



U.S. DEPARTMENT OF TRANSPORTATION

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September 29, 2017

HAD-OR/ FTA-TRO-10

File Code:
105.000

Mr. Matthew L. Garrett, Director
Oregon Department of Transportation (ODOT)
355 Capitol Street N.E.
Salem, Oregon 97301

RE: 2018-2021 Statewide Transportation Improvement Program (STIP) Approval and Statewide Planning Finding (SPF)

Dear Mr. Garrett:

Thank you for submitting the Federal fiscal year (FY) 2018-2021 STIP for the State of Oregon, as transmitted to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) on August 7, 2017 and supported by the Governor's certification of the metropolitan transportation improvement programs (MTIPs) on September 7, 2017.

FHWA and FTA are required to make a joint finding on the extent to which the STIP is based on a statewide transportation planning process that meets or substantially meets the planning requirements of 23 U.S.C 134 and 135, 49 U.S.C. 5303 and 5304, and 23 CFR 450 subparts A, B and C. We find the FY 2018-2021 STIP substantially meets the planning requirements, and approve the FY 2018-2021 STIP effective October 1, 2017 for a period of four years. FHWA and FTA also find the MTIPs for the Oregon Metropolitan Planning Organizations (MPOs) were developed in accordance with air quality conformity regulations of 40 CFR 93. This approval does not constitute an eligibility determination for the Federal funds proposed for obligation on the listed projects. The eligibility of individual projects for funding is **subject to the applicant's** satisfaction of all additional administrative and Federal requirements.

Enclosed is the final status report on the Oregon 2015 Statewide Planning Finding (SPF) (Attachment A). FHWA and FTA recognize the significant progress made by the state over the last two years to address the 2015 SPF. ODOT staff worked to enhance many aspects of the state planning program while continuing to improve ODOT oversight responsibilities and the implementation of Federal transportation planning requirements.

Also enclosed is the 2018 SPF (Attachment B). FHWA and FTA have issued five findings in total, with four findings that are carried over from the previous STIP in the following areas: MPO oversight, Tribal consultation, STIP development and content, and metropolitan planning agreements. An additional finding for performance-based planning and programming was included in anticipation of upcoming deadlines for meeting this Federal requirement.

FHWA and FTA look forward to continued coordination with ODOT, MPOs, public transportation providers, and other planning partners to implement the Federal transportation planning provisions. In an effort to facilitate this process, we request ODOT provide an action plan to Ms. Tupica and Mr. Borrego that addresses the SPF by December 1, 2017.

If you have any questions, please do not hesitate to contact Ms. Rachael Tupica of FHWA Oregon Division at (503) 316-2549 and Rachael.Tupica@dot.gov or Mr. Jeremy Borrego of FTA Region 10 at (206) 220-7956 and Jeremy.Borrego@dot.gov.

Sincerely,

**PHILLIP A
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Digitally signed by PHILLIP A DITZLER
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Phillip A. Ditzler
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Linda M. Gehrke
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Federal Transit Administration

Enclosures

cc w/encl.:

ODOT Jerri Bohard
Jeff Flowers
Erik Havig
Paul Mather
AAMPO Tarah Campi
BMPO Tyler Deke
CAMPO Ali Bonakdar
CLMPO Paul Thompson
Metro Elissa Gertler
MRMPO Karl Welzenbach
RVMPO Karl Welzenbach
SKATS Mike Jaffe

Attachment A: Status Report on Oregon 2015 Statewide Planning Finding (SPF)

Attachment A documents the status of each 2015 SPF, at the time of the ODOT submittal of the 2018-2021 STIP. The 2018 SPF incorporates some elements of the 2015 SPFs as referenced. Table 1 provides details about each 2015 SPF action item, the status of the item, ODOT responses and accomplishments, and the Federal review team's assessment of the status of the item.

Table 1: 2015 Oregon Statewide Planning Finding Summary			
2015 SPF Action Item	Status	ODOT Response and Accomplishments	FHWA / FTA Assessment
1 – State and MPO Self-Certifications Self-certification statements by the State and the MPOs are important components of the STIP development process and are necessary to support the planning finding and STIP approval. These statements certify that the statewide and metropolitan planning processes are being carried out in accordance with all applicable requirements. For the statewide planning process, ODOT completed this certification as part of their STIP submittal; and for metropolitan planning areas each MPO completed their own certifications. Both State and MPO certifications were reviewed to support this planning finding. All certifications reference appropriate citations; however, the self-certification process does not reference supporting documents and analysis. ODOT should provide the documentation that supports the self-certification process for ODOT and work with the MPOs to ensure a similar documentation process is in place for MPO certification.	Complete	ODOT finalized the MPO Self-Certification form, which compiles documentation to support metropolitan planning self-certification statements. ODOT finalized an ODOT State Self-Certification form in a similar format to the MPO form, to provide documentation to support statewide planning self-certification statements.	FHWA and FTA endorsed the finalization of the MPO Self-Certification form on April 20, 2017, and the State Self-Certification form on August 14, 2017. FHWA and FTA's expectation is for ODOT is to maintain the MPO and State self-certifications with applicable requirements and make updates when needed. As required by 23 CFR 450.220 and 23 CFR 450.336, ODOT and the MPOs are expected to submit self-certifications with each STIP/TIP update. This should begin with the FY 2018-2021 STIP/TIP submittal. FHWA and FTA also recommend ODOT post the MPO Self-Certification form on the ODOT website for all partners to easily access the most current version. We also recommend ODOT provide guidance to MPOs on the submittal of the self-certification form.

Table 1: 2015 Oregon Statewide Planning Finding Summary

2015 SPF Action Item	Status	ODOT Response and Accomplishments	FHWA / FTA Assessment
<p>2 – Agreements between MPOs, Transit Providers, and ODOT</p> <p>MPOs, the State, and publicly-owned operators of the mass transit are required to mutually determine their respective roles in the metropolitan transportation planning process. Samples of agreements were reviewed to determine if sufficient detail is present to indicate responsibilities for actions and products. In the agreements reviewed, tasks and responsibilities among the various agencies were generally well defined. However, the level of detail on responsibility for project identification, prioritization, and implementation was not consistent in all agreements. ODOT should establish a schedule to review each MPO's planning agreement to determine if updates are needed.</p>	<p>Completion of this planning finding is still in progress.</p> <p>Ongoing activities to complete this finding are reflected in the 2018 Planning Finding, #4.</p>	<p>FHWA and FTA reviewed the MPO-ODOT-Transit Provider Planning agreements and provided feedback on areas where the agreements could be strengthened. ODOT staff worked with the MPOs to review the existing agreements and identify areas that require modification. A few MPOs identified minor updates needed to the agreements; no substantial changes were identified.</p> <p>ODOT proposed a major review and update to the MPO-ODOT-Transit Provider Planning Agreements to incorporate the May 27, 2016, Federal Planning regulations. ODOT plans to send the updated draft template to the Department of Justice, Oregon Procurement Office, FHWA, FTA, and the MPOs for concurrent review in early Fall 2017. ODOT plans to execute all MPO-ODOT-Transit Provider planning agreements prior to May 27, 2018.</p> <p>In addition, ODOT also drafted written specific provisions for meeting the new performance-based provision of 23 CFR 450.314(h). ODOT discussed the draft provisions at the April 14, 2017, ODOT-MPO-Transit coordination meeting and asked for comments. ODOT and the MPOs plan to maintain these provisions separate from of the formal MPO-ODOT-Transit Provider planning agreements.</p>	<p>FHWA and FTA applaud ODOT's plan to update all MPO-ODOT-Transit Provider planning agreements to address the May 27, 2016, Federal Planning regulations contained in 23 CFR 450.314 by May 27, 2018, and the progress made on the specific written provisions of 23 CFR 450.314(h) which are required to be in place by May 27, 2018.</p>

Table 1: 2015 Oregon Statewide Planning Finding Summary

2015 SPF Action Item	Status	ODOT Response and Accomplishments	FHWA / FTA Assessment
<p>3 – Oregon MPO Consortium MPO coordination through the Oregon MPO Consortium (OMPOC) offers an opportunity to encourage cooperative planning. The Consortium serves as an informal cooperative among Oregon’s MPOs; in the past few months Oregon’s MPOs have agreed to allocate a portion of their Federal planning funds to support a shared staffing position. ODOT should clarify the role of the MPO Consortium and provide a general assurance that Federal funds do not support lobbying activities through a letter to FHWA Oregon Division and FTA Region 10. ODOT should develop or redistribute lobbying guidance to ODOT MPO liaisons and the MPOs.</p>	<p>Complete</p>	<p>ODOT, FHWA, and FTA cooperatively developed language regarding the use of Federal funds for lobbying activities which was included in:</p> <ul style="list-style-type: none"> • FY 2017 MPO PL Intergovernmental agreements (IGAs) • FY 2017-2019 OMPOC IGA executed September, 2016 	<p>FHWA’s and FTA’s expectation is for ODOT to include this lobbying language in all future IGAs for MPOs and OMPOC and to ensure MPOs are not using Federal funding for lobbying activities.</p>

Table 1: 2015 Oregon Statewide Planning Finding Summary

2015 SPF Action Item	Status	ODOT Response and Accomplishments	FHWA / FTA Assessment
<p>4 – Transportation Management Area Certification Reviews Action Tracking Under 23 CFR 450.334(b), FHWA and FTA are required to jointly review Transportation Management Areas every four years and certify whether the planning process in those areas meets the applicable provisions of Federal law. In conducting this review, FHWA and FTA review elements of the planning process including: metropolitan planning area boundaries, 3-C planning agreements, Unified Planning Work Program development, TIP development, long range transportation plan development, public outreach, air quality, and Title VI compliance.</p> <p>The corrective actions from the previous TMA certification reviews (Portland Metro March 2013; Salem-Keizer November 2012; and Central Lane October 2011) have either been resolved or are in the process of being resolved. During the review of the 2015-2018 STIP submission, FHWA and FTA requested and received written summaries from the TMAs that identify each corrective action and the actions taken toward resolution. ODOT, in coordination with the TMAs, should develop a formal process that tracks the status of corrective actions and recommendations from the TMA certifications.</p>	<p>Completion of this planning finding is still in progress.</p> <p>Ongoing activities to complete this finding are reflected in the 2018 Planning Finding, #1.</p>	<p>ODOT drafted the “Metropolitan Planning Organization Facilitation & Coordination Checklist” and have proposed including:</p> <ul style="list-style-type: none"> • A tracking list of all corrective action requirements for each TMA developed from the formal in-person quadrennial reviews and from any MPO Self-Certification documentation. • ODOT requested that all TMAs include a status update of all certification findings in their Unified Planning Work Programs (UPWPs) and ODOT will verify that any MPO with corrective actions, include those elements as part of their annual UPWPs. • ODOT will verify corrective action progress through the review and approval process for MPO PL funding invoices. <p>ODOT headquarters will develop a template for Regions to use to track status of corrective actions. Regions can also develop their own tracking tool or may use a corrective action plan developed by the TMA.</p>	<p>FHWA and FTA support ODOT’s proposed process to track the status of TMA corrective actions to help ensure timely and appropriate action, as required by 23 CFR 200.331(d)(2), and would like to work with ODOT to finalize the process.</p> <p>FTA and FHWA would also like to work with ODOT to set a framework for participation in the resolution of TMA certification findings, including activities like the review of proposed documents and providing technical assistance. One example is to participate on a certification review action team, created by the TMA, which could be assembled following each certification review. The team, led by the TMA, would work collaboratively to implement the steps of the TMA’s corrective action plan.</p> <p>We will continue to coordinate with ODOT on this process to ensure the process is finalized and successfully implementation.</p>

Table 1: 2015 Oregon Statewide Planning Finding Summary

2015 SPF Action Item	Status	ODOT Response and Accomplishments	FHWA / FTA Assessment
<p>5 – Metropolitan Planning Organization Support and Oversight by ODOT</p> <p>A continuing and cooperative relationship among the MPO, State, and transit operators assure the effective development of the long-range plan and short-range program of projects (TIP). The metropolitan planning program generally meets Federal requirements based on our continuing involvement with the metropolitan planning organizations, attendance at technical advisory and policy committee meetings, attendance at UPWP meetings, and review of MPO planning products. As the direct recipient of Federal MPO planning funds (PL, 5303), ODOT should better define expectations for ODOT MPO liaisons' proactive roles in managing MPO progress toward meeting Federal planning requirements. ODOT support and oversight for MPOs should include early and active involvement in UPWP development and review, TMA planning certification reviews, and STIP/TIP coordination.</p>	<p>Completion of this planning finding is still in progress.</p> <p>Ongoing activities to complete this finding are reflected in the 2018 Planning Finding, #1.</p>	<p>ODOT previously committed to modifying the MPO Liaison Roles and Responsibilities as part of the FY 2018 SPR application. ODOT is still exploring the possibility of a MPO liaison roles and responsibilities handbook, but has since created a Metropolitan Planning Organization Facilitation & Coordination Checklist. The checklist defines ODOT Region and Headquarters division of responsibilities and the involvement in the MPO processes, but lacks definition of oversight roles.</p>	<p>FHWA and FTA recognize and appreciate ODOT's ongoing stewardship in MPO processes and activities and believe it is clearly defined in the checklist. In conjunction with this partnership, we expect ODOT to also provide clearly defined MPO oversight to all Oregon MPOs. ODOT has made some positive steps in the oversight role; however, there is more that needs to be done to develop, finalize, and institutionalize a proper level of subrecipient monitoring and MPO oversight.</p>

Table 1: 2015 Oregon Statewide Planning Finding Summary

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<p>6 – Statewide Planning and Research Program (SPR) 23 CFR 450.206 (d) outlines expectations for documenting statewide planning work program activities supported by Federal planning funds. We look forward to our discussions with ODOT to better understand the process for project solicitation, selection and prioritization utilizing state planning and research funds. FHWA and FTA expect that our continued meetings to focus on the SPR program will clarify how projects and programs are solicited, selected, and prioritized for the Federal planning program. FHWA and FTA expect that these conversations will lead to more efficient and effective program management and oversight.</p>	<p>Complete</p>	<p>FHWA, FTA, and ODOT have agreed the work related to this task was documented through the FY 2017 SPR-I conditional approval letter dated July 1, 2016; and subsequent June 30, 2017 SPR approval letter.</p>	

Table 1: 2015 Oregon Statewide Planning Finding Summary

2015 SPF Action Item	Status	ODOT Response and Accomplishments	FHWA / FTA Assessment
<p>7 – Safety Planning FTA and FHWA support ongoing safety planning efforts conducted by ODOT and MPOs. Additional work is needed to extend the link between metropolitan efforts and statewide efforts. Given ODOT’s development of an All Roads Transportation Safety (ARTS) Program, coupled with the new strategic highway safety plan, the MPOs and ODOT should use this opportunity to ensure a strong link between the ARTS safety identification and prioritization process and MPO safety plans. We continue to encourage safety plan development for identification and prioritization of hot spot and systemic safety needs. In the near term, we recommend ODOT update the Transportation System Planning (TSP) guidelines to provide more direction in the area of safety planning.</p>	<p>Complete</p>	<p>ODOT updated the Transportation Safety Action Plan (TSAP) in 2016. ODOT is updating the TSP Guidelines of which safety is a prominent part of the work plan.</p>	<p>FHWA appreciated the opportunity to be involved in the update of the TSAP. FHWA also appreciates the opportunity to participate on the TSP Guidelines Stakeholder Advisory Committee and will provide comments for increased inclusion of safety planning into the TSP guidelines.</p>

Table 1: 2015 Oregon Statewide Planning Finding Summary

2015 SPF Action Item	Status	ODOT Response and Accomplishments	FHWA / FTA Assessment
<p>8 – Intelligent Transportation Systems (ITS) The development of operations plans and updates to ITS architecture plans have become more prominent in discussions at the MPOs, reflecting a renewed focus on investing in improved management of the existing system. In collaboration with the MPOs and regional stakeholders, ODOT should develop a model approach based on Federal guidance that allows updates of Regional ITS Architectures and Strategic Plans that are commensurate with the transportation system management and operation investments in the region. These efforts should be coordinated with the management and operations direction from the regional transportation plans.</p>	<p>Complete</p>	<p>The original plan was to incorporate ITS into the Central Lane MPO’s metropolitan transportation plan (MTP), adoption date May, 2017. This incorporation was delayed and is now planned for the MTP update to be adopted in 2021.</p>	<p>This action item is a recommended process improvement and is not a regulatory compliance issue. This process improvement is recommended to ensure continued compliance with 23 CFR 450.306(g) and 23 CFR 450.208(g). FHWA and FTA supports the inclusion of the ITS plan into Central Lane MPO’s MTP and recommend this effort to continue as planned.</p> <p>However, with this delay, FHWA and FTA encourage ODOT to implement other potential methods to support ITS for MPOs that would have more immediate results, including:</p> <ul style="list-style-type: none"> • Identifying when it is appropriate to provide a targeted update to the list of projects. • Exploring potential ODOT funding opportunities for priority MPO ITS efforts. • Creating a fact sheet (or other document) of information collected from the tasks above for the Oregon MPOs.

Table 1: 2015 Oregon Statewide Planning Finding Summary

2015 SPF Action Item	Status	ODOT Response and Accomplishments	FHWA / FTA Assessment
<p>9 – Title VI Plans Both the MPOs and the State have devoted considerable efforts to developing or updating Title VI plans; several MPOs were contemplating new work designed to identify transportation impacts on community sectors. While recognizing impacts are specific to a geographic area, the development of a broadly applicable approach among MPOs would reduce duplication of effort. FHWA and FTA recommend that the MPOs and ODOT work cooperatively to develop a model framework for a Title VI analysis methodology making effective use of the data available to assess impacts to affected populations of local communities.</p>	Complete	<p>ODOT drafted a Title VI template for subrecipients and presented the plan to develop this template at the April 14, 2017, quarterly MPO-ODOT-Transit provider coordination meeting. ODOT shared the draft template with MPOs, ODOT, FHWA, and FTA for review and requested feedback. At the July 14, 2017, MPO-ODOT-Transit provider coordination meeting, ODOT presented a final template that incorporated all feedback received to date. ODOT's Title VI Implementation Plan Template was posted on the ODOT website. This template is applicable to FHWA only.</p> <p>ODOT is considering developing a schedule of sub recipient Title VI plans.</p>	<p>FHWA and FTA support ODOT's approach of a Title VI template for MPO/subrecipient use. We provided feedback on ODOT's draft template and shared an example of a good practice for ODOT's consideration. We encourage ODOT to continue to work towards having one Title VI template that would simultaneously meet both FHWA and FTA requirements.</p> <p>As part of ODOT's oversight role to subrecipients, we support ODOT developing a schedule for subrecipients to update their Title VI Plans.</p>
<p>10 – Unified Planning Work Programs The MPOs generally completed UPWP that are comprehensive in coverage with funding sources effectively displayed. FHWA and FTA encourage the MPOs and ODOT to strive for consistency in identifying tasks included in the State Planning and Research (SPR) Work Programs and Unified Planning Work Programs. Key products, funding sources (including match), and timelines should be clearly and consistently presented in both UPWPs and the SPR. UPWP reporting should indicate when proposed actions have had major changes in scope, schedule, or budget.</p>	Complete	<p>ODOT, MPOs, FHWA, and FTA, collaborated on UPWP protocols, which identify tasks, schedule, responsible parties during UPWP development. As agreed, ODOT led a phone conference August 1, 2017, with MPOs, FHWA, and FTA to assess the success of the protocols and identify any potential updates to improve the process. ODOT will lead the effort to update the protocols so they can be used for the upcoming UPWP development cycle.</p>	<p>FHWA and FTA appreciates ODOT work to develop the UPWP protocols, facilitate the UPWP meetings, and to facilitate the phone conference to identify areas for improving the UPWP process. We look forward to the completion of the updated UPWP protocols which will incorporate the August 1st feedback received from FHWA, FTA, ODOT, and MPOs.</p> <p>FHWA and FTA also recommend ODOT post the UPWP Protocols on the ODOT website for all partners to easily access the most current version.</p>

Table 1: 2015 Oregon Statewide Planning Finding Summary

2015 SPF Action Item	Status	ODOT Response and Accomplishments	FHWA / FTA Assessment
<p>11 – Statewide Multimodal Transportation Plan The <i>Oregon Transportation Plan</i> was adopted in 2006 and serves as the statewide multimodal transportation plan which is supported by a number of individual modal plans. Oregon’s statewide transportation planning program provides an analytical and public participatory process that leads to the effective identification of needed investments and prioritization of action. ODOT’s recognition of the importance of system management in a time of constrained resources and the re-crafting of the project prioritization (i.e., Fix It and Enhance) is a strong example of leadership. ODOT should assess the need to update the statewide plan, and associated modal and topic plans to ensure those plans remain consistent with current state policy and maintains a 20-year forecast period as required by Federal planning regulations.</p>	<p>Complete</p>	<p>As agreed, ODOT included a table of Oregon transportation plans, the date of publication, and the planned update dates in FY 2018-2021 STIP submittal.</p>	<p>FHWA and FTA verified ODOT included the statewide multimodal transportation plan table in the FY 2018-2021 STIP submittal.</p>

Table 1: 2015 Oregon Statewide Planning Finding Summary

2015 SPF Action Item	Status	ODOT Response and Accomplishments	FHWA / FTA Assessment
<p>12 – Financial Constraint FHWA and FTA review the STIP to determine if it is financially constrained and that funds are available to carry out the program based upon information provided by ODOT. The STIP is required to be financially constrained by year and funding category and include sufficient financial information to demonstrate which projects are to be implemented using proposed revenue sources. Likewise, each project in the STIP, or identified phase, must include an estimated cost along with the amount of Federal funds proposed to be obligated in each program year. ODOT maintains a program funding spreadsheet that tracks spending targets by region and program. This information should be used to support the fiscal constraint analysis in the STIP documentation to establish a more transparent accounting of expected costs and reasonably available funding. Fiscal constraint must be demonstrated over the full period of the STIP. Fiscal constraint and reasonably available funding needs to be transparent in the publicly available STIP.</p>	<p>Completion of this planning finding is still in progress.</p> <p>Ongoing activities to complete this finding are reflected in the 2018 Planning Finding, #3.</p>	<p>ODOT, FHWA, and FTA have agreed on a format for demonstrating statewide financial constraint with STIP submittal, which ODOT included in the FY 2018-2021 STIP submittal. ODOT, FHWA, and FTA have also agreed upon a quarterly statewide financial constraint demonstration, though a protocol for this process needs to be finalized.</p> <p>ODOT is leading a 2021-2024 STIP workgroup with MPO partners to implement some STIP improvements, including the cooperative revenue forecasts and financial constraint process. Initial discussions started in July 2017, and have focused on the revenue estimation process.</p>	<p>FHWA and FTA are pleased the new format was utilized in the FY 2018-2021 STIP submittal.</p> <p>FHWA and FTA had hoped to reach agreement prior to FY 2018-2021 STIP approval on a process to demonstrate statewide financial constraint quarterly throughout the delivery of the STIP. The first quarterly financial constraint demonstration should be submitted in January, 2018, and covering quarter one of Federal fiscal year 2018.</p>

<p>13 – STIP Content and Protocols for Development and Submission</p> <p>Oregon’s statewide transportation planning program provides an analytical and public participatory process that supports a structured planning program and leads to the comprehensive identification of needed investments. In accordance with 23 CFR 450.216(i), the project-level information in the STIP should be more detailed and include sufficient descriptive information to identify the project purpose, scope, and phase; this information should also include an estimated total cost, the amount of Federal funds to be obligated by year and funding category, and the identification of the agencies responsible for delivering the project. Discrete individual projects should be fully-identified under a single project listing to include multiple years of funding and multiple Federal funding sources. Category fund type programs (such as Surface Transportation Program transfers, pooled fund projects, and Congestion Mitigation and Air Quality Improvement Program projects) should be listed for each project.</p> <p>The MPOs reviewed the STIP for consistency with their respective metropolitan transportation improvement programs (MTIPs) and identified several discrepancies that should be corrected by ODOT as identified in Attachment 2 <i>[of the 2015 STIP approval and SPF letter]</i>.</p> <p>The transmittal of the STIP to FHWA and FTA should include the required Governor’s approval of the MPO TIPs and complete highway and transit financial information. FHWA and FTA will work with ODOT to develop a STIP</p>	<p>Completion of this planning finding is still in progress.</p> <p>Ongoing activities to complete this finding are reflected in the 2018 Planning Finding, #3.</p>	<p>ODOT is drafting a STIP content and protocols document. The STIP protocols are being coordinated with the MPOs to align 2021-2024 STIP/TIP development timeframes to reduce process errors and increase the cooperative nature of the STIP/TIP development. The STIP protocol documents steps in the STIP development and submission process, including points of interagency coordination, and the associated timeframes.</p> <p>Another effort undertaken as part of this action item was the update of the STIP amendment matrix, which defines amendments requiring Federal approval and administrative modifications which do not require Federal approval for all of the non-metropolitan areas of Oregon. ODOT led the effort to update the amendment matrix, in coordination with FHWA and FTA, and have been following the updated criteria since February 2017.</p>	<p>FHWA and FTA will continue to work with ODOT to develop the STIP content and protocols, which are critical to ensure FHWA, FTA, ODOT, and MPOs understand expectations, interagency coordination points, and timeframes during STIP/MTIP development.</p> <p>The STIP protocols and STIP content checklist are in varying phases of development. The STIP protocols will be in a fluid document while ODOT and the MPOs finalize the currently evolving processes. The STIP content checklist has not been fully drafted and ODOT should continue to work on this document so it can be utilized for 2021-2024 STIP development.</p>
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Table 1: 2015 Oregon Statewide Planning Finding Summary

2015 SPF Action Item	Status	ODOT Response and Accomplishments	FHWA / FTA Assessment
submittal protocol. We expect that development and adherence to the protocol will facilitate future FHWA and FTA STIP review. In addition, ODOT should review the existing STIP amendment process to identify potential streamlined approaches. STIP amendments should provide improved projects descriptions, consistent descriptions of work categories, and clarity and consistency on the funding source.			

Table 1: 2015 Oregon Statewide Planning Finding Summary

2015 SPF Action Item	Status	ODOT Response and Accomplishments	FHWA / FTA Assessment
<p>14 - Metropolitan/Non-Metropolitan Planning The Area Commissions on Transportation (ACTs) provide a means to evaluate needs and recommend to the Oregon Transportation Commission project priorities in non-MPO areas of the State. The ACTs are components of the planning and prioritization process. The ACTs have developed over time and have differing compositions and operating procedures. Every ACT should formally recognize the role of the MPOs in developing, selecting and prioritizing projects in the metropolitan plans and TIPs. These roles should also be included in the MPO planning agreement. Effective coordination and comprehensive planning would be aided by assuring representation of MPOs within ACTs and assuring that planning agreements clarify project selection.</p> <p>With the option under MAP-21 (23 USC 135(m)) to create Regional Transportation Planning Organizations, ODOT may want to review the future function and options for broadening the capabilities of ACTs. We recommend ODOT perform an assessment of ACT operating protocols, including interaction with MPOs and reflection of MPO plans and TIPs to ensure a coordinated planning process with the metropolitan areas.</p>	<p>Completion of this planning finding is still in progress.</p> <p>Ongoing activities to complete this finding are reflected in the 2018 Planning Finding, #4.</p>	<p>ODOT has provided all ACT charters and/or by-laws to FHWA and FTA for review for project prioritization and selection processes.</p>	<p>FHWA and FTA reviewed the ACT Charters and/or by-laws for the coordination with the MPO during project selection and prioritization processes. Documentation was inconsistent and the use of certain keys terms, for example STIP, were not defined, leaving them open to different interpretations. Some of the charters and/or by-laws had not been updated since the creation of the ACTs. TIP project prioritization and selection is a key function of the MPO for ensuring the goals and objectives of the multi-modal metropolitan transportation plan are met and, with the phase-in of performance-based planning and programming, that progress is being made towards meeting Federal performance targets. Therefore, documentation of the ACT/MPO coordination and roles and responsibilities during project prioritization and selection should be documented in either the MPO's consultation process, in the metropolitan planning agreements, or in another format the MPO finds acceptable.</p>

Table 1: 2015 Oregon Statewide Planning Finding Summary

2015 SPF Action Item	Status	ODOT Response and Accomplishments	FHWA / FTA Assessment
<p>15 – Consultation Process ODOT should perform an assessment of the consultation process for non-metropolitan officials as specified by 23 CFR 450.210(b)(1). The procedures for involvement of Tribal governments and Federal lands management agencies in STIP development and review are not clear. ODOT should document the procedure for Tribal and Federal land management agency involvement in STIP development. The STIP documentation should include a summary of consultation that has occurred with Tribes and Federal land management agencies.</p>	<p>Completion of this planning finding is still in progress.</p> <p>Ongoing activities to complete this finding are reflected in the 2018 Planning Finding, #2.</p>	<p>ODOT conducted a survey of the non-metropolitan local-elected officials in 2015.</p> <p>The STIP Content Checklist, discussed in SPF 13, will include consultation elements required in 23 CFR 450.210.</p> <p>ODOT will submit a public involvement report, which documents how the STIP submittal meets ODOT's public involvement policy (2009). ODOT updated public involvement procedures specific to STIP Development and STIP Amendment.</p>	<p>FHWA and FTA expected ODOT's FY 2018-2021 STIP to include documentation of consultation processes conducted for STIP development and how the input collected during consultation was considered in STIP development, as required in 23 CFR 450.210. FHWA and FTA expected the ODOT self-certification submitted with the FY 2018-2021 STIP submittal to document how the State meets all planning requirements of 23 USC 135, including the consultation requirements required in 23 CFR 450.220. If ODOT cannot certify its consultation procedures meet the requirements, ODOT will need to document a plan for resolving the deficiency. The public involvement report documented just one Tribal representative involved in the 2018-2021 STIP process.</p> <p>While consultation is separate and discrete from public involvement, FHWA and FTA support ODOT's efforts to update explicit procedures for public outreach for STIP development and amendment. FHWA and FTA expect the STIP to include documentation of the public outreach processes used during STIP development, the disposition of comments, and how comments were considered in the STIP development process. The state should allow 45 calendar days for public review and written comment before the procedures and any major revisions to public involvement procedures are adopted (23 CFR 450.210(a)(2)).</p>

Attachment B: 2018 Oregon Statewide Planning Finding

To approve the Statewide Transportation Improvement Program (STIP), including metropolitan planning organizations (MPOs) Transportation Improvement Programs (TIPs) contained directly or by reference in the STIP, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) must make a determination that each metropolitan TIP is based on a continuing, cooperative, and comprehensive planning process. In addition, this Statewide Planning Finding (SPF) is based upon the extent that all the projects in the STIP are based on a planning process in accordance with 23 U.S.C. 134 and 135 and 49 U.S.C. 5303 and 5304. This is the SPF for Oregon's 2018 – 2021 STIP, and all the incorporated TIPs for: Albany, Bend, Corvallis, Eugene-Springfield, Grants Pass, Medford, Portland, and Salem-Keizer.

Accordingly, the FHWA and the FTA, based on: the Oregon Department Of Transportation (ODOT) and MPO(s) self-certifications of their statewide and metropolitan transportation planning processes; review of self-certification supporting documentation; Federal certification of Transportation Management Areas (TMAs) within the State; and, involvement in the State and MPO transportation planning processes, hereby find that the 2018-2021 STIP is based on a transportation planning process that substantially meets the requirements of 23 U.S.C. Sections 134 and 135 and 49 U.S.C. Sections 5303-5305.

Table 1 summarizes the topic areas for Oregon's 2018-2021 statewide planning finding. The table also includes FHWA and FTA observations about ODOT's work over the past two years and required or recommended process improvements. Required improvements are compliance actions, while suggested improvements to enhance ODOT's planning process are recommendations. Each compliance action includes a date by which the state should work to resolve the required improvement.

Table 1: 2018 Oregon Statewide Planning Finding Summary

Topic Area	Observations	Compliance Action or Recommendation
<p>1. ODOT's Oversight of MPOs</p> <p>As required by 23 CFR 420.117 and FTA Circular 8100.1.C, the State DOT is responsible for monitoring all activities performed by MPOs with FHWA planning funds (PL) and FTA Metropolitan Planning Program funds (MPP) to ensure compliance with Federal requirements, monitor the MPO's project activity, assure that the work is being managed and performed satisfactorily and that time schedules are being met.</p> <p>Portions of SPF 2015 #4 and 2015 #5, have been incorporated into this SPF 2018 #1.</p>	<p>ODOT has taken many positive steps in response to the 2015 planning finding, making some oversight responsibilities more consistent and transparent, including:</p> <ul style="list-style-type: none"> • Drafting a MPO Self-Certification form • Drafting and utilizing Unified Planning Work Program (UPWP) Protocols • Assuming the lead role in facilitating UPWP meetings and a post-process improvement discussion • Conceptually agreeing to track TMA certification findings • Including some verbiage of MPO Oversight in each Region's State Planning and Research project • Drafting a MPO Facilitation & Coordination Checklist to document ODOT Region and Headquarters MPO roles and responsibilities. <p>FHWA and FTA believe the responsibilities identified in the MPO Facilitation & Coordination Checklist, or in a MPO Liaison Handbook, could set the foundation for an appropriate level of MPO oversight. However, the current checklist only identifies stewardship roles and lacks oversight responsibilities.</p>	<p>Compliance Action:</p> <p>By May 31, 2018, to ensure sufficient sub-recipient oversight as required by 23 CFR 420.117 and FTA Circular 8100.1.C, ODOT, as the direct recipient of Federal MPO planning funds (PL, MPP), must define expectations for ODOT MPO Liaisons to ensure proactive roles in managing MPO progress toward meeting Federal planning and administrative requirements. ODOT MPO Liaisons roles and responsibilities should specifically address how liaisons assure that Federal funds are not used for lobbying purposes. ODOT support and oversight for MPOs should include early and active involvement in UPWP, MTP, and TIP development processes and document reviews, ensuring compliance of processes and documents with applicable Federal requirements, monitoring the achievement of performance goals, and confirming that Federal funding is expended for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the sub-award.</p>

Table 1: 2018 Oregon Statewide Planning Finding Summary

Topic Area	Observations	Compliance Action or Recommendation
<p>2. Tribal Consultation Process</p> <p>As specified in 23 CFR 450.210(c), for each area of the State under the jurisdiction of an Indian Tribal government, the State shall develop the long-range statewide transportation plan and STIP in consultation with the Tribal government and the Secretary of the Interior. States shall, to the extent practicable, develop a documented process that outlines roles, responsibilities, and key decision points for consulting with Indian Tribal governments and Department of the Interior in the development of the long-range statewide transportation plan and the STIP.</p> <p>Portions of SPF 2015 #15 have been incorporated into this SPF 2018 #2.</p>	<p>ODOT does not have a documented formal process for consulting with Tribal governments.</p> <p>ODOT's public involvement report for the 2018-2021 STIP indicates one Tribal representative attended a STIP public involvement meeting. Documentation of a formal Tribal government consultation was not included in the 2018-2021 STIP.</p>	<p>Compliance Action:</p> <p>By October 1, 2018, ODOT must work cooperatively with Oregon Tribal governments to develop, to the maximum extent practicable, a documented process that outline roles and responsibilities, and key decision points for ODOT to consult with Tribal governments during long-range plan and STIP development.</p>

Table 1: 2018 Oregon Statewide Planning Finding Summary

Topic Area	Observations	Compliance Action or Recommendation
<p>3. STIP Development and Content</p> <p>23 CFR 450.218 outlines the requirements for STIP content and development. 23 CFR 450.218 (h) outlines that the STIP is a complete list and description of all Federally-funded and regionally significant transportation projects that are to be undertaken over a four-year period. Demonstrating financial constraint in the STIP, including MPO TIP financial constraint, by year is a key component to planning and programming and for ensuring project delivery is financially feasible in the proposed project delivery schedules, and therefore, a required key element to gain STIP approval. As part of ODOT's oversight role to the MPOs, ODOT needs to ensure financial constraint for each metropolitan TIP and MTP meets Federal requirements outlined in 23 CFR 450.218. The planning regulations also require a cooperative revenue estimation process.</p> <p>Portions of SPF 2015 #12 and 2015 #13, have been incorporated into this SPF 2018 #3.</p>	<p>ODOT has made many positive STIP improvements in response to the 2015 SPF and has increased the cooperative nature of STIP/TIP processes with the MPOs, including:</p> <ul style="list-style-type: none"> • STIP amendment public involvement procedures defined and used, • STIP amendment matrix updated and followed, • Financial constraint format finalized and utilized in 2018-2021 STIP, and • STIP document significantly revamped to be more reader friendly. • Work has begun to coordinate development timeframes for 2021-2024 STIP and TIPs, and • The quarterly STIP coordination meetings for ODOT, MPOs, FHWA, and FTA have become quality work group sessions. <p>ODOT received recommendations to work with all Oregon MPOs to create a statewide financial planning process and a consistent format to demonstrate financial constraint by year.</p>	<p>Compliance Action:</p> <p>No later than six months prior to the ODOT submittal of the next draft STIP to FHWA and FTA, ODOT will work cooperatively with MPOs, transit agencies, FHWA, and FTA to:</p> <ul style="list-style-type: none"> • Define parameters for project-level information included in the STIP, that meets 23 CFR 450.218(i)(1), and includes sufficient descriptive information to identify the type of work, the project termini and length, and project phase or phases. • Ensure the STIP development process documents compliance with 23 CFR 450.218(i)(3) to identify the amount of Federal funds proposed to be obligated during each program year. For the first year, this includes the proposed category of Federal funds and source(s) of non-Federal funds. For the second, third, and fourth years, this includes the likely category or possible categories of Federal funds and sources of non-Federal funds Category fund type programs (such as Surface Transportation Program transfers, pooled fund projects, and Congestion Mitigation and Air Quality Improvement Program projects) should be listed for each project. • Document a cooperative financial planning process consistent with 23 CFR 450.218(l) that ensures ODOT and MPOs financial assumptions are consistent. • Document the financial constraint process consistent with 23 CFR 450.218 (m), identifying a standard format, and protocols. • Document how ODOT meets 23 CFR 450.328, ensuring that MPO TIPs are incorporated directly into the STIP without modification. • Development of a documented process that defines how STIP amendments provide project descriptions, consistent descriptions of work categories, and clarity and consistency on the funding source consistent with 23 CFR 450.220 and 218(i).

Table 1: 2018 Oregon Statewide Planning Finding Summary

Topic Area	Observations	Compliance Action or Recommendation
		<p>Recommendations:</p> <p>To continue to improve STIP transparency, efficiencies, and accountability and to reduce staff time in processing STIP amendments. FHWA and FTA recommend ODOT develop a work plan for STIP/TIP improvements. FHWA and FTA also recommend the following process improvements:</p> <ul style="list-style-type: none">• Finalization of the STIP protocols and STIP content checklist.• Finalization of the quarterly financial constraint demonstration protocols.• Development of a TIP Content Checklist.• Development of STIP/TIP amendment guidance.• STIP/TIP Amendment coordination with Oregon Transportation Commission (OTC) amendments.• Consider STIP/TIP software that could streamline coordination between the STIP and TIPs.• Continuation of quarterly ODOT-MPO-Transit Agency coordination meetings to identify and implement STIP/TIP improvements.

Table 1: 2018 Oregon Statewide Planning Finding Summary

Topic Area	Observations	Compliance Action or Recommendation
<p>4. Metropolitan Planning Agreements</p> <p>The MPO, State, and the providers of public transportation are required in 23 CFR 450.314 to cooperatively determine their mutual responsibilities in carrying out the metropolitan planning process. The May 27, 2016, Federal Planning regulations reflect performance-based planning requirements, including 23 CFR 450.314(h) requiring metropolitan planning agreements to document the cooperative process for implementing a performance-based planning and programming framework. The performance-based provisions can either be documented directly in the metropolitan planning agreements or in separate written provisions. The phase-in date of this requirement is May 27, 2018.</p> <p>Portions of SPF 2015 #2 and 2015 #14, have been incorporated into this SPF 2018 #4.</p>	<p>Since the issuance of the 2015 SPF, ODOT has developed a plan to update all MPO-ODOT-Transit Provider planning agreements to ensure compliance with 23 CFR 450.314, including the performance-based provisions of 23 CFR 450.314(h), by the phase-in date of May 27, 2018.</p> <p>FHWA and FTA reviewed metropolitan planning agreements for compliance and met with ODOT on April 21, 2016, to discuss our findings. On August 18, 2017, FHWA resubmitted those findings to ODOT along with guidance on meeting the performance-based requirement of 23 CFR 450.314(h) to use in the development of a metropolitan planning agreement template. The level of detail on responsibility for project identification, prioritization, and implementation was not consistent in all agreements. ODOT started the process to update the metropolitan planning agreements template and plans to execute the updated agreements for all Oregon MPOs by May 27, 2018.</p> <p>FHWA and FTA also reviewed by-laws and charters for the Area Commissions on Transportation (ACTs) to evaluate ACT/MPO coordination during project selection and prioritization in the urbanized area. There were inconsistencies in the documentation on the process and roles and responsibilities. We recommend metropolitan planning agreements include language on ACT/MPO coordination during project selection and prioritization to ensure the role of the MPO is maintained and the relationship between the MPOs and ACTs is transparent and, to the extent possible, consistent across the state.</p>	<p>Recommendation:</p> <p>To ensure ODOT, MPO, and providers of public transportation agree upon their roles and responsibilities for successfully implementing performance-based planning and programming processes, we recommend ODOT lead the collaborative effort to update and execute metropolitan planning agreements to meet the requirement of 23 CFR 450.314 for all Oregon MPOs by the phase-in date of May 27, 2018. The specific performance-based provisions must include safety performance measure process by May 27, 2018, and system performance, bridge, and pavement performance measures by May 20, 2019. These agreements should clearly define: key terms; the roles and responsibilities of the MPOs; and, their coordination with ACTs during project prioritization and selection processes.</p>

Table 1: 2018 Oregon Statewide Planning Finding Summary

Topic Area	Observations	Compliance Action or Recommendation
<p>5. Performance-Based Planning and Programming Implementation</p> <p>As outlined in 23 CFR 490 and 924, performance-based planning and programming (PBPP) refers to the application of performance management within the planning and programming processes of transportation agencies to achieve desired performance outcomes for the multimodal transportation system. PBPP attempts to ensure that transportation investment decisions are made – both in long-term planning and short-term programming of projects – based on their ability to meet established goals. Furthermore, PBPP involves measuring progress toward meeting goals, and using information on past and anticipated future performance trends to inform investment decisions.</p>	<p>The May 27, 2016, final planning rule was published, including the new Federal planning requirements for performance-based planning and programming process.</p> <p>On or after May 27, 2018, States/MPOs may only adopt or amend a STIP/TIP, statewide long-range transportation plan (SLRP)/metropolitan transportation plan (MTP) that has developed in accordance with the new performance-based provisions and requirements.</p> <p>Two years from the effective date of each rule establishing performance measures FHWA and FTA will only approve an updated or amended STIP or TIP document that is based on a transportation planning process that meets the performance-based planning requirements.</p>	<p>Recommendation:</p> <p>To ensure a successful transition to performance-based planning and programming requirements and ensure project delivery continues without interruption, FHWA and FTA recommend ODOT develop a work plan for PBPP implementation, including items such as:</p> <ul style="list-style-type: none"> • Assess the SLRP for PBPP requirements • Assess the STIP for PBPP requirements • Assess the MTPs for PBPP requirements, • Assess TIPs for PBPP requirements, • Assess Metropolitan Planning Agreements PBPP requirements • Track implementation requirements by MPO, • Host coordination meetings and training in areas ODOT or MPOs need additional assistance, and • Other ideas ODOT or MPOs have to implement PBPP.