

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: February 5, 2021
To: JPACT and Interested Parties
From: Ken Lobeck, Funding Programs Lead
Subject: February 2021 MTIP Formal Amendment & Resolution 21-5159 Approval Request

FORMAL AMENDMENT STAFF REPORT

FOR THE PURPOSE OF AMENDING TWO EXISTING PROJECTS TO THE 2021-24 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) IMPACTING TUALATIN PRD AND WASHINGTON COUNTY (FB21-07-FEB)

BACKGROUND

What This Is:

The February 2021 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment which is contained in Resolution 21-5159 and being processed under MTIP Amendment FB21-07-FEB.

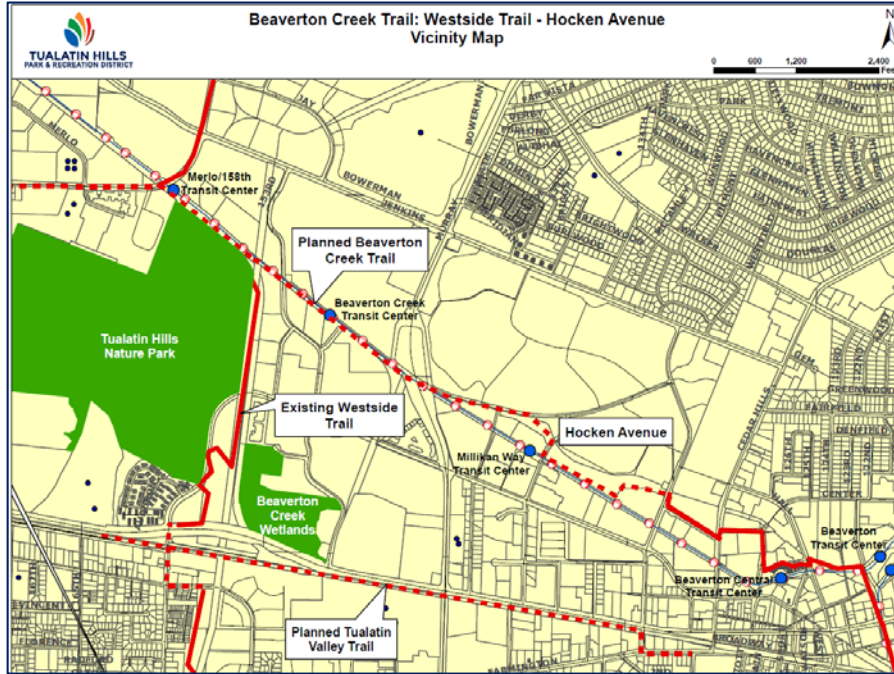
What is the requested action?

TPAC received their official notification on February 5, 2021 of Resolution 21-5159 consisting of two projects in the February 2021 Formal Amendment Bundle and is recommending JPACT approve Resolution 21-5159 enabling the projects to be amended correctly into the 2021-24 MTIP with final approval to occur from USDOT.

Proposed February 2021 Formal Amendment Bundle					
Amendment Type: Formal/Full					
Amendment #: FB21-07-FEB					
Total Number of Projects: 2					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 19357	70689	Tualatin Hills PRD	Beaverton Creek Trail: Westside Trail - SW Hocken Ave	Construct a 1.5-mile long, 12-foot wide regional trail consisting of paving, bridges/boardwalks, lighting, road right-of-way improvements, environmental mitigation and bicycle/pedestrian amenities and site furnishings.	SCHEDULE CHANGE The PE phase adjustment to FY 2022 is re-affirmed and the construction phase is reprogrammed to FY 2026 to allow time to resolve various delivery issues.
Project #2 Key 19358	70789	Washington County	Basalt Creek Ext: Grahams Ferry Rd - Boones Ferry Rd	Extend the new east-west arterial from Grahams Ferry Road to Boones Ferry Road and provide access between I-5 and the Basalt Creek industrial area.	SCHEDULE CHANGE The ROW phase is reprogrammed to FY 2023 with the Construction phase pushed-out to FY 2026

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

Project 1: Beaverton Creek Trail: Westside Trail - SW Hocken Ave	
Lead Agency:	Tualatin Hills PRD
ODOT Key Number:	19357 MTIP ID Number: 70689
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: Construct a 1.5-mile long, 12-foot wide regional trail consisting of paving, bridges/boardwalks, lighting, road right-of-way improvements, environmental mitigation and bicycle/pedestrian amenities and site furnishings. Source: Existing project. Funding: The awarded source of funding originates from Metro from the Regional Flexible Fund Allocation (RFFA) discretionary funding call for projects. \$800k of federal Transportation Alternatives Program funding was awarded to the project supporting project development. An additional \$3,693,212 of RFFA funds (STBG-U) were awarded for construction. Total federal funds currently awarded to the project totals \$4,414,293 Project Type: Active Transportation (Pedestrian/bicycle facility improvement) Location: In Beaverton on the Beaverton Creek Trail near the Beaverton Creek Transit Center (See project location map in the Additional Details section) Cross Street Limits: Westside trail to SW Hocken Ave Overall Mile Post Limits: N/A Current Status Code: 2 = Pre-design/project development activities (pre-NEPA) (ITS = ConOps.) Air Conformity/Capacity Status: The project is considered a “non-capacity enhancing” project from a roadway/motor vehicle improvement perspective and is exempt from air quality conformity analysis per 40 CFR 93.126, Table 2 – Air Quality – Bicycle and Pedestrian facility improvements. However, project is included in the Metro Pedestrian modeling network and defined as a future Pedestrian parkway. Regional Significance Status: Regionally significant project. The project contains federal funds and is located in the Metro Pedestrian Modeling Network. STIP Amendment Number: TBD MTIP Amendment Number: FB21-07-FEB OTC approval required: No Metro approval date: Tentatively scheduled for March 4, 2021
What is changing?	<p><u>AMENDMENT ACTION: SCHEDULE CHANGE</u></p> <p>The formal amendment reprograms the project based on a revised estimated project delivery schedule. The Preliminary Engineering (PE) phase is re-affirmed to be reprogrammed to FY 2022. The initial</p>

	<p>adjustment was completed in the MTIP as part of the December 2020 Obligation Targets amendment. However, to avoid confusion with the STIP, the adjustment is shown again in the MTIP Worksheet for consistency.</p> <p>Second, the Construction is pushed-out and reprogrammed to FY 2026. As work project development activities are being completed, overall project delivery requirements are becoming clearer. Project Development will not be completed until FY 2022 resulting in the slip to the PE phase. The project appears will require a Right-of-Way (ROW) and Utility Relocation (UR) phases. Based on a standard two-year PE phase, ROW and UR would not start until FY 2024. Applying a two-year ROW and UR phase schedule, pushes Construction out to FY 2026.</p> <p>Third, the project faces additional project costs which were not originally identified or committed to the project. Currently, there is no funding plan for the ROW and UR phases as well as covering the estimated cost increase to the Construction phase. By moving Construction out of the MTIP's first four constrained years and into year six, the project staff have time to work through the various project delivery and cost issues without the construction phase becoming a conflict with the annual Obligation Targets Program.</p>
Additional Details:	<p style="text-align: center;">Project Location</p> 
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, schedule delays resulting in phase reprogramming outside of the MTIP constrained years requires a formal/full amendment to complete.
Total Programmed Amount:	The project's total cost remains unchanged at \$5,834,546 through this action.
Added Notes:	None

Project 2: Basalt Creek Ext: Grahams Ferry Rd - Boones Ferry Rd			
Lead Agency:	Washington County		
ODOT Key Number:	19358	MTIP ID Number:	70789
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: Extend the new east-west arterial from Grahams Ferry Road to Boones Ferry Road and provide access between I-5 and the Basalt Creek industrial area including a 600 foot bridge across the Seely ditch. Source: Existing project. Funding: The project is funded by a combination of federal and local funds. The federal funds committed total \$5,560,605. Local funds cover the remaining costs for the project which has a preliminary total project cost of \$35,244,014. Project Type: Roadway capacity enhancing capital improvement Location: Extend Basalt Pkwy east of Tualatin and north of Wilsonville Cross Street Limits: Between Grahams Ferry Road to Boones Ferry Road Overall Mile Post Limits: N/A Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). Air Conformity/Capacity Status: The project is considered a "capacity enhancing" as it will construct a new 5 lane arterial (two through lanes in each direction. The project completed required air conformity analysis as part of the 2018 RTP Update and is included in the Metro Motor Vehicle modeling network. RTP/Ai Conformity approval date is December 18, 2018. Regional Significance Status: Regionally significant project. The project contains federal funds and is located in the Metro Motor Vehicle Modeling Network. STIP Amendment Number: TBD MTIP Amendment Number: FB21-07-FEB OTC approval was not required for this amendment. 		
What is changing?	<p><u>AMENDMENT ACTION: ADD SCHEDULE CHANGE:</u></p> <ul style="list-style-type: none"> The amendment adjusts the ROW to FY 2023 and corrects the Metro awarded STBG amount to be \$2,803,605. The Construction phase and funding is pushed-out to FY 2026. A minor description update is also being accomplished to the MTIP Detailed Description field. <p>The project is completing Project, Specifications, and Estimates (PS&E). Cost updates are occurring and schedule adjustments are needed. The re-programming action initially requested FY 2024 as the ROW phase obligation year. The STBG funds programmed for the ROW are considered "Older Funds" and must be obligated no later than the end of FY 2023. However, the PE phase also requires additional funds and a later amendment most likely will shift the ROW phase STBG to PE covering the PE phase funding needs and ensuring the funds do not lapse.</p>		

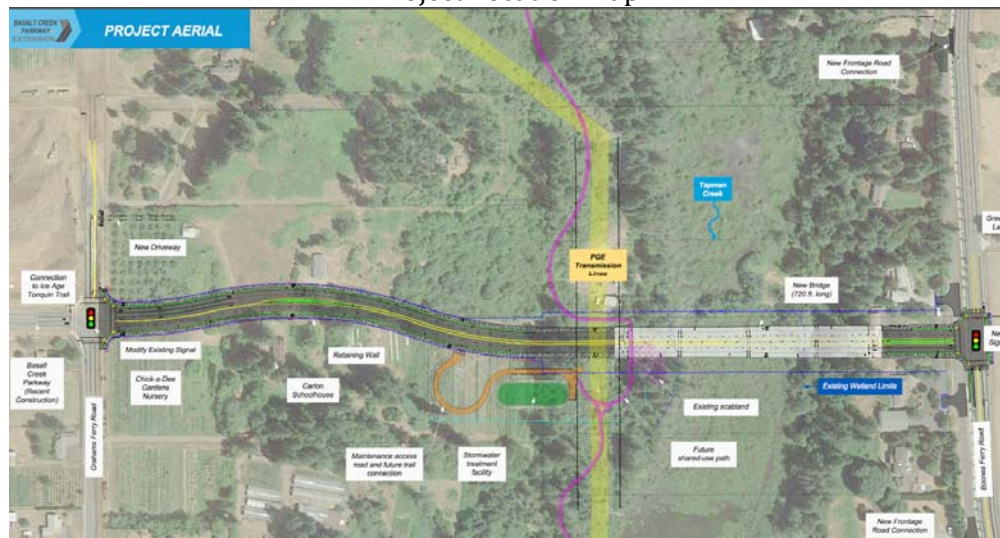
While the ROW and construction phase delivery timing is worked-out, the Construction phase is being moved out to FY 2026 as a precautionary action. Once the final delivery schedule is developed, the ROW and Construction will be adjusted as necessary to reflect the correct obligation year.

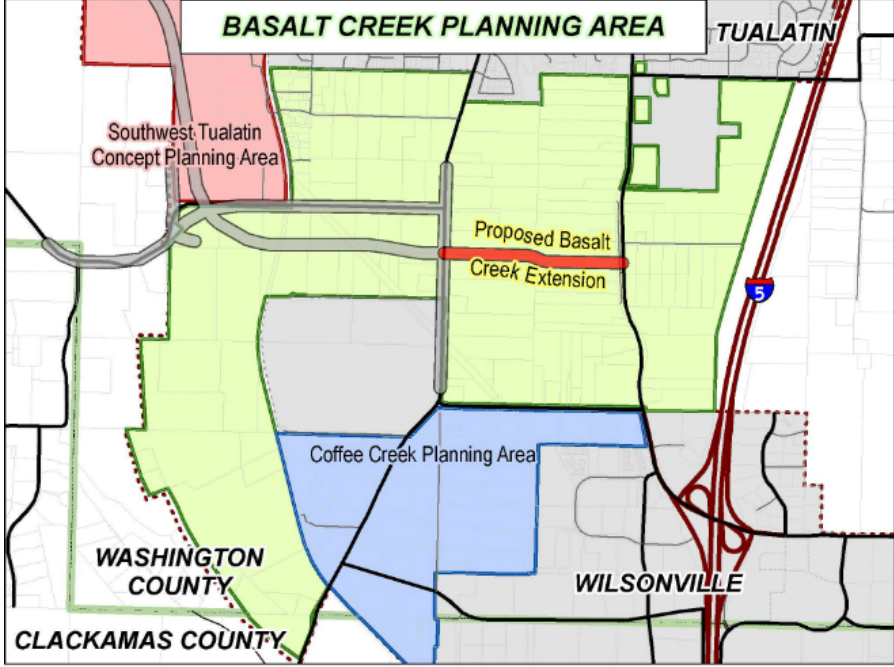
RFFA Source Funding Award for the Current ROW

Step 2: Community Investment Fund			
Active Transportation/Complete Streets			
Project name	Applicant	Sub-region	Amount
Beaverton Creek Trail	THPRD	Washington	\$3,693,212
Brentwood-Darlington Safe Routes to School	City of Portland	Portland	\$2,200,000
To be determined ¹	City of Gresham	Multnomah	\$3,141,156
Cully Walking and Biking Parkway	City of Portland	Portland	\$2,200,000
Halsey Street Safety and Access to Transit	City of Portland	Portland	\$2,400,000
Herman Road Walking and Biking Improvements	City of Tualatin	Washington	\$625,000
Highway 43 Walking and Biking Improvements	City of West Linn	Clackamas	\$3,000,000
I-5 Walking and Biking Bridge	City of Wilsonville	Clackamas	\$1,550,000
Jade and Montavilla Connected Centers	City of Portland	Portland	\$3,200,000
Molalla Avenue Walking and Biking Improvements	City of Oregon City	Clackamas	\$3,800,632
Total:			\$25,810,000
Regional Freight Initiatives			
Project name	Applicant	Sub-region	Amount
Basalt Creek Parkway Extension	Washington County	Washington	\$2,803,605
Central Eastside Access & Circulation Improvements	City of Portland	Portland	\$2,805,879
Hunziker Road Industrial Area	City of Tigard	Washington	\$1,730,516
Regional Freight Studies	Metro	Regional	To be determined ²
Total:			\$7,340,000
Total 2019-21 RFFA:		\$130,380,000	

Additional Details:

Project Location Map



	
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, schedule delays resulting in phase reprogramming outside of the MTIP constrained years requires a formal/full amendment to complete.
Total Programmed Amount:	The total programmed amount for the project slightly decreases to \$35,244,017
Added Notes:	None

Note: The Amendment Matrix located on the next page 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:
 - 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.
 - 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

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.	

- 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 February 2021 Formal MTIP amendment (FB21-07-FEB) will include the following:

<u>Action</u>	<u>Target Date</u>
● Initiate the required 30-day public notification process.....	February 1, 2021
● TPAC notification and approval recommendation.....	February 5, 2021
● JPACT approval and recommendation to Council.....	February 18, 2021
● Completion of public notification process.....	March 3, 2021
● Metro Council approval.....	March 4, 2021

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 (The below time line is an estimation only):

<u>Action</u>	<u>Target Date</u>
● Amendment bundle submission to ODOT for review.....	March 9, 2021
● Submission of the final amendment package to USDOT.....	March 9, 2021
● ODOT clarification and approval.....	Late March, 2021
● USDOT clarification and final amendment approval.....	Early April, 2021

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, or obtain the next required federal approval step as part of the federal transportation delivery process.
4. **Metro Budget Impacts:** None to Metro

RECOMMENDED ACTION:

TPAC received their official notification on February 5, 2021 of Resolution 21-5159 consisting of two projects in the February 2021 Formal Amendment Bundle and is recommending JPACT approve Resolution 21-5159 enabling the projects to be amended correctly into the 2021-24 MTIP with final approval to occur from USDOT.

Note: No attachments: