

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING OR AMENDING ) RESOLUTION NO. 18-4887  
EXISTING PROJECTS TO THE 2018-21 )  
METROPOLITAN TRANSPORTATION ) Introduced by: “Chief Operating Officer  
IMPROVEMENT PROGRAM INVOLVING ONE ) Martha Bennett in concurrence with  
PROJECT REQUIRING A PROGRAMMING ) Council President Tom Hughes”  
ADDITION FOR ODOT (AP18-09-APR) )

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

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2018-21 MTIP via Resolution 17-4817 on July 27, 2017; 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 U.S. Department of Transportation (USDOT) has issued clarified MTIP amendment submission rules and definitions for MTIP formal amendments and administrative modifications that both ODOT and all Oregon MPOs must adhere to which includes that all new projects added to the MTIP must complete the formal amendment process; and

WHEREAS, the Jobs and Transportation Act (JTA) of 2009 provided a \$100 million legislative earmark for the Sunrise Corridor project in Clackamas County; and

WHEREAS, ODOT and Clackamas County built the new Sunrise Corridor, east-west oriented, limited-access highway between Interstate 205 (I-205) and the Rock Creek Junction (where OR 212 and 224 diverge to the east and south) to address serious congestion and safety issues in the OR 212/224 corridor; and

WHEREAS, the approved Final Environmental Impact Statement dated December 10, 2010 for the Sunrise Corridor included a northbound auxiliary lane on I-205 from the Sunrise Expressway north to Sunnybrook Blvd, but was initially removed from the Sunrise Corridor project scope due to budgetary reasons; and

WHEREAS, completion of the Sunrise Corridor was accomplished under budget and additional funds remained to complete the I-205 northbound auxiliary lane project; and

WHEREAS, Preliminary Engineering began on the I-205 northbound auxiliary lane project in 2016; and

WHEREAS, the Oregon Transportation Commission during their March 2018 meeting approved \$6 million of remaining JTA Sunrise Corridor funding for the I-205 northbound auxiliary lane construction phase scheduled to begin by the end of federal fiscal year 2018; and

WHEREAS, the I-205 northbound auxiliary lane project from the Sunrise Expressway north to Sunnybrook Blvd key scope elements will include construction of a retaining wall north of the railroad

bridge, installation of a new sign bridge and other signage, plus widening and paving to accommodate the new lane and shoulders; and

WHEREAS the I-205 northbound auxiliary lane project has met RTP consistency requirements including a verification that the project is included in the current Metro Arterials and Throughways modeling network; and

WHEREAS, the I-205 northbound auxiliary lane project completed additional MTIP review factors included project eligibility/proof of funding, consistency with the RTP financially constrained element, goals and strategies, determination of amendment type, determination of Regional Significance, fiscal constraint verification, and compliance with MPO MTIP federal management responsibilities; and

WHEREAS, the MTIP's financial constraint finding is maintained as proof of funding has been verified; and

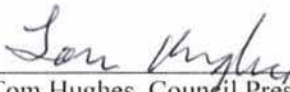
WHEREAS, no negative impacts to air conformity will exist as a result of the changes completed with the addition of the I-205 northbound auxiliary lane project to the MTIP; and

WHEREAS, the I-205 northbound auxiliary lane project successfully completed a required 30-day public notification/opportunity to comment period without any significant issues raised; and


WHEREAS, TPAC received their notification and recommended approval on April 20, 2018 and approved the amendment recommendation to JPACT; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on May 17, 2018 to formally amend the 2018-21 MTIP to include the I-205 northbound auxiliary lane project.

ADOPTED by the Metro Council this 28 day of June 2018.

  
\_\_\_\_\_  
Tom Hughes, Council President

Approved as to Form:

  
\_\_\_\_\_  
Alison R. Kean, Metro Attorney

2018-2021 Metropolitan Transportation Improvement Program  
 Exhibit A to Resolution 18-4887



Proposed April 2018 Formal Amendment Bundle			
Amendment Type: <b>FORMAL, AP18-09-APR</b>			
Total Number of Projects: <b>1</b>			
ODOT Key	Lead Agency	Project Name	Required Changes
Project #1 19721	ODOT	<del>I-205 NB MP 13.3 - Sunnybrook Exit</del> I-205: OR224(Sunrise Expressway) - Sunnybrook Blvd	<p>The purpose of the Sunrise Project is to effectively address the existing congestion and safety problems in the OR 212/224 corridor between its interchange with I-205 and Rock Creek Junction, and to serve the growing demand for regional travel and access to the state highway system.</p> <p>As of 2016, the completed Sunrise Corridor built a new, east-west oriented, limited-access highway between Interstate 205 (I-205) and the Rock Creek Junction (where OR 212 and 224 diverge to the east and south).</p> <p>One segment from the approved FEIS was not completed as a result of budgetary issues. This is the I-205 NB auxiliary lane project from the Sunrise Expressway north to Sunnybrook Blvd which is now identified by ODOT Key 19721.</p> <p>Key 19721 began the Preliminary Engineering phase for the auxiliary lane project in 2016. This amendment now adds the construction phase to the project with \$6 million of remaining JTA funding to be obligated by the end of FFY 2018.</p> <p>The proposed I-205 NB auxiliary lane will be between the Sunrise Expressway and Sunnybrook Blvd. Key scope components include:</p> <ul style="list-style-type: none"> <li>- Construction of a retaining wall north of the railroad bridge</li> <li>- Installation of a new sign bridge and other signage</li> <li>- Widening and paving to accommodate the new lane and shoulders.</li> </ul>

Exhibit A to Resolution 18-4887

2018-2021 Metropolitan Transportation Improvement Program Chapter 5 Tables Amendment  
 Action: Amend the MTIP to increase or adjust required funding and scope, or add new projects



PROJECT #1 EXISTING MTIP PROGRAMMING (from the 2015 MTIP)									
ODOT Key	MTIP ID	Lead Agency	Project Name					Project Type	Project Cost
19721	70844	ODOT	I-205 NB MP 13.3 - Sunnybrook Exit					Highway	\$ 1,500,000
Project Description:			Add a northbound auxiliary lane from westbound Sunrise entrance ramp to Sunnybrook exit ramp.						
Existing MTIP Project Fund Programming by Phase									
Fund Type Code	Fund Code	Type	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other	Total
JTA	B4A0	State	2016		\$ 910,000				\$ 910,000
NHPP	Z001	Federal	2016		\$ 529,407				\$ 529,407
State	Match	State	2016		\$ 60,593				\$ 60,593
<b>Total:</b>				\$ -	\$ 1,500,000	\$ -	\$ -	\$ -	\$ 1,500,000
Notes:	1. <b>Red Font</b> = Funding reductions made to the project phase. <b>Blue font</b> = Additions made to the project as part of the amendment. 2. Funding programmed in years before 2018 are considered prior obligated and will be shown in the prior obligated total for the project in the MTIP. They are shown above in their programming years in the shaded fields. The funding is still committed to the project, but is now obligated in a prior year outside of the current 2018 MTIP. The funding in that year is referred to as "prior obligated". 3. JTA = State House Bill 2001 Jobs and Transportation Act Bond Funds 4. State = General state funds committed to the project as the required match to the federal funds 5. NHPP = Federal National Highway Performance Program funds allocated to ODOT								
<b>Amendment Summary</b> Proposed changes are stated on the next page									

**PROJECT #1 PROPOSED AMENDED CHANGES**

ODOT Key	MTIP ID	Lead Agency	Project Name	Project Type	Project Cost
19721	70844	ODOT	<del>I-205NB MP 13.3 Sunnybrook Exit</del> I-205: OR224 (Sunrise Expressway) - Sunnybrook Blvd	Highway	\$ 7,500,000

Project Description: ~~Add a northbound auxiliary lane from westbound Sunrise entrance ramp to Sunnybrook exit ramp.~~  
Construct a northbound auxiliary lane from westbound Sunrise Expressway entrance ramp to Sunnybrook Blvd exit ramp.

**Amended MTIP Fund Programming by Phase**

Fund Code	Note	Type	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other	Total
NHPP-FAST	Z001	Federal	2016		\$ 442,656				\$ 442,656
State	Match	State	2016		\$ 37,344				\$ 37,344
ADVCON	ACPO	Federal	2016		\$ 922,200				\$ 922,200
State	Match	State	2016		\$ 77,800				\$ 77,800
State	S010	State	2016		\$ 20,000				\$ 20,000
ADVCON	ACPO	Federal	2018				\$ 5,383,800		\$ 5,383,800
State	Match	State	2018				\$ 616,200		\$ 616,200
<b>Total:</b>				\$ -	\$ 1,500,000	\$ -	\$ 6,000,000	\$ -	\$ 7,500,000

- Notes:
1. Red Font = Funding reductions made to the project phase. Blue font = Additions made to the project as part of the amendment.
  2. Funding programmed in years before 2018 are considered prior obligated and will be shown in the prior obligated total for the project in the MTIP. They are shown above in their programming years in the shaded fields. The funding is still committed to the project, but is now obligated in a prior year outside of the current 2018 MTIP. The funding in that year is referred to as "prior obligated".
  3. NHPP-FAST = Federal National Highway Performance Program funds under the FAST ACT allocated to ODOT
  4. ADVCON = Federal Advance Construction fund type code. Used as a federal place holder until the specific federal fund type code is determined and committed to the project.
  5. State = General state funds generally used as the required local match requirement against the federal funds.

**Amendment Summary**

This amendment is adding the construction phase to the project. The fund type code used is federal Advance Construction which is used as a fund code placeholder until the final fund type code (source of final phase funding) will be determined which is anticipated to be JTA for the Construction phase with the source of funding originating from the remaining Sunrise Corridor budget. The amendment also corrects the fund codes that were obligated for the PE phase.

# Memo

Date: June 12, 2018  
 To: JPACT and Interested Parties  
 From: Ken Lobeck, Funding Programs Lead, 503-797-1785  
 Subject: April 20, 2018 MTIP Formal Amendment plus Approval Request of Resolution 18-4887

## STAFF REPORT

### BACKGROUND

#### What this is:

The April 20 2018 Formal Metropolitan Transportation Improvement Program (MTIP) Amendment is the second formal MTIP amendment submitted during April 2018 and contains one project. The amendment request is to add the construction phase funding to Key 19721, I-205: OR224 (Sunrise Expressway) – Sunnybrook Blvd.

#### What is the requested action?

**The request is for approval from the Metro Council to enable the construction phase for Key 19721 to be amended correctly into the 2018 MTIP with final approval to occur from USDOT.**

A detailed summary of the project amendment is provided in the below table:

<b>1. Project:</b>	<del>I-205: NB MP13.3 – Sunnybrook Exit</del> <b>I-205: OR224 (Sunrise Expressway) – Sunnybrook Blvd</b>
Lead Agency:	<b>ODOT</b>
ODOT Key Number:	19721
	MTIP ID Number: 70844
Project Description:	<del>Add a northbound auxiliary lane from westbound Sunrise entrance ramp to Sunnybrook exit ramp.</del> <b>Construct a northbound auxiliary lane from westbound Sunrise Expressway entrance ramp to Sunnybrook Blvd exit ramp.</b>
What is changing?	Through this formal amendment, the construction phase consisting of \$6 million dollars is being added to the project in Federal Fiscal Year 2018.
Additional Details:	As of 2010, the OR 212/224 corridor, which forms the main east-west travel route between I-205 and Rock Creek Junction, was experiencing serious congestion and safety problems. Residential and business traffic was severely delayed during peak periods, with travel speeds as low as four miles per hour at several locations along OR 212/224.  Started in 2010 and completed in 2016, ODOT and Clackamas County built the new, east-west oriented, limited-access highway between Interstate 205 (I-205) and the Rock Creek Junction (where OR 212 & 224 diverge to the east and south) now commonly referred to as the Sunrise Corridor. The Jobs and Transportation Act (JTA) of 2009 provided a \$100 million legislative earmark for the Sunrise Corridor project in Clackamas County.  The Final Environmental Impact Statement included the I-205 northbound auxiliary lane project from the junction of the Sunrise Expressway north to Sunnybrook Blvd. However, due to budgetary constraints at the time, the I-205 NB auxiliary lane project was removed as part of the Sunrise Corridor JTA scope.

<p>Additional Details continued:</p>	<p>As the Sunrise Corridor neared completion, the feared budgetary issues did not materialize and additional funding was available to support the I-205 NB auxiliary lane project.</p> <p>ODOT initiated Preliminary Engineering for the I-205 NB auxiliary lane project in 2016. Presently, ODOT is ready to move forward and add the construction phase funding for the project to be obligated before the end of federal fiscal year 2018.</p> <p>Per the approved OTC action, ODOT estimates the construction phase funding cost at \$6 million and is utilizing remaining JTA funding for the project. OTC approval occurred during their March 2018 meeting.</p> <p>The I-205 NB auxiliary lane project will add capacity to I-205 and is labeled as a “capacity enhancing project”. As such, the RTP consistency review requires verification that the project is included in the current financially constrained RTP, and is included in the current transportation model. Both conditions must be met to the satisfaction of FHWA. Per Metro’s review, the I-205 NB auxiliary lane project has been verified to be included in the current constrained RTP and is included in the current Metro Arterials and Throughways modeling network. FHWA has been notified that no potential litigation or liabilities will exist when the construction phase is added to the 2018 MTIP.</p> <p>OTC’s approval satisfies the needed proof of funding requirement as well. All remaining MTIP review conditions to add the construction phase have been satisfactorily met.</p>
<p>Why a Formal amendment is required?</p>	<p>Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized requires a formal amendment.</p> <p>Because PE began in 2016, the project status is “prior obligated” in the 2018 MTIP. Through this formal amendment, the project will be “brought forward” into the active 2018 MTIP and 2018 STIP. From a fiscal constraint viewpoint, the amendment is adding a new project to the active MTIP which requires a formal amendment.</p>
<p>Total Programmed Amount:</p>	<p>Preliminary Engineering programming totals \$1.5 million. The required construction phase funding estimate is \$6 million. As a result of this amendment, the total project programming will increase from \$1.5 million to \$7.5 million.</p>
<p>Added Notes:</p>	<p>OTC approval was required and approval occurred at their March 2018 meeting</p>

Note: The Amendment Matrix shown on the next page is included as a reference the rules and justification for Formal Amendments and Administrative Modifications that the MPOs and ODOT must follow.

**METRO REQUIRED PROJECT AMENDMENT REVIEWS**

In accordance with 23 CFR 450.316-328, Metro is responsible for reviewing and ensuring MTIP amendments comply with all federal programming requirements. Each project and their requested changes are evaluated against multiple MTIP programming review factors that originate from 23 CFR 450.316-328. The programming factors include:

- Verification as required to programmed in the MTIP:
  - Awarded federal funds and is considered a transportation project
  - Identified as a regionally significant project.
  - Identified on and impacts Metro transportation modeling networks.

- Requires any sort of federal approvals which the MTIP is involved.
- Passes fiscal constraint verification:
  - Project eligibility for the use of the funds.
  - Proof and verification of funding commitment.
  - Requires the MPO to establish a documented process proving MTIP programming does not exceed the allocated funding for each year of the four year MTIP and for all funds identified in the MTIP.
- Passes the RTP consistency review:
  - Identified in the current approved constrained RTP either as a stand-alone project or in an approved project grouping bucket.
  - RTP project cost consistent with requested programming amount in the MTIP.
  - If a capacity enhancing project – is identified in the approved Metro modeling network.

ODOT-FTA-FHWA Amendment Matrix	
Type of Change	
<b>FULL AMENDMENTS</b>	
1. Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized	
2. Major change in project scope. Major scope change includes:	<ul style="list-style-type: none"> <li>• Change in project termini - greater than .25 mile in any direction</li> <li>• Changes to the approved environmental footprint</li> <li>• Impacts to AQ conformity</li> <li>• Adding capacity per FHWA Standards</li> <li>• Adding or deleting worktype</li> </ul>
3. Changes in Fiscal Constraint by the following criteria:	<ul style="list-style-type: none"> <li>• FHWA project cost increase/decrease:                             <ul style="list-style-type: none"> <li>• Projects under \$500K – increase/decrease over 50%</li> <li>• Projects \$500K to \$1M – increase/decrease over 30%</li> <li>• Projects \$1M and over – increase/decrease over 20%</li> </ul> </li> <li>• All FTA project changes – increase/decrease over 30%</li> </ul>
4. Adding an emergency relief permanent repair project that involves substantial change in function and location.	
<b>ADMINISTRATIVE/TECHNICAL ADJUSTMENTS</b>	
1. Advancing or Slipping an approved project/phase within the current STIP (if slipping outside current STIP, see Full Amendments #2)	
2. Adding or deleting any phase (except CN) of an approved project below Full Amendment #3	
3. Combining two or more approved projects into one or splitting an approved project into two or more, or splitting part of an approved project to a new one.	
4. Splitting a new project out of an approved program-specific pool of funds (but not reserves for future projects) or adding funds to an existing project from a bucket or reserve if the project was selected through a specific process (i.e. ARTS, Local Bridge...)	
5. Minor technical corrections to make the printed STIP consistent with prior approvals, such as typos or missing data.	
6. Changing name of project due to change in scope, combining or splitting of projects, or to better conform to naming convention. (For major change in scope, see Full Amendments #2)	
7. Adding a temporary emergency repair and relief project that does not involve substantial change in function and location.	

- Satisfies RTP goals and strategies consistency: Meets one or more goals or strategies identified in the current RTP.
- Determined the project is eligible to be added to the MTIP, or can be legally amended as required without violating provisions of 23 CFR450.300-338 either as a formal Amendment or administrative modification:
  - Does not violate supplemental directive guidance from FHWA/FTA’s approved Amendment Matrix.
  - Adheres to conditions and limitation for completing technical corrections, administrative modifications, or formal amendments in the MTIP.
  - Is eligible for special programming exceptions periodically negotiated with USDOT as well.
  - Programming determined to be reasonable of phase obligation timing and is consistent with project delivery schedule timing.
- MPO responsibilities completion:
  - Completion of the required 30 day Public Notification period:
  - Project monitoring, fund obligations, and expenditure of allocated funds in a timely fashion.
  - Acting on behalf of USDOT to provide the required forum and complete necessary discussions of proposed transportation improvements/strategies throughout the MPO.

**APPROVAL STEPS AND TIMING**

Metro’s approval process for formal amendment includes multiple steps. The required approvals for the April 20, 2018 Formal MTIP amendment will include the following:

- | <u>Action</u>   | <u>Target Date</u> |
|---|--------------------|
| ● Initiate the required 30-day public notification process..... | April 17, 2018     |



- TPAC notification and approval recommendation..... April 20, 2018
- Completion of public notification process..... May 16 , 2018
- JPACT approval and recommendation to Council..... June 21, 2018
- **Metro Council approval..... June 28, 2018\***

\*Note: If any significant public comments are received that are deemed necessary for review by JPACT, the impacted projects or complete amendment will be pulled from the Metro Council agenda and returned to JPACT for their review and direction.

USDOT Approval Steps:

<u>Action</u>	<u>Target Date</u>
• Metro development of amendment narrative package .....	July 2, 2018
• Amendment bundle submission to ODOT for review.....	July 2, 2018
• Submission of the final amendment package to USDOT .....	July 9, 2018
• ODOT clarification and approval.....	Mid July , 2018
• USDOT clarification and final amendment approval.....	End of July 2018

**ANALYSIS/INFORMATION**

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:** Amends the 2018-2021 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 17-4817 on July 27, 2017 (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. **Metro Budget Impacts:** None to Metro

**RECOMMENDED ACTION:**

JPACT recommends the approval of Resolution 18-4887.

- *JPACT Approval on June 21, 2018*
- *TPAC approval on April 20, 2018*

Attachment: Project Location Maps and OTC Staff Report copies