

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)	RESOLUTION NO. 17-4791
RESOLUTION NO. 16-4756, TO ADD THE)	
COMPLETE CLEVELAND STREET PROJECT)	
TO REGIONAL FLEXIBLE FUNDING)	
ALLOCATION FOR THE YEARS 2019-21, WITH)	
CONDITIONS, AND AMENDING EXHIBITS A)	Introduced by Chief Operating Officer Martha
AND D THERETO, PENDING AIR QUALITY)	Bennett in concurrence with Council
CONFORMITY DETERMINATION)	President Tom Hughes

WHEREAS, on February 2, 2017, the Metro Council adopted Resolution 16-4756 as recommended by the Joint Policy Advisory Committee on Transportation (JPACT), which identified regional investments and project to receive approximately \$130.38 million in federal transportation funding forecast to be appropriated to the metropolitan region for the fiscal years 2019 through 2021 through the federal Surface Transportation Block Grant Program (STBG) and Congestion Mitigation – Air Quality (CMAQ) transportation funding programs; and

WHEREAS, the Metro Council and JPACT are authorized per federal regulation 23 CFR 450.324 to allocate these funds to projects and programs in the metropolitan region through the Regional Flexible Fund Allocation (RFFA) process; and

WHEREAS, Resolution 16-4756 contained a provision stating that discussion was still ongoing regarding a funding decision for either the Cleveland Street project or the Division Street project, both located in the City of Gresham, Oregon (City), and the Resolution stated that JPACT’s recommendation would be brought back to Metro Council at a later date; and

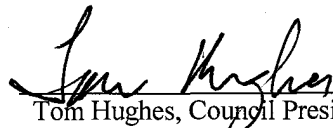
WHEREAS, on March 16, 2017, JPACT recommended that the Cleveland Street project be funded with RFFA funds so long as certain conditions are met by the City to fund the Division Street project with \$2,000,000 of City system development charges that the City agreed to assess for that project; and

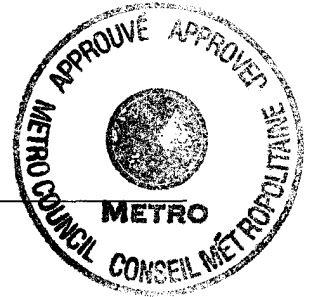
WHEREAS, Metro and the City have agreed to enter into an intergovernmental agreement (IGA) by January 1, 2018 that will more fully describe the conditions for RFFA funding of Cleveland Street contingent on new City funding of \$2 million for the Division Street project, which conditions have been agreed to by the City and JPACT as set forth in Amendment 1 to Exhibit D attached hereto, and the IGA will provide for termination of RFFA funding for the Complete Cleveland Street project if the agreed-upon conditions are not fulfilled;

WHEREAS, Exhibit A to Resolution 16-4756 must also be amended to reflect the conditional funding agreement for the Cleveland Street and Division Street projects, as set forth in the amended Exhibits A attached hereto; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to fund the Cleveland Street project subject to a fully-executed IGA with the City containing the funding conditions for Division Street as set forth in the amended Exhibit D to Resolution 16-4756 attached hereto; and the Metro Council hereby also amends Exhibit A to Resolution 16-4756 to reflect these changes.

ADOPTED by the Metro Council this 13th day of April, 2017.


Tom Hughes, Council President



Approved as to Form:



Allison R. Kean, Metro Attorney

2019-21 Regional Flexible Funds Allocation - Adopted by Metro Council April 13, 2017

Step 1: Regional Bond Commitments and Region-wide Program Investments	
Existing transit bond payments	\$48,000,000
New transit bond commitment	\$15,430,000
New project development bond commitment	\$3,780,000
Corridor and Systems Planning	\$1,660,000
Regional MPO Planning (In-lieu of dues)	\$3,960,000
Regional Travel Options (Incl. \$1.5M for Safe Routes to School, \$.25M for Climate Smart Strategies)	\$9,290,000
Transit Oriented Development	\$9,870,000
Transportation System Management and Operations/ITS (Incl. \$.25M for Climate Smart Strategies)	\$5,240,000
Total:	\$97,230,000

Step 2: Community Investment Fund			
Active Transportation/Complete Streets			
<u>Project name</u>	<u>Applicant</u>	<u>Sub-region</u>	<u>Amount</u>
Beaverton Creek Trail	THPRD	Washington	\$3,693,212
Brentwood-Darlington Safe Routes to School	City of Portland	Portland	\$2,200,000
Complete Cleveland Street	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			
<u>Project name</u>	<u>Applicant</u>	<u>Sub-region</u>	<u>Amount</u>
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 ¹
Total:			\$7,340,000

Total 2019-21 RFFA:	\$130,380,000
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1.) Final amount, up to \$210,000, will be generated from further cost savings, if any, from the City of Portland (Central Eastside Project.)

Shaded projects are candidates for defederalization.

2019-21 RECOMMENDED REGIONAL FLEXIBLE FUND GRANTEES CONDITIONS OF APPROVAL

Conditions of approval are mechanisms to ensure the intent of the decision making body approving the projects is followed post allocation and into project design and construction. These conditions are intended to make sure that projects are built according to the elements proposed in the applications and approved by JPACT and Metro Council. Projects can be reviewed at any point in the process for consistency with the conditions of approval and action taken if they are not adhered to.

The conditions of approval emerged from two avenues: 1) comments provided by Metro and ODOT staff; and 2) public comment received from the regional public comment period. Both public and staff comments were provided to the project applicants and Metro requested all project applicants respond to comments. Based on the responses, conditions of approval were developed.

There are two sets of conditions which apply to projects: 1) conditions which address all projects; and 2) project specific conditions. The conditions for all projects outline expectations for which projects the funds are to be used, acknowledgments, and guidelines for design. The project-specific conditions outline expectations to create the best project possible. Many of the proposed projects are at different stages of development (e.g. some are in planning phases while others are ready for construction), so some of the same conditions were applied to projects based on the project's stage in development.

Conditions applied to all projects and programs:

1. Funding is awarded to the JPACT-recommended projects for the 2019-21 Regional Flexible Fund Allocation. If any project is determined to be infeasible, or is completed without expending all of the flexible funds awarded, any remaining flexible funds for that project shall revert to the regional pool for the next flexible fund allocation (i.e. 2022-24), to be distributed among the region, per MTIP/RFFA policy. Or, the project sponsor/local jurisdiction receiving the flexible funds may request that JPACT reallocate the funds per the MTIP amendment process.
2. The award amount is the total amount being provided to deliver the JPACT-recommended project. The project sponsor/local jurisdiction is expected to resolve any cost overruns or unexpected costs to emerge. It is understood by the project sponsor/local jurisdiction that Metro does not have any further financial commitment/responsibility beyond providing the amount awarded.
3. Project scopes will include what is written in their project application narrative and project refinements in response to comments. Requests for adjustments to project scopes shall be made in writing to the MTIP Project Manager utilizing the amendment procedures adopted in the MTIP (2018-21 MTIP amendment procedures are currently defined in chapter 6). Changes in project scopes must be approved by Metro to ensure the original intent of the project is still being delivered.
4. All projects will be consistent with street design guidelines as defined in the Creating Livable Streets guidebook (Metro; 2nd edition; June 2002 or subsequent edition in effect at the time a funding intergovernmental agreement is signed), as determined by the Metro Planning Director or designee.
5. All projects with bicycle and pedestrian components will update local network maps and provide relevant bike and pedestrian network data to Metro. Metro will provide guidelines on network data submissions upon request. Additionally all projects will implement sufficient wayfinding

signage consistent with Metro sign guidelines. (Ex. Metro's Intertwine Design Guidelines: http://library.oregonmetro.gov/files/intertwine_regional_trail_signage_guidelines.pdf) The Intertwine Design Guidelines will be updated to be consistent with federal guidelines.

6. All projects with ITS elements will be consistent with National ITS Architecture and Standards and Final Rule (23 CFR Section 940) and Regional ITS Architecture. This includes completing a systems engineering process during project development to be documented through the systems engineering form and submitted to Metro for inventory purposes. For further guidance, consult ODOT's ITS compliance checklist at: <https://www.oregon.gov/ODOT/HWY/ITS/Documents/ITS%20Systems%20Engineering%20Checklist.pdf>
7. All project public notifications and materials created or printed for the purposes of the project, including both printed and web-based information, shall acknowledge Metro as a partner. Acknowledgement can be in the form of: include the Metro logo on print or online materials, spoken attribution, and/or Metro staff at events. Metro will provide partners with Metro logos and usage guidelines upon request.
8. All projects will meet federal Title VI and Environmental Justice requirements and Metro guidelines for public involvement (as applicable to the project phase, including planning and project development) as self-certified in each application. As appropriate, local data and knowledge shall be used to supplement analysis and inform public involvement. Metro guidelines for public involvement can be found in the Public Engagement Guide Appendix G: Local Engagement and Non-Discrimination Checklist. (http://www.oregonmetro.gov/sites/default/files/final_draft_public_engagement_guide_112113.pdf)
9. Per new federal requirements all projects will implement monitoring measures and performance evaluation to be reviewed by Metro. Performance evaluation measures are to be responsive to MAP-21 and FAST Act requirements and relevant to the type of project and project phase. (<http://www.fhwa.dot.gov/tpm/about/nhpp.cfm>) Additionally, all projects will share monitoring data and information upon request by Metro.
10. For federally funded projects, lead agencies awarded RFFA will comply with ODOT Local Agency Liaison (LAL) project re-submission requirements (e.g. completion of detailed scope of work, budget, project prospectus, etc.) as deemed required and in the proper format as part of the federal delivery process to complete required MTIP & STIP programming, initiate development and execution of the Intergovernmental Agreement (IGA), plus obligate and expend awarded federal funds for the project.
11. Locally funded projects – projects to be funded via an exchange of federal funds for local funding – will be subject to concurrence with ODOT that the project does not contain any conflicts with ODOT right-of-way or facilities, and must comply with Metro's requirements for funding as defined through an intergovernmental agreement.

Active Transportation and Complete Streets projects:

City of Gresham – Complete Cleveland Street

- a. Project funding award is contingent upon the City’s commitment of \$2,000,000 of local transportation system development charge (SDC) funding to contribute towards the Complete Division Street project, as defined in the City’s Regional Flexible Fund Allocation (RFFA) submitted application.
- b. The City has indicated a commitment to investing these system development funds in the Complete Division Street project, to be paid for with a planned-for increase in the City’s SDC rates.
- c. The City agrees to enter an Intergovernmental Agreement (IGA) with Metro prior to the funding obligation for the Complete Cleveland Street project. This IGA will be agreed upon by Jan. 1, 2018, or the parties will pursue mediation. The IGA will specifically memorialize the following key elements of agreement:
 1. The \$2,000,000 of local system development charge funds will be used in a timeframe as agreed upon by the City and Metro, up to and including potential debt vehicles provided by partner agencies in order to accomplish key project elements as quickly as possible.
 2. The City agrees to construction of the Complete Division Street Project as described in the RFFA submitted application on a schedule agreed upon by the City and Metro, understanding that external funding is required to complete financing for the full project scope.
 3. The City agrees to work with partner agencies to complete key project elements within the 2019-2021 timeframe and on a schedule agreed upon by the City and Metro.
 4. The City agrees to work with Metro, TriMet, and other external partners to prioritize the Complete Division Street Project for external funding.
 5. If the City is unable to secure full funding for the Division Street project to complete construction within the 2019-2021 timeframe, Metro and the City can amend the IGA to extend the construction schedule.
- d. The project agreement between ODOT and the City for the Complete Cleveland Street project will include language indicating the above contingencies regarding the Complete Division Street project. If the above contingencies are not fulfilled, JPACT and the Metro Council have the option to take action to remove funding for the Complete Cleveland Street project.

City of Portland – Brentwood-Darlington Safe Routes to School

- a. Project scope will be reduced by eliminating the segment from 32nd to 52nd, and the connection from 87th and Flavel to the Springwater Corridor.
- b. The segment from 32nd to 52nd will be constructed at a later time using local funds.
- c. PBOT and Portland Parks and Recreation are discussing using local funds to construct the connection to the Springwater Corridor.
- d. PBOT will increase amount of local matching funds from \$3,100,000 to \$3,150,000.

City of Portland – Cully Walking and Biking Parkway

- a. The project will utilize a neighborhood greenway design between Sandy and Prescott.
- b. The project is a candidate for funding via a federal funding exchange, as it does not impact any ODOT facilities or any NHS roadways.
- c. PBOT has requested a project start date in 2017 or 2018.

City of Portland – Halsey Street Safety and Access to Transit

- a. Project scope will be reduced by removing elements redundant with the Seventies Neighborhood Greenway project. That project includes re-striping of NE Halsey St west of 80th Ave, and the crossing in the vicinity of 65th and Halsey.
- b. PBOT will increase amount of local matching funds from \$2,167,200 to \$2,580,000.

City of Portland – Jade and Montavilla Connected Centers

- a. Project scope will be reduced by removing the element improving SE Alder St from 82nd to 84th. If anticipated circulation changes around 82nd/Stark/Washington are approved by ODOT and implemented, the need to address cut-through traffic on Alder is removed.
- b. PBOT will increase amount of local matching funds from \$3,941,500 to \$3,994,000.

City of Oregon City – Molalla Avenue Walking and Biking Improvements

- a. Project is a candidate for funding via a federal funds exchange. Scope will be adjusted so as not to impact OR 213 if doing so would create an issue with using local funding on the project.
- b. TriMet has committed \$21,000 in transit stop amenities in the project area, based on a RFFA funding award.
- c. The City has requested a project start date in 2018.

City of Tualatin – Herman Road Walking and Biking Improvements

- a. No additional conditions.

City of West Linn – Highway 43 Walking and Biking Improvements

- a. ODOT has committed \$1,100,000 in funding to this project.
- b. The City will increase amount of local matching funds from \$1,310,000 to \$1,710,000.

City of Wilsonville – I-5 Walking and Biking Bridge

- a. No additional conditions.

Tualatin Hills Parks and Recreation District – Beaverton Creek Trail

- a. THPRD will increase amount of local matching funds by \$199,187.

Regional Freight Initiatives:

City of Portland – Central Eastside Access & Circulation Improvements

- a. PBOT will increase amount of local matching funds from \$2,400,000 to \$2,596,554.
- b. PBOT will seek additional potential cost savings through various means, including federal funds exchange and project scope adjustments. These further cost savings, up to \$210,000, will be added to 2019-21 RFFA funding for Regional Freight Studies.

City of Tigard – Hunziker Road Industrial Area

- a. Project is a candidate for federal funds exchange. The City has indicated a potential cost savings of \$30,000 by using local funding on the project.
- b. The City will seek additional cost savings through scope reductions or using development funding to pay for certain project elements (i.e. sidewalks fronting developed parcels) to accommodate a total reduction in RFFA funding from \$1,851,740 to \$1,730,516. Any change in implementation or scope reduction must be approved by the Metro Planning & Development Director as consistent with the overall objectives and expected outcomes of the original application.

Washington County – Basalt Creek Parkway Extension

- a. The County will seek additional cost savings or increase local funding to reduce their RFFA award to \$2,803,605.

Metro – Regional Freight Studies

- a. As noted above, RFFA cost savings achieved by PBOT on the Central Eastside project, up to \$210,000, will be repurposed to conduct freight studies on behalf of the region.
- b. Specific studies to be funded through this method will be brought before TPAC for discussion and input prior to commencing work and approved through the annual Unified Planning Work Program (UPWP) adoption process.

Planning and Region-wide Programs:

The high capacity transit bond payment will be completed consistent with Metro Resolution 10-4185 regarding the multi-year commitment of regional flexible funds and the subsequent Metro and TriMet intergovernmental agreement to implement Resolution 10-4185.

Planning activities and region-wide programs funded with regional flexible funds must be implemented consistent with the Unified Planning Work Program (UPWP). Additionally, the following programs and planning activities are guided by and must be consistent with the following plans and legislation or as updated by any subsequent legislation (including most current UPWP) adopted by JPACT and the Metro Council directing program or plan activities:

- Transit Oriented Development: TOD Strategic Plan
- Regional Travel Options: RTO Strategic Plan (to be updated in 2017-18 to include guidance for additional investments for Safe Routes to School and 2014 Climate Smart Strategy implementation.)
- Corridor and Systems Planning, Regional Freight Studies: Unified Planning Work Program, 2014 Regional Transportation Plan and its components, including 2010 Regional Transportation System Management and Operations Plan, 2010 Regional Freight Plan, 2014 Regional Active Transportation Plan, and 2014 Climate Smart Strategy
- Transportation System Management and Operations: 2014 RTP – TSMO vision and plan components; 2010-2020 Regional TSMO Plan (to be updated in 2017-2018 to include guidance for Climate Smart Strategy implementation.)
- High Capacity Transit development

Requests for adjustments to program activities shall be made in writing to the UPWP Project Manager utilizing the amendment procedures adopted in the UPWP. Requests for changes in regional flexible fund allocations to region-wide programs or planning shall be made in writing to the MTIP Project Manager utilizing the amendment procedures adopted in the MTIP.

STAFF REPORT

FOR THE PURPOSE OF AMENDING RESOLUTION NO. 16-4756, TO ADD THE COMPLETE CLEVELAND STREET PROJECT TO REGIONAL FLEXIBLE FUNDING ALLOCATION FOR THE YEARS 2019-21, WITH CONDITIONS, AND AMENDING EXHIBITS A AND D THERETO, PENDING AIR QUALITY CONFORMITY DETERMINATION

Date: March 29, 2017

Prepared by: Dan Kaempff

BACKGROUND

On February 2, 2017, Metro Council adopted Resolution No. 16-4756, which determined 13 projects to receive funding through the 2019-21 Regional Flexible Fund Allocation. These 13 projects were recommended to Metro Council for adoption by the Joint Policy Advisory Committee on Transportation (JPACT) at their January 19, 2017 meeting.

JPACT was not able to reach consensus on funding for a 14th project during their January 19 meeting. Two projects, both in the City of Gresham, were being considered. The projects were the Complete Cleveland Street project, and the Complete Division Street project. Their action indicated that they would continue to study the two projects and arrive at a decision at a later meeting. Subsequent to that, Metro Council's action on Resolution No. 16-4756 could be amended to include the JPACT-recommended project. This was done to enable the Metropolitan Transportation Improvement Program (MTIP) process to move forward and stay on schedule.

JPACT DELIBERATION AND DECISION

JPACT's discussion regarding the Cleveland and Division projects centered on the question of which project was of greater regional significance, and should thereby be included in the RFFA funding package. Some JPACT members viewed the Division project and its relation to the Division Transit Project as the most appropriate project for regional funding. Other members were of the opinion that the Cleveland project should be funded, given it was identified as a priority project by the East Multnomah County Transportation Committee.

After discussion at the February JPACT meeting did not result in a decision on the matter, City of Gresham and Metro staff worked out an agreement that was agreeable to all parties. In exchange for the Cleveland Street project receiving RFFA funds, the City pledged to dedicate \$2 million of City system development charges (SDCs) to the Division Street project, and to work with regional partners to identify the remainder of the funding needed to complete the project. An intergovernmental agreement, detailing the terms and conditions related to the RFFA funding, must be in place prior to January 1, 2018. Exhibit D to Resolution No. 16-4756, 2019-21 Recommended Regional Flexible Fund Grantees Conditions of Approval, lists the specific conditions under which funding will be allocated to the Cleveland Street project.

ANALYSIS/INFORMATION

1. **Known Opposition:** No known opposition.
2. **Legal Antecedents:** This resolution adds the Cleveland Street project to the list of projects funded through Resolution 16-4756, which allocates transportation funds in accordance with the federal transportation authorizing legislation (currently known as Moving Ahead for Progress in the 21st century or MAP-21). The allocation process is intended to implement the Regional Flexible Fund 2019-21 program policies as defined by Metro Resolution No. 16-4702, For The Purpose Of

Adopting The 2018-2021 Metropolitan Transportation Improvement Program and 2019-2021 Regional Flexible Funds Allocation Policy Statement For The Portland Metropolitan Area, adopted June 16, 2016 and Metro Resolution No. 10-4185 For the Purpose of Approving a Supplemental Multi-Year Commitment of Regional Flexible Funding for the Years 2015-2027, Funding the Portland-Milwaukie Light Rail Transit Project, and Project Development for the Portland-Lake Oswego Transit Project, and the Southwest Corridor and Authorizing Execution of an Amendment to the Existing Intergovernmental Agreement with TriMet Regarding the Multi-Year Commitment of Regional Flexible Funds.

3. **Anticipated Effects:** Adoption of this resolution would add the Cleveland project to the existing 2019-21 RFFA projects undergoing air quality conformity analysis of the effects of implementing these projects and programs for compliance with the State Implementation Plan for air quality.
4. **Budget Impacts:** No budget impacts would result from adoption of this resolution.

RECOMMENDED ACTION

Metro staff recommends the approval of Resolution No. 17-4791.