

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING EXISTING)
ADA COMPLIANCE RELATED PROJECTS TO) THE
2018-21 METROPOLITAN)
TRANSPORTATIONIMPROVEMENT)
PROGRAM WHICH INVOLVES CHANGES TO)
FIVE PROJECTS IMPACTING PORTLAND AND)
ODOT (MA20-12-MAY))

RESOLUTION NO. 20-5102

Introduced by: Chief Operating Officer
Andrew Scott in concurrence with
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, MTIP amendments now must also include assessments for required performance measure compliance, expanded RTP consistency, and strive to meet annual Metro and statewide obligation targets resulting in additional MTIP amendment processing practices and procedures; and

WHEREAS, ODOT reached a settlement agreement with the Association of Centers for Independent Living in March of 2017 that changed practices related to compliance with the Americans with Disabilities Act and established the ADA Program to meet the requirements of the settlement agreement; and

WHEREAS, the city of Portland is adding \$612,503 of local funds to their Downtown I-405 Pedestrian Safety & Operational Improvements project due to the revised costs of the included curbs and ramps and to ensure the project meets all required ADA compliance areas; and

WHEREAS, the Oregon Department of Transportation (ODOT) is adjusting their ADA curb and ramp implementation strategy and focus resulting in the de-programming of the implementation phases for their OR211/OR224/US26/OR8 Curb Ramps project resulting in the funds to be shifted to three new stand-alone child projects which will allow them to be completed and delivered more efficiently; and

WHEREAS, with the Preliminary Engineering phase now complete from their OR211/OR224/US26/OR8 Curb Ramps project, ODOT can move forward to establish the three ADA Curb and Ramp for immediate implementation; and

WHEREAS, out of the three new child projects receiving the transferred funds, two are outside of the MPO programming boundary area with the third located in the Cornelius and Forest Grove areas which is being added as a new child project with a total of \$2.5 million to complete ADA complicated curb and ramp improvements; and

WHEREAS, ODOT's further assessment of the ADA Curb and Ramp program has resulted in program savings enabling the Preliminary Engineering (PE) phase with \$4 million to be programmed for the next year's ADA compliant scoping, design, and cost estimating required improvements which total approximately 795 curb and ramp improvements; and

WHEREAS, through ODOT's review and delivery assessment of their ADA curb and ramps projects, additional savings have arisen enabling their OR141 (Hall Blvd): Scholls Ferry Rd - Hemlock St ADA curbs and ramps project in Beaverton to add \$1.1 million for Right-of Way phase activities; and

WHEREAS, the a review of the proposed project changes has been completed against the current approved Regional Transportation Plan (RTP) to ensure the projects remain consistent with the goals and strategies identified in the RTP with the results confirming that no RTP inconsistencies exist as a result of the project changes from the May 2020 MTIP Formal Amendment; and

WHEREAS, the RTP consistency check areas included financial/fiscal constraint verification, eligibility and proper use of committed funds, an assessment of possible air quality impacts, a deviation assessment from approved regional RTP goals and strategies, a validation that the required changes have little or no impact upon regionally significant projects, and a reconfirmation that the MTIP's financial constraint finding is maintained a result of the May 2020 Formal Amendment; and

WHEREAS, Metro's Transportation Policy and Alternatives Committee (TPAC) received their notification plus amendment summary overview, and recommended approval to Metro's Joint Policy Advisory Committee on Transportation (JPACT) on May 1, 2020; and

WHEREAS, JPACT received their notification and approved Resolution 20-5102 consisting of the May 2020 Formal MTIP Amendment bundle on May 21, 2020 and provided their approval recommendation to Metro Council; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on June 4, 2020 to formally amend the 2018-21 MTIP to include the required changes, advancements, or additions to the four identified projects as part of Resolution 20-5102.

ADOPTED by the Metro Council this 11th day of June 2020.



Lynn Peterson, Council President

Approved as to Form:



Carrie MacLaren, Metro Attorney

2018-2021 Metropolitan Transportation Improvement Program
Exhibit A to Resolution 20-5102



<p align="center">Proposed May 2020 Formal Amendment Bundle Amendment Type: Formal/Full Amendment #: MA20-12-MAY Total Number of Projects: 5</p>					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 18818	70772	Portland	Downtown I-405 Ped Safety & Operational Improvmnts	Design and construct various operational and roadside improvements Design and construct various operational and roadside improvements, including new curb ramps, marked crosswalks, signal upgrades and connectivity improvements.	<u>COST INCREASE</u> The formal amendment adds \$612,503 of local funds from the City of Portland. Unanticipated ADA-related costs have driven up the Construction estimate for this project. Rather than cut scope to meet budget, PBOT has elected to contribute further local funding in order to deliver the full scope of the project.
Project #2 Key 21488	71073	ODOT	OR211/OR224/US26 /OR8 Curb Ramps	Design/construct curb ramps to meet ADA standards and compliance on state highways at various locations in Clackamas and Washington counties (PGB)	<u>DECREASE FUNDING</u> The amendment de-programs the ROW, UR, and Construction phases leaving only PE programmed. Funds are being split off to new child projects including 22116 below and outside of the MPO area.
Project #3 Key 22116 NEW PROJECT	TBD	ODOT	OR8 Curb Ramps (Cornelius & Forest Grove)	Pilot project to construct curb ramps to meet compliance with the Americans with Disabilities Act (ADA) standards. (PGB)	<u>ADD NEW PROJECT</u> The amendment adds the ROW, UR, and construction phases with funding that originates from Key 21488. Key 22116 is a child project to Key 21488 above.
Project #4 Key 22204 NEW PROJECT	TBD	ODOT	Portland Metro & Hood River Curb Ramps	Design curb ramps to meet compliance with the Americans with Disabilities Act (ADA) standards on state highways at various locations throughout Washington, Multnomah, Clackamas and Hood River counties (PE Phase Only)	<u>ADD NEW PROJECT</u> The amendment adds the PE phase to complete project development actions in support of required ADA curb ramp standards. ROW, UR, and Construction phases will be added later and to the 2021-2024 MTIP and STIP.

Project #5 Key 19267 NEW PROJECT	TBD	ODOT	OR141 (Hall Blvd): Scholls Ferry Rd - Hemlock St	Design and right of way activities to upgrade curb ramps in compliance with Americans with Disabilities Act (ADA) standards. Pedestrian push button poles, relocate signal junction boxes, and radar detection upgrades to improve access.	<u>ADD NEW PROJECT</u> The amendment adds the ROW phase to the active FY 2020 fiscal year resulting in the entire prior obligated project (PE only programmed) to now be active again in the 2018-21 MTIP. This will allow the ROW funds to obligate before the end of FY 2020 (September 1, 2020)
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Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

**Formal Amendment
 COST INCREASE**

Lead Agency: Portland		Project Type:	Active Trns	ODOT Key: 18818
Project Name: Downtown I-405 Ped Safety & Operational Improvmnts	1	ODOT Type	BikePed	MTIP ID: 70772
		Performance Meas:	Yes	Status: 5
		Capacity Enhancing:	No	Comp Date: 12/31/2021
		Conformity Exempt:	Yes	RTP ID: 11567
		On State Hwy Sys:	I-405	RFFA ID: N/A
		Mile Post Begin:	2.20	RFFA Cycle: N/A
		Mile Post End:	2.69	UPWP: No
		Length:	0.49	UPWP Cycle: N/A
		1st Year Program'd:	2015	Past Amend:
		Years Active:	6	OTC Approval: Yes
		STIP Amend #: 18-21-3781		MTIP ID: MA20-12-MAY
Detailed Description:				
STIP Description: Design and construct various operational and roadside improvements, including new curb ramps, marked crosswalks, signal upgrades and connectivity improvements.				

PROJECT FUNDING DETAILS								
Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
TIFIA	M040	2016		\$ 587,732				\$ 587,732
State STP	M240	2020					\$ 1,422,220	
ADVCON	ACPO	2020					\$ 1,422,220	\$ 1,422,220
							Federal Totals:	\$ 2,009,952
Federal Fund Obligations:				\$ 587,732	\$ -			Federal Aid ID
EA Number:				PE002696	R9250000			5900(286)
Initial Obligation Date:				8/31/2016	3/9/2018			
State Funds								\$ -
								\$ -
							State Total:	\$ -
State Fund Obligations:								
EA Number:								
Initial Obligation Date:								
Local Funds								
Local	Match	2016		\$ 67,269				\$ 67,269
Other	OTH0	2018			\$ 30,000			\$ 30,000
Local	Match	2020					\$ 162,780	\$ 162,780
Other	OVM	2020					\$ 435,224	
Other	OVM	2020					\$ 1,047,727	\$ 1,047,727
							Local Total	\$ -
Phase Totals Before Amend:			\$ -	\$ 655,001	\$ 30,000	\$ -	\$ 2,020,224	\$ 2,705,225
Phase Totals After Amend:			\$ -	\$ 655,001	\$ 30,000	\$ -	\$ 2,632,727	\$ 3,317,728
							Year Of Expenditure (YOE):	\$ 3,317,728

Notes and Summary of 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 \$612,503 of local funds from the City of Portland. Unanticipated ADA-related costs have driven up the Construction estimate for this project. Rather than cut scope to meet budget, PBOT has elected to contribute further local funding in order to deliver the full scope of the project. It is anticipated that there will be significant savings in PE that will ultimately offset PBOT's present contribution. The project is due to go to PS&E (initial Construction obligation) in May, and the STIP amendment needs to be in process in order for PS&E to be accepted and the project to remain on schedule. The cost change represents a 22.6% increase to the project which is above the 20% threshold for administrative modifications. The cost change requires a formal amendment.

> Will Performance Measurements Apply: Yes

RTP References:

> RTP ID: 11567 - Downtown I-405 Pedestrian Safety and Operational Improvements

> RTP Description: Improve pedestrian and bike access from NW Portland to Central City across I-405. Improves traffic operations for I-405 off-ramp.

> Exemption Status: Project is an exempt, non-capacity type project per 40 CFR 93.126, Table 2 - Bicycle and pedestrian improvements

> UPWP amendment: Not applicable & not required

Fund Codes:

> TIFIA = Federal FY 2915 Redistribution of federal funds to ODOT. The redistribution occurs from other states which do not reach their obligation targets.

> State STP = Federal Surface Transportation Program Funds allocated to ODOT

> ADVCON = Federal Advance Construction placeholder fund type code. ODOT will cover initial phase costs until the final federal fund code is determined and a conversion completed.

> Local = General local funds provided by the lead agency as part of the required match.

> Other = General local funds provided by the lead agency above the required match amount to support phase costs above the federal and match amount programmed.



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

**Formal Amendment
 DECREASE FUNDING**

Lead Agency: ODOT		OR224	Project Type:	Active		ODOT Key: 21488
Project Name: OR211/OR224/US26/OR8 Curb Ramps	2	22.80	ODOT Type	ADAP		MTIP ID: 71073
		23.36	Performance Meas:	Yes		Status: 4
		0.56	Capacity Enhancing:	No		Comp Date: TBD
Project Status: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated).		US26	Conformity Exempt:	Yes		RTP ID: 12095
		22.70	On State Hwy Sys:	OR211		RFFA ID: N/A
		24.94	Mile Post Begin:	11.89		RFFA Cycle: N/A
Short Description: Design/construct curb ramps to meet ADA standards and compliance on state highways at various locations in Clackamas and Washington counties (PGB)		2.24	Mile Post End:	13.42		UPWP: N/A
		OR8	Length:	1.53		UPWP Cycle: N/A
		15.90	1st Year Program'd:	2019		Past Amend: 4
		17.50	Years Active:	2		OTC Approval: Yes
		1.60	STIP Amend #: 18-21-3700			MTIP Amend #: MA20-12-MAY
Detailed Description:						
STIP Description: Design and construct curb ramps to meet compliance with the American with Disabilities ACT (ADA) standards on state highways at various locations in Clackamas and Washington county.						

PROJECT FUNDING DETAILS								
Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
ADVCON	ACPO	2019		\$ 1,590,016				\$ -
ADVCON	ACPO	2019		\$ 1,610,115				\$ 1,610,115
State STP	Z240	2019		\$ 1,590,016				\$ 1,590,016
ADVCON	ACPO	2020			\$ 53,838			\$ -
ADVCON	ACPO	2020				\$ 198,752		\$ -
ADVCON	ACPO	2020					\$ 5,113,713	\$ -
								\$ -
							Federal Totals:	\$ 3,200,131
Federal Fund Obligations:				\$ 1,610,115				Federal Aid ID
EA Number:				PE003144				SA00(292)
Initial Obligation Date:				9/5/2019				
State Funds								
State	Match	2019		\$ 181,984				\$ -
State	Match	2019		\$ 184,285				\$ 184,285
State	Match	2019		\$ 181,984				\$ 181,984
State	Match	2020			\$ 6,162			\$ 6,162
State	Match	2020				\$ 22,748		\$ -
State	Match	2020					\$ 585,287	\$ -
								\$ -
							State Total:	\$ 372,431
State Fund Obligations:								
EA Number:								
Initial Obligation Date:								
Local Funds								
								\$ -
								\$ -
							Local Total:	\$ -
Phase Totals Before Amend:			\$ -	\$ 1,772,000	\$ 60,000	\$ 221,500	\$ 5,699,000	\$ 7,752,500
Phase Totals After Amend:			\$ -	\$ 3,566,400	\$ -	\$ -	\$ -	\$ 3,566,400
							Year Of Expenditure (YOE):	\$ 3,566,400

Notes and Summary of 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 returns the project back to a PE programming status and shifts funds to other projects. ODOT established the ADA Program to meet the requirements of the settlement agreement, allocating \$37M in 2018-2021 STIP funding, advancing \$43M from the 2021-2024 STIP, and allocating \$2M in 2019 federal redistribution funding as initial funding for the program.

The funding allocated to date has covered the assessment and inventory of all curb ramps on the state highway system; outreach and training to consultants, contractors, local partners, and ODOT staff; creation and maintenance of a program to respond to ADA related complaints; retaining a national ADA expert to serve as ODOT's Accessibility Consultant in partnership with the plaintiffs; updating design and construction standards, and annual reporting to the plaintiffs. The remaining funds allocated to the program have been focused on projects to design and construct curb ramps. K21488 is one such pilot project. Currently, there is uncertainty in the costs for constructing high volume curb ramp only projects.

Key 21488 is a pilot project and envisioned initial work based on simplified ramp delivery and was initiated without sufficient scoping. These added needs have had budget impacts in all phases. In addition to the funding need, it is necessary to create child projects for separate construction packages based on location. This approach will enable the individual construction packages to progress independently of one another, ensuring each package moves forward as quickly as possible and is not delayed by the restrictions/complexities of the other locations.

> Will Performance Measurements Apply: Appears Yes

RTP References:

> RTP IDs: 12095 - Safety & Operations Projects

> RTP Description: Projects to improve safety or operational efficiencies such as pedestrian crossings of arterial roads, railroad crossing repairs, slide and rock fall protections, illumination, signals and signal operations systems, that do not add motor vehicle capacity.

> Air Quality Exemption Status: The project is exempt per 40 CFR 93.126 Table 2 - Projects that reduce or eliminate a safety issue

Fund Codes:

> ADVCON = Federal Advanced Construction funds. ADVCON acts as a temporary placeholder until the specific federal fund is known or available for the project. At that time a fund conversion occurs to change the ADVCON to the correct federal fund code.

> State = General state funds provided by the lead agency as part of the required match or to cover overmatching project costs and needs



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

Formal Amendment
ADD NEW PROJECT
 Initial Programming

Lead Agency: ODOT		Project Type:	ADA	ODOT Key:	22116
Project Name: OR8 Curb Ramps (Cornelius & Forest Grove)	3	ODOT Type	Safety	MTIP ID:	TBD
		Performance Meas:	Yes	Status:	4
Project Status: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated).		Capacity Enhancing:	No	Comp Date:	12/31/2021
Short Description: Pilot project to construct curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards. (PGB)		Conformity Exempt:	Yes	RTP ID:	12095
		On State Hwy Sys:	OR8	RFFA ID:	N/A
		Mile Post Begin:	15.90	RFFA Cycle:	N/A
		Mile Post End:	17.50	UPWP:	N/A
		Length:	1.7	UPWP Cycle:	N/A
		1st Year Program'd:	2020	Past Amend:	4
		Years Active:	0	OTC Approval:	Yes
STIP Amend #: 18-21-3728			MTIP Amend #: MA20-12-MAY		
Detailed Description: Pilot project to construct curb ramps to meet compliance with the ADA standards at four locations on OR8: (1 & 2) Between MP 15.90 to 17.22, (3) MP 17.23 to 17.45, and (4) MP 17.23 to 17.50. Approved project grouping bucket. Child project split from Key 21488.					
STIP Description: Pilot project to construct curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards.					

PROJECT FUNDING DETAILS								
Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
ADVCON	ACPO	2020			\$ 459,418			\$ 459,418
ADVCON	ACPO	2020				\$ 57,427		\$ 57,427
ADVCON	ACPO	2020					\$ 1,776,798	\$ 1,776,798
								\$ -
							Federal Totals:	\$ 2,293,643
Federal Fund Obligations:								Federal Aid ID
EA Number:								
Initial Obligation Date:								
State Funds								
State	Match	2020			\$ 52,582			\$ 52,582
State	Match	2020				\$ 6,573		\$ 6,573
State	Match	2020					\$ 203,362	\$ 203,362
								\$ -
							State Total:	\$ 262,517
State Fund Obligations:								
EA Number:								
Initial Obligation Date:								
Local Funds								
								\$ -
								\$ -
							Local Total	\$ -
Phase Totals Before Amend:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Phase Totals After Amend:			\$ -	\$ -	\$ 512,000	\$ 64,000	\$ 1,980,160	\$ 2,556,160
Year Of Expenditure (YOE):								\$ 2,556,160

Notes and Summary of 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 creates a child project from Key 21488 by splitting off funding from ROW, UR, and construction and committing it to this project to better address ADA compliance requirements

> Will Performance Measurements Apply: Appears Yes

RTP References:

> RTP ID: 12095 - Safety & Operations Projects

> RTP Description: Projects to improve safety or operational efficiencies such as pedestrian crossings of arterial roads, railroad crossing repairs, slide and rock fall protections, illumination, signals and signal operations systems, that do not add motor vehicle capacity.

> Air Quality Exemption Status: The project is exempt per 40 CFR 93.126 Table 2 - Projects that address and resolve a safety issue.

Fund Codes:

> ADVCON = Federal Advanced Construction funds. ADCON acts as a temporary placeholder until the specific federal fund is known or available for the project. At that time a fund conversion occurs to change the ADVCON to the correct federal fund code.

> State = General state funds provided by the lead agency as part of the required match or to cover overmatching project costs and needs



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

Formal Amendment
ADD NEW PROJECT
 Initial Programming

Lead Agency: ODOT		Project Type:	ADA	ODOT Key:	22204	
Project Name: Portland Metro & Hood River Curb Ramps	4	ODOT Type	Safety	MTIP ID:	TBD	
		Performance Meas:	No	Status:	1	
Project Status: 1 = Pre-first phase obligation activities (IGA development, project scoping, scoping refinement, etc.).		Capacity Enhancing:	No	Comp Date:	TBD	
		Conformity Exempt:	Yes	RTP ID:	12095	
Short Description: Design curb ramps to meet compliance with the Americans with Disabilities Act (ADA) standards on state highways at various locations throughout Washington, Multnomah, Clackamas and Hood River counties (PE Phase Only)		On State Hwy Sys:	Various	RFFA ID:	N/A	
		Mile Post Begin:	Various	RFFA Cycle:	N/A	
		Mile Post End:	Various	UPWP:	N/A	
		Length:	N/A	UPWP Cycle:	N/A	
		1st Year Program'd:	2020	Past Amend:	0	
		Years Active:	0	OTC Approval:	Yes	
		STIP Amend #: 18-21-3785		MTIP Amend #: MA20-12-MAY		
		Detailed Description: (None at present)				
STIP Description: Design curb ramps to meet compliance with the Americans with Disabilities Act (ADA) standards on state highways at various locations throughout Washington, Multnomah, Clackamas and Hood River counties.						

PROJECT FUNDING DETAILS								
Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (UtilityRelocation)	Construction	Total
Federal Funds								
ADVCON	ACPO	2020		\$ 3,589,200				\$ 3,589,200
								\$ -
							Federal Totals:	\$ 3,589,200
Federal Fund Obligations:								Federal Aid ID
EA Number:								
Initial Obligation Date:								
State Funds								
State	Match	2020		\$ 410,800				\$ 410,800
								\$ -
							State Total:	\$ 410,800
State Fund Obligations:								
EA Number:								
Initial Obligation Date:								
Local Funds								
								\$ -
								\$ -
							Local Total	\$ -
Phase Totals Before Amend:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Phase Totals After Amend:			\$ -	\$ 4,000,000	\$ -	\$ -	\$ -	\$ 4,000,000
							Year Of Expenditure (YOE):	\$ 4,000,000

Notes and Summary of 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 preliminary engineering for new project K22204. This project serves as the second year of Region 1 settlement ramp projects (the first year being K21488). Approximately 800 ramps will be scoped and a reduced amount will be delivered, using techniques and procedures in place for ramp pilot projects, including a 2-year construction delivery window. Proposed ramp locations are in Hood River, SW Portland/Beaverton/Tigard and SE Portland/Milwaukie. For the project is considered in project development with later implementation funding to be added for ROW, UR and Construction phases through the 2021-2024 STIP and MTIP..

> Will Performance Measurements Apply: Appears No

RTP References:

> RTP IDs: 12095 - Safety & Operations Projects

> RTP Description: Projects to improve safety or operational efficiencies such as pedestrian crossings of arterial roads, railroad crossing repairs, slide and rock fall protections, illumination, signals and signal operations systems, that do not add motor vehicle capacity.

> Air Quality Exemption Status: The project is exempt per 40 CFR 93.126 Table 2 - Elimination of a safety hazard.

Fund Codes:

> ADVCON = Federal Advanced Construction funds. ADVCON acts as a temporary placeholder until the specific federal fund is known or available for the project. At that time a fund conversion occurs to change the ADVCON to the correct federal fund code.

> State = General state funds provided by the lead agency as part of the required match or to cover overmatching project costs and needs



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

Formal Amendment
ADD NEW PROJECT
 (Prior Obligated to Active Status)

Lead Agency: ODOT		Project Type: ADA	ODOT Key: 19267
Project Name: OR141 (Hall Blvd): Scholls Ferry Rd - Hemlock St	5	ODOT Type: Safety	MTIP ID: TBD
		Performance Meas: Yes	Status: 4
Project Status: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated).		Capacity Enhancing: No	Comp Date: 9/15/2022
		Conformity Exempt: Yes	RTP ID: 12095
Short Description: Design and right of way activities to upgrade curb ramps in compliance with Americans with Disabilities Act (ADA) standards. Pedestrian push button poles, relocate signal junction boxes, and radar detection upgrades to improve access.		On State Hwy Sys: OR141	RFFA ID: N/A
		Mile Post Begin: 2.84	RFFA Cycle: N/A
		Mile Post End: 3.84	UPWP: N/A
		Length: 1	UPWP Cycle: N/A
		1st Year Program'd: 2015	Past Amend: 0
		Years Active: 6	OTC Approval: Yes
		STIP Amend #: 18-21-3779	MTIP Amend #: MA20-12-MAY
Detailed Description: In Beaverton on OR141 from Scholls Ferry Rd to Hemlock St (MP 2.84 to 3.84), construct and complete ADA curb and ramp improvements to include pedestrian push button poles, relocate signal junction boxes, and radar detection upgrades to improve access.			
STIP Description: Design and right of way activities to upgrade curb ramps in compliance with Americans with Disabilities Act (ADA) standards. Pedestrian push button poles, relocate signal junction boxes, and radar detection upgrades to improve access.			

PROJECT FUNDING DETAILS								
Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
ADVCON	ACPO	2015		\$ 448,650				\$ 448,650
REDIST	M030	2015		\$ 278,163				\$ 278,163
Redistribution	Z030	2015		\$ 248,289				\$ 248,289
STBG 5-200k	Z231	2015		\$ 191,125				\$ 191,125
ADVCON	ACPO	2020			\$ 1,013,949			\$ 1,013,949
								\$ -
							Federal Totals:	\$ 2,180,176
Federal Fund Obligations:				\$ 1,166,227				Federal Aid ID
EA Number:				PE002488				S141(010)
Initial Obligation Date:				4/9/2015				
State Funds								
State	Match	2015		\$ 51,350				\$ 51,350
State	Match	2015		\$ 31,837				\$ 31,837
State	Match	2015		\$ 28,418				\$ 28,418
State	Match	2015		\$ 21,875				\$ 21,875
State	Match	2020			\$ 116,051			\$ 116,051
								\$ -
							State Total:	\$ 249,531
State Fund Obligations:								
EA Number:								
Initial Obligation Date:								
Local Funds								
								\$ -
								\$ -
							Local Total	\$ -
Phase Totals Before Amend:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Phase Totals After Amend:			\$ -	\$ 1,299,707	\$ 1,130,000	\$ -	\$ -	\$ 2,429,707
Year Of Expenditure (YOE):							\$	2,429,707

Notes and Summary of 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 the Right-of Way (ROW) phase to the project. Because the PE phase obligated back in 2015, the project has been in a "prior obligation" status. Adding the ROW phase to obligate in 2020 "re-activates" the project in the 2018-2021 MTIP and will allow the ROW phase to obligate before the end of fee 2020. The Construction phase funding will be added into the new 2021--24 STIP and MTIP. Construction is scheduled for September 2021.

> Will Performance Measurements Apply: Appears Yes

RTP References:

> RTP IDs 12095 - Safety & Operations Projects

> RTP Description: Projects to improve safety or operational efficiencies such as pedestrian crossings of arterial roads, railroad crossing repairs, slide and rock fall protections, illumination, signals and signal operations systems, that do not add motor vehicle capacity

> Air Quality Exemption Status: The project is exempt per 40 CFR 93.126 Table 2 - Projects that eliminate a safety hazard

Fund Codes:

> ADVCON = Federal Advanced Construction funds. ADVCON acts as a temporary placeholder until the specific federal fund is known or available for the project. At that time a fund conversion occurs to change the ADVCON to the correct federal fund code.

> REDIST & Redistribution = Federal funds collected by FHWA from other states that do not meet their annual obligation targets and re-allocated to other states that meet their obligation targets.

STBG 5-200K = Federal Surface Transportation Block Grant funds designated for areas with populations in the range of 5,000 to 200,000.

> State = General state funds provided by the lead agency as part of the required match or to cover overmatching project costs and needs



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Memo

Date: May 26, 2020
To: Metro Council and Interested Parties
From: Ken Lobeck, Funding Programs Lead, 503-797-1785
Subject: May 2020 MTIP Formal Amendment & Resolution 20-5102 Approval Request

FORMAL AMENDMENT STAFF REPORT

FOR THE PURPOSE OF AMENDING EXISTING ADA COMPLIANCE RELATED PROJECTS TO THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM WHICH INVOLVES CHANGES TO FIVE PROJECTS IMPACTING PORTLAND AND ODOT (MA20-12-MAY)

BACKGROUND

What This Is:

The May 2020 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment which is contained in Resolution 20-5102 and being processed under MTIP Amendment MA20-12-MAY.

What is the requested action?

JPACT approved Resolution 20-5102 on May 21, 2020, and is providing their approval recommendation to Metro Council for Resolution 20-5102 consisting of five projects in the May 2020 Formal Amendment Bundle enabling the projects to be amended correctly into the 2018 MTIP with final approval to occur from USDOT.

Proposed May 2020 Formal Amendment Bundle					
Amendment Type: Formal/Full					
Amendment #: MA20-12-MAY					
Total Number of Projects: 5					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 18818	70772	Portland	Downtown I-405 Ped Safety & Operational Improvmnts	Design and construct various operational and roadside improvements Design and construct various operational and roadside improvements, including new curb ramps, marked crosswalks, signal upgrades and connectivity improvements.	COST INCREASE The formal amendment adds \$612,503 of local funds from the City of Portland. Unanticipated ADA-related costs have driven up the Construction estimate for this project. Rather than cut scope to meet budget, PBOT has elected to contribute further local funding in order to deliver the full scope of the project.

ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #2 Key 21488	71073	ODOT	OR211/OR224/U S26/OR8 Curb Ramps	Design/construct curb ramps to meet ADA standards and compliance on state highways at various locations in Clackamas and Washington counties (PGB)	DECREASE FUNDING The amendment de-programs the ROW, UR, and Construction phases leaving only PE programmed. Funds are being split off to new child projects including 22116 below and outside of the MPO area.
Project #3 Key 22116 NEW PROJECT	TBD	ODOT	OR8 Curb Ramps (Cornelius & Forest Grove)	Pilot project to construct curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards. (PGB)	ADD NEW PROJECT The amendment adds the ROW, UR, and construction phases with funding that originates from Key 21488. Key 22116 is a child project to Key 21488 above.
Project #4 Key 22204 NEW PROJECT	TBD	ODOT	Portland Metro & Hood River Curb Ramps	Design curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards on state highways at various locations throughout Washington, Multnomah, Clackamas and Hood River counties (PE Phase Only)	ADD NEW PROJECT The amendment adds the PE phase to complete project development actions in support of required ADA curb ramp standards. ROW, UR, and Construction phases will be added later and to the 2021-2024 MTIP and STIP.
Project #5 Key 19267 NEW PROJECT	TBD	ODOT	OR141 (Hall Blvd): Scholls Ferry Rd - Hemlock St	Design and right of way activities to upgrade curb ramps in compliance with Americans with Disabilities Act (ADA) standards. Pedestrian push button poles, relocate signal junction boxes, and radar detection upgrades to improve access.	ADD NEW PROJECT The amendment adds the ROW phase to the active FY 2020 fiscal year resulting in the entire prior obligated project (PE only programmed) to now be active again in the 2018-21 MTIP. This will allow the ROW funds to obligate before the end of FY 2020 (September 1, 2020)

A detailed summary of the new proposed amended project is provided below.

Project 1: Downtown I-405 Ped Safety & Operational Improvmnts	
Lead Agency:	Portland
ODOT Key Number:	18818
MTIP ID Number:	70772
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: Design and construct various operational and roadside improvements Design and construct various operational and roadside improvements, including new curb ramps, marked crosswalks, signal upgrades and connectivity improvements. Source: Existing project. Funding: The awarded source of funding for the project is from ODOT Project Type: Active transportation, bike/pedestrian safety improvements Location: In the city of Portland and on I-405 Cross Street Limits: MP 2.20 to MP 2.69 Overall Mile Post Limits: N/A Current Status Code: 5 = (RW) Right-of Way activities initiated including R/W acquisition and/or utilities relocation.

	<ul style="list-style-type: none"> • STIP Amendment Number: 18-21-3781 • MTIP Amendment Number: MA20-12-MAY
What is changing?	<p>AMENDMENT ACTION: COST INCREASE</p> <p>The formal amendment adds \$612,503 of local funding to the project's construction phase to address the added costs to complete ADA standard curb improvements now required as part of the project.</p> <p>Unanticipated ADA-related costs have driven up the Construction estimate for this project. Rather than cut scope to meet budget, PBOT has elected to contribute further local funding in order to deliver the full scope of the project. It is anticipated that there will be significant savings in PE that will ultimately offset PBOT's present contribution.</p>
Additional Details:	The amendment is considered urgent to keep the construction obligation on schedule for a summer obligation date.
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, The added funding represents a 22.6% cost increase to the project which is above the 20% threshold for administrative modifications
Total Programmed Amount:	The project increases from \$2,705,225 to \$3,317,728 with the increase occurring in the Construction phase to address the ADA curb/ramp costs.
Added Notes:	<p>Approval for this cost increase was also required from the Oregon Transportation Commission (OTC). Attachments included for Key 18818:</p> <ul style="list-style-type: none"> • Key 18818 Project Location Map • Key 18818 Vicinity Map • Key 18818 OTC Staff Report

Project 2: OR211/OR224/US26/OR8 Curb Ramps	
Lead Agency:	ODOT
ODOT Key Number:	21488 MTIP ID Number: 71073
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> • Proposed improvements: Design/construct curb ramps to meet ADA standards and compliance on state highways at various locations in Clackamas and Washington counties (PGB) • Source: Existing project. • Funding: The project grouping bucket returns the project back to a PE only funded project with obligated State STP and Advance Construction funding. • Project Type: Active transportation, ADA safety improvements • Location: Various locations on OR8, OR211, OR224, and US26 • Cross Street Limits: N/A • Overall Mile Post Limits: Multiple • Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated).

	<ul style="list-style-type: none"> • STIP Amendment Number: 18-21-3700 • MTIP Amendment Number: MA20-12-MAY
<p>What is changing?</p>	<p>AMENDMENT ACTION: COST DECREASE</p> <p>The formal amendment de-programs the funding from the Right-of-Way (ROW), Utility Relocation (UR), and Construction phase. Key 21488 functions as a project grouping bucket (PGB) and contains multiple improvement site locations on multiple routes. Only the Preliminary Engineering (PE) phase is left with programming.</p> <p>Key 21488 was established as ODOT's response to the ADA suit. It was expected that management of the ADA curb/ramp improvements could occur through the PGB. However, the complexity of the improvements requires a different approach now.</p> <p>ODOT reached a settlement agreement with the Association of Centers for Independent Living in March of 2017. In the agreement, ODOT agreed to change practices related to compliance with the Americans with Disabilities Act. ODOT established the ADA Program to meet the requirements of the settlement agreement, allocating \$37M in 2018-2021 STIP funding, advancing \$43M from the 2021-2024 STIP, and allocating \$2M in 2019 federal redistribution funding as initial funding for the program.</p> <p>The funding allocated to date has covered the assessment and inventory of all curb ramps on the state highway system; outreach and training to consultants, contractors, local partners, and ODOT staff; creation and maintenance of a program to respond to ADA related complaints; retaining a national ADA expert to serve as ODOT's Accessibility Consultant in partnership with the plaintiffs; updating design and construction standards, and annual reporting to the plaintiffs. The remaining funds allocated to the program have been focused on projects to design and construct curb ramps. K21488 is one such pilot project.</p> <p>While ODOT is learning from other states and local agencies on costs for constructing high volume curb ramp only projects, there is uncertainty in what the true costs of these projects will be. With the goal of meeting tight deadlines set by the settlement agreement, the K21488 pilot project envisioned initial work based on simplified ramp delivery and was initiated without sufficient scoping to understand project needs. It included a number of innovative approaches that have changed from initial concept, in some cases resulting in added resource needs such as right-of-way acquisition, survey, railroads, tracking, and ca/cei. These added needs have had budget impacts in all phases.</p>

	In addition to the funding need, it is necessary to create child projects for separate construction packages based on location. This approach will enable the individual construction packages to progress independently of one another, ensuring each package moves forward as quickly as possible and is not delayed by the restrictions/complexities of the other locations.
Additional Details:	Key 21488 de-programming action results in the ROW, UR, and Construction funding being shifted over to three child projects in Keys 22116 (included in this amended bundle), 2212 and 22115. Keys 22112 and 2215 are outside of the Metro MPO boundary area. Therefore no action to the MTIP is required. ODOT will complete required updates to both projects in the STIP.
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, the de-programming and fund shift from Key 21488 acts as a cost decrease to the project. The cost decrease equals \$4,186,100 and represents a 53.9% change to the project which is above the 20% threshold projects with a \$1 million or greater total cost. Additionally, since a key amount of funding is being shifted to two projects outside of the MPO boundary area, the funding change has a fiscal constraint verification requirement as part of the amendment.
Total Programmed Amount:	The total de-programming to Key 21488 decreases from \$7,752,500 to \$3,566,400 with the funding only in the PE phase.
Added Notes:	OTC approval was required as part of this amendment. Included attachments with this project are as follows: <ul style="list-style-type: none"> • Key 21488 OTC Staff Letter • Project Location Maps for child projects

Project 3:	OR8 Curb Ramps (Cornelius & Forest Grove) (New Project)		
Lead Agency:	ODOT		
ODOT Key Number:	22116	MTIP ID Number:	TBD
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> • Proposed improvements: • Pilot project to construct curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards. (PGB) • Source: New project. Child project from Key 21488 • Funding: The project includes funding shifted from Key 21488 and will use the federal Advance Construction fund type code as a placeholder until the final federal funds are determined. • Project Type: ADA/Safety improvements • Location: At multiple site locations on OR8 • Cross Street Limits: Multiple • Overall 4 Mile Post Limits: <ul style="list-style-type: none"> ○ (1 & 2) Between MP 15.90 to 17.22. ○ (3) MP 17.23 to 17.45. 		

	<ul style="list-style-type: none"> ○ (4) MP 17.23 to 17.50. ● Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). ● STIP Amendment Number: 18-21-3728 ● MTIP Amendment Number: MA20-12-MAY
What is changing?	<p>AMENDMENT ACTION: ADD NEW PROJECT</p> <p>The formal amendment adds the new project which is a child project to Key 21488. The PE phase was completed in Key 21488 with the implementation phases here in this project. The project now becomes a stand-alone project in the MTIP and STIP and will address ADA compliance requirements on OR8.</p>
Additional Details:	See the project location maps for Key 21488 for Key 22116.
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, adding a new project to the MTIP requires a formal amendment
Total Programmed Amount:	The total programmed amount is \$2,556,160
Added Notes:	OTC approval was required

Project 4:	Portland Metro & Hood River Curb Ramps (New Project)		
Lead Agency:	ODOT		
ODOT Key Number:	22204	MTIP ID Number:	TBD
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> ● Proposed improvements: Design curb ramps to meet compliance with the Americans with Disabilities ACT (ADA) standards on state highways at various locations throughout Washington, Multnomah, Clackamas and Hood River counties (PE Phase Only). ● Source: New Project – PE phase only. ● Funding: The federal fund type code Advance Construction will be used until the final federal fund type code is determined. ● Project Type: ADA/Safety – curbs and ramp improvements ● Location: Multiple locations planned ● Cross Street Various ● Overall Mile Post Limits: Multiple ● Current Status Code: ● STIP Amendment Number: 18-21-3785 ● MTIP Amendment Number: MA20-12-MAY 		
What is changing?	<p>AMENDMENT ACTION: ADD NEW PROJECT</p> <p>The formal amendment adds the PE phase to the “second year” project related to the ADA settlement. ODOT reached a settlement agreement with the Association of Centers for Independent Living in</p>		

March of 2017. In the agreement, ODOT agreed to change practices related to compliance with the Americans with Disabilities Act. ODOT established the ADA Program to meet the requirements of the settlement agreement, allocating \$37M in 2018-2021 STIP funding, advancing \$43M from the 2021-2024 STIP, and allocating \$2M in 2019 federal redistribution funding as initial funding for the program.

The funding allocated to date has covered the assessment and inventory of all curb ramps on the state highway system; outreach and training to consultants, contractors, local partners, and ODOT staff; creation and maintenance of a program to respond to ADA related complaints; retaining a national ADA expert to serve as ODOT’s Accessibility Consultant in partnership with the plaintiffs; updating design and construction standards, and annual reporting to the plaintiffs. The remaining funds allocated to the program have been focused on projects to design and construct curb ramps. With all of the current ADA Program funds allocated, additional funding is required through 2023 to continue curb ramp construction projects, scope pedestrian activated signals, and support various program-related activities to meet the settlement agreement. Beginning in 2024, the program should be on-cycle with the STIP and funding needs will be identified as part of the regular STIP funding allocation process.

New project K22204 serves as the second year of Region 1 settlement ramp projects (the first year being K21488). Approximately 800 ramps will be scoped and a reduced amount will be delivered, using techniques and procedures in place for ramp pilot projects, including a 2-year construction delivery window. Proposed ramp locations are in Hood River, SW Portland/Beaverton/Tigard and SE Portland/Milwaukie.

Proposed Locations for the Planned Curb/Ramp Improvements

Project Name	Curb Ramps	Project		Project		PE	
		Location	Milepoint	Year	Funding		
		(City)	MP Begin	MP End			
Additional Details:	Region 1	29	141 Hall (Tigard)	3.84	4.97	2020	\$4,000,000
	ADA Curb	18	OR10 BH (Beaverton)	1.15	1.31		
	Ramps 2021	56	30BY Lombard (Portland)	4.75	5.15		
		38	OR8 TV Hwy (Portland/Beaverton)	1.43	1.88		
		148	OR8 TV Hwy				

(Beaverton) 1.96 3.55
217 99E (Milwaukie/Oak 5.71 13.7
Grove/Gladstone/Oregon
City)

	59	99E (Milwaukie/Portland)	5.67	1.5		
	91	Hwy 281 (Hood River)	1.17	0		
	79	Hwy 30 (Hood River)	49.07	64.07		
	60	Hwy 10 (Beaverton)	5.88	7.38		
Total	795					
Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, adding a new project to the MTIP requires a formal amendment					
Total Programmed Amount:	Only PE is being added through this amendment. The total programmed amount is \$4,000,000.					
Added Notes:	OTC approval was required. One attachment is included: OTC Staff Report					

Project 5:	OR141 (Hall Blvd): Scholls Ferry Rd - Hemlock St (New Project)		
Lead Agency:	ODOT		
ODOT Key Number:	22116	MTIP ID Number:	TBD
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: Design and right of way activities to upgrade curb ramps in compliance with Americans with Disabilities Act (ADA) standards. Pedestrian push button poles, relocate signal junction boxes, and radar detection upgrades to improve access. Source: New project. Funding: The project is utilizing savings from other ADA curb and ramp projects to fund the ROW phase Project Type: ADA/Safety improvements Location: In Beaverton on OR 141 (Hall Blvd) Cross Street Limits: Scholls Ferry Rd to Hemlock St Mile Post Limits: MP 2.84 to MP 3.84 (Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). STIP Amendment Number: 18-21-3779 MTIP Amendment Number: MA20-12-MAY 		
What is changing?	<p>AMENDMENT ACTION: ADD NEW PROJECT</p> <p>The formal amendment adds the Right-of-Way (ROW) phase to the project. This moves the project from the “prior obligated” status to an active status project in the 2018 MTIP. The Preliminary Engineering phase initially obligated its phase funding back in 2015. The project has moved forward as a shelf-ready design project.</p> <p>The programming action acts as adding a new project to the MTIP.</p>		
Additional Details:			

Why a Formal amendment is required?	Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, adding a new project to the MTIP requires a formal amendment
Total Programmed Amount:	The programming action adds \$1,130,000 to the ROW phase increasing the total programmed amount from \$1,299,707 to \$2,429,707.
Added Notes:	OTC approval was required

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

ODOT-FTA-FHWA Amendment Matrix
Type of Change
FULL AMENDMENTS
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"> • Change in project termini - greater than .25 mile in any direction • Changes to the approved environmental footprint • Impacts to AQ conformity • Adding capacity per FHWA Standards • Adding or deleting worktype
3. Changes in Fiscal Constraint by the following criteria: <ul style="list-style-type: none"> • FHWA project cost increase/decrease: <ul style="list-style-type: none"> • Projects under \$500K – increase/decrease over 50% • Projects \$500K to \$1M – increase/decrease over 30% • Projects \$1M and over – increase/decrease over 20% • All FTA project changes – increase/decrease over 30%
4. Adding an emergency relief permanent repair project that involves substantial change in function and location.
ADMINISTRATIVE/TECHNICAL ADJUSTMENTS
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.

- 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.
- If not directly identified in the RTP's constrained project list, the project is verified to be part of the MPO's annual Unified Planning Work Program (UPWP) if federally funded and a regionally significant planning study that addresses RTP goals and strategies and/or will contribute or impact RTP performance measure targets.
- 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.
- Reviewed and initially assessed for Performance Measurement impacts to include:
 - Safety
 - Asset Management - Pavement
 - Asset Management – Bridge
 - National Highway System Performance Targets
 - Freight Movement: On Interstate System
 - Congestion Mitigation Air Quality (CMAQ) impacts
 - Transit Asset Management impacts
 - RTP Priority Investment Areas support
 - Climate Change/Greenhouse Gas reduction impacts
 - Congestion Mitigation Reduction impacts
- 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 May 2020 Formal MTIP amendment (MA20-12-MAY) will include the following:

- | <u>Action</u> | <u>Target Date</u> |
|---|----------------------|
| ● Initiate the required 30-day public notification process..... | April 28, 2020 |
| ● TPAC notification and approval recommendation..... | May 1, 2020 |
| ● JPACT approval and recommendation to Council..... | May 21, 2020 |
| ● Completion of public notification process..... | May 27, 2020 |
| ● Metro Council approval..... | June 11, 2020 |

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>
• Amendment bundle submission to ODOT for review.....	June 8, 2020
• Submission of the final amendment package to USDOT.....	June 8, 2020
• ODOT clarification and approval.....	Late June, 2020
• USDOT clarification and final amendment approval.....	Late June, 2020

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 approved Resolution 20-5102 on May 21, 2020, and is providing their approval recommendation to Metro Council for Resolution 20-5102 consisting of five projects in the May 2020 Formal Amendment Bundle enabling the projects to be amended correctly into the 2018 MTIP with final approval to occur from USDOT.

- TPAC approval date: May 1, 2020
- JPACT approval date: May 21, 2020

Attachments:

1. Key 18818 Project Location Map
2. Key 18818 Project location Vicinity Map
3. Key 18818 OTC Staff Letter
4. Key 21488 OTC Staff Letter
5. Key 21488 and Child Location Maps
6. Key 19267 Project Location Maps – Location and Vicinity

STIP PROJECT LOCATION

ODOT REGION 1

ACT: Region 1 ACT

COUNTY: Multnomah

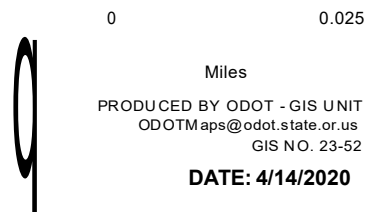
CITY: Portland

DOWNTOWN I-405 PED SAFETY OPERATIONAL IMPROVEMENTS
KEY NO. 18818

STATE HIGHWAY CLASSIFICATION BOUNDARIES

INTERSTATE
STATEWIDE
LOCAL ROADS
PROJECT
LOCATION

ODOT REGION
COUNTY
ACT BOUNDARY
HYDROLOGIC
FEATURES



0 0.025

Miles

PRODUCED BY ODOT - GIS UNIT
ODOTMaps@odot.state.or.us
GIS NO. 23-52

DATE: 4/14/2020

STIP PROJECT VICINITY

ODOT REGION 1



DOWNTOWN I-405 PED SAFETY OPERATIONAL IMPROVEMENTS

KEY NO. 18818

STATE HIGHWAY CLASSIFICATION	I	T	RST
	N	E	ATE

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STATEWIDE
LOCAL ROADS BOUNDARIES
PROJECT
LOCATION

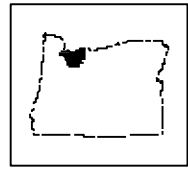
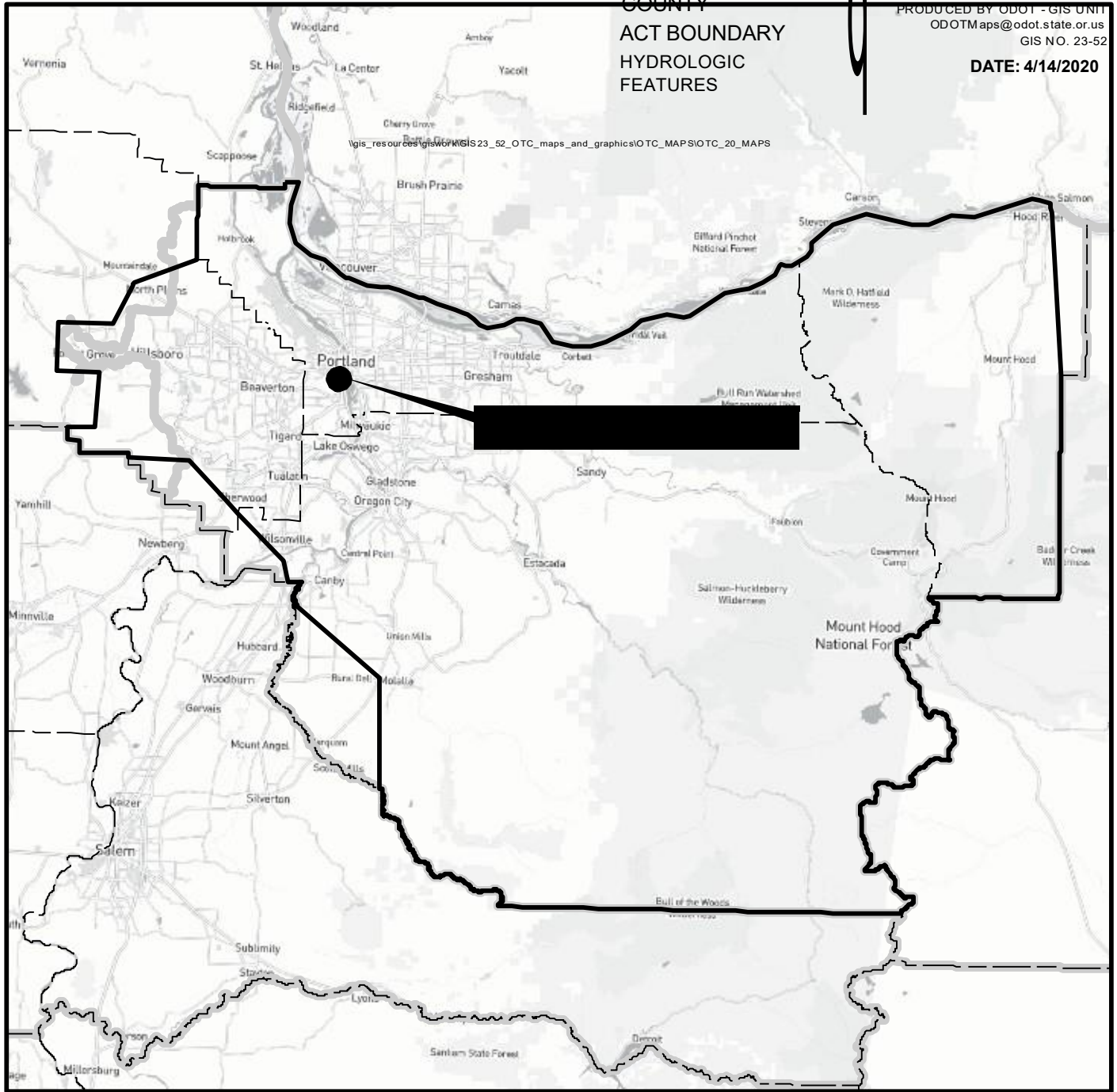
ODOT REGION
COUNTY
ACT BOUNDARY
HYDROLOGIC
FEATURES

0 10

Miles

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ODOTM@odot.state.or.us
GIS NO. 23-52

DATE: 4/14/2020



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Oregon

Kate Brown, Governor

Oregon Transportation Commission

Office of the Director, MS 11

355 Capitol St NE

Salem, OR 97301-3871

DATE: (add the date letter to be signed)

TO: Oregon Transportation Commission

FROM: Kristopher W. Strickler
Director

SUBJECT: **Agenda/Consent XX** – Amend the 2018-2021 Statewide Transportation Improvement Program (STIP) to increase funding for the *Downtown Interstate 405 Pedestrian Safety and Operational Improvements* project.

Requested Action:

Request approval to amend the 2018-2021 Statewide Transportation Improvement Program (STIP) to increase funding for the *Downtown Interstate 405 Pedestrian Safety and Operational Improvements* project by \$612,503. The additional funding is from the City of Portland.

Project to increase funding

Downtown Interstate 405 Pedestrian Safety and Operational Improvements (KN 18818)			
PHASE	YEAR	COST	
		Current	Proposed
Preliminary Engineering	2016	\$655,001	\$655,001
Right of Way	2018	\$30,000	\$30,000
Utility Relocation	N/A	\$0	\$0
Construction	2020	\$2,020,224	\$2,632,727
TOTAL		\$2,705,225	\$3,317,728

Background:

The City of Portland will implement improvements in the downtown core bounded by Southwest Alder Street, Northwest Davis Street, 16th Avenue, and the Northwest Burnside Street and Couch Street ramp. The project includes Americans with Disabilities Act (ADA) ramp improvements at multiple intersections and corners, restriping 14th, 15th, and 16th Avenues, and signal upgrades at 16th Avenue & Burnside Street and 15th Avenue & Couch Street. The project will also close a short one-way on Northwest Couch Street between Northwest 15th & Northwest 16th Avenues in order to construct a pedestrian plaza. A two-way bicycle facility will be striped on Northwest/Southwest 16th Avenue and bicycle signal phases will be added as part of the signal upgrades at 15th Avenue & Couch Street and 16th Avenue & Burnside Street.

City of Portland and Oregon Department of Transportation staff have worked collaboratively to keep the project on schedule, regularly troubleshooting right-of-way ownership and ADA issues to identify

Oregon Transportation Commission

(date letter to be signed)

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the most time-effective and cost-effective path forward. Rather than cutting additional scope, the City has decided to increase funding and deliver the full scope.

Options:

With approval, the project will move forward to Plans, Specifications, & Estimate submittal and bid let by the City of Portland in Fall 2020.

Without approval, the project will be delayed until the City of Portland can gain future approval of a revised amendment or cut scope to fit the approved budget.

Attachments:

- Attachment 1 – Location and Vicinity Maps

Copies to:

Jerri Bohard	Travis Brouwer	Tom Fuller	Bob Gebhardt
Cooper Brown	Mac Lynde	Jeff Flowers	Arlene Santana
Amanda Sandvig	Rian Windsheimer	Tova Peltz	Mandy Putney
Talena Adams	Gabriela Garcia	Sam Hunaidi	Daniel Ramirez-Cornejo

Oregon Transportation Commission
 (date letter to be signed)
 Page 3

COORDINATION SHEET

(If question does not apply to your item, please put N/A)

SUBJECT: Amend the 2018-2021 Statewide Transportation Improvement Program (STIP) to increase funding for the *Downtown Interstate 405 Pedestrian Safety and Operational Improvements* project.

PRODUCT DRAFTER: Daniel Ramirez-Cornejo

PRESENTER(S) and TITLE(S):

AGENDA PLACEMENT:

TIME REQUESTED:

RELATED RULES/STATUTES:

AGENDA MATERIALS:

- Cover letter title: Amend the 2018-2021 Statewide Transportation Improvement Program (STIP) to increase funding for the *Downtown Interstate 405 Pedestrian Safety and Operational Improvements* project.
- Attachment 1-title: KEY_18818_Vic
- Attachment 2-title: KEY_18818_Loc

Required	Position	Name	Date
Always	Division/Deputy Administrator /Region Manager	Rian Windsheimer	4/13/20
When applicable:	Legal Counsel		
For all Highway Items	Active Transportation		

*****All materials must be approved by either a Division Administrator or Region Manager prior to submission to the OTC staff at OTCAAdmin@odot.state.or.us or ODOT_Hwy_OTC_AgendaItems@odot.state.or.us if a Highway related item.*****



Oregon

Kate Brown, Governor

Oregon Transportation Commission

Office of the Director, MS 11

355 Capitol St NE

Salem, OR 97301-3871

DATE: March 31, 2020
TO: Oregon Transportation Commission

FROM: Kristopher W. Strickler
Director

SUBJECT: **Agenda C** – Request approval of allocating federal funds to meet the immediate funding needs of the ADA Program, Bridge Program and Tolling Program.

Requested Action:

Receive an informational update on Federal Funding and request approval of additional funds to meet ADA Legal Settlement Requirements, Federal Bridge Program Requirements and continuing efforts to stand up the Tolling Program.

Background:

Developing the Statewide Transportation Improvement Program (STIP) requires ODOT to estimate federal and state resources that will be available seven years into the future. For example, the Commission approved the STIP funding allocation for 2021-2024 in 2017. This estimation exercise is particularly challenging given that the federal surface transportation authorization act (the FAST Act) expires on September 30, 2020—the day before the new STIP goes into effect. Without an authorization in place that provides some level of certainty around federal funding, ODOT is required to develop an educated guess about how much funding Congress will make available for the 2021-2024 STIP. This uncertainty is heightened by significant ongoing revenue shortfalls in the Highway Trust Fund that will force deep cuts in federal transportation funding if Congress does not transfer additional resources into the trust fund.

ODOT's best estimate of federal funds available through 2024 included a prudent risk mitigation strategy of assuming that federal funding in 2021 through 2024 would fall 10% below the final authorized funding level in 2020. This assumption, which is consistent with Commission practice for recent STIPs, is designed to avoid having to make deep cuts to projects if federal funding does not materialize; previous commissions have had to undertake these cuts and found it unpleasant. This assumption is also consistent with funding patterns seen in recent years. For example, after the expiration of a previous authorization act ODOT's federal funding peaked in 2010, fell 7.5% before reaching a low in 2015, and did not again exceed the 2010 level until 2020.

The Commission agreed to this risk mitigation assumption, with the caveat that the first \$40 million in federal funding that came in over and above the assumed level would go into a Strategic Investments program to enhance the transportation system. Given the uncertainty about whether the program would be funded, the Commission did not develop criteria or a project selection process for the program.

Oregon Transportation Commission

March 31, 2020

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After funding the Strategic Investments program, any federal funding over and above the assumed level would go into Fix-It projects to preserve bridges, pavement, and other assets.

With the FAST Act about to expire and action by Congress on a new authorization by no means certain, ODOT now needs to return to the Commission to discuss how to use any unanticipated federal funds to address key priorities in a climate of deep uncertainty. In addition, the department has received some additional unanticipated federal funds in recent years that need to be allocated. ODOT anticipates working through the allocation of all of these funds over the course of the next several months in a process that will also consider revenue reductions due to the COVID-19 pandemic and other budgetary adjustments.

However, there are some time critical funding needs that require attention this month. As previously discussed with the Commission, additional investment is needed immediately to keep up with the requirements of the legal settlement to meet Americans with Disabilities Act (ADA) requirements and the Federal requirements to conduct routine bridge inspections and load rating analysis of bridges. The funding needs for these two programs are significant and require additional funds at various critical times through 2023.

ADA Legal Settlement

As the Commission is aware, ODOT reached a settlement agreement with the Association of Centers for Independent Living in March of 2017. In the agreement ODOT agreed to change practices related to compliance with the Americans with Disabilities Act.

In response, ODOT established the ADA Program to meet the requirements of the settlement agreement. The Commission previously approved \$37M in the 2018-2021 STIP and advanced \$43M from the 2021-2024 STIP as initial funding for the program. In August 2019, the Commission also approved \$2M in the allocation of 2019 Federal Redistribution funding.

The funding allocated to date has been focused on establishing the ADA Program and working to meet the various requirements of the legal settlement. Examples of some of the efforts to date include: assessment and inventory of all curb ramps on the state highway system; outreach and training to consultants, contractors, local partners, and ODOT staff; creating and maintaining a program to respond to ADA related complaints; retained a national ADA expert to serve as ODOT's Accessibility Consultant, in partnership with the plaintiffs; updated design and construction standards, and annual reporting to the plaintiffs. The remaining funds allocated to the program have been focused on projects to design and construct curb ramps. Initial efforts were focused on leveraging other existing projects to construct or reconstruct curb ramps in close proximity and pilot projects to validate innovative approaches for curb ramp only projects.

The focus now is on projects that will construct a substantial number of curb ramps each year across the state – more than 3,000 curb ramps each year. These curb ramp only projects will pick up intensity this year, with nine projects scheduled to go to construction in June, and more to follow. While ODOT is learning from other states and local agencies on costs for constructing this many curb ramps, there is uncertainty in what the true costs of these projects will be.

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With all of the current ADA Program funds allocated, additional funding is required through 2023 to continue curb ramp construction projects, scope pedestrian activated signals, and support various program-related activities to meet the settlement agreement. Beginning in 2024, the program should be on-cycle with the STIP and funding needs will be identified as part of the regular STIP funding allocation process.

The following table summarizes funding needs and when funds need to be made available through 2023. These estimates reflect the best available information to date on the costs for delivering curb ramps. Based on the projects that go to construction in June 2020, future estimates will be updated to reflect market conditions for this type of work in Oregon.

	Additional Funding Needed By		
	April 2020	October 2020	September 2022
2020 Projects	\$19,000,000		
2021 & 2022 Projects	\$26,200,000	\$45,900,000	
2023 Projects		\$17,500,000	\$30,600,000
Scope Pedestrian Activated Signals	\$4,000,000		
Responding to ADA Comments, Questions, Concerns, Requests		\$2,000,000	\$2,000,000
Continue Training of Contractors & Inspectors		\$2,000,000	
TOTALS	\$49,400,000	\$67,400,000	\$32,600,000

Federal Bridge Program

In early 2019, as part of the overall Project Delivery Improvement effort, ODOT initiated a complete review of the Bridge Program. The review identified several significant issues within the Bridge Program, and steps have already been taken to make the necessary changes. In the spirit of continuous improvement, the review of the Bridge Program is continuing and will likely identify additional changes.

As the Commission is aware, FHWA recently conducted a review of the ODOT National Bridge Inspection Program and produced a finding of non-compliance, requiring three letters of corrective action specific to the inspection program. These are in addition to several previous letters of corrective action for bridge inspections and load ratings.

ODOT takes our stewardship responsibilities seriously and is working aggressively to regain compliance with the Federal requirements. The ODOT Bridge Program provides the statewide oversight, inspection, and load ratings analysis for all bridges open for public use, except for those owned by Federal agencies. Currently, \$21.8M per biennium is allocated to the Bridge Program for

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inspection and load rating purposes, which has not kept up with the requirements. Due to the backlog of bridge inspections and load rating analysis and the historic underinvestment in those areas, it is imperative that additional funding be approved to meet those needs. ODOT staff positions are being temporarily reallocated to these efforts and additional consultant resources will be needed to complete the work and regain compliance with FHWA requirements.

The following table summarizes the estimated funding needs and when funds need to be made available through 2023. Beginning in 2024, the inspection and load rating programs should be on-cycle with the STIP and funding needs will be identified as part of the regular STIP funding allocation process. These estimates reflect the best available information to date on the costs for delivering this work. Based on the increasing amount of effort taken, future estimates will be updated to reflect changes in the approach for conducting this work and real-time market conditions.

	Additional Funding Needed By		
	April 2020	June 2021	June 2023
Load Rating – ODOT Bridges	\$7,138,000	\$6,376,000	\$3,725,000
Load Rating – Local Agency Bridges	\$3,526,000	\$12,384,000	\$3,841,000
Inspection – ODOT Bridges	\$1,998,000	\$11,150,000	\$11,816,000
Inspection – Local Agency Bridges	\$822,000	\$5,016,000	\$5,317,000
TOTALS	\$13,484,000	\$34,926,000	\$24,699,000

The funds identified above will support the FHWA required bridge inspection and load rating analysis needs. Based on the load rating analysis, some bridges will be required to be “posted” to restrict some loads from crossing the structure – specifically special hauling vehicles and large emergency vehicles. None of the funding identified will be available to make improvements to those bridges so they can avoid being “posted”. As the Commission considers how to allocate future funds, a suggestion might be to allocate some funds to bridge strengthening efforts on both state and local bridges, based on critical need.

Tolling Program

Efforts have been underway to stand up the Tolling Program as required by HB 2017. The Commission has allocated \$5.1 million of funding previously for the planning process. An additional \$10 million is needed to support the National Environmental Policy Act (NEPA) preliminary work for I-5 and the NEPA process for I-205, and the procurement of a General Tolling Consultant (GTC). The full funding needed to build an operational tolling program will be much larger, in the \$35 – 50M range, and will be refined in preparations for future discussions and actions with the Commission over the next few months.

ODOT Recommendation

How to allocate the unanticipated federal funds and continue to meet the needs of the ADA, Bridge and Tolling programs, as well as other priority investment areas, will be an on-going dialogue with the

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Commission and with other partners over the next several months. ODOT will refine and update costs estimates over time to better inform the future needs in critical program areas.

Specific to this request, ODOT recommends the approval of the following:

- Approve \$49,400,000 for the ADA Program to continue to meet the requirements of the settlement agreement for 2020 and the development costs for projects in 2021.
- Approve \$13,484,000 for the Bridge Program to continue to meet the requirements for bridge inspection and load ratings through the current biennium.
- Approve \$10,000,000 for additional tolling work.
- Direct ODOT to develop a strategy to fund ADA, Bridge, Tolling and other critical needs such as the Interstate Bridge Replacement Program. The strategy will include the use of the remaining and projected unanticipated federal funds and potential reallocations of existing STIP funds. This strategy will be presented to the Commission over the next few months with a decision anticipated in summer 2020.

Copies to:

Jerri Bohard

Travis Brouwer

Cooper Brown

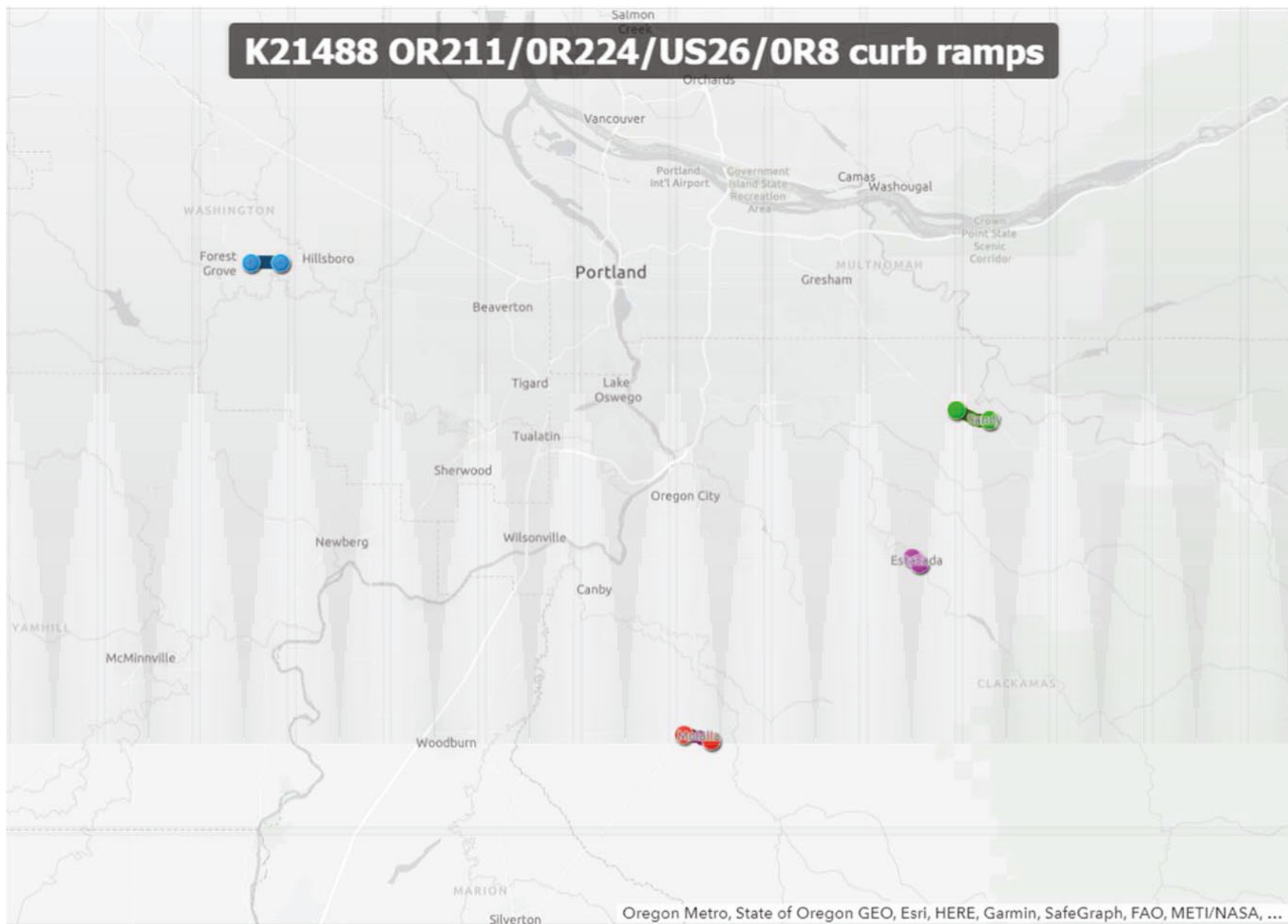
Lindsay Baker

Jess McGraw

Tom Fuller

McGregor Lynde

Attachment 5 – Key 21488 and Child Project Locations



Attachment 5 - Key 21488 and Child Project Locations

K22112 US26 curb ramps (Sandy)



Attachment 5 - Key 21488 and Child Project Locations

K22115 OR211 & OR224 curb ramps (Molalla & Estaca)



Corner Beavercreek

Springwater

FMaday

Carus

ghland

! Eld@

Mullno

Clarke

Elwood

Union Mills

Dryland

Meadowbrook

Colton

Rural Dell



Shady Dell

Attachment 5 - Key 21488 and Child Project Locations

K22115 OR211 (Molalla)

Molalla River



Shady Dell

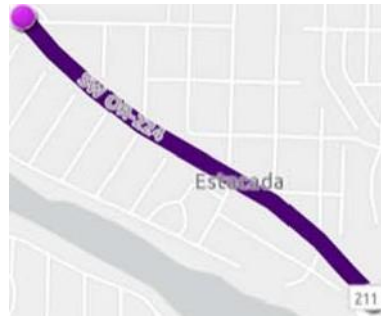
Molalla River

Attachment 5 - Key 21488 and Child Project Locations

K22115 OR224 curb ramps (Estacada)

211

Milo McIver
State Park



Cazadero
Heights
Neighborhood
Park

S Hayden Rd

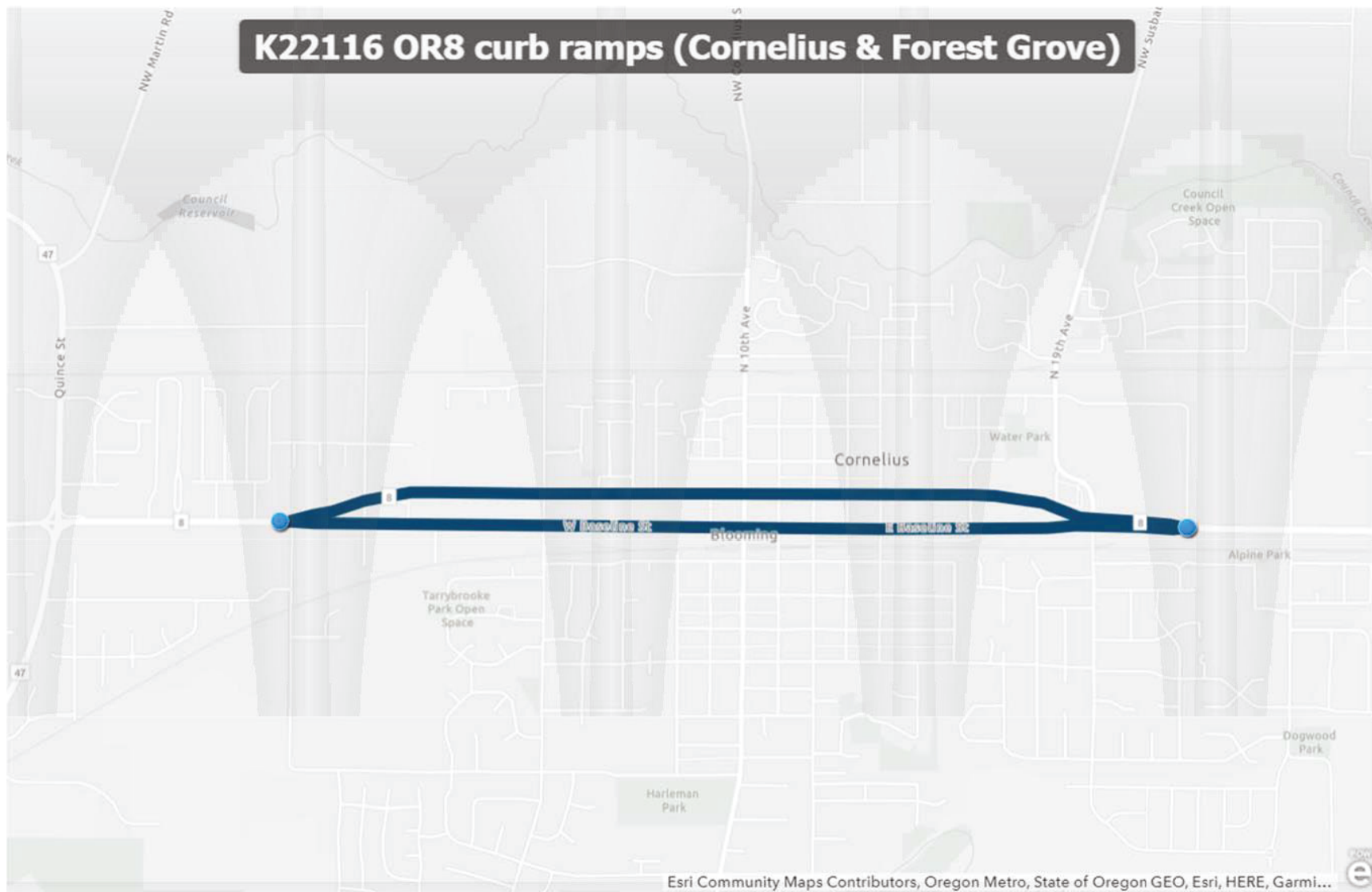
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Spring Creek

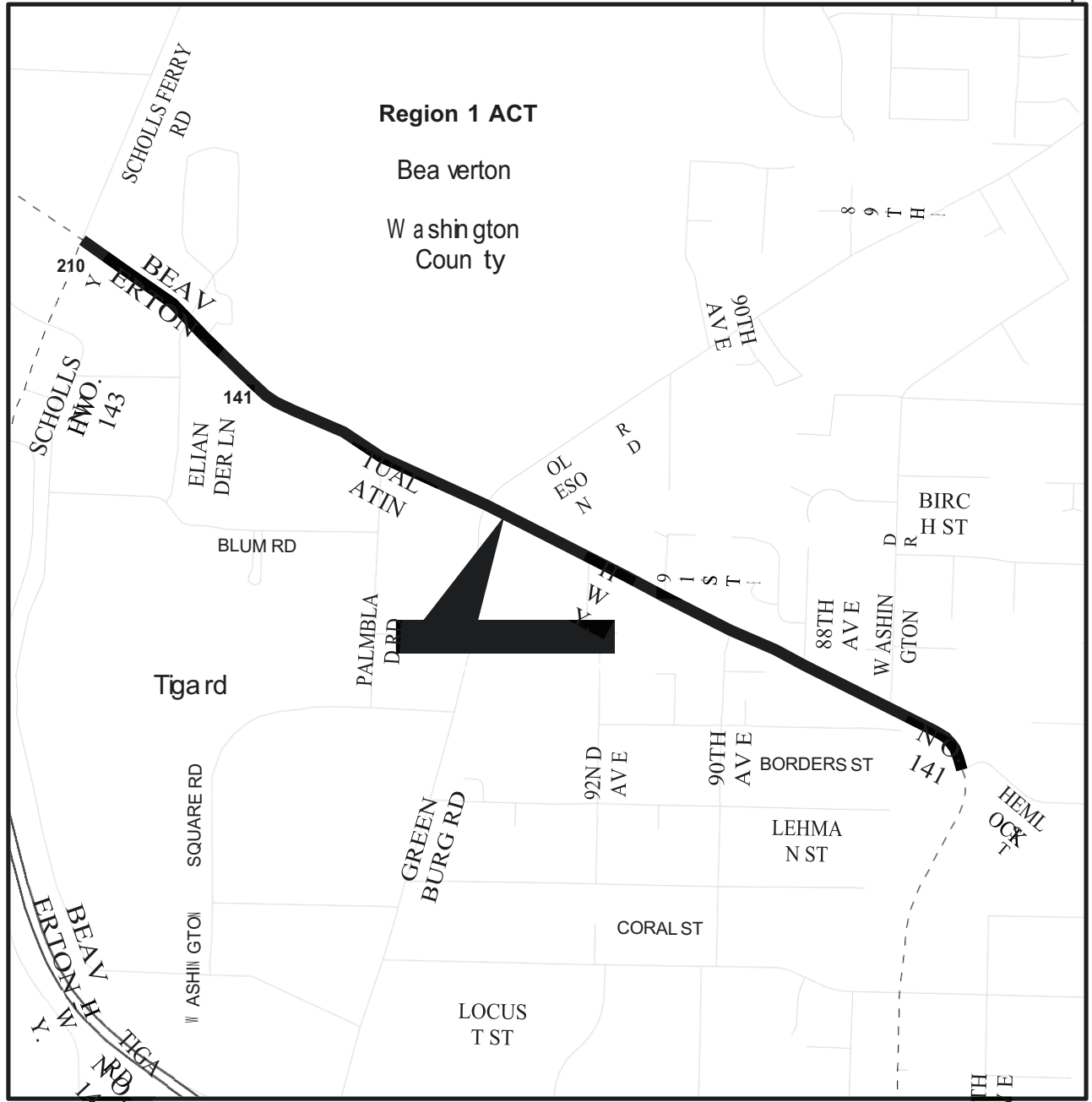
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Attachment 5 – Key 21488 and Child Project Locations



STIP PROJECT LOCATION

ODOT REGION 1



Region 1 ACT

Beaverton

Washington
County

Tigard

ACT BOUNDARY

LEGEND

PROJECT LOCATION

STATE HIGHWAY CLASSIFICATION

- INTERSTATE
- STATEWIDE
- REGIONAL/DISTRICT
- REGIONAL BOUNDARY
- COUNTY BOUNDARY

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FERRY RD - HEMLOCK ST

KEY NUMBER 19267

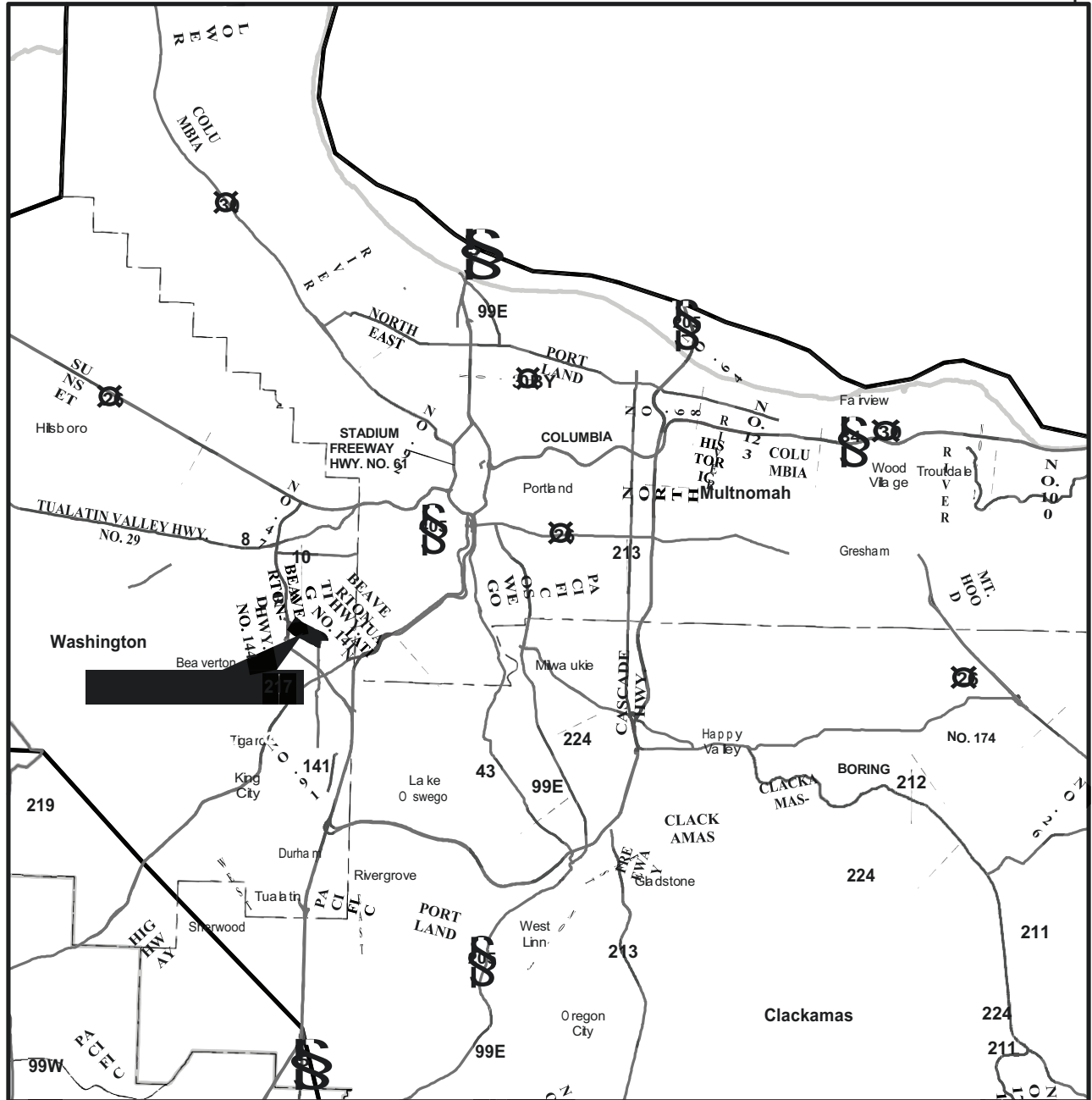


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STIP PROJECT VICINITY

0 DO T REGION 1



Yamhill

Wilsonville

Estacada

LEGEND

- PROJECT LOCATION
- STATE HIGHWAY
- COUNTY BOUNDARY
- STATE BOUNDARY

SR 141 (HALL BLVD) - SCHOOLS FERRY RD - HEMLOCK ST

KEY NO . 19267

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