RIVER KEY NO. 20411

STATE HIGHWAY CLASSIFICATION

	INTERSTATE
	STATEWIDE
	LOCAL ROADS
	PROJECT LOCATION

BOUNDARIES

	ODOT REGION
	COUNTY
	ACT BOUNDARY
	HYDROLOGIC FEATURES



0 10
Miles

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ODOT.maps@odot.state.or.us
GIS NO. 23-52

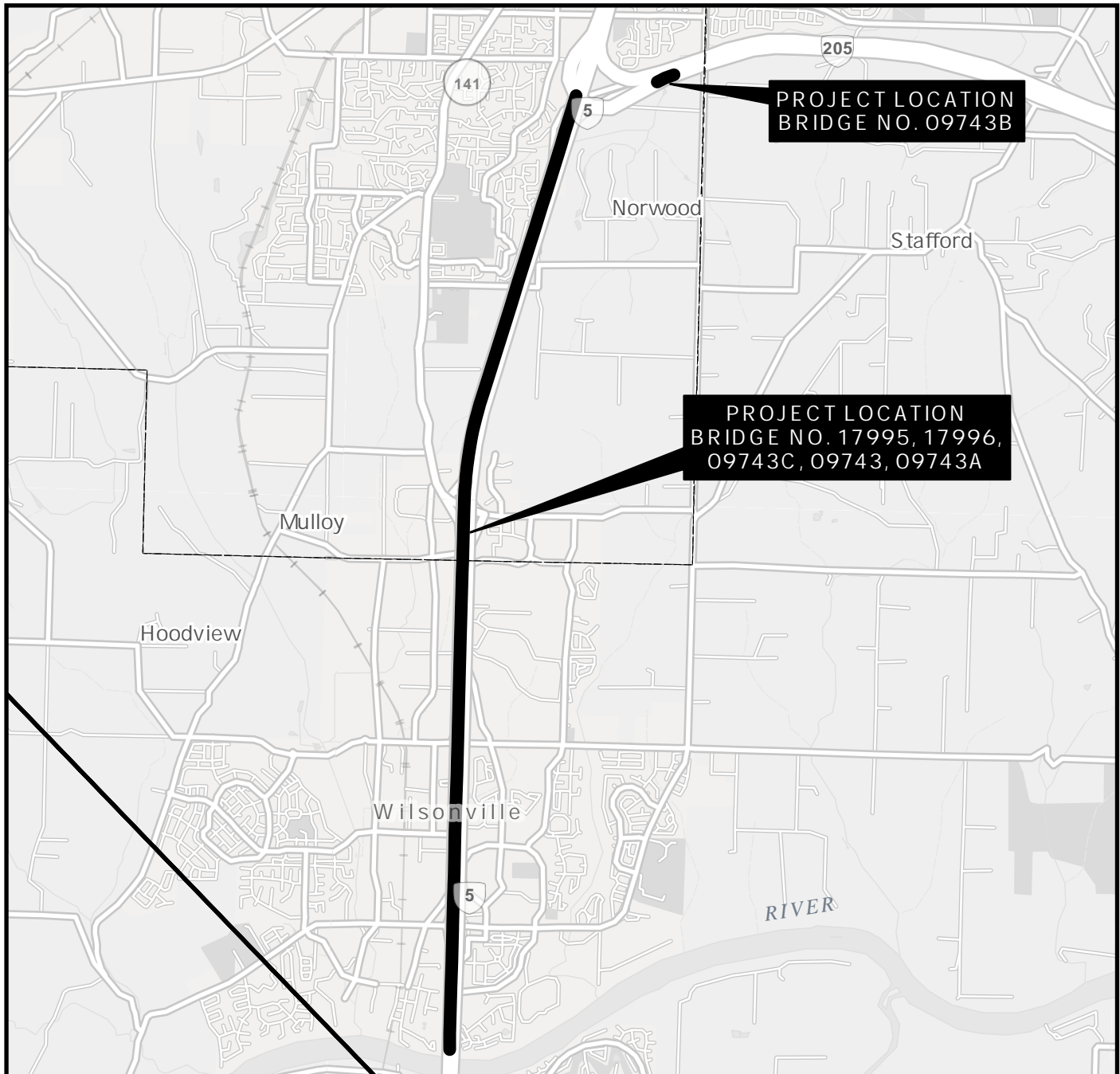
DATE: 9/15/2020

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STIP PROJECT LOCATION

ODOT REGION 1

Attachment 2: Project Location Maps



ACT: Region 1 ACT

COUNTY: Clackamas / Washington

CITY: Wilsonville / Tualatin

I-5: I-205 INTERCHANGE - WILLAMETTE RIVER KEY NO. 20411

STATE HIGHWAY CLASSIFICATION

	INTERSTATE
	STATEWIDE
	LOCAL ROADS
	PROJECT LOCATION

BOUNDARIES

	ODOT REGION
	COUNTY
	ACT BOUNDARY
	HYDROLOGIC FEATURES



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ODOT.maps@odot.state.or.us

DATE: 9/15/2020

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**Metro**600 NE Grand Ave.
Portland, OR 97232-2736

Intergovernmental Agreement

Metro Contract No. 936755
TriMet Contract No.

Project: Metro and TriMet Bi-Directional Funding Agreement

This Intergovernmental Agreement (Agreement) is by and between Metro, a municipal corporation and political subdivision of the State of Oregon (Metro), and the Tri-County Metropolitan Transportation District of Oregon (TriMet).

Background

Metro is the federally mandated metropolitan planning organization (MPO) designated by the Governor to develop an overall transportation plan for the region. The Metropolitan Transportation Improvement Program (MTIP) documents how all federal transportation money is spent in the Portland metropolitan area. It also documents state- and locally-funded projects that may significantly affect the region's air quality. As the MPO for the Portland region, Metro is required to prepare the MTIP documenting funded projects scheduled for the next four years.

TriMet is a mass transportation district organized under ORS Chapter 267 that provides transportation services in Clackamas, Multnomah, and Washington Counties. TriMet is a municipal corporation of the State of Oregon and a public body.

Highway Infrastructure Program (HIP) funds are federal transportation funds. The HIP funds were apportioned to the states in March 2019. Oregon's total HIP funds apportionment is approximately \$34.7 million dollars. Out of this total, a portion of the HIP funds were allocated to the MPOs with a population of more than 200,000 people. Metro received a HIP fund award authority of \$7,305,682 million dollars. These HIP funds may be used only for the construction of highways, bridges, and tunnels. Planning is not an eligible activity. HIP funds must be obligated by September 30, 2022.

The Oregon Department of Transportation has several projects eligible for HIP funds and can be obligated in the timeframe required. ODOT agreed to exchange Metro's HIP fund award authority for Surface Transportation Block Grant (STBG) funds. ODOT will complete the exchange of HIP funds for STBG funds as an administrative matter and approval from the MPO is not needed. ODOT intends to apply the HIP funds to the Highway 217 project. STBG funds are one of two federal grant programs that fund the Regional Flexible Fund program. These funds may be used for a wide range of projects, including to preserve and improve conditions and performance on public roads, pedestrian and bicycle infrastructure, and transit capital projects

Upon review of projects eligible for STBG funds, TriMet's MAX Redline Extension and Reliability Improvement Project ("the MAX Red Line Project") and the Annual Preventive Maintenance Program ("the Maintenance Program") for the light rail system emerged as the best candidates for funding. The MAX Red Line Project has a mix of speed, reliability, and service extension components and the ability to further attract and leverage funds from the Federal Transit Administration's (FTA) Capital Improvement Grant (CIG) program. The Maintenance Program will conduct necessary rail maintenance to ensure the safe operation of the system and facilitate system expansion. Both the MAX Red Line Project and the Maintenance Program are appropriate for the use of \$7,305,682 in STBG funds because they are of regional scale and will be expended by the original HIP funding obligation deadline. Both are consistent with the long-range Statewide Transportation and Metropolitan Transportation Plans.

Metro has agreed to take all necessary and appropriate steps to apply the \$7,305,682 in STBG funds to the MAX Red Line Project and the Maintenance Program, including amending the 2018-2021 MTIP and State Transportation Improvement Program (STIP) to add the funds

The Portland metropolitan region has a list of implementation activities that require further transportation planning and project development. Application of federal funds to these projects may trigger additional planning or construction timing requirements that will impede progress on the projects. In exchange for Metro's programming and transfer of \$7,305,682 of the STBG funds to the MAX Red Line Project and the Maintenance Program, TriMet will transfer \$3,305,682 in unrestricted nonfederal funds to Metro. TriMet's transferred unrestricted funds may be used by Metro throughout the



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Intergovernmental Agreement

Metro Contract No. 936755
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region for regional transportation planning and project development activities. Metro will identify the type of activities for which it intends to use the funds in the amendments to the MTIP and the STIP.

Agreement

Pursuant to the above recitals, the authority granted in ORS Chapters 267 and 268 and the Metro Charter, and in recognition of the mutual interests of the parties and based upon the terms and conditions herein, the parties hereby mutually agree as follows:

1. TriMet Board Approval

No later than TriMet's March 2020 Board meeting, TriMet will seek Board approval of this Agreement and authorization of the transfer of the \$3,305,682 in unrestricted funds (referred to as Funds) to Metro. Upon authorization, TriMet will convey an initial Funds check for \$1,500,000 to Metro no later than 30 days after the TriMet Board has approved and authorized this Agreement and the transfer of the Funds. TriMet will convey a second Funds check for \$1,805,682 to Metro no later than 30 days after full reimbursement to TriMet in Fiscal Year 2021 for STBG eligible project expenses related to the Maintenance Program.

2. Transfer of STBG Funds to TriMet

Upon approval of the MTIP amendment related to the Maintenance Program, Metro and TriMet will work cooperatively to facilitate a flex transfer of \$3,305,682.00 in STBG funds from FHWA to FTA. After the flex transfer is complete, TriMet will seek a grant applying the FTA STBG funds to the Maintenance Program. TriMet will inform Metro immediately if the request for STBG funds to reimburse work for the Maintenance Program is not successful. In the event of a flex fund transfer or grant failure, the parties will work together to identify and implement another mechanism to facilitate the fund exchange and will amend this Agreement to reflect the mechanism. Metro will take all the necessary steps to facilitate the approval of the MTIP amendment related to the MAX Red Line Project and the Maintenance Program. As soon as practicable after such approval, and within TriMet's Fiscal Year 2021, Metro shall take all necessary and appropriate actions to facilitate the transfer of \$7,305,682 in STBG funds from Metro to TriMet.

3. Obligation and Transfer of Funds

In furtherance of Metro's and TriMet's goal of making TriMet's unrestricted funds available for regional transportation planning and project development activities, Pursuant to the TriMet Board's approval as described in paragraph 1, TriMet will convey two separate checks, for a total of \$3,305,682 in unrestricted funds ("the Unrestricted Funds").

TriMet will be responsible for any required matching funds on the MAX Red Line Project.

If Metro fails to successfully program the \$7,305,682 in STBG funds to TriMet during Fiscal Year 2021, TriMet and Metro will jointly determine the disposition of any remaining unobligated funds and seek to program alternative funds to address the shortfall to TriMet.

TriMet must address the checks to Metro and send the checks to the following location with a letter identifying Metro Account 414500 and Fund 141:

Metro
600 N.E. Grand Avenue
Portland, OR 97232-2736

The parties may agree to modify these deadlines.



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

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4. Metro Obligations

Metro will take all steps necessary and appropriate to support two separate MTIP amendments that reprograms \$7,305,682 in STBG funds to the MAX Red Line Project and the Maintenance Program as follows:

- MAX Red Line Project - \$4,000,000
- Maintenance Program - \$3,305,682

TriMet will inform Metro of any assistance needed to facilitate TriMet Board approval required by Section 1 of this Agreement. Metro will make a reasonable effort to assist TriMet based on TriMet's identified needs.

The anticipated schedule for the MTIP and STIP amendments is as follows:

- MAX Red Line Project - Spring 2020 with completion by late spring 2020 (with a 2021 key code)
- Maintenance Program – Spring 2020, after the execution of this Agreement (with a 2021 key code)

Metro will take all necessary and appropriate steps to facilitate the flex transfer of STBG funds to TriMet in order for TriMet to draw the funds in FY2021. In the event of a flex fund transfer or grant failure, the parties will work together to identify and implement another mechanism to facilitate the fund exchange and will amend this Agreement to reflect the mechanism.

5. TriMet Obligations

TriMet will take all steps necessary to secure TriMet Board authorization to approve this Agreement and the timely transfer of the \$3,305,682 Unrestricted Funds to Metro as described above. TriMet affirms that the action identified above is the only approval needed from TriMet's Board to implement this Agreement.

TriMet will support Metro and take necessary steps to facilitate the MTIP and STIP amendments.

TriMet will use \$4,000,000 for design of the Red Line Project and are programming funds to be spent in Fiscal Year 2021.

TriMet affirms in good faith that the Unrestricted Funds transferred to Metro may be used for regional transportation planning and project development activities, including without limitation studies and design work.

TriMet does not object to Metro's use of certain percentages of the Unrestricted Funds for Metro's administrative cost fee, set forth in section 6 below.

TriMet will notify Metro of excess funds per Section 7 of this Agreement.

6. Metro's Use of Exchanged TriMet Unrestricted Funds

Metro in its sole discretion will determine how to use the Unrestricted Funds transferred from TriMet to support regional transportation planning and project development activities throughout the region. These activities may include, but are not limited to an allocation for the planning, feasibility, and project development of projects for the 2020 Regional Investment Measure or the implementation of Chapter 8 of the 2018 Regional Transportation Plan (RTP). Consistent with these purposes, Metro may at any time identify authorized use of funds.

Metro will retain any interest accrued on the Funds.

Metro shall affirm that TriMet funds were expended for authorized purposes.


Metro

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TriMet Contract No.

7. Excess Funds

With regard to the funding allocated within this agreement for the Red Line Project: If TriMet fails to start or complete the MAX Red Line Project, or completes the MAX Red Line Project without expending all the STBG funds received from Metro, any remaining STBG funds will be considered to be excess funds. TriMet and Metro will jointly determine the disposition of any unobligated funds and seek appropriate MTIP amendments to reprogram the funds. The reprogramming of excess funds may be done as an administrative MTIP amendment or may require JPACT and Metro Council approval of a formal amendment.

With regard to the funding allocated within this agreement to the Maintenance Program: If TriMet fails to start or complete the Maintenance Program, or completes the Maintenance Program without expending all the funds, Metro and TriMet will work together to recommend a process to be used for reallocating the excess funds to other regional projects. Based on the exchange of TriMet unrestricted funds for STBG funds, the expectation of the parties is to expend the excess funds on a TriMet project.

8. Separate Governments

The parties hereby agree and acknowledge that Metro and TriMet are separate and independent governmental bodies, and that the activities of one party, its officers, agents and employees do not constitute actions of the other party for any purpose whatsoever.

9. Mutual Indemnification

a) To the fullest extent provided by the Oregon Tort Claims Act and other applicable law, TriMet hereby agrees to indemnify and hold harmless Metro and its elected officials, officers, agents, and employees from and against any and all liability, damage, action, costs, loss, claims, and expenses (including attorney fees) arising out of the activities of TriMet in performance of this Agreement.

b) To the fullest extent provided by the Oregon Tort Claims Act and other applicable law, Metro hereby agrees to indemnify and hold harmless TriMet and its officers, agents, and employees from and against any and all liability, damage, action, costs, loss, claims, and expenses (including attorney fees) arising out of the activities of Metro in performance of this Agreement.

10. Termination for Cause

- a) Subject to the notice provisions set forth in Section 2 below, Metro may terminate this Agreement, in full or in part, at any time during the term of the Agreement if Metro reasonably determines that TriMet has failed to comply with any provision of this Agreement and is therefore in default.
- b) Before terminating this Agreement in accordance with Section 1 above, Metro will provide TriMet with written notice that describes the reason(s) that Metro has concluded that TriMet is in default and includes a description of the steps that TriMet must take to cure the default. From the date that such notice of default is received by TriMet, TriMet will have 30 days to cure the default. If the default is of such a nature that it cannot reasonably be cured within 30 days, TriMet will have such additional time as required to cure the default, as long as it is acting in a reasonable manner and in good faith to cure the default. In the event TriMet does not cure the default within the 30-day period, Metro may terminate all or any part of this Agreement, effective on any date that Metro chooses following the 30-day period. Metro will notify TriMet in writing of the effective date of the termination.



Metro

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Portland, OR 97232-2736

Intergovernmental Agreement

Metro Contract No. 936755
TriMet Contract No.

- c) TriMet will be liable to Metro for all reasonable costs and damages incurred by Metro as a result of and in documentation of the default. Following such termination, should Metro later determine or a court find that TriMet was not in default or that the default was excusable (e.g. due to a labor strike, fire, flood, or other event that was not the fault of, or was beyond the control of, TriMet) this Agreement will be reinstated or the parties may agree to treat the termination as a joint termination for convenience.

11. Joint Termination for Convenience

Metro and TriMet may jointly terminate all or part of this Agreement based upon a determination that such action is in the public interest. Termination under this provision will be effective only upon the mutual, written termination agreement signed by both Metro and TriMet.

12. Venue and Jurisdiction

The site of this Agreement is Portland, Oregon, and any arbitration or litigation arising from it will be governed by the laws of the State of Oregon and subject to the jurisdiction of the Circuit Court for Multnomah County.

13. Non-Transferability

This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstances, be assigned or transferred by either party.

14. Contacts

The Manager of this Agreement for Metro will be (until such time as the Chief Operating Officer may name a replacement):

Elissa Gertler
Planning and Development Director
Metro
600 N.E. Grand Avenue
Portland, OR 97232-2736

With copy to:

Grace Cho
Senior Transportation Planner
Metro
600 N.E. Grand Avenue
Portland, OR 97232-2736
Grace.cho@oregonmetro.gov
503-797-1776

Any and all correspondence and reports must be addressed to the Manager.

**Metro**600 NE Grand Ave.
Portland, OR 97232-2736

Intergovernmental Agreement

Metro Contract No. 936755
TriMet Contract No.

The Project Coordinator of this Agreement for TriMet is:

Jeff Owen
Strategic Planning Coordinator
TriMet Public Affairs
1800 S.W. 1st Avenue, Suite 300
Portland, OR 97201
Email: OwenJ@trimet.org
Phone: 503-962-5854

Any and all correspondence and payments must be addressed to the Project Coordinator.

15. Compliance with Laws

Metro and TriMet must comply with all applicable federal, state, and local laws, rules, and regulations, and must award all contracts in accordance with these laws, including without limitation the provision required in public contracts under the Oregon Public Contracting Code.

16. Counterparts

This Agreement may be executed in multiple counterparts and each counterpart shall be deemed to be an original. The counterparts together will constitute a single binding agreement. The Parties may exchange counterparts by signed Portable Document Format (PDF) files sent by email.

17. Entire Agreement

Notwithstanding and succeeding any prior agreements or practices, this Agreement constitutes the entire agreement between the parties and may be only expressly modified in writing signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates hereinafter indicated as follows.

Metro

DocuSigned by:

By: _____

Marissa Madrigal

60440B6B7AF9448...

Title: _____

COO

Date: _____

April 27, 2020

TriMet

By: _____

[Signature]

Title: _____

Ex. Dir. Public Affairs

Date: _____

4-21-2020

By: _____

[Signature]

Title: _____

Chief Financial Officer

Date: _____

3-16-2020