

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: July 9, 2021
To: JPACT and Interested Parties
From: Ken Lobeck, Funding Programs Lead
Subject: July 2021 MTIP Formal Amendment & Resolution 21-5188 Approval Request

FORMAL AMENDMENT STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2021-24 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO AMEND OR ADD THREE PROJECTS IMPACTING GRESHAM AND ODOT ENSURING REQUIRED FEDERAL APPROVALS AND PHASE OBLIGATIONS CAN OCCUR BEFORE THE END OF THE FEDERAL FISCAL YEAR (JL21-12-JUL)

BACKGROUND

What This Is:

The July 2021 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment which is contained in Resolution 21-5188 and being processed under MTIP Amendment JL21-12-JUL.

What is the requested action?

TPAC received their official notification on July 9, 2021 and is providing an approval recommendation to JPACT for Resolution 21-5188 consisting of three projects impacting the city of Gresham and ODOT.

Proposed July 2021 Formal Amendment Bundle					
Amendment Type: Formal/Full					
Amendment #: JL21-12-JUL					
Total Number of Projects: 3					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 20808	70808	Gresham	NE Cleveland Ave.: SE Stark St - NE Burnside	Complete phase two of the project by improving substandard section of Cleveland Ave between Stark and Burnside. Project will fill gap in by providing bike lanes, sidewalks, curbs and gutters to improve safety and accessibility.	<u>COST INCREASE:</u> The formal amendment adds local funding to the ROW phase to address the full costs for the phase. The amendment also advances the ROW to FFY 2021 to be obligated before the ends of FFY 2021.

ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #2 Key 18841	70782	ODOT	OR217: OR10 - 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. (Combines Key 21179, 20473 and 20474 into Key 18841)	LIMITS UPDATES: The formal amendment updates the project limits prior to moving forward into construction. There is no scope change or cost adjustment required. The MP limit updates ensure the project limits are completely identified
Project #3 Key 20363 New Project	TBD	ODOT	I-84: Corbett Interchange - Multnomah Falls	Rehabilitation and replacement of culverts to repair damage and prevent road deterioration.	ADD NEW PROJECT: Changes in project limits from this original Non-Metropolitan Planning Area (MPA) project now cross into the MPA which triggers the need to be included in the MTIP

JULY 2021 FORMAL MTIP AMENDMENT AND FEDERAL FISCAL YEAR CLOSE-OUT ACTIONS

The July 2021 Formal MTIP Amendment represents the last formal amendment for federal fiscal year (FFY) 2021. Submitted amendments represent required changes to projects that either will be obligating a phase before the end of FFY 2021, or need a federal approval step to occur before the end of FY 2021. Final approval for this amendment should occur during early August 2021 allowing time to complete the phase obligation or federal approval action before the federal fiscal close-out occurs starting on September 1, 2021.

Through August, ODOT staff will be busy preparing the various end of federal fiscal year close-out programming support actions which include:

- Preparing project phase obligation requests.
- Submitting project obligation requests to FHWA.
- Completing a flex transfer process for FHWA based funds over to FTA enabling the funds to be approved in FTA's grant/obligation approval system.
- Completing final FFY 2021 project administrative modifications to the MTIP and STIP
- Developing and reviewing actual project phase obligations against established obligation targets.
- Determining which project phases will not obligate their federal funds and need to slip to the next federal fiscal year.

As a result of the above actions, MTIP Formal Amendments cease after the July Formal Amendment due to lack of time to complete all review and processing actions. Administrative modifications will stop normally during early August. The emphasis for ODOT as of August is phase obligations, completing required FFY 2021 federal approval actions, and implementing end-of-year close-out processes.

As of September 1, 2021, ODOT is required to have completed all end of fiscal year obligation submissions to FHWA. During September, FHWA will approve the final obligations and complete their required fiscal year close-out actions. The federal transportation delivery process effectively shuts down for local agencies during September while FHWA and FTA complete their close-out responsibilities.

As of October 1st, the next federal fiscal year begins. The federal transportation project delivery process slowly comes alive again. By the beginning of November, the federal transportation delivery process is normally back up and operating at full capacity.

A detailed summary of the SFY 2022 UPWP projects amended are provided below. There are 7 projects impacted:

Project 1: NE Cleveland Ave.: SE Stark St - NE Burnside	
Lead Agency:	Gresham
ODOT Key Number:	20808 MTIP ID Number: 70878
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> • <u>Metro SFY 2022 UPWP Project:</u> No • <u>Proposed improvements:</u> The NE Cleveland Ave improvement project will complete phase two of the project by improving substandard section of Cleveland Ave between Stark and Burnside. Project will fill gap in by providing bike lanes, sidewalks, curbs and gutters to improve safety and accessibility. • <u>Source:</u> Existing project. • <u>Amendment Action:</u> Increase funding to the Right-of- Way (ROW phase to address ROW phase costs and enable the project to obligate the ROW phase before the end of federal fiscal year (FFY) 2021. • <u>Funding:</u> The NE Cleveland Ave.: SE Stark St - NE Burnside improvement project is a 2019-21 Metro Regional Flexible Funds Allocation (RFFA) awarded project containing federal Surface Transportation Block Grant (STBG) and Congestion Mitigation Air Quality (CMAQ) improvement funds along with local matching and overmatching funds. • <u>FTA Conversion Code:</u> N/A • <u>Location, Limits and Mile Posts:</u> <ul style="list-style-type: none"> ○ Location: In Gresham on Cleveland Ave ○ Cross Street Limits: Stark Street to Burnside Rd ○ Overall Mile Post Limits: N/A • <u>Current Status Code:</u> 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). • <u>Air Conformity/Capacity Status:</u> 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 – Projects that correct, improve, or eliminate a hazardous location or feature. • <u>Regional Significance Status:</u> The project is regionally significant. Includes federal funds and provides transportation improvements to a facility which is identified as a “Minor Arterial” in the Metro Motor Vehicle modeling network

- **Amendment ID and Approval Estimates:**
 - STIP Amendment Number: 21-24-0869
 - MTIP Amendment Number: JL21-12-JUL
 - OTC approval required: No.
 - Metro approval date: Tentatively scheduled for July 22nd, or July 29th, 2021
 - Other required approvals: Gresham submitted a required Project Change Request (PCR) which was reviewed and approved by ODOT and Metro.

What is changing?

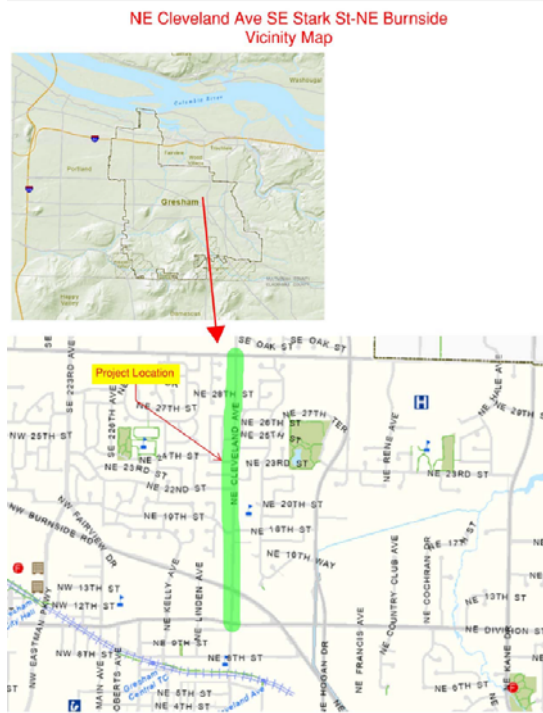
AMENDMENT ACTION: COST INCREASE:

The formal amendment adds \$987,831 of local funds to support the updated ROW phase costs and advances the ROW phase to FFY 2021. Early scoping for the project did not fully evaluate the ROW needs and underestimated the phase costs. Updated Preliminary Engineering (PE) design and delivery cost estimates now call out the added ROW requirements for the project. Through this amendment, the ROW will be able to move forward and be obligated before the end of FFY 2021.

Key 20808 ROW Funding Adjustments			
Key 20808 Existing ROW phase funding	Additional Local Funds Required for ROW Phase	Type of Funds Added to ROW Phase	Revised ROW Total Phase Cost
\$419,669	\$987,831	Local Funds	\$1,407,500

Additional Details:

Project Location Map



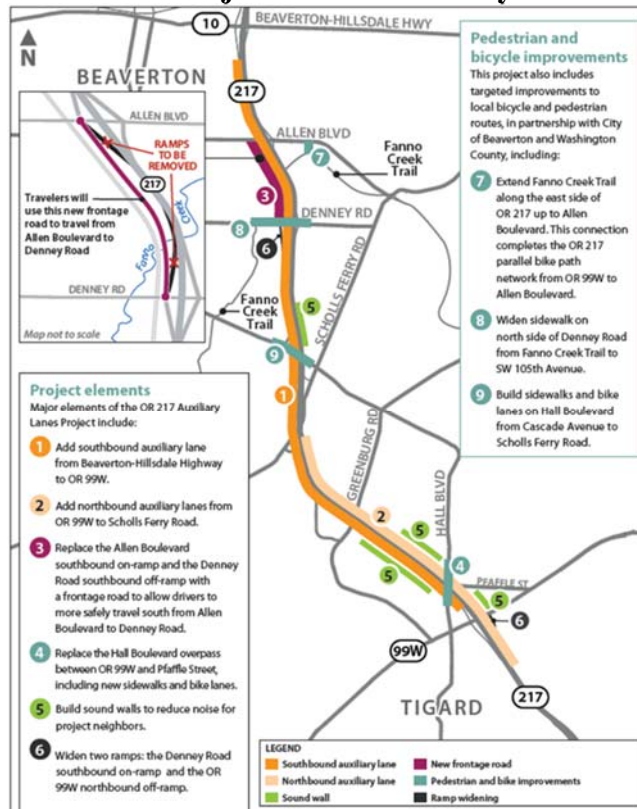
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, cost increases above 20% for \$1 million dollar and above total project costs require a formal/full amendment to complete.
Total Programmed Amount:	The project's total programmed amount increases from \$4,188,203 to \$5,176,034
Added Notes:	N/A

Project 2: OR217: OR10 - OR99W	
Lead Agency:	ODOT
ODOT Key Number:	18841 MTIP ID Number: 70782
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> • <u>Metro SFY 2022 UPWP Project:</u> No • <u>Proposed improvements:</u> The propose project in the OR217 corridor will construct lane segments between existing aux lanes providing a NB & SB 3rd through lane, bridges refit, road rehab, and Hall Blvd widening. (Combines Key 21179, 20473 and 20474 into Key 18841) (HB2017 \$44 million award) • <u>Source:</u> Existing project. • <u>Amendment Action:</u> providing final project limit updates to the MTIP and STIP ensuring all project limits are identified for the project. • <u>Funding:</u> The funding is primarily federal and state funds appropriated to ODOT. Committed federal and state funds include <ul style="list-style-type: none"> ○ Highway Safety Improvement Program (HSIP) ○ State Surface Transportation Block Grant Funds (STBG) ○ Repurposed Earmark ○ State HB2017 allocated funds ○ State Bikeways funds • <u>FTA Conversion Code:</u> N/A • <u>Location, Limits and Mile Posts:</u> <ul style="list-style-type: none"> ○ Location: Through the OR 217 Corridor ○ Cross Street Limits: Various ○ Overall Mile Post Limits: Multiple that include: <ul style="list-style-type: none"> ▪ OR 217: MP 1.77 to MP 7.24 ▪ OR99W: MP 8.56 to MP 8.70 ▪ OR 141: MP 2.60 to MP 4.80 ▪ OR 210: MP 9.13 to MP 9.38 ▪ I-5: MP 288.25 to MP 288.45 + MP 293.06 to MP 293.10 ▪ On Denny and Allen Blvd at OR 217 • <u>Current Status Code:</u> 5 (ROW) Right-of Way activities initiated including R/W acquisition and/or utilities relocation.

	<ul style="list-style-type: none"> • <u>Air Conformity/Capacity Status:</u> The project is a capacity enhancing project. It is not exempt from air quality conformity analysis per 40 CFR 93.126, Table 2. The project completed the required transportation and air quality modeling analysis as part of the 2018 Regional Transportation Plan (RTP) update. It is identified in the constrained RTIP under IDs 11986, 11987, and 12019. • <u>Regional Significance Status:</u> The project is regionally significant • <u>Amendment ID and Approval Estimates:</u> <ul style="list-style-type: none"> ○ STIP Amendment Number: 21-24-0877 ○ MTIP Amendment Number: JL21-16-JUL ○ OTC approval required: No. ○ Metro approval date: Tentatively scheduled for Early August, 2021
What is changing?	<p><u>AMENDMENT ACTION: LIMITS UPDATES</u></p> <p>The formal amendment provides the final project limits update corrections to the project. The limits updates do not reflect a scope or cost change. As the project completes Plans Specifications and Estimates (PS&E) and finishes up the Preliminary Engineering phase, the final minor limit corrections are being updated in the MTIP and STIP. The OR 217 Improvement project intends to move forward and obligate the construction phase by the end of FFY 2021 (September 30, 2021). The corrections to the MTIP and STIP are needed to ensure the PS&E documents match up with the MTIP and STIP. The adjustments include various mitigation requirements that are part of the project.</p>
Additional Details:	<p><u>Project Limit Updates to Key 18841</u></p> <p>* I-5 / OR217 Pond – Hwy 144 (OR217) MP 7.14-7.24 - ADDED</p> <p>* OR217 sign bridge – replace sign on existing structure at Hwy 144 (OR217) MP 1.10 - ADDED</p> <p>* 72nd Ave – add ITS signs to the existing structure – Hwy 144 (OR217 Connection 2) MP 2C6.69-6.72 - ADDED</p> <p>* Haines Rd Interchange – add a pond – Hwy 001 (I-5 Connection 2) 2C 293.00 –293.10 - ADDED</p> <p>* Greenburg Rd – ADA ramps at the NB on/off ramp, add protective screening and add ITS signs This is a city street Lat/Long</p> <p>* 45.44431, -122.77704 to 45.444372, -122.777006 - ADDED</p>

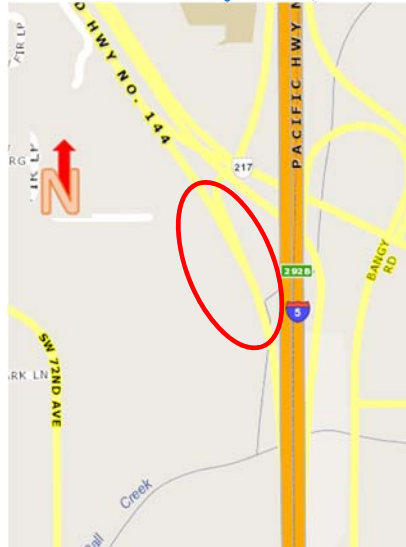
	<p>* I-5/I-205 Mandatory Disposal Site – Hwy 001 (I-5) MP 288.25 – 288.45 - ADDED</p> <p>* Hall Blvd Bridge Replacement – Hwy 141 (Hall Blvd) MP 4.60 – 4.80 - ADDED</p> <p>* Pfaffle Street 150 ft due to tie in to Hall Blvd Structure replacement – Lat/Long 45.43805, - 122.76541 to 45.43805, - 122.76477 - ADDED</p> <p>* OR99W illumination/ ADA ramps and installation of new ITS equipment on OR99W structure – Hwy 091 (OR99W) MP 8.56 – 8.70 ADDED</p> <p>* Scholls Hwy – Extend limits to include ramp terminal, ADA ramp and Guardrail (New mile points) – Hwy 143 (Scholls Hwy) MP 9.13 – 9.38 ADDED</p>
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, limits changes greater than 0.25 miles require a formal/full amendment
Total Programmed Amount:	The total programmed amount remains unchanged at \$138,676,138
Added Notes:	Project Location Maps reflecting updated and corrections are shown below

Overall Project Location for Key 18841

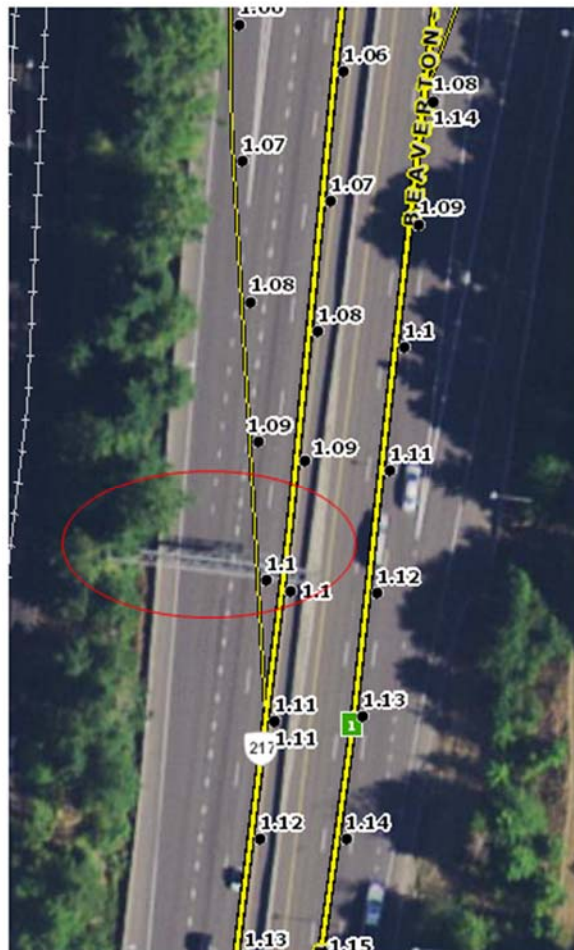


Main Adjusted/Added Project Limits as part of the Amendment Clean-up

I-5 / OR217 Pond – Hwy 144 (OR217) MP 7.14-7.24



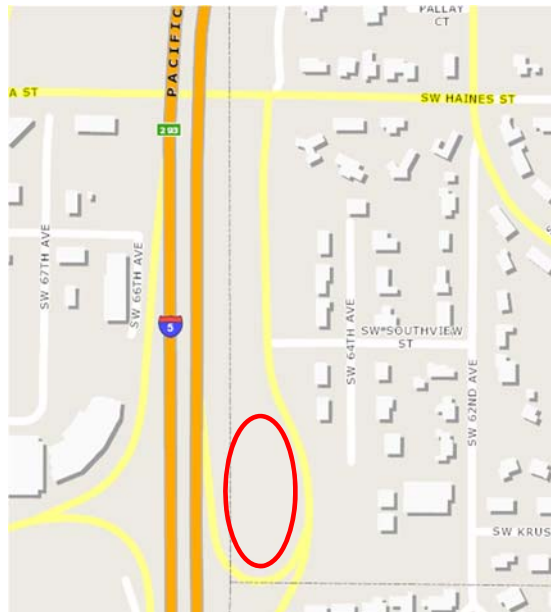
OR217 sign bridge – replace sign on existing structure at Hwy 144 (OR217) MP 1.10



72nd Ave – add ITS signs to the existing structure – Hwy 144 (OR217 Connection 2) MP 2C6.69-6.72



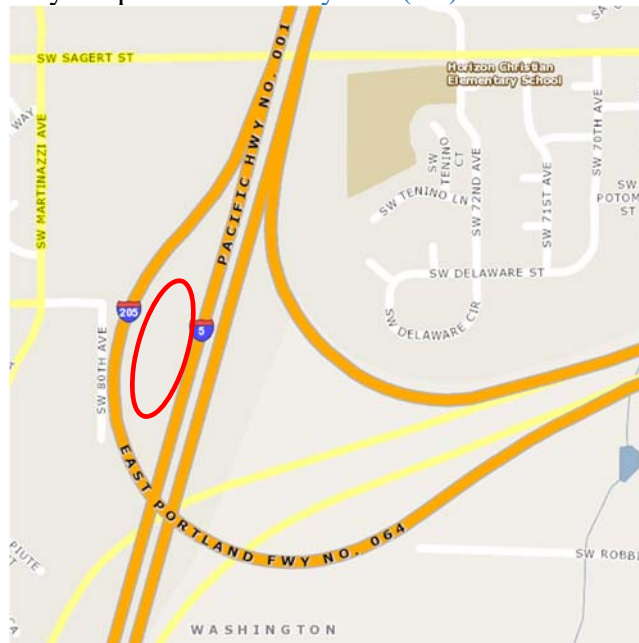
Haines Rd Interchange – add a pond – Hwy 001 (I-5 Connection 2) 2C 293.00 –293.10



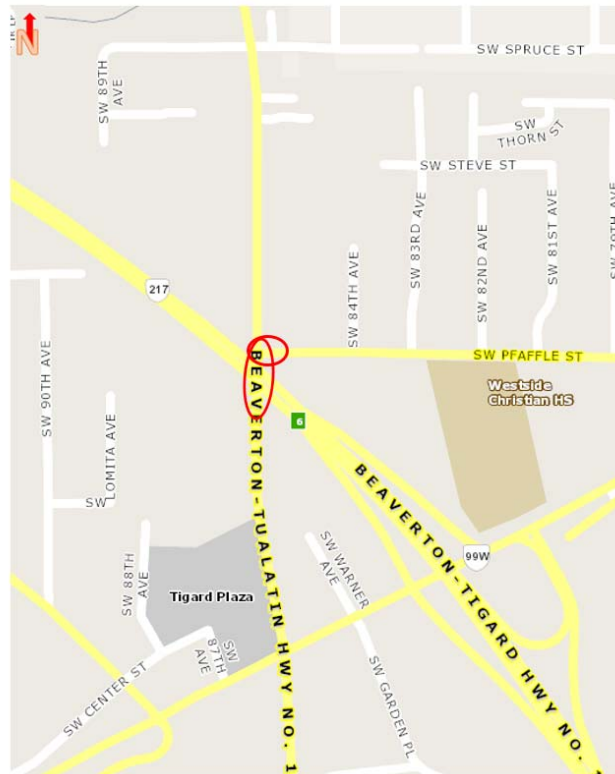
Greenburg Rd – ADA ramps at the NB on/off ramp, add protective screening and add ITS signs This is a city street [Lat/Long 45.44431, -122.77704 to 45.444372, -122.777006](#)



I-5/I-205 Mandatory Disposal Site – [Hwy 001 \(I-5\) MP 288.25 – 288.45](#)



Hall Blvd Bridge Replacement – Hwy 141 (Hall Blvd) MP 4.60 – 4.80 and Pfaffle Street 150 ft due to tie in to Hall Blvd Structure replacement – Lat/Long 45.43805, -122.76541 to 45.43805, -122.76477



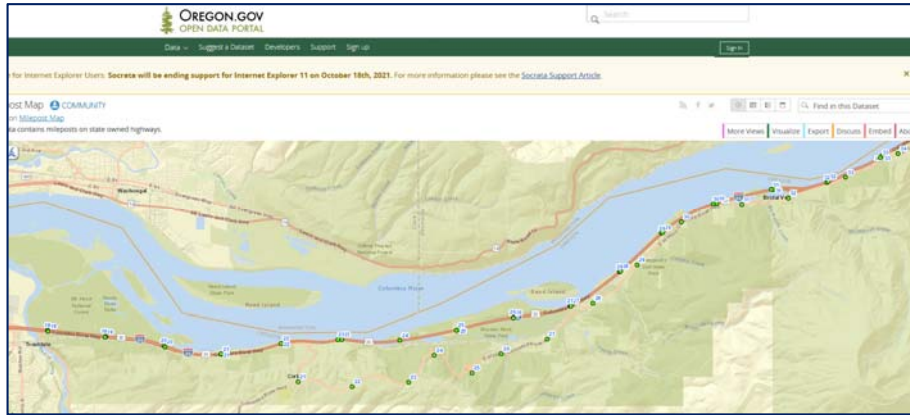
OR99W illumination/ ADA ramps and installation of new ITS equipment on OR99W structure – Hwy 091 (OR99W) MP 8.56 – 8.70



Scholls Hwy – Extend limits to include ramp terminal, ADA ramp and Guardrail (New mile points) – [Hwy 143 \(Scholls Hwy\) MP 9.13 – 9.38](#)



Project 3:	I-84: Corbett Interchange - Multnomah Falls (New Project)
Lead Agency:	ODOT
ODOT Key Number:	20363
	MTIP ID Number: New - TBD
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> • <u>Metro SFY 2022 UPWP Project:</u> No • <u>Proposed improvements:</u> The project will provide rehabilitation and replacement of culverts to repair damage and prevent road deterioration. • <u>Source:</u> New project. • <u>Amendment Action:</u> Add new project to the 2021-24 MTIP • <u>Funding:</u> The funding is primarily federal that will utilize a combination of Nation Highway Performance Program (NHPP) and Interstate Maintenance (IM) funds. The federal fund code, Advance Construction is being used as a placeholder for the NHPP. It is designated as AC-NHPP. • <u>FTA Conversion Code:</u> N/A • <u>Location, Limits and Mile Posts:</u> <ul style="list-style-type: none"> ○ Location: On I-84 in northeastern Multnomah County ○ Cross Street Limits: Well east of the Sand River to the Corbett Interchange ○ Overall Mile Post Limits: MP 20.00 to MP 32.00 • <u>Current Status Code:</u> 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). • <u>Air Conformity/Capacity Status:</u> 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 – Projects that correct, improve, or eliminate a hazardous location or feature. • <u>Regional Significance Status:</u> The project is regionally significant for being funded with federal funds and located in a designated “Eisenhower Intestate System” facility in the Metro Motor Vehicle modeling network. • <u>Amendment ID and Approval Estimates:</u> <ul style="list-style-type: none"> ○ STIP Amendment Number: TBD ○ MTIP Amendment Number: JL21-16-JUL ○ OTC approval required: No.

	<ul style="list-style-type: none"> ○ Metro approval date: Tentatively scheduled for July 22nd or July 29th, 2021
What is changing?	<p><u>AMENDMENT ACTION: ADD NEW PROJECT</u></p> <p>The formal amendment adds the new I-84 Culverts Repair and Replacement project to the 2021-24 MTIP. The project already is programmed in the 2021-24 STIP. The project limits were outside of the Metropolitan planning Area (MPA) boundary. A requested STIP amendment expanded the project limits west which now cross into the Metro MPA. With the revised project limits now in the Metro MPA, the project requires programming in the 2021-24 MTIP. The project is being programmed per requested amendment updates which includes an engineer's cost update.</p>
Additional Details:	<p>Approximate Project Location and limits: MP Limits on I-84 are MP 20.0 to 32.0 in both directions</p> 
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, adding a new project to the MTIP requires a formal/full amendment complete.
Total Programmed Amount:	The total programmed amount is \$3,659,320
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.
- 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.

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.	

- 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.
- 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 July 2021 Formal MTIP amendment (JL21-12-JUL) will include the following:

<u>Action</u>	<u>Target Date</u>
• Initiate the required 30-day public notification process.....	June 22, 2021
• TPAC notification and approval recommendation.....	July 9, 2021
• JPACT approval and recommendation to Council.....	July 15, 2021
• Completion of public notification process.....	July 21, 2021
• Metro Council approval.....	July 22 or July 29, 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.....	July 27 or August 5, 2021
• Submission of the final amendment package to USDOT.....	July 28 or August 5, 2021
• ODOT clarification and approval.....	Mid to late August 2021
• USDOT clarification and final amendment approval.....	Mid to late August 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 July 9, 2021 and is providing an approval recommendation to JPACT for Resolution 21-5188 consisting of three projects impacting the city of Gresham and ODOT.

No Attachments