

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING OR ) RESOLUTION NO. 19-4983  
AMENDING EXISTING PROJECTS TO THE )  
2018-21 METROPOLITAN TRANSPORTATION ) Introduced by: Chief Operating Officer  
IMPROVEMENT PROGRAM INVOLVING ONE ) Martha Bennett in concurrence with  
PROJECT IMPACTING SMART (AP19-08-APR) ) Council President Lynn Peterson

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 South Metro Area Regional Transit Agency (SMART) in Wilsonville received a \$320,000 Federal Transit Agency (FTA) discretionary grant under the 2016 FTA Section 5339(b) Bus and Bus Facilities program grant for the purchase of a new replacement bus; and

WHEREAS, FTA's 5339(b) Bus and Bus Facilities Program is a discretionary funding program with the purpose to improve the condition of the nation's public transportation bus fleets, expand transportation access to employment, educational, and healthcare facilities, and to improve mobility options in rural and urban areas throughout the country; and

WHEREAS, the 5339(b) funding award will enable SMART to purchase one replacement 30-foot low-floor, American Disabilities Act compliant diesel bus which will replace a high-floor bus which will provide improved accessibility for SMART ridership; and

WHEREAS, SMART is matching the \$320,000 5339(b) grant award with \$130,000 of their local funds as the project match resulting in a total project cost of \$450,000; and

WHEREAS, all amended projects were evaluated against seven revised MTIP review factors to ensure all requested changes and additions can be accomplished legally through the MTIP amendment process; and

WHEREAS, the MTIP review factors included project eligibility/proof of funding, RTP consistency with the financially constrained element, consistency with RTP goals and strategies, determination of amendment type, inclusion in the Metro transportation regional models, 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 all projects proof of funding has been verified; and

WHEREAS, no negative impacts to air conformity will exist as a result of the changes completed through the April 2019 Formal MTIP Amendment; and

WHEREAS, all projects included in the April 2019 Formal MTIP Amendment 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 5, 2019 and approved the amendment approval recommendation to JPACT; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on April 18, 2019 to formally amend the 2018-21 MTIP to include the April 2019 Formal Amendment bundle consisting of one project.

ADOPTED by the Metro Council this 2<sup>nd</sup> day of May 2019.

  
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Lynn Peterson, Council President

Approved as to Form:

  
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Nathan A.S. Sykes, Acting Metro Attorney

2018-2021 Metropolitan Transportation Improvement Program  
 Exhibit A to Resolution 19-4983



Proposed March 2019 Formal Amendment Bundle  
 Amendment Type: **Formal/Full**  
 Amendment #: **AP19--08-APR**  
 Total Number of Projects: 1

ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
New TBD	New TBD	SMART	FY 2016 Bus Replacement (SMART)	FTA 5339(b) 2016 Discretionary Funding Award, D2016-BUSP-042, procurement of one low-floor 30-foot replacement bus	<b>ADD NEW PROJECT:</b> The formal amendment adds SMART's discretionary FTA 5339(b) grant award to the MTIP enabling them to move forward and receive their grant funds to purchase 1 replacement 30-foot low-floor, ADA compliant, diesel bus



**Metro**  
**2018-21 Metropolitan Transportation Improvement Program (MTIP)**  
**Exhibit A to Resolution 19-4983**  
**PROJECT AMENDMENT DETAIL WORKSHEET**

**Formal Amendment**  
**New Project**  
**Initial Programming**

<b>Lead Agency:</b> SMART		Project Type:	Transit		<b>ODOT Key:</b>	<b>New</b>
<b>Project Name:</b> <del>Purchase 1 Replacement 30 ft Low-Floor Diesel Bus (SMART)</del> <b>(FY 2016 Bus Replacement (SMART))</b>		ODOT Type	Bike/Ped		<b>MTIP ID:</b>	<b>New</b>
		Capacity Enhancing:	No		<b>Status:</b>	<b>T22</b>
		Conformity Exempt:	Yes		RTP ID:	11107
		On State Hwy Sys:	No		RFFA ID:	N/A
		Mile Post Begin:	N/A		RFFA Cycle:	N/A
		Mile Post End:	N/A		UPWP:	No
		Length:	N/A		UPWP Cycle:	N/A
		1st Year Program'd:	2019		Past Amend:	0
		Years Active:	1		OTC Approve:	No
	<b>Short Description:</b> FTA 5339(b) 2016 Discretionary Funding Award , D2016-BUSP-042, procurement of one low-floor 30-foot replacement bus					
<b>Project Status:</b> T22 = Programming actions in progress or programmed in current MTIP						

**Detailed Description:** In the city of Wilsonville area for SMART in the southern Metro MPO region, procure one low-floor 30-foot replacement bus per FTA 5339(b) 2016 Discretionary Funding Award, D2016-BUSP-042

**STIP Description:** TBD

**PROJECT FUNDING DETAILS**

Fund Type Code	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other (Transit)	<b>Total</b>
<b>Federal Funds</b>								
5339(b)	TBD	2019					\$ 320,000	\$ 320,000
							\$	-
							<b>Federal Total:</b>	<b>\$ 320,000</b>
<b>State Funds</b>								
							\$	-
							<b>State Total:</b>	<b>\$ -</b>
<b>Local Funds</b>								
Local	Match	2019					\$ 80,000	\$ 80,000
Other	OTH0	2019					\$ 50,000	\$ 50,000
							<b>Local Total</b>	<b>\$ 130,000</b>
Phase Totals Before Amend:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Phase Totals After Amend:			\$ -	\$ -	\$ -	\$ -	<b>\$ 450,000</b>	<b>\$ 450,000</b>
Year Of Expenditure (YOE):								\$ 450,000

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**Notes and Changes:**

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

**Amendment Summary:**

The formal amendment adds this new project to the 2018 MTIP for SMART. The programming will allow SMART to move forward and receive their grant award to procure one replacement 30-foot diesel bus. Project funding originates from a discretionary award from the FTA 5339(b) Bus and & Bus Facilities Investment Program consisting of \$320,000 of 5339(b) funds. The purpose of the Bus Program is to improve the condition of the nation's public transportation bus fleets, expand transportation access to employment, educational, and healthcare facilities, and to improve mobility options in rural and urban areas throughout the country.

**RTP References:**

> RTP ID: 11109 - Bus Replacements - including Alternative Fuel Vehicles

> RTP Description: Purchase buses to replace those that are out of date, unreliable or inoperable. Replacements buses could include alternative fuel vehicles or autonomous vehicles.

**Fund Codes:**

> 5339(b) = Federal Transit Agency (FTA) discretionary funding program with the purpose to improve the condition of the nation's public transportation bus fleets, expand transportation access to employment, educational, and healthcare facilities, and to improve mobility options in rural and urban areas throughout the country.

> Local = Local agency funds provided by the agency in support of the required match to the federal or state funds.

> Match note: Local match set at standard 20% requirement (\$80,000) with the remaining \$50,000 programmed as overmatch to the project.

**Amendment Review and Development Personnel:**

> Exemption Status: Exempt project per 40 CFR 93.126, Table 2 - Mass Transit, Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet.

> ODOT LAL: Not Applicable.

> Project Manager or Agency Contact: Elli Work

> Metro MTIP Programming Manager: Ken Lobeck.

> ODOT Region 1 STIP Coordinator: Gabriela Garcia

# Memo



Date: Thursday, April 18, 2019  
 To: Metro Council and Interested Parties  
 From: Ken Lobeck, Funding Programs Lead, 503-797-1785  
 Subject: April 2019 MTIP Formal Amendment plus Approval Request of Resolution 19-4983

## STAFF REPORT

FOR THE PURPOSE OF ADDING OR AMENDING EXISTING PROJECTS TO THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM INVOLVING ONE PROJECT IMPACTING SMART (AP19-08-APR)

## BACKGROUND

### What This Is:

The April 2019 Formal Metropolitan Transportation Improvement Program (MTIP) Amendment bundle (for FFY 2019) contains required changes and updates impacting SMART. One project comprises the amendment bundle.

### What is the requested action?

**JPACT recommends Metro Council approval for resolution 19-4983 and then on to USDOT for final approval enabling SMART’s new project to be amended correctly into the 2018 MTIP.**

The summary of the one project is shown in the below table:

Proposed April 2019 Formal Amendment Bundle Amendment Type: <b>Formal/Full</b> Amendment #: <b>AP19-08-APR</b> Total Number of Projects: 1					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
New 21462	New TBD	SMART	FY 2016 Bus Replacement (SMART)	FTA 5339(b) 2016 Discretionary Funding Award, D2016-BUSP-042, procurement of one low-floor, ADA compliant, 30-foot replacement bus	<b>ADD NEW PROJECT:</b> The formal amendment adds SMART's discretionary FTA 5339(b) grant award to the MTIP enabling them to move forward and receive their grant funds to purchase the replacement 30-foot diesel bus

A detailed summary of the SMART’s new project being add to the MTIP is provided in the tables on the following pages.

<b>Project 1: FY 2016 Bus Replacement (SMART) (New Project)</b>			
Lead Agency:	SMART		
ODOT Key Number:	New TBD	MTIP ID Number:	New TBD
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> <li>Proposed improvements: In the city of Wilsonville area for SMART in the southern Metro MPO region, purchase one low-floor, 30-foot, ADA compliant, replacement bus per FTA 5339(b) 2016 Discretionary Funding Award, D2016-BUSP-042</li> <li>Source: New MTIP project</li> <li>Funding: Federal Transit Agency discretionary Section 5339(b) funding award</li> <li>Type: Transit</li> <li>Location: In the city of Wilsonville area for SMART</li> <li>Cross Streets: N/A</li> <li>Mile Post Limits: N/A</li> <li>Bus Type Purchase: Replacement</li> <li>Current Status Code: T22 = Programming actions in progress or programmed in current MTIP</li> <li>STIP Amendment Number: TBD</li> <li>MTIP Amendment Number: AP19-08-APR</li> </ul>		
What is changing?	<p><b>AMENDMENT ACTION: ADD NEW PROJECT</b></p> <p>SMART received a discretionary FTA funding award from the 2016 5339(b) Discretionary program. FTA’s Section 5339(b) Bus and Bus Facilities program purpose is to improve the condition of the nation’s public transportation bus fleets, expand transportation access to employment, educational, and healthcare facilities, and to improve mobility options in rural and urban areas throughout the country.</p> <p>The 5339(b) Discretionary program addresses FTA’s statutory requirement to “consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities”. FTA will prioritize projects that demonstrate how they will address significant repair and maintenance needs, improve the safety of transit systems, deploy connective projects that include advanced technologies to connect bus systems with other networks, and support the creation of ladders of opportunity.</p> <p>From the 2016 5339(b) Discretionary Project call, SMART was awarded 5339(b) funds to purchase 1 replacement 30-foot low-floor, ADA compliant diesel bus. The new vehicle will replace a high-floor bus, which creates accessibility challenges for SMART’s growing number of elderly and disabled riders. SMART is committed to converting our fleet to low-floor buses as replacements occur.</p> <p>The 5339(b) grant award is \$320,000 which SMART is matching with \$130,000 for a total project cost of \$450,000</p> <p>Added note: Subsequent discussions with FTA over the standard project naming convention rules in the STIP and MTIP resulted in a more general name to be used for the project. The revised name is now “FY 2016 Bus Replacement (SMART)”. The project description will provide additional clarifying remarks about the bus purchase.</p>		

Additional Details:	Timing for MTIP programming and approval is urgent to enable sufficient time for SMART to submit their TrAMS transit grant request to FTA for approval to begin expending funds before the end of September 2019. Original grant award occurred on October 12, 2016.				
	<p><b>Federal Register</b> / Vol. 81, No. 197 / Wednesday, October 12, 2016 / Notices <span style="float: right;"><b>70485</b></span></p> <hr/> <p><b>TABLE 1—FY 16 GRANTS FOR BUSES AND BUS FACILITIES COMPETITION PROJECT SELECTIONS—Continued</b></p>				
	State	Recipient	Project ID	Project description	Allocation
NY	New York City Department of Transportation.	D2016-BUSP-038	Construct a combination of bus lanes, stations, refurbished bus stops and transfer points, safety improvements, and transit signal priority and signal timing changes.	4,273,771	Recommended.
OH	Ohio Department of Transportation.	D2016-BUSP-039	Purchase replacement transit vehicles for rural service.	6,691,634	Highly Recommended.
OK	Central Oklahoma Transportation and Parking Authority.	D2016-BUSP-040	Purchase CNG replacement buses.	1,932,000	Highly Recommended.
OK	Oklahoma Department of Transportation.	D2016-BUSP-041	Purchase replacement ADA transit vehicles.	3,590,154	Highly Recommended.
OR	City of Wilsonville—SMART Transit	D2016-BUSP-042	Purchase low-floor 30-foot replacement bus.	320,000	Highly Recommended.
PA	River Valley Transit (Williamsport, AA).	D2016-BUSP-043	Purchase CNG replacement buses.	2,040,000	Highly Recommended.
PA	Southeastern Pennsylvania Transportation Authority (SEPTA).	D2016-BUSP-044	Rehabilitate Wissahickon Transit Center.	4,000,000	Highly Recommended.
PA	Transportation and Motor Buses for Public Use Authority (Altoona, PA).	D2016-BUSP-045	Purchase replacement transit buses.	864,000	Highly Recommended.
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO Amendment Matrix, new projects being added to the MTIP require a formal/full amendment.				
Total Programmed Amount:	The total project programming amount is \$450,000 or which \$320,000 is federal FTA 5339(b)				
Added Notes:	FTA verified the grant award to SMART				

Note: The Amendment Matrix located on the next page is included as a reference for the rules and justifications governing Formal Amendments and Administrative Modifications to the MTIP 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
- 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.

ODOT-FTA-FHWA Amendment Matrix
<b>Type of Change</b>
<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.

**APPROVAL STEPS AND TIMING**

Metro’s approval process for formal amendment includes multiple steps. The required approvals for the February 2019 Formal MTIP amendment will include the following:

<u>Action</u>	<u>Target Date</u>
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- Initiate the required 30-day public notification process..... March 27, 2019
- TPAC notification and approval recommendation..... April 5, 2019
- JPACT approval and recommendation to Council..... April 18, 2019\*

- Completion of public notification process..... April 25, 2019
- Metro Council approval..... May 2, 2019

Notes:

\* If any notable comments are received during the public comment period requiring follow-on discussions, they will be addressed by JPACT.

USDOT Approval Steps:

<u>Action</u>	<u>Target Date</u>
• Metro development of amendment narrative package .....	May 6, 2019
• Amendment bundle submission to ODOT for review.....	May 7, 2019
• Submission of the final amendment package to USDOT.....	May 7, 2019
• ODOT clarification and approval.....	Mid-April, 2019
• USDOT clarification and final amendment approval.....	Late April-early May, 2019

**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 19-4983.**

- JPACT approval date: April 18, 2019
- TPAC approval date: April 5, 2019

No attachments