Memo



Date:July 9, 2021To:JPACT and Interested PartiesFrom:Ken Lobeck, Funding Programs LeadSubject:July #3 2021 MTIP Formal Amendment & Resolution 21-5192 Approval Request

FORMAL AMENDMENT STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2021-24 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO ADD ODOT'S INTERSTATE 205 – ABERNETHY BRIDGE IMPROVEMENT SEGEMENT WHICH INCLUDES \$375 MILLION OF CONSTRUCTION PHASE FUNDING (JL21-14-JUL3)

BACKROUND

What This Is:

The July #3 2021 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment which is contained in Resolution 21-5192, (I-205 Abernethy Bridge improvement segment) and being processed under MTIP Amendment JL21-14-JUL3 and applies only to ODOT.

What is the requested action?

TPAC received their official notification on July 9, 2021 and now is providing JPACT with their approval recommendation of Resolution 21-5192 consisting of adding ODOT's I-205 Abernethy Bridge improvement project, officially titled as the "I-205 Improvements 1A - OR43 to OR213" project with \$375 million of construction funding.

Proposed July #3 2021 Formal Amendment Bundle Amendment Type: Formal/Full Amendment #: JL21-14-JUL3 Total Number of Projects: 1						
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes	
Project #1 Key 22467 New Project	TBD	ODOT	I-205 Improvements 1A - OR43 to OR213	Abernethy Bridge improvement segment to include bridge reconstruction/widening, lane widening, roundabout at I- 205/OR43 IC construction, OR99 IC reconstruction, sound walls, stormwater improvements, and various paving, signage, and landscaping	ADD NEW PROJECT: The formal amendment adds ODOT's new I-205 Improvements 1A – OR43 to OR213, (also referred to as the Abernethy Bridge improvement segment) to the 2021-2024 MTIP.	

Project 1:	I-205 Improvements 1A - OR43 to OR213 (New Project)
Lead Agency:	ODOT
ODOT Key Number:	22467 MTIP ID Number: TBD
ODOT Key Number:	 22467 Project Snapshot: General: ODOT'S I-205 Improvements 1A - OR43 to OR213 project is one of several improvement packages/segments within the larger I-205 improvement project, "I-205: I-5 to OR213, Phase 1". The project was originally programmed in Key 19786. (Key 19786 also is commonly referred to as the I-205 3rd Lane project). Key 22467 represents a "child" project to the parent in Key 19786. Additional details are provided explaining this in the "What is Changing" section after the Amendment Action statement. Metro SFY 2022 UPWP Project: No Proposed improvements: TheI-205: I-5 to OR213, Phase 1 project will provide multiple and significant improvements to I-205 and to the Abernethy Bridge. Major scope elements include the following: PHASE 1A: OR 43 TO OR 213 DETAILS FOR CONTRACTOR TheI-205: I-5 to OR213, Phase 1 project will provide multiple and significant improvements to I-205 and to the Abernethy Bridge. Major scope elements include the following: PHASE 1A: OR 43 TO OR 213 DETAILS FOR CONTRACTOR The 205 Improvements Project will improve our economy by providing Oregonians safe: more reliable access to be velical enticed average was after an antipatione or the modif diadacte. We are constructing the project in phase, with the first phase between OR 43 and OR 213 kicking of in 202. I. Construct final configuration of Willamette Falls Drive/OR 43 intersection. I. Construct final configuration of Willamette Falls Drive/Broadway intersection. End roadwork at West A Bridge. Bridge work in Phase 1C. Complete temporary mainline widening and temporary ramp alignment. S. Remove third southbound lane south of Abernethy Bridge.

6. Construct final configuration of OR 43 roundabout, northbound entrance and southbound exit ramp.
7. Construct final configuration of OR 43 southbound intersection.
8. Maintain existing two-lane configuration northbound with additional entrance to exit auxiliary lanes on the Abernethy Bridge
9. Carry three-lane configuration southbound with additional entrance to exit auxiliary lanes on the Abernethy Bridge.
10. Construct final configuration of OR 99E southbound and northbound ramp intersection, OR 99E entrance ramp and Clackamette Drive walls.
11. Construct Main Street wall.
12. Construct half of the configuration of northbound entrance ramp. Final configuration dependent on Main Street Bridge work in Phase 1B.
13. Begin roadwork at Main Street Bridge (<i>Bridge work in Phase 1B</i>).
14. Construct sound wall.
15. Re-stripe southbound lanes from two lanes plus an auxiliary lane to three lanes between OR 213 entrance and OR 99E exit. Install rumble strips.
16. Sign bridge for new southbound traffic configuration.
• <u>Source:</u> New project. Key 22467 is a child project (construction phase) to the parent in Key 19786 (PE and ROW phases). Key 22467 is considered a new project to the MTIP.
• <u>Amendment Action:</u> Add Under Key 22467, the construction phase is being added in federal fiscal year 2021 to the 2021-24 MTIP
• <u>Funding:</u> When all segments/phase/packages that are part of the complete I-205: I-5 to OR213, phase 1 improvement project, the estimated total project cost is estimated at \$500 million. The construction phase for Key 22467, I-205 Improvements 1A - OR43 to OR213 (Abernethy Bridge and area improvements) totals \$375 million. Funding for the construction phase originates from Oregon HB3055.The legislation was passed on 6/26/2021.

The very short description for HB3055 is "Modifies, adds and repeals laws relating to transportation. The bill summary is as follows: "Modifies, adds and repeals laws relating to transportation. Modifies, adds and repeals laws relating to transportation. Exempts from license tax first sale, use or distribution of motor vehicle fuel in this state purchased by Indian tribe, tribal entity or tribal member entity for delivery to service station owned by Indian tribe, tribal entity or tribal member entity and operated on tribe's reservation or trust land. Requires Indian tribe to impose tax at same rate as license tax on sales of purchased motor vehicle fuel and to use revenues solely for uses consistent with constitutional requirements applicable to revenues from sales of motor vehicle fuel. Takes effect on 91st day following adjournment sine die."

81st OREGON LEGISLATIVE ASSEMBLY--2021 Regular Session

House Bill 3055

Sponsored by JOINT COMMITTEE ON TRANSPORTATION (at the request of Representative Susan McLain, Senator Lee Bever)

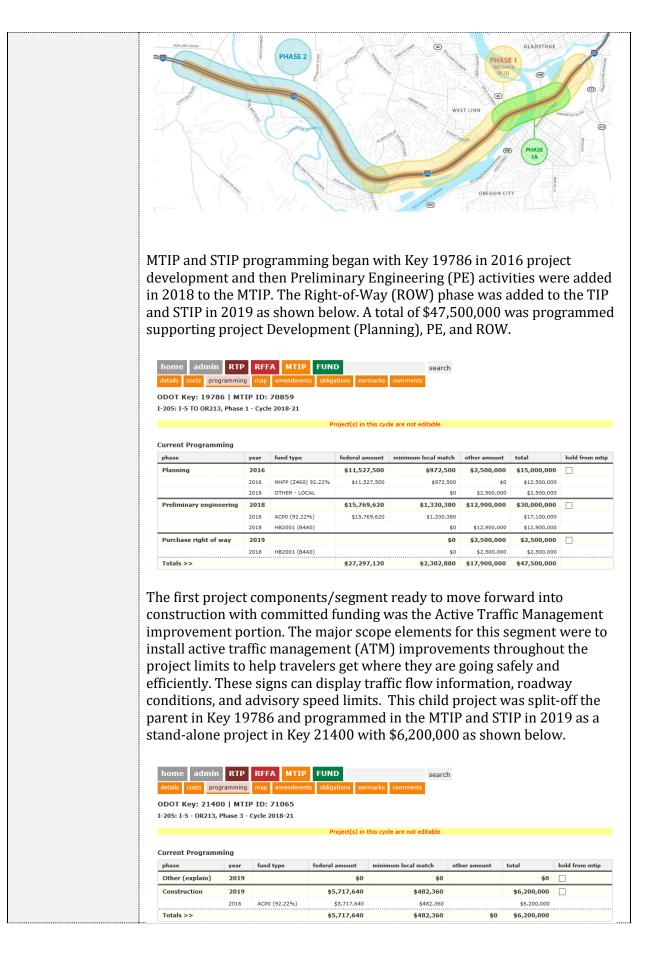
HB3055 makes housekeeping changes to the statutes governing the Oregon Department of Transportation (ODOT) operations. In addition to the housekeeping changes, the measure changes the following:

- Changes tolling statutes to include language around managing demand and improving operations as part of the rationale for assessing tolls;
- Allows the dedicated \$30 million in State Highway Fund annual revenue for the I-5 Rose Quarter Project to also be used to pay for:
 - The I-205 Improvements: Stafford Road to Oregon Route 213 Project;
 - The I-5 Boone Bridge and Seismic Improvement Project
 - The implementation of the toll program established under ORS 383.150.
- Increases ODOT's short-term borrowing authority from \$100 million to \$600 million and extends maximum maturity of short-term obligations from 3 to 5 years;
- Renames the State Tollway Account the Toll Program Fund and establishes the fund as separate and distinct from the State Highway Fund; and
- Authorizes the State Treasurer, at the request of ODOT, to issue tollway project revenue bonds for the purpose of financing tollway projects.

Added note: The funding commitment requires approval from the Oregon Transportation Commission (OTC). The OTC will consider the funding commitment during their July 15, 2021 meeting. The formal MTIP amendment is progressing concurrently with ODOT required approval stapes. However, the MTIP amendment's approval is contingent upon OTC's July 15, 2021 approval vote.

	<u>FTA Conversion Code:</u> N/A
	 Location, Limits and Mile Posts: Location: On I-205 in and around the Abernethy Bridge across the Willamette River in West Linn and Oregon City Cross Street Limits: Multiple Overall Mile Post Limits: MP 8.50 to 11.05
	• <u>Current Status Code</u> : 6 = Pre-construction activities (pre-bid, construction management oversight, etc.).
	• <u>Air Conformity/Capacity Status:</u> The project is considered a "capacity enhancing" project from a roadway/motor vehicle improvement perspective and is not exempt from air quality conformity analysis per 40 CFR 93.126. The project completed its required transportation and air quality modeling analysis as part of the 2018 RTP Update. The RTP project ID is 11969.
	• <u>Regional Significance Status</u> : The project is regionally significant. The project is located on the Metro Motor Vehicle modeling network, contains federal funds, and includes capacity enhancing scope of work elements.
	 Amendment ID and Approval Estimates: STIP Amendment Number: 21-24-0942 MTIP Amendment Number: JL21-14-JUL3 OTC approval required: Yes. OTC approval of the \$375 million funding commitment to Key 22467 scheduled to occur on July 15, 2021. The MTIP amendment is progressing concurrently with required OTC actions and is contingent upon OTC approval. Metro approval date: Tentatively scheduled for July 29th, 2021
	AMENDMENT ACTION: ADD NEW PROJECT:
	The formal amendment adds the new project consisting with \$375 million of funding committed to the construction phase. Approval of the MTIP amendment is contingent upon OTC approval for the funding which is scheduled to occur du4eing their July 15, 2021 meeting.
	Programming Background Summary
What is changing?	Approximately 100,000 vehicles travel through the project area, which consists of the seven-mile stretch of I-205 between OR 213 and Stafford Road. It is the only section of I-205 with two travel lanes in each direction, creating a bottleneck that impacts the flow of traffic and freight throughout the region. The project area experiences the following issues:
	 6.75 hours of congestion per day, on average A large volume of crashes – between 2014 and 2018, there were 896 crashes in the corridor

• Approximately \$10.9 million per year from injuries, property damage, freight delays and fuel costs related to crashes
In addition to adding a third travel lane in each direction, the project will upgrade the Abernethy Bridge to make it seismically resilient. The Portland Metro Area is susceptible to significant infrastructure damage in the event of a large natural disaster and currently does not have a north-south lifeline route. Upgrading the Abernethy Bridge, and eight other bridges in the corridor, to be seismically resilient will provide this north-south lifeline route so that people and goods can safely travel through the region in the event of a disaster. This flow of people and goods will have regional impacts for the rest of the state and Washington.
A mentioned earlier, Key 22467 (reflecting the construction phase for the I-205 Improvements 1A - OR43 to OR213 project), is a child project to the parent I-205: I-5 to OR213 improvement project in Key 19786. Delivery of the overall construction phase for the I-205 improvement project is divided into multiple segments. As the funding for the construction phase for these segments is obtained and committed, the segment is split-off as a child project and programmed accordingly.
Per the ODOT OTC Staff Report from April 6, 2018, the I-205 improvement is described as follows: The purpose of the project is to reduce congestion on the Interstate 205 corridor between Stafford Road and Oregon 99 East in Clackamas County. The project scope includes four main components:
 Widen and seismically retrofit the George Abernethy Bridge near Oregon City. Retrofit or replace the other seismically vulnerable bridges carrying Interstate 205 in the project corridor. Widen the freeway to three northbound and three southbound lanes between Stafford Road and Oregon 99 East. Modify interchanges at Oregon 43 and Oregon 99 East to conform to the additional freeway lanes and add Active Traffic Management (ATM) elements consistent with the Oregon Department of Transportation (ODOT) Region 1's ATM Project Atlas. The I-205 Improvements 1A - OR43 to OR213 in Key 22467 addresses the required improvements that are part of the Abernethy Bridge segment. An
overview of the full project is shown below.



Project Outreach Efforts

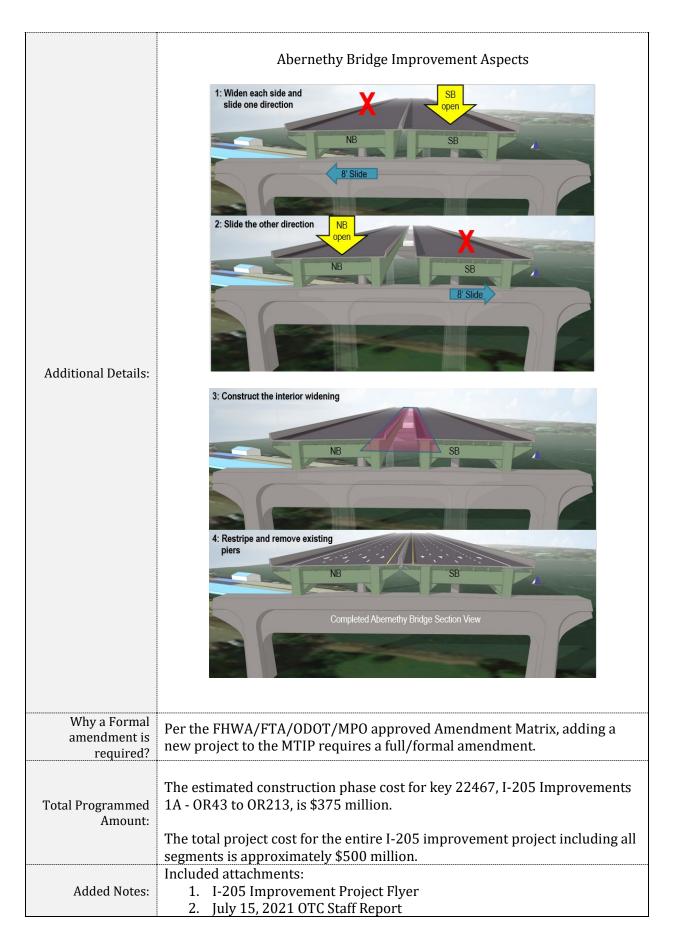
ODOT has involved the public with the project from the beginning through a series of public meetings, printed materials, social media, and online and inperson open houses. Since 2017, the project team has conducted/ distributed:

- 28 community briefings with neighborhood groups in Oregon City, West Linn, and Clackamas County.
- Three online open houses:
 - November/December of 2017
 - o June 2018
 - April 2021 (translated into Spanish)
- Two in-person open houses:
 - June 5, 2018 (West Linn)
 - June 6, 2018 (Oregon City)
- Four informational project newsletters to residents within ½-mile of the project area
 - o October 2017
 - May 2018
 - o January 2020
 - April 2021 (translated into Spanish, Russian, Vietnamese, Traditional Chinese, and Simplified Chinese)

Now on to Construction

With the passage of HB3055, ODOT now has the ability to move forward with the next major component, the I-205 Improvements 1A - OR43 to OR213, (or the Abernethy Bridge improvement segment). The \$375 million available through HB3055 is being programmed in FY 2021 in the Construction phase.

Lead A	gency:	ODOT				Project Type:	Capital	ODOT Key:	22467
Proiect Na	mai					ODOT Type	Modern	MTIP ID:	NEW-TE
,			00424-00		1	Performance Meas:	Yes	Status:	6
1-205 Improven		ments 1A - OR43 to OR213		(215		Capacity Enhancing:	Yes	Comp Date:	9/30/202
Project Status: 6 = Pre-construction activities (pre-bid, construction management oversight, etc.).			ction activities (p	e-bid, construction		Conformity Exempt:	No	RTP ID:	11969
					On State Hwy Sys:	1-205	RFFA ID:	N/A	
······×						Mile Post Begin:	8.50	RFFA Cycle:	N/A
						Mile Post End:	11.05	UPWP:	No
				to include bridge		Length:	2.55	UPWP Oycle:	N/A
				dabout at I-205/OR431	C	Flex Transfer to FTA	No	Transfer Code	N/A
				valls, stormwater		1st Year Program'd:	2021	Past Amend:	0
Improveme	ents, and va	arious pa	aving, signage, a	nd landscaping		Years Active:	0	OTC Approval	Yes
						STIP Amend #: 21-24-	0942	MTIP Amnd #:	JL21-14-JU
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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.

	ODOT-FTA-FHWA Amendment Matrix
Ту	be of Change
FU	LL AMENDMENTS
1./	Adding or cancelling a federally funded, and regionally significant project to the STIP and s
fun	ded projects which will potentially be federalized
2. 1	Major change in project scope. Major scope change includes:
• C	hange in project termini - greater than .25 mile in any direction
• C	hanges to the approved environmental footprint
• In	npacts to AQ conformity
۰A	dding capacity per FHWA Standards
• A	dding or deleting worktype
3. (Changes in Fiscal Constraint by the following criteria:
• F	HWA 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%
	Adding an emergency relief permanent repair project that involves substantial change in
	ction and location.
_	MINISTRATIVE/TECHNICAL ADJUSTMENTS
	Advancing or Slipping an approved project/phase within the current STIP (If slipping outsid
	rent STIP, see Full Amendments #2)
2. /	Adding or deleting any phase (except CN) of an approved project below Full Amendment
3. (Combining two or more approved projects into one or splitting an approved project into tw
mo	re, 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
futu	re projects) or adding funds to an existing project from a bucket or reserve if the project w
sel	ected through a specific process (i.e. ARTS, Local Bridge)
5. I	Minor technical corrections to make the printed STIP consistent with prior approvals, such a
typ	os or missing data.
6. (Changing name of project due to change in scope, combining or splitting of projects, or to
bet	ter conform to naming convention. (For major change in scope, see Full Amendments #2)
7.1	Adding a temporary emergency repair and relief project that does not involve substantial
	ance in function and location.

- 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
- o 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.
- 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 #3 2021 Formal MTIP amendment (JL21-14-JUL3) will include the following:

	Action	<u>Target Date</u>
•	Initiate the required 30-day public notification process	June 28, 2021
•	TPAC notification and approval recommendation	July 9, 2021
•	OTC meeting and HB3055 funding approval	. July 15, 2021
٠	JPACT approval and recommendation to Council	. July 15, 2021
•	Completion of public notification process	July 27 , 2021
•	Metro Council approval	July 29 2021

Metro Council approval......July 29, 2021

Notes:

- 1. If any notable comments are received during the public comment period requiring follow-on discussions, they will be addressed by JPACT.
- 2. The formal amendment is progressing concurrently with ODOT approval actions which includes fiscal verification from OTC approval action on July15, 2021. If OTC does not approve the HB3055 funding commitment for the I-205 Improvements 1A OR43 to OR213 project, then Formal Amendment JL21-14JUL3 will be re-evaluated to determine if fiscal constraint is still possible.

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	August 5, 2021
• Submission of the final amendment package to USD07	Г 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 now is providing JPACT with their approval recommendation of Resolution 21-5192 consisting of adding ODOT's I-205 Abernethy Bridge improvement project, officially titled as the "I-205 Improvements 1A - OR43 to OR213" project with \$375 million of construction funding.

2 Attachments:

- 1. I-205 Improvement Project Flyer
- 2. ODOT July 15, 2021 OTC Staff Report