

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2015-18)
METROPOLITAN TRANSPORTATION)
IMPROVEMENT PROGRAM (MTIP) TO)
INCLUDE THE INTERSTATE 84/INTERSTATE 5 –)
BANFIELD INTERCHANGE DECK OVERLAY)
AND BRIDGE RAIL RETROFIT PROJECT AND)
THE INTERSTATE 405 FREMONT BRIDGE)
APPROACH RAMPS MODULAR JOINT)
REPLACEMENT PROJECT)

RESOLUTION NO. 15-4642

Introduced by: "Chief Operating Officer
Martha Bennett in concurrence with
Council President Tom Hughes"

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2015-18 MTIP on July 31, 2014; and

WHEREAS, JPACT and the Metro Council must approve any subsequent amendments to add new projects or substantially modify existing projects in the MTIP; and

WHEREAS, JPACT and the Metro Council must approve bridge repair or replacement projects that exceed \$5 million dollars in project cost; and

WHEREAS, the Interstate 84/Interstate 5 – Banfield Interchange Deck Overlay and Bridge Rail Retrofit project, and the Interstate 405 – Fremont Bridge Approach Ramps Modular Joint Replacement project were approved by the Oregon Transportation Commission (OTC) to be included in the 2015-2018 Statewide Transportation Improvement Program (STIP) on April 16, 2015 as part of the State Bridge Program; and

WHEREAS, both projects are safety improvement projects, have no impact on vehicle capacity and are therefore exempt from needing to demonstrate conformity with the air quality emissions budget; and

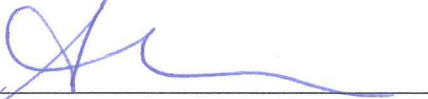
WHEREAS, the Metro Joint Policy Advisory Committee on Transportation recommended approval on October 8, 2015; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to formally amend the 2015-18 MTIP to include the Interstate 84/Interstate 5 – Banfield Interchange Deck Overlay and Bridge Rail Retrofit project, and the Interstate 405 – Fremont Bridge Approach Ramps Modular Joint Replacement project.

ADOPTED by the Metro Council this 15th day of October 2015.

Tom Hughes, Council President

Approved as to Form:

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a long horizontal flourish.

Alison R. Kean, Metro Attorney

Exhibit A to Resolution No. 15-4642

2015-18 Metropolitan Transportation Improvement Plan Chapter 5 Tables Amendment

Action: Amend MTIP to include the I-84/I-5 Banfield Interchange Deck Overlay and Bridge Rail Retrofit and the I-405 Fremont Bridge Approach Ramps Modular Joint Replacement projects.

Existing programming: None – New projects

Amended programming:

Project Name	Project Description	ODOT Key #	Lead Agency	Estimated Total Project Cost (all phases, all years)	Project Phase	Fund Type	Program Year	Federal Funding	Minimum Local (State) Match	Other Funds	Total Funding
I-84/I-5 Banfield Interchange Deck Overlay and Bridge Rail Retrofit project	Retrofit the deficient bridge rails on both structures with rails that meet safety standards, and place a concrete overlay in the decks to increase the friction and reduce vehicle impacts.	19531	ODOT	\$6,570,000	PE	NHPP	2016	\$1,014,420	\$ 85,580		\$6,570,000
					Cons	NHPP	<u>2018</u>	<u>\$5,044,434</u>	<u>\$425,566</u>		
							Total	\$6,058,854	\$511,146		
I-405 Fremont Bridge Approach Ramps Modular Joint Replacement project	Replace the modular joints in six ramps with a modern design.	19533	ODOT	\$5,750,000	PE	NHPP	2016	\$1,383,300	\$116,700		\$5,750,000
					Cons	NHPP	<u>2018</u>	<u>\$3,919,350</u>	<u>\$330,650</u>		
							Total	\$5,302,650	\$447,350		

Note:

1. NHPP = Federal National Highway Performance Program funds.
2. PE = Preliminary Engineering phase for the project.
3. Cons = Construction phase for the project.

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2015-18 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO INCLUDE THE INTERSTATE 84/INTERSTATE 5 – BANFIELD INTERCHANGE DECK OVERLAY AND BRIDGE RAIL RETROFIT PROJECT AND THE INTERSTATE 405 FREMONT BRIDGE APPROACH RAMPS MODULAR JOINT REPLACEMENT PROJECT

Date: September 28, 2015

Prepared by: Ken Lobeck, 503-797-1785

BACKGROUND:

The MPO and the MTIP:

The Metropolitan Transportation Improvement Program (MTIP) is the federally mandated four-year schedule of expenditures of federal transportation funds as well as significant state and local funds in the Portland metropolitan region. The MTIP represents the first-four year implementation document of the long range Regional Transportation Plan (RTP). Development, management, updates, and amendments to the MTIP are the responsibility of the Metropolitan Planning Organization (MPO). The process of adding, removing, updating, or amending projects and their corresponding funding in the MTIP is called “programming”. Guidance governing the process to complete required project programming in the MTIP originates from 23 CFR Part 450, Section 324. The MPO is tasked to complete the periodic full update and needed amendments to the MTIP in accordance 23 CFR Part 450. Additional supplemental programming guidance is also developed between FHWA/FTA, and the MPO over time when programming clarifications are needed. Overall, the approved MTIP provides the following:

- The MTIP provides a financial four-year snapshot of how federal transportation funding is committed to specific projects, and their phases.
- The MTIP includes state and local funding that is committed as matching funds against the federal funds, or to regionally significant transportation projects in the region that may require federal approvals to implement.
- The MTIP provides the regional transportation investment picture and goals identified in the long-range RTP during the RTP’s first four years.
- The MTIP provides accountability of the federal transportation funding ensuring that the funds are used for their intended eligibility for the identified projects, phases, and project scope elements.
- The MTIP is the official document validating that the MPO and region has adhered to the programming rules of financial constraint reflecting that the fund programming does not exceed the annual fund apportionments or specific allocations.
- The MTIP provides the picture of unobligated federal funds allowing project lead agencies the ability to obligate and expend their awarded or allocated federal transportation funding.
- The MTIP through its complex programming process provides a confirmation that the region’s conformity finding achieved in the RTP is still correctly maintained ensuring that the region can continue receiving federal transportation funds.
- Metro as the MTIP manager acts as the conduit to complete required MTIP programming actions for agencies receiving federal transportation not managed directly by Metro, ensuring they can obligate and expend their funding in timely fashion.

- In air quality nonattainment and maintenance areas (and to a lesser degree in attainment areas), the MTIP is the source validation document as part of the NEPA record of decision (ROD) process ensuring the conformity requirements were completed, and the estimated project costs as stated in the environmental document are consistent with MTIP programming.

Metro's Management Role with the MTIP:

As the MPO, Metro has the responsibility to correctly develop and maintain the MTIP in accordance with all federal related programming regulations and guidelines. Without Metro's efforts to correctly develop, update, manage, and maintain the MTIP, the financial constraint finding, the conformity finding, or both could be revoked. If this were to occur, all agencies that receive federal transportation funding in the Metro region would not be able obligate and expend the awarded funding. Work to complete NEPA environmental documents for federally funded or federalized projects would stop. Project "Notice to Proceed (NTPs)" also could be halted until the financial constraint or conformity issue was resolved. Finally, under extreme situations, FHWA or FTA can revoke an MPO's or a specific agency's (as the direct recipient of federal transportation funds) ability to receive future federal transportation funding.

MTIP Formal and Administrative Amendments:

Approximately every three years, the MTIP receives a full update that includes system network re-modeling for conformity requirements. The MTIP update provides the next four-year "snap-shot" of how funding committed to the transportation system will be expended. A full MTIP update may occur in conjunction with the MPO's RTP update or separately as a formal amendment to the RTP. The next full MTIP update will occur in conjunction with the development of the 2018 RTP. In between MTIP updates, Metro as the MPO is authorized by FHWA and FTA to complete required project amendments to the MTIP. There are two types of MTIP amendments Metro is authorized to complete: Administrative and Formal Amendments.

MTIP Administrative and Formal Amendments:

Metro's 2015-2018 MTIP, Chapter 6, Table 6.1 outlines the differences between Administrative and Formal amendments that staff uses as a guide to complete the required programming actions. The short summary of Administrative and Formal MTIP amendments is as follows:

Administrative amendments involve minor "administrative-type" changes to projects that clearly demonstrate that no impact to financial constraint or the conformity finding is occurring as a result of the programming changed. Examples of changes allowed within administrative amendments include a minor description change to clarify project scope elements, a change to the lead agency that will obligate and expend the funds, and shifting funding between the project phases if the change is kept within the same programmed year. Since administrative amendments have no impact upon the existing financial constraint and conformity findings, they do not require FHWA approval and formal resolution/approval from Metro Council. Administrative amendments are approved by ODOT acting as the delegated approval arm on behalf of FHWA/FTA.

As the name suggests, Formal MTIP amendments require additional approval steps, documentation, plus formal resolution and approval by JPACT, and Metro Council. Formal amendments also require approval from FHWA/FTA. Formal amendments do not impact the conformity finding or financial constraint. However, Formal amendments must demonstrate through the documentation process and approval process that the conformity finding and financial constraint are maintained correctly. Table 6.1 in the MTIP outlines examples and exceptions between Administrative and Formal amendments. An example is a new preservation project on the Interstate Highway system where the funding exceeds \$5 million

dollars. The Administrative or Formal threshold for this project category is \$5 million. If a new project was requested to be added to the MTIP, and the total project cost in this example were \$6.5 million, and on the Interstate Highway system, then a Formal amendment is required to add the project to the MTIP per Table 6.1.

In the specific case of ODOT's new State Bridge Program projects that are seeking approval to be added to the MTIP as part of this agenda item, two projects exceed the maximum threshold of \$5 million dollars set in the MTIP Table 6.1 where the guidance states: (to qualify as an Administrative amendment) "Bridge repair or replacement projects – total project costs is less than \$5 million". Both the I-84/I-5 Banfield Interchange (at an estimated project cost of \$6,570,000) and I-405 Fremont Bridge (at an estimated cost of \$5,750,000) repair projects exceed the \$5 million threshold per Table 6.1. Therefore, the two require a Formal amendment to the MTIP.

The funding for ODOT's State Bridge Program projects as described in the following paragraphs are federal funds administered by ODOT. They are separate from Metro's Regional Flexible Fund Allocation (RFFA) program. Review and approval of ODOT's State Bridge Program and any necessary adjustments is accomplished by ODOT with final approval by the Oregon Transportation Commission (OTC). Once OTC has approved the State Bridge Program changes that require MTIP programming changes, Metro now acts as the conduit to complete the required MTIP programming adjustments so ODOT will be able to obligate and expend the federal funds. For the I-84/I-5 Banfield Interchange, I-405 Fremont Bridge, Oregon 224 (Highway 171) Bridge, and the Interstate 5/Oregon 217 project, the OTC approved the new projects and subsequent funding during April 2015. The following provides additional details about the four new ODOT bridge repair projects in the Metro region and the two requiring a formal amendment to the MTIP.

ODOT State Bridge Program:

ODOT's State Bridge Program is responsible for the development, implementation, operation, and maintenance of Oregon highway bridge system. The State Bridge Program utilizes a bridge management system to track conditions of all state bridges and utilizes this information to help prioritize bridge maintenance work. Projects are originally identified for funding dedicated to bridge projects during the regular STIP cycle. If more money than forecasted or cost savings from existing projects becomes available between funding cycles, the State Bridge Program may identify new priority projects to ensure available funds are obligated and not subject to rescission by the Federal Highway Administration for redistribution to projects in other states.

During March 2015, the ODOT State Bridge Program approved one scope change to an existing State Bridge Program project and eleven new bridge maintenance/repair projects to be included in the 2015-2018 Statewide Transportation Improvement Program (STIP). The Oregon Transportation Commission (OTC) approved the new bridge repair projects to be included in the STIP on April 16, 2015. Four of the eleven new projects are located in the Metro region. All four projects are required to be programmed in the MTIP in order for the projects to be authorized to obligate and expend their awarded funds. Funding for the all twelve projects is from cost savings from two other State Bridge Program projects. The four projects in the Metro region include the following:

- Interstate 84/Interstate 5 – Banfield Interchange Deck Overlay and Bridge Rail Retrofit project, estimated project cost: \$6,570,000.
- Interstate 405 – Fremont Bridge Approach Ramps Modular Joint Replacement project, estimated project cost: \$5,750,000.
- Oregon 224 (Highway 171) Bridge Over UPRR and Southeast 26th Ave Deck Overlays Repair project, estimated cost: \$1,372,500.

- Interstate 5/Oregon 217 (Highway 1) Deck Overlays project, estimated cost: \$3,204,900.

The Oregon 224 Bridge Deck Overlays project and the I-5/Oregon 217 Deck Overlays project will be added to the MTIP via an administrative amendment and no formal action by the Joint Policy Advisory Committee or the Metro Council is required for staff to complete the MTIP programming actions as their cost is below the \$5 million dollar threshold, and neither are capacity enhancing projects that require air conformity analysis.

The I-84/I-5 Banfield Interchange Deck Overlay and Bridge Rail Retrofit project and the Interstate 405 Fremont Bridge Approach Ramps Modular Joint replacement project require a formal amendment to the MTIP as their project cost exceeds \$5 million dollars which requires approval by Metro resolution.

Federal air quality regulations as outlined in Title 40 Code of Federal Regulation 93.126, Table 2, exempt all four projects from having to perform air quality analysis due to the fact that the work has no impact upon vehicle emissions.

Additionally, funding for both projects has been verified ensuring the financial constraint finding for the 2015-2018 MTIP has been maintained.

Staff will complete separately the administrative amendment to modify the 2015-18 MTIP to include Oregon 224 Bridge and I-5/Oregon217 projects. This formal amendment requires JPACT and Metro Council approval for the I-84/I-5 Banfield Interchange and I-405 Fremont Bridge projects as shown in Resolution 15-4642. The programming summary is shown in Exhibit A to the Resolution 15-4642. Attachment 1 to this staff report provides maps of the project locations.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:** Amends the 2015-2018 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 14-4532 on July 31, 2014 (For The Purpose of Adopting the Metropolitan Transportation Improvement Program for the Portland Metropolitan Area).
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds.
4. **Budget Impacts:** None

RECOMMENDED ACTION:

TPAC recommends the approval of Resolution 15-4642. (TPAC approval date: September 25, 2015)

Attachment: I-84/I-5 Banfield Interchange and I-405 Fremont Bridge project location maps

Project Location Maps

