

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2015-18)	RESOLUTION NO. 16-4705
METROPOLITAN TRANSPORTATION)	
IMPROVEMENT PROGRAM (MTIP) AND THE)	Introduced by: “Chief Operating Officer
2015-16 UNIFIED PLANNING WORK PROGRAM)	Martha Bennett in concurrence with
(UPWP) TO INCLUDE THE NEW INTERSTATE)	Council President Tom Hughes”
205: STAFFORD ROAD TO OR-99E WIDENING)	
PROJECT)	

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, the Unified Planning Work Program (UPWP) describes all Federally-funded transportation activities for the Portland-Vancouver metropolitan area to be conducted in FY 2015-16; and

WHEREAS, the FY2015-16 UPWP indicates federal funding sources for transportation planning activities carried out by Metro, Southwest Washington Regional Transportation Council, Clackamas County and its cities, Multnomah County and its cities, Washington County and its cities, TriMet, and the Oregon Department of Transportation; and

WHEREAS, approval of the FY2015-16 UPWP is required to receive Federal transportation funds; and

WHEREAS, JPACT and the Metro Council approved the 2015-16 UPWP Update in May of 2015; and

WHEREAS, this resolution amends the 2015-16 UPWP to include \$2,305,500 of National Highway Freight formula funds from the Fixing America’s Surface Transportation (FAST) Act and \$194,500 of State matching funds for a total of \$2,500,000 for needed planning and pre-National Environmental Policy Act (NEPA) project development activities for the I-205 Stafford Road to OR-99E Widening Project; and

WHEREAS, all Federally-funded transportation planning projects for the Portland-Vancouver metropolitan area must be included in the FY 2015-16 UPWP; and

WHEREAS, approximately 80,000-100,000 vehicles travel daily on I-205 between Stafford Road and OR99-E; and

WHEREAS, I-205 from Stafford Road to OR-99E narrows from six through lanes (3 lanes in each direction) to four (2 lanes in each direction) creating a dangerous driving safety hazard that has resulted in approximately 261 vehicle collisions over a five year period; and

WHEREAS, the approved funding will enable planning work to begin on a project to seismically upgrade the Abernethy Bridge and add a third lane in each direction on I-205 between Stafford Road and OR99-E; and

WHEREAS, the Oregon Transportation Commission (OTC) approved 2015-18 Statewide Transportation Improvement Program (STIP) amendment request to include the I-205: Stafford Road to OR99-E Widening Project on April 21, 2016; and

WHEREAS, with only the Planning phase being added to the MTIP at this time, the new I-205: Stafford Road to OR-99E Widening Project qualifies as an exempt project as cited in 40 CFR 93.126, Table 2, within the category of "Planning and Technical Studies," and therefore is exempt from needing to demonstrate conformity with the air quality emissions budget; and

WHEREAS, the MTIP's financial constraint finding will not be impacted as a result of adding the new I-205: Stafford Road to OR-99E Widening Project, as the project is being funded with approved non-Metro funding; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to formally amend the 2015-18 MTIP and the FY 2015-16 UPWP to include the new I-205: Stafford Road to OR-99E Widening Project.

ADOPTED by the Metro Council this 28rd day of June 2016.


Tom Hughes, Council President



Approved as to Form:

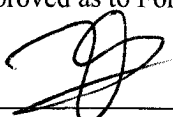

Alison R. Kean, Metro Attorney
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Exhibit A to Resolution No. 16-4705

2015-18 Metropolitan Transportation Improvement Plan Chapter 5 Tables Amendment

Action: Amend MTIP to include the Planning phase for the new I-205: Stafford Road to OR-99E Widening Project.

Existing programming: None – New project

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-205: Stafford Road to OR-99E Widening Project	Initiate planning activities to seismically upgrade the Abernethy Bridge and add a 3 rd lane in each direction on I-205 between Stafford Road and OR-99E	19786	ODOT	\$275-\$300 million	Planning	NHFP	2016	\$2,305,500	\$194,500	\$0	\$2,500,000
Totals:								\$2,305,500	\$194,500	\$0	\$2,500,000

Notes:

1. Fund code notes:
 - a. NHFP = FAST Act National Highway Freight Program funds.
 - b. State = State funds.

2. Phase references:
 - a. MTIP phases are divided into five possible categories to differentiate how project funding will be applied.
 - b. The MTIP programming phases include:
 - i. Planning = Planning activities including pre-NEPA project development work. These projects are added to the UPWP.
 - ii. PE phase = Preliminary Engineering (NEPA + PS&E, plans specifications & estimates).
 - iii. RW = Right-of-Way – activities involving needed right of way acquisition and utility relocation
 - iv. Construction = Represents the key project implementation phase that includes pre and post construction work.
 - v. Other = Generally reserved for ITS and transit project implementation phases that do not fit into the regular capital project construction phase logic. Also used when necessary for utility relocation programming needs.

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2015-18 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) AND THE 2015-16 UNIFIED PLANNING WORK PROGRAM (UPWP) TO INCLUDE THE NEW INTERSTATE 205: STAFFORD ROAD TO OR-99E WIDENING PROJECT

Date: May 16, 2016

Prepared by: Ken Lobeck, 503-797-1785

SUMMARY:

This item proposes two actions:

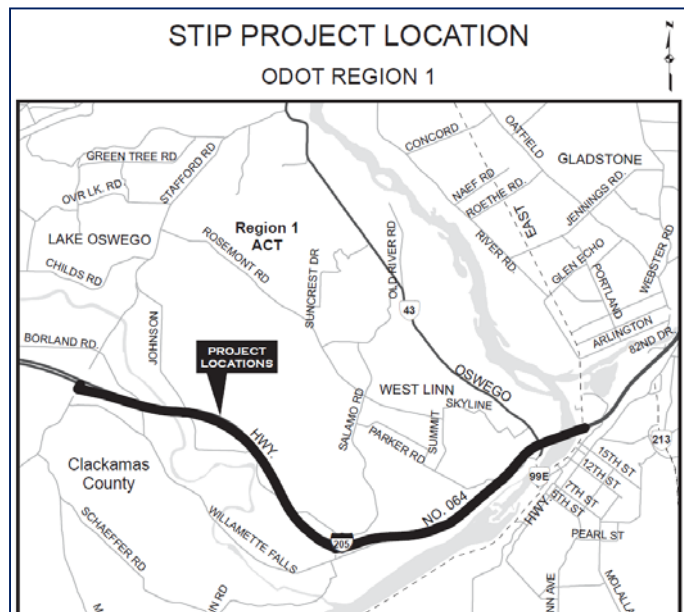
- It seeks approval to amend the 2015-16 MTIP to add the I-205: Stafford Rd to OR-99E Widening Project Planning phase.
- Since the MTIP programming action only involves the Planning phase, it seeks approval to amend the FY 2015-16 UPWP to add the project as a regionally significant UPWP project.

BACKGROUND:

Interstate 205: Stafford Road to OR-99E Widening Project

The full project proposes widening I-205 from four through lanes (2 lanes in each direction) to six through lanes (3 lanes in each direction) and will provide seismic upgrades to the Abernethy Bridge. Interstate 205 has six lanes for most of its 37-mile length, but only four lanes between exit 3 (Stafford Road, Lake Oswego) and exit 9 (OR-99E, Oregon City). Between 80,000 and 100,000 vehicles travel this narrow section of the highway on an average day; 261 vehicle collisions have been attributed to traffic congestion over a five-year period (2009-2013).

The project limits span approximately six miles. The preliminary estimated cost for the entire project ranges from \$275-\$300 million. Through this amendment, the Planning phase will be added to the MTIP with a phase total of \$2.5 million. The Federal portion is \$2,305,500 provided from the Fixing America's Surface Transportation (FAST) Act National Highway Freight program. The remaining \$194,500 is State matching funds. The Oregon Transportation Commission (OTC) approved the request to amend the 2015-18 Statewide Transportation Improvement Program (STIP) on April 21, 2016.



With approval by the OTC, Metro will complete the Federal MTIP programming requirements IAW 23 CFR 450.300-336 to amend the MTIP and add the Planning phase for the new I-205: Stafford Road to OR-99E Widening Project. The 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).

Amending the MTIP to add a new project can be accomplished via an Administrative or Formal Amendment. 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. Formal amendments require JPACT and Metro Council formal resolution, plus USDOT approval. Formal amendments propose eligible changes (no financial constraint or conformity impact), but potential RTP policy significance and need to demonstrate compliance with Federal & state regulations must be addressed as a condition of approval. Formal amendments must demonstrate through the documentation 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.

Project Review for MTIP Inclusion:

The MTIP is a Federal document and must comply with programming guidelines identified in 23 CFR 450.300-336. Adding a new project to the MTIP involves an initial review process that includes the following seven steps:

1. Project Funding Justification, Eligibility, and Verification. Yes:
 - a. Reference 23 CFR 450.324(e), and (f)(3) & (4), plus (g)(2),(3), & (4).
 - b. The I-205: Stafford Rd to OR-99E Widening Project completed a formal review and approval process through the OTC.
 - c. The OTC has provided formal approval supporting the commitment of the Federal National Highway Freight Program funding and State funds for the Planning phase totaling \$2.5 million. Through this action, funding justification and verification has been accomplished.
 - d. These funds are under the management of ODOT.
 - e. The project is located on the Interstate system, has Federal funds and is considered a major regionally significant project. It is required to be programmed in the MTIP.

2. Regional Transportation Plan (RTP) Verification. No:
 - a. New projects proposed for submission in the MTIP must be consistent with current long range Regional Transportation Plan (RTP) per 23 CFR 450.324(f)(2). The term “consistent” means that the project needs to be included in the current financially constrained component to the RTP before it can be added to the MTIP.

- b. The I-205: Stafford Rd to OR-99E Widening Project is not included in the constrained RTP. It is included in the unconstrained strategic element, but not the financially constrained component of the current RTP.
 - c. However, a planning study for I-205 with the same limits is identified in the RTP, ID #11497. Since only the Planning phase is being programmed at this time and a planning project entry exists in the current RTP, adding the planning phase to the MTIP is acceptable even though the full project is not identified in the RTP constrained component.
 - d. Assuming full project funding will be secured, ODOT is recommended to add the entire project to new 2018 RTP financially constrained component to ensure the project complies with air conformity modeling requirements IAW 23 CFR 450.322(6) which states the following: *“Include design concept and scope descriptions of all existing and proposed transportation facilities in sufficient detail, regardless of the source of funding, in nonattainment and maintenance areas to permit conformity determinations under the U.S. EPA conformity regulations at 40 CFR Part 51. In all areas, all proposed improvements shall be described in sufficient detail to develop cost estimates.”*
 - e. In order to add later project phases, specifically R/W and Construction phases once funding has been secured, the air conformity analysis in the financially constrained component of the RTP must have been completed.
3. Consistency with RTP Goals and Strategies Verification. Yes:
- a. As part of the Federal and state performance measurements compliance requirement, projects in the RTP and MTIP must be consistent with the RTP’s approved strategies and goals IAW 23 CFR 450.322(a) & (b) (1) to (5), (7) & (9).
 - b. The I-205: Stafford Road to OR-99E Widening Project meets two key RTP goals:
 - i. Goal 2: Sustain Economic Competitiveness and Prosperity and the following objectives:
 - 1. Objective 2.1 – Reliable and Efficient Travel and Market Area Access: Provide for reliable and efficient multi-modal regional, interstate and intrastate travel and market area access through a seamless and well-connected system of throughways, arterial streets, freight services, transit services and bicycle and pedestrian facilities.
 - 2. Objective 2.3 – Metropolitan Mobility: Maintain sufficient total person-trip and freight capacity among the various modes operating in the Regional Mobility Corridors to allow reasonable and reliable travel times through those corridors.
 - ii. Goal 5: Enhance Safety and Security, Objective 5.1, Operational and Public Safety – Reduce fatal and severe injuries and crashes for all modes of travel.
4. MTIP Formal or Administrative Amendment Verification – A Formal Amendment is Required:
- a. The I-205: Stafford Road to OR-99E Widening Project is a new project. Although only the Planning phase with a total programming cost of \$2.5 million is being

added to the MTIP through this amendment, the determination of whether or not a new project is exempt from a Formal MTIP amendment is based on the estimated total project cost, and if the project requires air conformity analysis. The total project cost for the I-205: Stafford Road to OR-99E Widening Project is estimated at \$275-\$300 million dollars. Even if it qualified as a “preservation project on the Interstate System”, the exemption limit is \$5 million for these types of projects.

- b. The project is a capacity enhancing project and will require air conformity modeling analysis as well. There are no exemptions in the 2015-18 MTIP, Chapter 6, Table 6.1 for new capacity enhancing projects that have not completed an air conformity modeling analysis.
 - c. The I-205: Stafford Road to OR99E Widening Project requires a Formal MTIP Amendment, plus JPACT and Metro Council approval. Once approved by Metro Council, the Formal amendment will require final approval from USDOT.
5. Conformity Verification. Yes:
- a. Federal air conformity exemption requirements are outlined in 40 CFR 93.126, Exempt Projects, Tables 2 and 3.
 - b. Only the Planning phase for the I-205: Stafford Road to OR-99E Widening Project is being added to the MTIP through this amendment. Therefore, it is considered a “Planning” project from a conformity viewpoint at this time.
 - c. Planning projects are exempt from having to complete air conformity modeling analysis per 40 CFR 93.126, Table 2, within the category of “Other” in the subcategory of “Planning and Technical Studies”.
 - d. Generally, the “Planning” exemption stated in 40 CFR 93.126, Table 2 has allowed the Planning or Preliminary Engineering (PE) phases to be added to the MTIP for capacity enhancing projects or other projects that require air conformity modeling analysis, but have not completed the requirement. The historical precedent has been when the Right-of-Way (R/W) or Construction phases are ready to be added to the MTIP, proof that the air conformity modeling analysis was completed needs to be demonstrated at that time. However, this is subject to USDOT’s interpretation. USDOT can determine that the air conformity modeling compliance requirement line is at PE and not R/W.
6. Financial Constraint Verification. Yes:
- a. The Federal and state funds committed to the project are under the management of ODOT. The OTC has reviewed and approved the funding request on April 21, 2016. Therefore, the funds are considered available and may be considered part of the FY 2016 financial constraint finding.
 - b. There is not a negative impact to the financial constraint finding as a result of adding the Planning phase for the I-205: Stafford Road to OR-99E Widening Project.
7. Metro Programming Responsibilities: As the MPO, Metro is completing the required MTIP programming actions for ODOT. The project’s proposed funding does not impact any appropriated funding Metro receives.

Summary:

Staff will complete the MTIP programming action upon final approval from the Metro Council and monitor subsequent required approvals up and through USDOT for final inclusion in the MTIP/STIP. The programming summary is shown in Exhibit A to the Resolution 16-4705.

Metro will work with ODOT to complete the necessary RTP amendment to complete the required air conformity analysis and develop a project funding plan that meets the “Reasonable Availability of Funds” definition to include the I-205 Widening project in the RTP’s Financially Constrained list.

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 16-4705. (Approval date: April 29, 2016)

Attachments:

1. OTC April 21, 2016 Agenda
2. OTC STIP Amendment Request Staff Report
3. Project Location Map
4. I-205 Stafford Rd to OR-99E Widening Project Brochure