

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>

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<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>

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<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).

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		<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.

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<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>

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<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.