



Metro
600 NE Grand Ave.
Portland, OR 97232-2736

Council meeting agenda

Thursday, May 11, 2023

10:30 AM

Metro Regional Center, Council chamber,
[https://www.youtube.com/live/0ChRrn6Uvi](https://www.youtube.com/live/0ChRrn6UviM?feature=share)

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<https://zoom.us/j/615079992> Webinar ID:

615 079 992 888-475-4499 (toll free)

This meeting will be held electronically and in person at the Metro Regional Center Council Chamber.

You can join the meeting on your computer or other device by using this link:

[https://www.youtube.com/live/0ChRrn6UviM?feature=share,](https://www.youtube.com/live/0ChRrn6UviM?feature=share)

1. Call to Order and Roll Call

2. Public Communication

*Public comment may be submitted in writing. It will also be heard in person and by electronic communication (video conference or telephone). Written comments should be submitted electronically by emailing legislativecoordinator@oregonmetro.gov. Written comments received by 4:00 p.m. the day before the meeting will be provided to the council prior to the meeting. Those wishing to testify orally are encouraged to sign up in advance by either: (a) contacting the legislative coordinator by phone at 503-813-7591 and providing your name and the agenda item on which you wish to testify; or (b) registering by email by sending your name and the agenda item on which you wish to testify to legislativecoordinator@oregonmetro.gov. Those wishing to testify in person should fill out a blue card found in the back of the Council Chamber. Those requesting to comment virtually during the meeting can do so by joining the meeting using this link: <https://zoom.us/j/615079992> (Webinar ID: 615079992) or 888-475-4499 (toll free) and using the "Raise Hand" feature in Zoom or emailing the legislative coordinator at legislativecoordinator@oregonmetro.gov. Individuals will have three minutes to testify unless otherwise stated at the meeting

3. Consent Agenda

- 3.1 Resolution No. 23-5325, For the Purpose of Amending the
2021-24 MTIP to Add Three New Projects to the MTIP
Allowing Them to Initiate Preliminary Engineering and
Meet Future Federal Delivery Requirements

[RES 23-5325](#)

Attachments: [Resolution 23-5325](#)
[Exhibit A](#)
[Staff Report](#)

4. Resolutions

- 4.1 Resolution 23-5321 For the Purpose of Approving the FY 2023-24 Budget, Setting Property Tax Levies and Transmitting the Approved Budget to the Multnomah County Tax Supervising and Conservation Commission (TSCC) [RES 23-5321](#)

Presenter(s): Marissa Madrigal (she/her/ella), Metro
Brian Kennedy (he/him), Metro

Attachments: [Resolution No. 23-5321](#)
[Exhibit A](#)
[Exhibit B](#)
[Staff Report](#)

- 4.2 Resolution No. 23-5320 For the purpose of adopting solid waste fees at the metro transfer stations and the regional system fee for FY 2023-24 [RES 23-5320](#)

Presenter(s): Brian Kennedy (he/him), Metro
Cinnamon Williams (she/her), Metro

Attachments: [Resolution No. 23-5320](#)
[Exhibit A to Resolution No. 23-5320](#)
[Staff Report](#)
[Attachment 1 to Staff Report](#)
[Attachment 2 to Staff Report](#)
[Attachment 3 to Staff Report](#)
[Attachment 4 to Staff Report](#)

4.2.1 Public Comment Opportunity for Resolution No. 23-5320

- 5. **Chief Operating Officer Communication**
- 6. **Councilor Communication**
- 7. **Adjourn**

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សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានការប្រឹក្សាស្តីពីការរើសអើងសូមទូរស័ព្ទទៅលេខ 503-797-1700 ។ www.oregonmetro.gov/civilrights ។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឱ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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Agenda Item No. 3.1

**Resolution 23-5325 For the Purpose of Amending the 2021-24
MTIP to Add Three New Projects to the MTIP Allowing Them to
Initiate Preliminary Engineering and Meet Future Federal
Delivery Requirements**
Consent Agenda

Metro Council Meeting
Thursday, May 11 2023

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE) RESOLUTION NO. 23-5325
2021-24 MTIP TO ADD TWO NEW)
PROJECTS TO THE MTIP ALLOWING) Introduced by: Chief Operating Officer
THEM TO INITIATE PRELIMINARY) Marissa Madrigal in concurrence with
ENGINEERING AND MEET FUTURE) Council President Lynn Peterson
FEDERAL DELIVERY REQUIREMENTS)

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

WHEREAS, the U.S. Department of Transportation requires federal funding for transportation projects located in a metropolitan area to be programmed in an MTIP; and

WHEREAS, in July 2020, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved Resolution No. 20-5110 to adopt the 2021-24 MTIP; and

WHEREAS, pursuant to the U.S. Department of Transportation’s MTIP amendment submission rules, JPACT and the Metro Council must approve any subsequent amendments to the MTIP to add new projects or substantially modify existing projects; and

WHEREAS, the American Rivers nonprofit secured a \$15 million National Oceanic and Atmospheric Administration Restoring Fish Passage Through Barrier Removal grant that will restore the fish passage connectivity at Kellogg dam at OR99E in the city of Milwaukie; and

WHEREAS, the grant includes the Kellogg dam structure rebuild and bridge replacement over OR99E and is now referred to as the Kellogg Creek Dam Restoration Project; and

WHEREAS, the Kellogg Creek Dam Restoration project consists of multiple partners with key project leadership being provided by American Rivers, city of Milwaukie, and the Oregon Department of Transportation (ODOT); and

WHEREAS, ODOT will be the lead agency to complete the Kellogg Creek dam redesign, structure rebuild, OR99E bridge replacement, and other required needed arterial improvements within the project limits; and

WHEREAS, the estimated total project cost for the Kellogg Creek Dam Restoration project is \$54.9 million, but the current MTIP amendment is adding only the \$15 million to support the Preliminary Engineering phase with later expected secured funds added to the implementation phases in the 2024-27 MTIP and STIP; and

WHEREAS, ODOT has completed their annual review of their capital improvement program and projects in their new draft 2024-27 STIP and determined sufficient funds exist currently in FFY 2023 in the 2021-24 STIP to allow one new project in Region 1 to be advanced forward from the 2024-27 STIP into FFY 2023; and

WHEREAS, ODOT identified the Inner Powell Blvd from I-205 to SE 7th St project to advance the PE phase to start in FFY 2023 allowing construction delivery to occur faster; and

WHEREAS, the Oregon Transportation Commission approved the advancement and funding for the Inner Powell Blvd safety upgrade project s on March 9, 2023; and

WHEREAS, the specific changes to all three projects included in the April 2023 Formal MTIP Amendment bundle are stated in Exhibit A to this resolution; and

WHEREAS, on April 7, 2023, Metro’s Transportation Policy and Alternatives Committee recommended that JPACT approve this resolution; and

WHEREAS, on April 20, 2023, JPACT approved and recommended the Metro Council adopt this resolution; now therefore

BE IT RESOLVED that the Metro Council adopts this resolution to add the two submitted April 2023 Formal MTIP Amendment projects, the Kellogg Creek Dam Restoration project, and the Inner Powell Blvd Safety Enhancements project to the 2021-24 Metropolitan Transportation Improvement Program.

ADOPTED by the Metro Council this ____ day of _____ 2023.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

2021-2024 Metropolitan Transportation Improvement Program
Exhibit A to Resolution 23-5325

April FFY 2023 Formal Transition Amendment Bundle Contents
 Amendment Type: Formal/Full
 Amendment #: AP23-08-APR
 Total Number of Projects: 2

Key Number & MTIP ID	Lead Agency	Project Name	Project Description	Amendment Action
(#1) ODOT Key # 23421 MTIP ID TBD New Project	ODOT	Kellogg Creek Dam Restoration (Clackamas County)	Design activities including NEPA for the removal of Kellogg Creek dam, replacement of OR99E structure and habitat restoration of watershed.	<u>ADD NEW PROJECT:</u> Add the PE phase with a \$15 million NOAA grant in support of the Kellogg Dam Restoration project and OR99E bridge structure replacement
(#2) ODOT Key # 23425 MTIP ID TBD New Project	ODOT	US26: Safety Enhancements at Stone Road (Clackamas County)	At Stone Road, install a traffic separator in the median of the highway to restrict the side street approaches to right-in, right-out, left in. These enhancements will improve safety especially at night.	<u>ADD NEW PROJECT:</u> Advance the 2024-27 STIP project by adding the PE phase to the 2021-24 MTIP. OTC approval was required and occurred on 3/9/2023
(#2) ODOT Key # 23418 MTIP ID TBD New Project	ODOT	Inner Powell Safety Enhancements	The project delivers striping, signage, school zone evaluation to improve pedestrian safety along SE Powell Blvd between SE 7th Ave and I-205.	<u>ADD NEW PROJECT:</u> Advance the 2024-27 STIP project by adding the safety upgrade project to the 2021-24 MTIP. OTC approval was required and occurred on 3/9/2023.

Note:

Per ODOT's 4-25-2023 email request, Key 23425, US26: Safety Enhancements at Stone Road (Clackamas County), is withdrawn from the April FFY 2023 MTIP Formal Amendment bundle under Resolution 23-5325 and is canceled. ODOT has reviewed the funding and determined it will be used to support other projects. Key 23425 will not be added to the 2021-24 MTIP at this time.

Proposed Amendment Review and Approval Steps:

- Tuesday, April 4, 2023: Post amendment & begin 30-day notification/comment period.
- Friday, April 7, 2023: TPAC meeting (Required Metro amendment notification)
- Thursday, April 20, 2023: JPACT meeting.
- Wednesday, May 3, 2023: End 30-day Public Comment period.
- Thursday, May 11, 2023: Metro Council meeting.
- Wednesday, May 18, 2023: Submit MTIP Amendment bundle sent on to ODOT and FHWA for final reviews and approvals.
- Mid-June 2023: Final project amendment approval from FHWA expected.

2021-2026 MTIP Formal Amendment - Exhibit A

April 2023 Formal Amendment for FFY 2023 - Amendment Number AP23-08-APR

Summary Reason for Change: The formal amendment adds the PE phase for the project to the 2021-24 MTIP



**Metro
2021-26 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET**

**MTIP Formal Amendment
ADD NEW PROJECT**
Add the PE phase to this new project to the MTIP

Lead Agency: ODOT		Project Type:	Highway	ODOT Key:	23421
Project Name: Kellogg Creek Dam Restoration (Clackamas County)	1	Fiscal Constraint Cat:	Capital	MTIP ID:	TBD
		ODOT Type	Bridge	Status:	2
Project Status: 2 = Pre-design/project development activities (pre-NEPA) (ITS = ConOps.)		Performance Goal:	Bridge	Comp Date:	12/31/2027
		Capacity Enhancing:	No	RTP ID:	12092
		Conformity Exempt:	Yes	RTP Approval:	12/6/2018
		On CMP:	Yes	Trans Model:	12/6/2018
		30 Day Notice Begin:	4/4/2023	TCM:	No
		30 Day Notice End:	5/3/2023	TSMO Award	No
		Funding Source	NOAA	TSMO Cycle	N/A
		Funding Type:	NOAA	RFFA ID:	N/A
		State Highway Route	OR99E	RFFA Cycle:	N/A
		Mile Post Begin:	Kellogg	UPWP:	No
		Mile Post End:	Dam	UPWP Cycle:	N/A
		Length:	Bridge	Past Amend:	0
		Flex Transfer to FTA	No	Council Appr:	Yes
FTA Conversion Code:	N/A	Council Date:	5/11/2023		
1st Year Program'd:	2023	OTC Approval:	No		
Years Active:	0	OTC Date	N/A		
STIP Amend #: 21-24-3236			MTIP Amnd #: AP23-08-APR		

Detailed Description: In the city of Milwaukie at Kellogg Creek and on OR99E/McLoughlin Blvd at the Kellogg Dam (Bridge #01949), initiate and complete design activities and NEPA requirements for the later removal of Kellogg Creek dam plus replacement of the OR99E structure for the habitat restoration of the watershed.

STIP Description: Design activities including NEPA for the removal of Kellogg Creek dam, replacement of OR99E structure and habitat restoration of watershed.

Last Amendment of Modification: None. This is the initial MTIP programming for the project

PROJECT FUNDING DETAILS

Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
NOAA	OTH0	2023		\$ 15,000,000				\$ 15,000,000
								\$ -
								\$ -
							Federal Totals:	\$ 15,000,000
State Funds								
								\$ -
								\$ -
							State Total:	\$ -
Local Funds								
								\$ -
								\$ -
							Local Total	\$ -
Phase Totals Before Amend:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Phase Totals After Amend:			\$ -	\$ 15,000,000	\$ -	\$ -	\$ -	\$ 15,000,000
Total Project Cost Estimate (all phases):							\$	15,000,000
Year of Expenditure Cost Amount:							\$	54,928,279

Programming Summary Details

Why project is short programmed: The NOAA grant provides \$15 million to complete the PE phase. The preliminary total project cost estimate is \$54.9 million an will be programmed later once full funding is secured in the 2024-27 MTIP.

Phase Change Amount:	\$ -	\$ 15,000,000	\$ -	\$ -	\$ -	\$ 15,000,000
Phase Change Percent:	0%	100%	0%	0%	0%	100%
Revised Match Federal:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Revised Match Percent:	N?A	N/A	N/A	N/A	N/A	0.00%

Phase Obligations and Expenditures Summary

Item	Planning	PE	ROW	UR	Other	
Total Funds Obligated:		\$ -				Federal Aid ID
Federal Funds Obligated:		\$ -				
Initial Obligation Date:		N/A				Other Notes No PE phase obligations have yet occurred
EA Number:		N/A				
EA Start Date:		N/A				
EA End Date:		N/A				
Known Expenditures:		\$ -				

MTIP Programming Consistency Check Details and Glossary

General Areas

1	Phase funding fields: Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.
2	Amendment Purpose: The purpose of an MTIP amendment is normally to add a new project due to required federal review actions involving the MTIP and STIP, or complete required changes to the project (name description, or funding) to meet the project's next federal approval delivery step.
3	This amendment to the MTIP completes what action: The formal MTIP amendment adds the new fish passage restoration project which includes the Kellogg Dam bridge structure replacement. American Rivers obtained the grant which includes a large partnering group that includes the city of Milwaukie. The bridge replacement is on OR99E which is an ODOT facility. So, ODOT will act as lead agency for the transportation component for the bridge replacement.
4	MTIP Programming Submitted Supporting Documentation: STIP Summary Report, STIP Impact Worksheet, project location map, NOAA grant application, NOAA grant award notification, and various Kellogg Dan Restoration overview documents.

Public Notification and Comment Process:	
5A	Was a 30 Public Notification/Opportunity to Comment Period Required? Yes
5B	What were the 30 day Public Notification/Opportunity to Comment Start and end dates? April 4 2023 to May 3 2023
5C	Was the Public Notification/Opportunity to Comment period completed consistent with the Metro Public Participation Plan? Yes
5D	Was the Public Notification/Opportunity to Comment period included on the Metro website allowing email submissions as comments? Yes

5E	Were there a significant amount of comments received requiring a comments log summary provided to Metro Communications Staff? Possible. Any significant comments received will be sent on to Metro's Communication staff for review plus evaluation, and response as needed.
6	Added clarifying notes: Only the PE phase is being added through this formal MTIP amendment.

Fiscal Constraint Consistency Check Areas

1	Will Performance Measurements Apply? Bridge - once implementation phases are added.
2A	Does the amendment include fiscal updates? Yes. The project adds \$15 million of new NOAA based funding to the MTIP.
2B	What is the funding source for the project? NOAA discretionary grant
2C	Was the Proof-of Funding requirement satisfied and how? Project award verification from NOAA
2D	Was overall fiscal constraint demonstrated? Yes.
2E	Added Financial Notes: Per the NOAA grant award, the total awarded funding is \$15,000,000, but only 7,513,180 in the first year can be obligated and expended. The remaining awarded funding can be expended during years 2 and 3 of the grant program.

RTP Consistency Check Areas

1A	RTP ID and Name: ID# 12092 - Bridge Rehabilitation & Repair
1B	RTP Project Description: Projects to repair or rehabilitate bridges, such as painting, joint repair, bridge deck repair, seismic retrofit, etcetera, that do not add motor vehicle capacity.
2A	Is the project exempt per 40 CFR 93.126, Table 2 or 40 CFR 92.127, Table 3? Yes, per 40 CFR 93.126, Table 2
2B	What is the exception category per the regulation: Table 2 - Widening narrow pavements or reconstructing bridges (no additional travel lanes).
3A	Is the project considered capacity enhancing? No. The project is a planning project. It is not capacity enhancing.
3B	If capacity enhancing, did the project complete required transportation demand modeling through the RTP Update or via an RTP amendment? No.
3C	Is Air Quality analysis required? No. The Metro MPA has obtained conformity attainment. Special air quality analysis requirements do not apply
3D	Is an Air Quality analysis approval date required? No. If the project is capacity enhancing, then transportation modeling analysis was completed as part of the RTP update. The RTP approval date 12/6/2018 can be considered the date for the completion of any required transportation demand modeling requirements for projects if they are capacity enhancing.
4	What RTP Goal(s) does the project support? Goal #6 - Healthy Environment Objective 6.1 Biological and Water Resources – Protect fish and wildlife habitat and water resources from the negative impacts of transportation.
5	Does the project require a special performance assessment evaluation as part of the amendment? (applies to capacity enhancing projects, \$100 million or greater, and regionally significant). No. The project is not capacity enhancing nor does it exceed \$100 million dollars in cost.

UPWP Consistency Check Areas

1A	Does the MTIP action also require an UPWP amendment: No. No UPWP amendment is required.
1B	Can the MTIP amendment proceed ahead of the UPWP amendment? Yes.
2	What UPWP category does the project fit under (e.g. Master Agreement, Metro Funded Regionally Significant, or Non-Metro Funded Regionally Significant)? Not applicable

Other Review Areas

1	Is the project location identified on the National Highway System (NHS), and what is its designation? The transportation component is located on OR99E in Milwaukie. OR99E is identified as a "Other NHS Routes" on the NHS system.
2A	Is the project location identified as part of one or more of Metro Modeling Networks, and which one(s)? Yes, see below:
2B	What is the Metro modeling designation? - Motor Vehicle: Major Arterial - Transit: Frequent Bus - Freight: Roadway Connectors - Bicycle: Bicycle Parkway - Pedestrian: Pedestrian Parkway
3	Is the project designated as a Transportation Control Measure (TCM)? No
4	Is the project location identified on a Congestion Management Plan route? Yes

Fund Type Codes References

NOAA	A federal funding source from the National Oceanic and Atmospheric Administration. The NOAA Restoring Fish Passage Through Barrier Removal funding grant program is a discretionary and is 100% federal funds. There is no match requirement
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Fund Codes

Phase	Fund Code	Description	ICA P	Percent of Phase	Total Amount	Federal Percent	Federal Amount	State Percent	State Amount	Local Percent	Local Amount
PE	OTH0	OTHER THAN STATE OR		100.00%	15,000,000.00	100.00%	15,000,000.00	0.00%	0.00	0.00%	0.00
	PE Totals			100.00%	15,000,000.00		15,000,000.00		0.00		0.00
	Grand Totals					15,000,000.00		15,000,000.00		0.00	




Fish Passage Projects Recommended for Funding

NOAA is recommending more than \$87 million in funding for 23 fish passage projects.

NOAA is recommending more than \$87 million funding for 23 projects selected through the [*Restoring Fish Passage through Barrier Removal*](#) funding opportunity.

Oregon

[American Rivers](#)  will design, permit, and begin construction activities for the removal of Kellogg Creek Dam. The dam currently blocks access to 15 miles of high quality habitat in Kellogg Creek, a tributary of the Willamette River. Removing the dam will provide habitat for threatened Lower Columbia River coho, Chinook, and steelhead. (\$7,513,180 in first year; up to \$15,000,000 total over 3 years)


[Wild Salmon Center](#)  will implement nine fish passage projects in four Oregon coastal watersheds. The effort will remove and replace aging culverts, dams, tide gates, and other infrastructure to reopen and reconnect habitat for Southern Oregon/Northern California Coast coho and Oregon Coast coho. (\$3,625,109)



Figure 1. Potential project area overview and location area vicinity map for the Kellogg Restoration Project.

2021-2026 MTIP Formal Amendment - Exhibit A

April 2023 Formal Amendment for FFY 2023 - Amendment Number AP23-08-APR

Summary Reason for Change: The project is being advanced from the 2024-27 STIP to enable the PE phase to start in FFY 2023.



**Metro
2021-26 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET**

**MTIP Formal Amendment
ADD NEW PROJECT**
Add new project to MTIP being advanced by OTC approval

Lead Agency: ODOT		Project Type:	Highway	ODOT Key:	23418
Project Name: Inner Powell Safety Enhancements	2	Fiscal Constraint Cat:	O&M	MTIP ID:	TBD
		ODOT Type	Safety	Status:	3
Project Status: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated).		Performance Goal:	Safety	Comp Date:	12/31/2027
		Capacity Enhancing:	No	RTP ID:	12095
		Conformity Exempt:	Yes	RTP Approval:	12/6/2018
		On CMP:	Yes	Trans Model:	12/6/2018
		30 Day Notice Begin:	4/4/2023	TCM:	No
		30 Day Notice End:	5/3/2023	TSMO Award	No
		Funding Source	ODOT	TSMO Cycle	N/A
		Funding Type:	HB2017	RFFA ID:	N/A
		State Highway Route	US26	RFFA Cycle:	N/A
		Mile Post Begin:	1.10	UPWP:	No
		Mile Post End:	5.73	UPWP Cycle:	N/A
		Length:	4.63	Past Amend:	0
		Flex Transfer to FTA	No	Council Appr:	Yes
		FTA Conversion Code:	N/A	Council Date:	5/11/2023
1st Year Program'd:	2023	OTC Approval:	Yes		
Years Active:	0	OTC Date	3/9/2023		
			STIP Amend #: 21-24-3175	MTIP Amnd #: AP23-08-APR	

Detailed Description: In southern Multnomah County on SE Powell Blvd (US26 from MP 1.10 to MP 5.73) from 7th Ave and I-205, complete safety upgrades including striping, signage, and school zone evaluation to provide increased pedestrian safety

STIP Description: Project delivers striping, signage, school zone evaluation to improve pedestrian safety along SE Powell Blvd between SE 7th Ave and I-205.

Last Amendment of Modification: None. This is the initial programming for the project.

PROJECT FUNDING DETAILS

Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
								\$ -
								\$ -
							Federal Totals:	\$ -
State Funds								
State	S010	2023		\$ 250,000				\$ 250,000
State	S010	2023					\$ 750,000	\$ 750,000
								\$ -
							State Total:	\$ 1,000,000
Local Funds								
								\$ -
								\$ -
							Local Total	\$ -
Phase Totals Before Amend:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Phase Totals After Amend:			\$ -	\$ 250,000	\$ -	\$ -	\$ 750,000	\$ 1,000,000
							Total Project Cost Estimate (all phases):	\$ 1,000,000
							Year of Expenditure Cost Amount:	\$ 1,000,000

Programming Summary Details

Why project is short programmed: The project is not short programmed per the submission documents.

Phase Change Amount:	\$ -	\$ 250,000	\$ -	\$ -	\$ 750,000	\$ 1,000,000
Phase Change Percent:	0%	100%	0%	0%	100%	100%
Revised Match Federal:	N/A	\$ -	\$ -	\$ -	\$ -	\$ -
Revised Match Percent:	N/A	N/A	N/A	N/A	N/A	0.00%

Phase Obligations and Expenditures Summary						
Item	Planning	PE	ROW	Other/UR	Construction	Federal Aid ID
Total Funds Obligated:		\$ -			\$ -	
Federal Funds Obligated:		\$ -			\$ -	
Initial Obligation Date:		N/A			N/A	Other Notes The project is being advanced from the 2024-27 STIP
EA Number:		N/A			N/A	
EA Start Date:		N/A			N/A	
EA End Date:		N/A			N/A	
Known Expenditures:		\$ -			\$ -	

MTIP Programming Consistency Check Details and Glossary

General Areas

1	Phase funding fields: Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.
2	Amendment Purpose: The purpose of an MTIP amendment is normally to add a new project due to required federal review actions involving the MTIP and STIP, or complete required changes to the project (name description, or funding) to meet the project's next federal approval delivery step.
3	This amendment to the MTIP completes what action: The amendment adds the project to the 2021-24 MTIP. The project is currently part of the draft 2024-27 STIP and is being advanced forward to FFY 2023 per OTC approval.
4	MTIP Programming Submitted Supporting Documentation: STIP Summary Report, STIP Impacts Worksheet, project location map, OTC Staff Report item and construction phase cost estimate.

Public Notification and Comment Process:

5A	Was a 30 Public Notification/Opportunity to Comment Period Required? Yes
5B	What were the 30 day Public Notification/Opportunity to Comment Start and end dates? April 4 2023 to May 3 2023.
5C	Was the Public Notification/Opportunity to Comment period completed consistent with the Metro Public Participation Plan? Yes
5D	Was the Public Notification/Opportunity to Comment period included on the Metro website allowing email submissions as comments? Yes
5E	Were there a significant amount of comments received requiring a comments log summary provided to Metro Communications Staff? No. However, any significant comments received are sent on to Metro's Communication staff for review plus evaluation, and response as needed.

6 Added clarifying notes: OTC approval was required to advance the project and approve the funding. OTC approval occurred on March 6, 2023.

Fiscal Constraint Consistency Check Areas

1	Will Performance Measurements Apply? Yes - Safety.
2A	Does the amendment include fiscal updates? Yes. The project adds approved HB2017 funds to the MTIP.
2B	What is the funding source for the project? ODOT HB2017 approved funds.
2C	Was the Proof-of Funding requirement satisfied and how? OTC approval for the total \$1 million for the project.
2D	Was overall fiscal constraint demonstrated? Yes.

RTP Consistency Check Areas

1A	RTP ID and Name: ID# 12095 - Safety & Operations Projects
1B	RTP Project 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.
2A	Is the project exempt per 40 CFR 93.126, Table 2 or 40 CFR 92.127, Table 3? Yes, per 40 CFR 93.126, Table 2
2B	What is the exception category per the regulation: Table 2 - Safety - Projects that correct, improve, or eliminate a hazardous location or feature.
3A	Is the project considered capacity enhancing? No. The project is not capacity enhancing.
3B	If capacity enhancing, did the project complete required transportation demand modeling through the RTP Update or via an RTP amendment? N/A.
3C	Is Air Quality analysis required? No. The Metro MPA has obtained conformity attainment. Special air quality analysis requirements do not apply
3D	Is an Air Quality analysis approval date required? No
4	What RTP Goal(s) does the project support? Goal #5 - Safety and Security Objective 5.1 Transportation Safety – Eliminate fatal and severe injury crashes for all modes of travel.
5	Does the project require a special performance assessment evaluation as part of the amendment? (applies to capacity enhancing projects, \$100 million or greater, and regionally significant). No. The project is not capacity enhancing nor does it exceed \$100 million dollars in cost.

UPWP Consistency Check Areas

1A	Does the MTIP action also require an UPWP amendment: No.
1B	Can the MTIP amendment proceed ahead of the UPWP amendment? Yes.
2	What UPWP category does the project fit under (e.g. Master Agreement, Metro Funded Regionally Significant, or Non-Metro Funded Regionally Significant)? N/A

Other Review Areas

1	Is the project location identified on the National Highway System (NHS), and what is its designation? Yes. US26/Powell Blvd in the project limits is identified as part of the MAP-21 NHS Principal Arterials
2A	Is the project location identified as part of one or more of Metro Modeling Networks, and which one(s)? All of them: - Motor Vehicle: Major Arterial - Transit: Frequent Bus/Enhanced Transit Corridor - Freight: Roadway Connectors - Bicycle: Bicycle Parkway - Pedestrian: Pedestrian Parkway
2B	What is the Metro modeling designation? Not applicable
3	Is the project designated as a Transportation Control Measure (TCM)? No
4	Is the project location identified on a Congestion Management Plan route? Yes

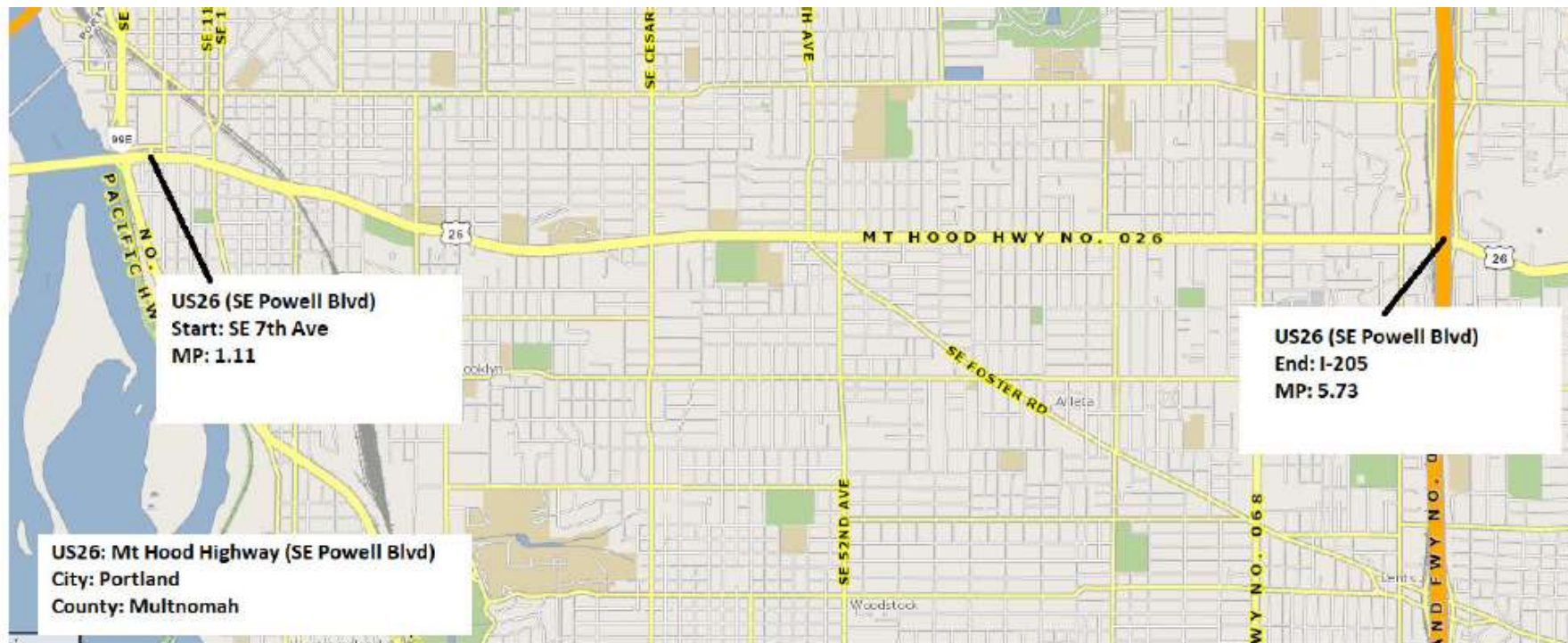
Fund Type Codes References

State	State funds approved for the project. For this specific project, the state funding source is from HB2017.
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Fund Codes											
Phase	Fund Code	Description	ICA P	Percent of Phase	Total Amount	Federal Percent	Federal Amount	State Percent	State Amount	Local Percent	Local Amount
PE	S010	STATE		100.00%	250,000.00	0.00%	0.00	100.00%	250,000.00	0.00%	0.00
	PE Totals			100.00%	250,000.00		0.00		250,000.00		0.00
CN	S010	STATE		100.00%	750,000.00	0.00%	0.00	100.00%	750,000.00	0.00%	0.00
	CN Totals			100.00%	750,000.00		0.00		750,000.00		0.00
Grand Totals					1,000,000.00		0.00		1,000,000.00		0.00

Agenda Item F, Attachment 02

Key Number	Region	Project name	BMP	EMP	Bridge #	Phase	Primary Work Type	Funding Responsibility	Advance Amount	Reason for Advancing
23106	1	Portland Metro and Surrounding Area Safety Reserve(FFY24)	various	various		OT	Safety	HB2017 Safety R1	\$1,000,000.00	Inner Powell safety improvements & immediate safety improvements on ODOT owned facilities within the city of Portland.
23107	1	Portland Metro and Surrounding Area Safety Reserve(FFY25)	various	various		OT	Safety	HB2017 Safety R1	\$1,000,000.00	Implementation of safety improvements identified through recent road safety audits in Region 1.
23108	1	Portland Metro and Surrounding Area Safety Reserve(FFY26)	various	various		OT	Safety	HB2017 Safety R1	\$697,981.00	Design, development & construction of safety improvements on US26 at Stone Road.





Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Memo

Date: April 27, 2023 – Updated Revision
To: Metro Council and Interested Parties
From: Ken Lobeck, Funding Programs Lead
Subject: April FFY 2023 MTIP Formal Amendment & Resolution 23-5325 Approval Request

FORMAL MTIP AMENDMENT STAFF REPORT

Amendment Purpose Statement

FOR THE PURPOSE OF AMENDING THE 2021-24 MTIP TO ADD ~~THREE~~ TWO NEW PROJECTS TO THE MTIP ALLOWING THEM TO INITIATE PRELIMINARY ENGINEERING AND MEET FUTURE FEDERAL DELIVERY REQUIREMENTS

BACKGROUND

April 27, 2023 Update and Required Revision:

On April 25, 2023, ODOT notified Metro that the proposed US26 - Safety Enhancements at Stone Road (Clackamas County) in Key 23425 would not be advanced from the 202-27 STIP as originally planned. ODOT will use the available funds to support other STIP projects. As a result, ODOT is canceling the advancement and the addition of Key 23425 to the 2021-24 MTIP. Key 23425, the US26 - Safety Enhancements at Stone Road (Clackamas County) project is being removed from the April FFY 2023 MTIP Formal Amendment bundle. The MTIP Amendment materials have been updated to reflect that the revised April 2023 MTIP Formal Amendment bundle is decreased from the original three projects to two projects. The two projects proposed for final Metro Council approval in the bundle:

- Key 23421: Kellogg Creek Dam Restoration (Clackamas County)
- Key 23418: Inner Powell Safety Enhancements

What This Is:

The April FFY 2023 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment bundle contains two projects. The two projects are new projects being added to the 2021-24 MTIP. The Clackamas County Kellogg Dam Restoration project involves adding the Preliminary Engineering phase to the 2021-24 MTIP based on a \$15 million National Oceanic and Atmospheric Administration (NOAA) fish passage restoration grant which includes bridge structure/replacement work to OR99E/SE Mcloughlin Blvd over Kellogg dam. The remaining project represents a project from the 2024-27 STIP being advanced to FFY 2023 to add the PE. This will allow both to initiate the PE phase early. OTC approval was required for the project to be advanced and occurred on March 9, 2023.

What is the requested action?

Prior recommendation: ~~JPACT approved Resolution 23-5325 on April 20 2023 and now recommends Metro Council provide the final approval to add the three new projects to the 2021-24 MTIP. The revised recommendation is to cancel Key 23425 from the April 2023 MTIP Formal Amendment bundle and approve the bundle in Resolution 23-5325 with only two projects.~~

A summary of the project and amendment actions are shown on the next pages.

April FFY 2023 Formal Transition Amendment Bundle Contents				
Amendment Type: Formal/Full				
Amendment #: AP23-08-APR				
Total Number of Projects: 2				
Key Number & MTIP ID	Lead Agency	Project Name	Project Description	Amendment Action
(#1) ODOT Key # 23421 MTIP ID TBD <i>(New Project)</i>	ODOT	Kellogg Creek Dam Restoration (Clackamas County)	Design activities including NEPA for the removal of Kellogg Creek dam, replacement of OR99E structure and habitat restoration of watershed.	ADD NEW PROJECT: Add the PE phase with a \$15 million NOAA grant in support of the Kellogg Dam Restoration project and OR99E bridge structure replacement
(#2) ODOT Key # 23425 MTIP ID TBD <i>(New Project)</i>	ODOT	US26: Safety Enhancements at Stone Road (Clackamas County)	At Stone Road, install a traffic separator in the median of the highway to restrict the side street approaches to right in, right out, left in. These enhancements will improve safety especially at night.	ADD NEW PROJECT: Advance the 2024-27 STIP project by adding the PE phase to the 2021-24 MTIP. OTC approval was required and occurred on 3/9/2023.
(#2) ODOT Key # 23418 MTIP ID TBD <i>(New Project)</i>	ODOT	Inner Powell Safety Enhancements	The project delivers striping, signage, school zone evaluation to improve pedestrian safety along SE Powell Blvd between SE 7th Ave and I-205.	ADD NEW PROJECT: Advance the 2024-27 STIP project by adding the safety upgrade project to the 2021-24 MTIP. OTC approval was required and occurred on 3/9/2023

TPAC Meeting Summary:

TPAC met on April 7, 2023. TPAC members received their official notification of formal MTIP amendment as required by the code of federal regulations (23 CFR 450.326-328). Ken Lobeck, Metro Funding Program Lead, provided an overview of the three projects in the amendment bundle and why they are being added to the MTIP (and later STIP). After the overview, TPAC did not raise any questions for discussion and provided their unanimous approval recommendation to JPACT to approve Resolution 23-5325 allowing the three projects to be added to the MTIP.

JPACT Meeting Summary:

JPACT met on April 20, 2023. The April 2023 Formal MTIP Amendment was included on the Consent Calendar. JPACT moved and approved the Consent Calendar including the April 20223 Formal MTIP Amendment without discussion.

AMENDMENT SUMMARY

<p>Project #1 Key 23421</p>	<p>Kellogg Creek Dam Restoration (Clackamas County) (Add new project) Lead Agency: ODOT</p>
<p><u>Project Description:</u> Design activities including NEPA for the removal of Kellogg Creek dam, replacement of OR99E structure and habitat restoration of watershed.</p>	
<p>Identifications/Key Consistency Check Areas:</p> <ul style="list-style-type: none"> • Lead Agency: ODOT • Project Administrator: ODOT • ODOT Key Number: 23421 • MTIP ID#: TBD (new entry not yet assigned in the MTIP) • RTP ID: 12092 (Bridge structure/replacement component) • Proof-of Funding/Fiscal Constraint Demonstrated: Yes. NOAA grant award letter included. • Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements under the following areas: <ul style="list-style-type: none"> ○ 40 CFR 93.126, Table 2 – Safety: Widening narrow pavements or reconstructing bridges (no additional travel lanes). ○ 40 CFR 93.126, Table 2 – Other Engineering to assess social, economic, and environmental effects of the proposed action or alternatives. • OTC approval No. • Performance Measurements applicable: Yes – Bridge • Special Amendment Performance Assessment Required: No • Were overall RTP Consistency checks achieved and satisfactory: Yes. • Can the required changes be made without issues: Yes. • Additional information: See website at https://www.milwaukieoregon.gov/kellogg 	
<p><u>Description of Changes</u></p> <p>The American Rivers non-profit agency secured a \$15 million grant from NOAA’s Restoring Fish Passage through Barrier Removal Grant upgrades. The \$15 million dollar grant is 100% federal. There is no local match requirement. The funds will be used to support the Preliminary Engineering phase for the project.</p>	



About the Grant Program: The principal objective of NOAA’s Restoring Fish Passage through Barrier Removal Funding Opportunity is to provide federal financial and technical assistance to fish passage through the removal of dams and other in-stream barriers for native migratory or sea-run fish. Funding will be used for fish passage that rebuilds productive and sustainable fisheries, contributes to the recovery and conservation of threatened and endangered species, enhances watershed health, promotes resilient ecosystems and communities, especially in underserved communities, and improves economic vitality, including local employment. This funding opportunity announcement is authorized under the Infrastructure Investment and Jobs Act (IIJA, Public Law 117-58), 135 STAT. 1356 (Nov. 15, 2021).

The project Leadership Team responsible for managing and delivering the project consists of American Rivers, the Oregon Department of Transportation (ODOT), North Clackamas Watersheds Council (NCWC), and the city of Milwaukie (City).

History and Goals:

From the grant application:

The overarching goal of the Kellogg project is to use an ecosystem-based approach to restore fish passage and connectivity to both Kellogg Creek and Mt. Scott watersheds to increase populations of five threatened salmonid species and Pacific lamprey. The multiple benefits of the project range from providing critical refugia and off-channel habitat to reducing flooding, improving the resiliency of state highway transportation infrastructure, and improving underserved community safety, access to natural areas, educational opportunities and workforce development.

Kellogg Dam was constructed in 1858 and has served no purpose since the 1890s. Removing the dam requires replacing the 89-year-old Kellogg Creek Bridge on Highway 99E, as the dam forms part of the bridge foundation. The bridge is highly vulnerable to predicted earthquakes and also disconnects safe access between downtown Milwaukie and the Milwaukie Bay Park waterfront on the Lower Willamette River. Removing the Kellogg Dam barrier will provide volitional access to 15 miles of habitat and a 10,680-acre watershed, and restore 14 acres of lower Willamette River floodplain habitat. Additional benefits include reducing water temperature and removing contaminated sediment in restoring the natural stream and floodplain through the existing impoundment, reducing flooding, increasing pedestrian safety and public access to the restored natural area by providing a pedestrian undercrossing of Highway 99E to downtown Milwaukie, light rail, and trail connections, and creating quality of life benefits (health, recreation, economic, educational) to surrounding underserved communities.



Restoring Fish Passage through Barrier Removal Grants



Figure 1. Potential project area overview and location area vicinity map for the Kellogg Restoration Project.



Project Partners. Key partners include:

- The Confederated Tribes of the Warm Springs
- Indian Reservation of Oregon
- Confederated Tribes of Grande Ronde
- Metro
- NOAA Fisheries,
- Oregon Department of Fish and Wildlife (ODFW)
- US Fish and Wildlife (USFWS)
- Oregon Department of Environmental Quality (DEQ)
- Oregon Division of State Lands (DSL)
- North Clackamas Parks and Recreation District (NCPRD)
- Clackamas Water Environment Services (WES)
- Native Fish Society (NFS).

Project Grant Award and Scope Summary:

Kellogg Creek Restoration and Community Enhancement Project
Restoring Habitat and Fish Passage, Strengthening Community, and Updating
Infrastructure

Proposal Summary

Applicant Organization: American Rivers

Site Location: Confluence of Willamette River and Kellogg Creek, 45.26.30N, 122.38.32W

Project objectives and technical considerations are outlined below that encompass the desired outcomes, key elements of the project, general design approach or criteria, and key teams performing the work:

1. Provide volitional fish passage to 15 miles of habitat for all target species life stages (Table 1) by reducing the elevation of the Kellogg Creek channel within the ODOT right-of-way by approximately 50%. This element will be designed by the restoration design firm Inter-Fluve with guidance and iterative design input and plan review by the project's interdisciplinary TAC and oversight by the project Leadership Team.
2. Restore 14 acres of high-quality riparian habitat, functional wetlands, and connected floodplain through the former dam impoundment by removing the dam, contaminated legacy sediment, regrading, adding large woody material, replanting with native vegetation, and incorporating public access points. This element will be designed by the restoration design firm with iterative design input and plan review by the project's interdisciplinary TAC and the underserved community as determined through community engagement overseen by the Leadership Team.
3. Replace the existing Oregon State Highway 99E Bridge configuration with a modernized sustainable and safe alternative to accommodate the preferred volitional fish passage and restoration channel under the bridge, and a pedestrian undercrossing. The bridge element will be designed by ODOT's engineering team and consultants, with design oversight, permitting, and quality control led by ODOT's Regional Delivery Manager, Tova Peltz, P.E., and oversight of integrated project elements by the project Leadership Team.

Estimated Project Cost and Funding Targets:

The \$15 million NOAA award will support the PE phase for the project. The estimated total project cost is \$54.9 million. The project is anticipated to be funded from a variety of federal, state, and local sources. A preliminary breakdown of the project cost and funding support is shown in the below table.

Table 4. Kellogg Project Budget Overview				
Funding Source	Funding Type	Local, state, fed	Status	Amount
<i>Phase 1. Initiation, Feasibility, Alternatives Analysis, Concept Plan</i>				
Oregon Watershed Enhancement Board (OWEB)	Grants (2)	State	Secured	\$149,828
PGE Salmon Habitat Support	Grants (2)	State	Secured	\$83,934
USFWS	Grant	Federal	Secured	\$50,000
Open Rivers Fund	Grant	Private	Secured	\$30,717
City of Milwaukie	Contract	Local	Secured	\$25,000
Friends of Kellogg-Mt. Scott	Donation	Private	Secured	\$1,800
Anonymous	Donation	Private	Secured	\$2,000
Congressionally Directed Spending (FY22 Appropriations Act)	Grant	Federal	Secured	\$585,000
<i>Phase 2. Design + Permitting</i>				
NOAA Fish Passage	Grant	Federal	Requested	\$13,500,000
<i>Phase 3. Procurement + Initial Construction Activities</i>				
NOAA Fish Passage	Grant	Federal	Requested	\$1,500,000
<i>Phase 4. Demolition + In-water Work + Restoration</i>				
City of Milwaukie	Capital funds	Local	Planned	\$3,000,000
OWEB	Grant	State	Targeted	\$873,000
USDOT Fish Passage	Grant	Federal	Targeted	\$9,755,442
USDOT RAISE	Grant	Federal	Targeted	\$18,000,000
PROTECT Program	Grant	Federal	Targeted	\$2,000,000
USFWS National Fish Passage	Grant	Federal	Targeted	\$500,000
Metro	Capital funds	Regional	Targeted	\$3,000,000
Private Foundations	Grants	Private	Targeted	\$500,000
Total Project Cost				\$54,928,279
Shading indicates phases of the project funded with this request.				

Project Delivery Milestones

The Preliminary Engineering phase is being added to the 2021-24 MTIP now. As funding is obtained for the required implementation phases (right-of way, utility relocation, construction, and post construction or special mitigation requirements for the Other phase), they will be added later to the new 2024-27 MTIP and STIP via amendment as well. Assuming all required funding is obtained, the estimated project completion dates would be around the end of CY 2027. A summary of the delivery milestones from the NOAA grant application is shown in the next table.

PHASE	CRITICAL PATH MILESTONE	2022					NOAA YEAR 1					NOAA YEAR 2					NOAA YEAR 3														
		M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O
All Phases	Stakeholder coordination and outreach, project administration and management	[Gantt chart showing activity across all years]																													
Phase 1 Initiation and Feasibility (Current Phase - Not Part of NOAA FP Proposal)	Convene TAC + TAC Mtg 1 & 2	[Gantt chart showing activity in 2022]																													
	CDS Funds approval + agreements	[Gantt chart showing activity in 2022]																													
	Agency coord + informal consult	[Gantt chart showing activity in 2022]																													
	Alternatives development + Feasibility assessment	[Gantt chart showing activity in 2022]																													
	Conceptual restoration alt development + TAC selects preferred	[Gantt chart showing activity in 2022]																													
	Preliminary (30%) restoration elements design + OPCC, TAC approved	[Gantt chart showing activity in 2022]																													
	Additional permitting studies & technical assessment (CDS Funding)	[Gantt chart showing activity in 2022]																													
Phase 2 Pre-Construction Activities Integrated Element Design + Permitting	Project infrastructure elements integration + NEPA documentation	[Gantt chart showing activity from 2022 to Year 3]																													
	Right-of-Way acquisition (18-24 months)	[Gantt chart showing activity from 2022 to Year 3]																													
	Formal consult + Permitting pathway confirmed	[Gantt chart showing activity from 2022 to Year 3]																													
	Permit-level (60%) project design + TAC approved	[Gantt chart showing activity from 2022 to Year 3]																													
	60% Project OPCC	[Gantt chart showing activity from 2022 to Year 3]																													
Phase 3 Initial Construction Activities: Bid Document Packaging, Procurement and Mobilization	Permit documents submitted + regulatory approvals	[Gantt chart showing activity from 2022 to Year 3]																													
	Final (100%) project design + OPCC	[Gantt chart showing activity from 2022 to Year 3]																													
	Procure long-lead construction materials	[Gantt chart showing activity from 2022 to Year 3]																													
	Develop and finalize integrated Bid Package with funding and permit requirements	[Gantt chart showing activity from 2022 to Year 3]																													
	Procure construction management	[Gantt chart showing activity from 2022 to Year 3]																													

Support Item(s):

Proof of Funding/Fiscal Constraint Verification



Fish Passage Projects Recommended for Funding

NOAA is recommending more than \$87 million in funding for 23 fish passage projects.

NOAA is recommending more than \$87 million funding for 23 projects selected through the [Restoring Fish Passage through Barrier Removal](#) funding opportunity.

These projects will help restore access to healthy habitat for migratory fish across the country through efforts including: on-the-ground fish passage restoration, engineering and design, future project development, and building the capacity of new and existing partners to design projects and manage multi-faceted restoration efforts.

Oregon

[American Rivers](#) will design, permit, and begin construction activities for the removal of Kellogg Creek Dam. The dam currently blocks access to 15 miles of high quality habitat in Kellogg Creek, a tributary of the Willamette River. Removing the dam will provide habitat for threatened Lower Columbia River coho, Chinook, and steelhead. (\$7,513,180 in first year; up to \$15,000,000 total over 3 years)

[Wild Salmon Center](#) will implement nine fish passage projects in four Oregon coastal watersheds. The effort will remove and replace aging culverts, dams, tide gates, and other infrastructure to reopen and reconnect habitat for Southern Oregon/Northern California Coast coho and Oregon Coast coho. (\$3,625,109)

Project #2 Key 23425	US26: Safety Enhancements at Stone Road (Clackamas County) (Add new project) Canceled from the amendment bundle Lead Agency: ODOT
<u>Project Description:</u> At Stone Road, install a traffic separator in the median of the highway to restrict the side street approaches to right in, right out, left in. These enhancements will improve safety especially at night.	
Per ODOT's request, Key 23425 has been canceled from inclusion in the amendment bundle.	
Identifications/Key Consistency Check Areas:	
<ul style="list-style-type: none"> • Lead Agency: ODOT • ODOT Key Number: 23425 • MTIP ID#: TBD (new entry not yet assigned in the MTIP) • RTP ID: 12095 (Safety/Operations) • Proof of Funding/Fiscal Constraint Demonstrated: Yes. OTC staff report with funding approval included as support documentation. • Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements under 40 CFR 93.126, Table 2 – Safety – Guardrails, median barriers, crash cushions. • OTC approval required: Yes. OTC approval occurred on 3/9/2023. • Performance Measurements applicable: Yes – Safety. • Special Amendment Performance Assessment Required: No • Were overall RTP Consistency checks achieved and satisfactory: Yes. • Can the required changes be made without issues: Yes. • See Attachment 2 (OTC staff report item) for additional details. 	

Project #2 Key 23418	Inner Powell Safety Enhancements (Add new project) Lead Agency: ODOT
<u>Project Description:</u> The project delivers striping, signage, school zone evaluation to improve pedestrian safety along SE Powell Blvd between SE 7th Ave and I-205.	
Identifications/Key Consistency Check Areas:	
<ul style="list-style-type: none"> • Lead Agency: ODOT • ODOT Key Number: 23418 • MTIP ID#: TBD (new entry not yet assigned in the MTIP) • RTP ID: 12095 (Safety/Operations) • Proof-of Funding/Fiscal Constraint Demonstrated: Yes. OTC staff report with funding approval included as support documentation. • Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements under 40 CFR 93.126, Table 2 – Safety - Projects that correct, improve, or eliminate a hazardous location or feature. • OTC approval required: Yes. OTC approval occurred on 3/9/2023. 	

- Performance Measurements applicable: Yes – Safety.
- Special Amendment Performance Assessment Required: No
- Were overall RTP Consistency checks achieved and satisfactory: Yes.
- Can the required changes be made without issues: Yes.
- See Attachment 2 (OTC staff report item) for additional details.

Description of Changes

The formal MTIP amendment adds the new safety upgrade project. The PE and construction phases are being advanced from the 2024-27 STIP. OTC approval was required and occurred on 3/9/2023.

This formal MTIP amendment advances the Inner Powell Safety Enhancements project with a total of \$1 million of state HB2017 funds. PE receives \$250,000 with the remaining \$750,00 for the construction phase. The Inner Powell Safety Enhancements project is one of several ongoing safety upgrade projects on Powell Blvd.

Additional details can be found in Attachment 2, March 2023 OTC Staff Report item.

Support Item(s):

Proof of Funding/Fiscal Constraint Verification
From the approved OTC March 9, 2023 staff report agenda item

Agenda Item F, Attachment 02

Key Number	Region	Project name	BMP	EMP	Bridge #	Phase	Primary Work Type	Funding Responsibility	Advance Amount	Reason for Advancing
23106	1	Portland Metro and Surrounding Area Safety Reserve(FFY24)	various	various		OT	Safety	HB2017 Safety R1	\$1,000,000.00	Inner Powell safety improvements & immediate safety improvements on ODOT owned facilities within the city of Portland.
23107	1	Portland Metro and Surrounding Area Safety Reserve(FFY25)	various	various		OT	Safety	HB2017 Safety R1	\$1,000,000.00	Implementation of safety improvements identified through recent road safety audits in Region 1.
23108	1	Portland Metro and Surrounding Area Safety Reserve(FFY26)	various	various		OT	Safety	HB2017 Safety R1	\$697,981.00	Design, development & construction of safety improvements on US26 at Stone Road.
20435	1	OR99W: I-5 - McDonald St	7.47	13.74		CN	Fix-It Region 1 HB2017 Preservation AT Leverage R1 ARTS Region 1 SW ADA Transition Fix-It SW Bridge SW SRTS Other		\$26,585,468.00	Increase the Construction phase, adding funds for ADA and preservation scope.
22784	2	OR99W: Elliot Circle to NW Fillmore Ave (Corvallis)	79.8	83.05		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$1,797,604.00	Balance workload and spread out construction dates with other similar STIP projects.
22785	2	OR99W: Mary's River Br - Kiger Island Rd (Corvallis)	84.31	86.5	02701A	PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$1,109,247.00	Balance workload and spread out construction dates with other similar STIP projects.
22786	2	OR18: Long Fiber Road - Murphy Hill	11.4	18.8		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$1,095,571.00	Balance workload and spread out construction dates with other similar STIP projects.
22793	2	OR99E: Jct Hwy 051 - Dimmick Lane	27.07	30.65		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$913,121.00	Pavement conditions deteriorating; cost savings by completing sooner
21547	2	US30: Rainier - Wonderly Road	47.2	50.35		RW	Preservation	Fix-It Region 2 HB2017 Preservation	\$28,324.00	Balance workload and spread out construction dates with other similar STIP projects.
22787	2	OR6: MP 4.4-9.0	4.4	9		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$868,791.00	Balance workload and spread out construction dates with other similar STIP projects.
22938	2	I-5: Cottage Grove - Martin Creek	169.19	174.84		PE	Preservation	Fix-It SW IM HB2017 Preservation	\$2,212,360.00	Balance workload and spread out construction dates with other similar STIP projects.
21555	2	US101: Pacific Way (Gearhart)	18.8	18.8		RW	Operations	Fix-It Region 2	\$192,603.00	Balance workload and spread out construction dates with other similar STIP projects.
22794	2	US101: MP 23.9 culvert replacement	23.9	23.9		PE	Culvert	Fix-It Region 2	\$293,255.00	Balance workload.
22795	2	OR223: MP 12.4 to 12.5 slide repair	12.4	12.5		PE	Operations	Fix-It Region 2	\$678,049.00	Balance workload.
22797	2	OR47: MP 83.6 (Banks) Illumination Replacement	83.6	83.6		PE	Operations	Fix-It Region 2	\$374,107.00	Balance workload.
22798	2	US20: MP 0.52 signal replacement	0.52	0.52		PE	Operations	Fix-It Region 2 HB2017 Safety R2	\$743,039.00	Balance workload.
22799	2	OR99W: MP 78.9-79.0 signal replacement (Lewisburg)	78.9	79		PE	Operations	Fix-It Region 2 HB2017 Safety R2	\$677,983.00	Balance workload.
22692	2	Polk County Striping & Marking Improvements (2027)	various	various		PE	Safety	ARTS Region 2	\$182,209.00	Balance workload.
22701	2	Division Ave at Lone Oak Ave (Eugene)				PE	Safety	ARTS Region 2	\$973,000.00	Balance workload.
22705	2	Yeggen/McKay/Ehlen Rd: OR219 to Bents Rd NE (Marion County)				PE	Safety	ARTS Region 2	\$189,869.00	Balance workload.



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 ensuring that the project amendments:

- Complete eligibility verification to be programmed in the MTIP.
- Pass proof of funding and fiscal constraint verification.
- Pass the RTP consistency review which requires a confirmation that the project(s) are identified in the current approved constrained RTP either as a stand-alone project or in an approved project grouping bucket.
- Are consistent with RTP project costs when compared with programming amounts in the MTIP.
- If a capacity enhancing project, the project is identified in the approved Metro modeling network and has completed required air conformity analysis and transportation demand modeling.
- 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.
 - Reviewed and determined that Performance Measurements will or will not apply.
 - Completion of the required 30-day Public Notification/Opportunity to Comment period.
 - Meets MPO responsibility actions including project monitoring, fund obligations, and expenditure of allocated funds in a timely fashion.

APPROVAL STEPS AND TIMING

Metro’s approval process for formal amendment includes multiple steps. The required approvals for the April FFY 2023 Formal MTIP amendment (AP23-08-APR) will include the following:

<u>Action</u>	<u>Target Date</u>
• TPAC Agenda mail-out.....	March 31, 2023
• Initiate the required 30-day public notification process.....	April 4, 2023
• TPAC notification and approval recommendation.....	April 7, 2023
• JPACT approval and recommendation to Council.....	April 20, 2023
• Completion of public notification process.....	May 3, 2023
• Metro Council approval.....	May 11, 2023

Notes:

- * The above dates are estimates. JPACT and Council meeting dates could change.
- ** If any notable comments are received during the public comment period requiring follow-on discussions, they will be addressed by JPACT.

USDOT Approval Steps (The below timeline is an estimation only):

<u>Action</u>	<u>Target Date</u>
• Final amendment package submission to ODOT & USDOT.....	May 16 ,2023
• USDOT clarification and final amendment approval.....	Mid-June 2023

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:**
 - a. Amends the 2021-24 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 20-5110 on July 23, 2020 (FOR THE PURPOSE OF ADOPTING THE 2021-2024 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM FOR THE PORTLAND METROPOLITAN AREA).
 - b. Oregon Governor approval of the 2021-24 MTIP: July 23, 2020
 - c. 2021-2024 Statewide Transportation Improvement Program (STIP) Approval and 2021 Federal Planning Finding: September 30, 2020
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds, or obtain the next required federal approval step as part of the federal transportation delivery process.
4. **Metro Budget Impacts:** None. None of the included project amendments impact the Metro current annual budget.

RECOMMENDED ACTION:

Prior recommendation: JPACT approved Resolution 23-5325 on April 20 2023 and now recommends Metro Council provide the final approval to add the three new projects to the 2021-24 MTIP. The revised recommendation is to cancel Key 23425 from the April 2023 MTIP Formal Amendment bundle and approve the bundle in Resolution 23-5325 with only two projects.

Attachments:

1. Kellogg Creek Dam Restoration Update
2. March 2023 - OTC Staff Report Item

Kellogg Creek Restoration and Community Enhancement Project
Restoring Habitat, Creating Fish Passage, Strengthening Community, and Updating Infrastructure
Update #6

FEB
2023

PROJECT OVERVIEW

The City of Milwaukie (City), North Clackamas Watersheds Council (NCWC), and Oregon Department of Transportation (ODOT), with American Rivers (AR) and project partners, have initiated a [multi-benefit project](#). The project will create fish passage into the Kellogg-Mt. Scott watershed, restore lower Kellogg Creek and its floodplain through the City of Milwaukie, improve long-term community resiliency and access to nature, while modernizing vulnerable multi-modal transportation infrastructure. Private, local, state, and federal funding has been secured to initiate the project and conduct the necessary site assessment, alternatives analysis, and conceptual design. The project is in Phase 1.

FEBRUARY SUMMARY

- **Funding –**
 - American Rivers has continued working with ODOT and the City to draft agreements for sub-award of NOAA funding for Phase 2 project activities.
- **Outreach –**
 - The project team submitted inquiries to Union Pacific, the owner of the railroad trestle bridge that spans the impoundment, to request coordination in Right-of-Way access for geotechnical sampling and design review for railroad trestle protection.
 - A meeting with Oregon Unite was held on Feb 3 to discuss community engagement in project development. Next steps were outlined.
- **Design –**
 - TAC meeting 3 was held on Feb 2 in Milwaukie, Oregon. The project framework, updates, and the conceptual restoration alternatives and alternatives analysis results were presented. TAC notes and solicitation of report feedback was distributed on Feb 28.
 - IFI submitted a Phase 1 amendment proposal to conduct additional studies, including development of a sediment sampling and geotechnical evaluation plan.
 - A meeting to discuss ecological uplift created by the project was held with TAC biologists on Feb 22. Meeting notes were distributed to the TAC on Feb 28 with TAC 3 meeting notes.
 - The Draft Wetland Delineation Report is being developed and will be available in March.

MARCH NEXT STEPS

- TAC feedback on the draft alternatives and feasibility report was requested at the February 2nd TAC meeting. Feedback from the TAC is due by March 14.
- A site visit will be coordinated by NCWC and attended by Unite Oregon and other community engagement and outreach coordination representatives in early March.



Oregon

Tina Kotek, Governor

Oregon Transportation Commission


Office of the Director, MS 11

355 Capitol St NE

Salem, OR 97301-3871

DATE: February 27, 2023

TO: Oregon Transportation Commission

FROM: 
Kristopher W. Strickler
Director

SUBJECT: **Agenda Item F** -- Approve Release of the Draft 2024-2027 Statewide Transportation Improvement Program (STIP) for Public Review and Comment

Requested Action:

Request approval to release the 2024-2027 Statewide Transportation Improvement Program (STIP) to the public for review and comment: approve the list of projects to advance to begin delivery.

Background:

The *Draft 2024-2027 STIP* [Attachment 1] is the Department's short-term capital improvement program required by federal regulations that outlines project funding and scheduling information for the Department and the state's metropolitan planning organizations.

In January of 2021, the OTC (Oregon Transportation Commission) approved the [funding allocation for the Draft 2024-2027 STIP](#). The Commission allocated additional federal funds from the Infrastructure Investment and Jobs Act in March 2022. The draft STIP now includes nearly \$3 billion in Federal Highway Administration and State Highway Fund resources that the Commission helps allocate, as well as Federal Transit Administration funds that flow to transit agencies.

The 2024-2027 STIP includes:

- A major investment in repairing and replacing deteriorating bridges.
- A significant increase for public and active transportation to help people get around without a car.
- Increased funding for projects that improve safety on state highways and local roads.
- More money for local governments to invest in their priorities.
- A major investment in ADA curb ramps to help people with disabilities.

Allocation of these funds allowed ODOT to undertake project selection for these investment areas.

During this time period, ODOT has worked with the various regional ACTs and stakeholders to seek comments and input into the projects selected.

In addition to the approval for the Draft STIP to go to public comment, the agency is requesting to advance specific phases from projects selected for the 2024-2027 STIP to begin work. The projects and

phases are listed in [Attachment 2]. This request will allow projects to begin work and allow construction to be delivered earlier.

Executive Order 20-04 directed ODOT to develop and apply a process for evaluating the GHG emissions implications of transportation projects as part of its regular capital planning and STIP.

Next Steps:

With OTC approval, the *Draft 2024-2027 STIP* will be released for formal public review. The public review timeline is March 9 to April 30, 2023. During that time, the Department will seek and review comments from the public and other stakeholders. After the public comment period, a number of technical steps must be completed before the preparation of the Final 2024-2027 STIP.

In July of 2023, ODOT will return for OTC approval to release the Final 2024-2027 STIP for federal approval from Federal Highway Administration (FHWA) and Federal Transit Agency (FTA). At this meeting the Commission will also receive a summary of the public comments.

Final approval from FHWA and FTA is expected in September 2023.

Attachments:

- Attachment 01 - Draft 2024-2027 STIP
- Attachment 02 - List of Project Phases Advancing

Agenda Item F, Attachment 02

Key Number	Region	Project name	BMP	EMP	Bridge #	Phase	Primary Work Type	Funding Responsibility	Advance Amount	Reason for Advancing
23106	1	Portland Metro and Surrounding Area Safety Reserve(FFY24)	various	various		OT	Safety	HB2017 Safety R1	\$1,000,000.00	Attachment 2 in March 2023 OTC Staff Report. Immediate safety improvements on ODOT owned facilities within the city of Portland.
23107	1	Portland Metro and Surrounding Area Safety Reserve(FFY25)	various	various		OT	Safety	HB2017 Safety R1	\$1,000,000.00	Implementation of safety improvements identified through recent road safety audits in Region 1.
23108	1	Portland Metro and Surrounding Area Safety Reserve(FFY26)	various	various		OT	Safety	HB2017 Safety R1	\$697,981.00	Design, development & construction of safety improvements on US26 at Stone Road.
20435	1	OR99W: I-5 - McDonald St	7.47	13.74		CN	Preservation	Fix-It Region 1 HB2017 Preservation AT Leverage R1 ARTS Region 1 SW ADA Transition Fix-it SW Bridge SW SRTS Other	\$26,585,468.00	Increase the Construction phase, adding funds for ADA and preservation scope.
22784	2	OR99W: Elliot Circle to NW Fillmore Ave (Corvallis)	79.8	83.05		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$1,797,604.00	Balance workload and spread out construction dates with other similar STIP projects.
22785	2	OR99W: Mary's River Br - Kiger Island Rd (Corvallis)	84.31	86.5	02701A	PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$1,109,247.00	Balance workload and spread out construction dates with other similar STIP projects.
22786	2	OR18: Long Fiber Road - Murphy Hill	11.4	18.8		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$1,095,571.00	Balance workload and spread out construction dates with other similar STIP projects.
22793	2	OR99E: Jct Hwy 051 - Dimmick Lane	27.07	30.65		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$913,121.00	Pavement conditions deteriorating; cost savings by completing sooner
21547	2	US30: Rainier - Wonderly Road	47.2	50.35		RW	Preservation	Fix-It Region 2 HB2017 Preservation	\$28,324.00	Balance workload and spread out construction dates with other similar STIP projects.
22787	2	OR6: MP 4.4-9.0	4.4	9		PE	Preservation	Fix-It Region 2 HB2017 Preservation	\$868,791.00	Balance workload and spread out construction dates with other similar STIP projects.
22938	2	I-5: Cottage Grove - Martin Creek	169.19	174.84		PE	Preservation	Fix-it SW IM HB2017 Preservation	\$2,212,360.00	Balance workload and spread out construction dates with other similar STIP projects.
21555	2	US101: Pacific Way (Gearhart)	18.8	18.8		RW	Operations	Fix-It Region 2	\$192,603.00	Balance workload and spread out construction dates with other similar STIP projects.
22794	2	US101: MP 23.9 culvert replacement	23.9	23.9		PE	Culvert	Fix-It Region 2	\$293,255.00	Balance workload.
22795	2	OR223: MP 12.4 to 12.5 slide repair	12.4	12.5		PE	Operations	Fix-It Region 2	\$678,049.00	Balance workload.
22797	2	OR47: MP 83.6 (Banks) Illumination Replacement	83.6	83.6		PE	Operations	Fix-It Region 2	\$374,107.00	Balance workload.
22798	2	US20: MP 0.52 signal replacement	0.52	0.52		PE	Operations	Fix-It Region 2 HB2017 Safety R2	\$743,039.00	Balance workload.
22799	2	OR99W: MP 78.9-79.0 signal replacement (Lewisburg)	78.9	79		PE	Operations	Fix-It Region 2 HB2017 Safety R2	\$677,983.00	Balance workload.
22692	2	Polk County Striping & Marking Improvements (2027)	various	various		PE	Safety	ARTS Region 2	\$182,209.00	Balance workload.
22701	2	Division Ave at Lone Oak Ave (Eugene)				PE	Safety	ARTS Region 2	\$973,000.00	Balance workload.
22705	2	Yergen/McKay/Ehlen Rd: OR219 to Bents Rd NE (Marion County)				PE	Safety	ARTS Region 2	\$189,869.00	Balance workload.
22706	2	OR6 at Wilson River Loop (East at MP 2.07) (Tillamook)	2.07	2.07		PE	Safety	ARTS Region 2 HB2017 Safety R2	\$727,550.00	Balance workload.
22708	2	OR99W at Bethel Rd (Polk County)	49.72	49.72		PE	Safety	ARTS Region 2 HB2017 Safety R2	\$629,761.00	Balance workload.
22709	2	Northwest Oregon pedestrian crossing enhancements (2027)	various	various		PE	Safety	ARTS Region 2 HB2017 Safety R2	\$364,477.00	Balance workload.
22723	2	I-5 (NW OR) & OR569 (Eugene) wrong way driving treatments	various	various		PE	Safety	ARTS Region 2	\$545,290.00	Balance workload.
22724	2	OR99W: (3rd St) at Western Blvd (Corvallis)	83.93	83.93		PE	Safety	ARTS Region 2	\$662,017.00	Balance workload.
22726	2	NW Oregon lighting & enhanced intersection warning (2027)	various	various		PE	Safety	ARTS Region 2	\$480,382.00	Balance workload.
22775	2	Northwest Oregon Rumble Strips (2027)	various	various		PE	Safety	ARTS Region 2	\$930,000.00	Balance workload.
22902	2	US101 at Broadway Street Signal Upgrades (Seaside)	21.05	21.05		PE	Safety	SW Enhance	\$811,844.00	Conditions deteriorating rapidly, can no longer maintain system
22950	2	Graham Road Rail Crossing (Prescott)				PE	Safety	SW Rail Crossing	\$503,049.00	Balance workload.
20110	2	US101: Depoe Bay bridge	127.58	127.64	02459A	RW	Bridge	Fix-it SW Bridge HB2017 BridgeSeismic	\$224,423.53	Balance workload and spread out construction dates with other similar STIP projects.

Key Number	Region	Project name	BMP	EMP	Bridge #	Phase	Primary Work Type	Funding Responsibility	Advance Amount	Reason for Advancing
23117	2	OR202: Nehalem River bridge (MP38.59)	38.59	38.59	03113A	PE	Bridge	Fix-it SW Bridge HB2017 BridgeSeismic	\$1,754,838.00	Attachment 2 March 2023 CMC Staff Report Construction dates with other similar STIP projects.
23291	2	US30 at SE Maple St Rail Crossing (Scappoose)	20.67	20.67		PE	Safety	SW Rail Crossing	\$641,000.00	Balance workload.
22987	3	I-5: Stage Road Pass	80.33	79		PE	Modernization	SW Enhance	\$4,300,000.00	Begin early due to design and survey needs
23095	3	Highway Barrier Upgrades (Coos/Curry)	various	various		PE	Safety	1R	\$661,623.00	Safety project; high incident rates need mitigated
22947	3	OR62 at OR234 Roundabout	13.4	13.82		PE	Safety	ARTS Region 3 HB2017 Safety R3	\$1,076,518.00	Safety project; high incident rates need mitigated/project design will take longer due to stakeholder involvement
22914	3	Garden Valley Rd at Melrose Rd Roundabout				PE	Safety	ARTS Region 3 Local	\$1,891,578.00	Design will take longer due to stakeholder involvement.
22776	4	US97: Redmond-Bend Phase 2	125.2	130.2	21825	PE	Safety	ARTS Region 4 HB2017 Safety R4	\$1,986,700.00	This section of US97 continues to be an area that sees significant serious injury and fatal crashes, and is Region 4's top safety project in the 24-27 STIP. We will be advancing the PE phase to begin project development immediately so that we can hit a 2024 construction window for this much needed ARTS project.
22072	4	US20: at Locust Street (Sisters)	92.75	93.02		PE, RW	Operations	Enhance Region 4 Enhance Match SW Local	\$1,400,000.00	The City of Sisters and Deschutes County are contributing in excess of \$2 million to the project to help meet a 2024 construction season. The City of Sisters has already contributed \$250,000 to PE that was kicked off in 2021. We are advancing the remaining PE and RW amounts to hit a construction window of early 2024 so that we can be substantially complete by Memorial Day to avoid major traffic impacts to the summer tourism industry.
21647	4	US26: Wapinitia Junction - Warm Springs River	70.7	85.25		PE	Preservation	Fix-it Region 4 HB2017 Preservation	\$413,318.00	This project contains poor pavement conditions in the snow zone on US26 over Mt. Hood. This section of pavement is deteriorating rapidly. We are advancing PE to ensure that we can construct this project in 2024 and not risk it weathering through another winter.
23320	4	Region 4 Reserve Funds				PE	Preservation/ Operations	Fix-it Region 4 HB2017 Preservation	\$4,326,097.00	These funds are being added to a current 18-21 STIP project; K21166 US97: Veterans Way - SW Yew Avenue (Redmond). This section of US97 contains the only "poor" pavement rating on US97. We are advancing PE funds so that we can get to a 30% design to help leverage additional city of Redmond funds and to work towards a federal grant application.
21756	4	US20: Central Oregon Hwy Culverts Corridor	2.7	87.0		RW, UR	Culvert	Fix-it SW Culvert HB2017 Culvert	\$282,916.00	This project received PE funds in 21-24 and has kicked off. It will be approaching DAP in Spring 2023, at which the ROW phase will be requested to be opened. In order to keep this project on track for Construction in 2025 the ROW phase needs to open in 2023.
21875	5	Eastern Oregon roadside traffic & weather cameras	various	various		CN	Operations	Region 5 Fix-It	\$1,830,000.00	Advance 24-27 to increase the Construction phase, adding funds due to increased costs from inflation.
22844	5	Pendleton Signal Upgrade	2.9	3.45		PE	Operations	Region 5 Fix-It	\$721,602.00	Advance to accommodate a construction phase in 2025.
23225	5	US730/US395 Umatilla County Signal Safety Improvements	various	various		PE	Safety	ARTS Region 5 HB2017 Safety R5	\$300,000.00	Advance to accommodate a construction phase in 2025.
22919	5	I-84: Farewell Bend - N. Fork Jacobsen Gulch	various	various		PE	Preservation	Fix-it SW IM HB2017 Preservation Fix-it SW Bridge HB2017 BridgeSeismic Motor Carrier	\$1,409,000.00	Advance to accommodate a construction phase in 2025.

Key Number	Region	Project name	BMP	EMP	Bridge #	Phase	Primary Work Type	Funding Responsibility	Advance Amount	Reason for Advancing
22878	5	I-84: Baker - Ontario culvert repair	301.7	360		PE	Culvert	Fix-it SW Culvert HB2017 Culvert	\$879,000.00	Attachment 2 March 2023 OTC Staff Report Advance to accommodate a construction phase in 2025.
22989	5	OR11: Milton-Freewater Safety and Sidewalk Improvements	30.66	34.8		PE	Safety	ARTS Region 5 HB2017 Safety R5 SW Ped/Bike Strategic Fix-it SW SWIP Bike/Ped	\$600,000.00	Advance to accommodate a construction phase in 2025.
22926	5	US30: Snake River Bridge and Interstate Bridge	27.65	28.48	18097 01000B	PE	Bike/Ped	SW Pedbike Strategic Fix-it SW SWIP Bikeped	\$1,460,000.00	Advance to accommodate a construction phase in 2026.
22880	5	Tower Road interchange bridge over I-84	159.18	159.5	00921	PE	Bridge	Fix-it SW Bridge HB2017 BridgeSeismic Fix-it SW IM HB2017 Preservation	\$452,000.00	Advance to accommodate a construction phase in 2026.
22942	5	I-82/I-84: Freight & Congestion Improvements	various	various		PE	Modernization	SW Enhance Motor Carrier	\$1,007,000.00	Advance to accommodate a construction phase in 2026.
23045	5	Pole Line Road Rail Crossing Improvements (Haines)	43.9	44.1		PE	Safety	SW Rail Crossing	\$354,000.00	Advance to accommodate a construction phase in 2026.
21641	5	US95: MP36 - McDermitt	36	121.36		CN	Preservation	Fix-it SW Chip Seals HB2017 Preservation Fix-it Region 5	\$14,500,000.00	Advance to accommodate a bid date of 10/31/2023 this results in a PS&E before FFY 2024.
21649	5	I-84: exit 216 east bound off-ramp	various	various		CN	Operations	HB2017 Safety R5	\$5,219,111.00	Advance 24-27 funds to increase the construction phase, due to increased costs from inflation.
23283	6	Timber Bridge program			Multiple	PL	Bridge	Fix-it SW Bridge HB2017 BridgeSeismic	\$300,000.00	Start coordination with environmental agencies to use standard bridge designs to streamline the permit process.
22954	6	Scenario Planning and Climate Program				PL	Planning	SW Climate	\$4,000,000.00	Changes to 660-044-0015 from the Climate Friendly and Equitable Communities rulemaking require impacted jurisdictions to complete Scenario Planning and GHG Target Monitoring by 2024 or other approved date. ODOT will begin conducting the work to support jurisdictions in 2023.
23079	6	ADA Program Support 2024-2027				OT	ADAP	SW ADA TRANSITION	\$20,000,000.00	The ADA program needs access to this funding prior to the 2024-2027 STIP cycle commencing in order to prevent disruption and keep the ADA program on track to ensure time bound deliverables are met.
23089	6	ADA Program Management 2024-2027				OT	ADAP	SW ADA TRANSITION	\$30,000,000.00	The ADA program needs access to this funding prior to the 2024-2027 STIP cycle commencing in order to put out a Request for Proposals (RFP) and execute the initial Work Order Contract (WOC) in FFY23. Access to these funds will prevent disruption and keep the ADA program on track to ensure time bound deliverables are met.
									\$149,257,675.53	

Agenda Item No. 4.1

*Resolution 23-5321 For the Purpose of Approving the FY 2023-24 Budget, Setting Property Tax Levies and Transmitting the Approved Budget to the Multnomah County Tax Supervising and Conservation Commission (TSCC)
Resolution*

Metro Council Meeting
Thursday, May 11 2023

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE FY 2023-24 BUDGET, SETTING PROPERTY TAX LEVIES AND TRANSMITTING THE APPROVED BUDGET TO THE MULTNOMAH COUNTY TAX SUPERVISING AND CONSERVATION COMMISSION)

RESOLUTION NO 23-5321

Introduced by Lynn Peterson, Council President

WHEREAS, the Metro Council, convened as the Budget Committee, has reviewed the FY 2023-24 Proposed Budget; and

WHEREAS, the Council, convened as the Budget Committee, has conducted a public hearing on the FY 2023-24 Proposed Budget; and

WHEREAS, pursuant to Oregon Budget Law, the Council, convened as the Budget Committee, must approve the FY 2023-24 Budget, and said approved budget must be transmitted to the Multnomah County Tax Supervising and Conservation Commission for public hearing and review; now, therefore,

BE IT RESOLVED,

1. That the Proposed FY 2023-24 Budget as amended by the Metro Council, convened as the Budget Committee, which is on file at the Metro offices, is hereby approved.

2. That property tax levies for FY 2023-24 are approved as follows:

SUMMARY OF AD VALOREM TAX LEVY

	Subject to the General Government <u>Limitation</u>	Excluded from the <u>Limitation</u>
Permanent Tax Rate	\$0.0966/\$1,000	
Local Option Tax Rate	\$0.0960/\$1,000	
General Obligation Bond Levy		\$84,003,146

3. That the Chief Operating Officer is hereby directed to submit the Approved FY 2023-24 Budget and Appropriations Schedule to the Multnomah County Tax Supervising and Conservation Commission for public hearing and review.

ADOPTED by the Metro Council this 11th day of May, 2023.

Lynn Peterson, Council President

APPROVED AS TO FORM:

Carrie MacLaren, Metro Attorney

EXHIBIT A
Schedule of Appropriations
Resolution 23-5321

	Proposed Budget	Amendment	Approved Budget
GENERAL FUND			
Council	10,196,167	295,000	10,491,167
Office of the Auditor	1,134,921	-	1,134,921
Diversity, Equity and Inclusion	3,033,733	-	3,033,733
Office of Metro Attorney	3,793,283	-	3,793,283
Information Technology and Records Management	8,418,288	-	8,418,288
Communications	6,837,176	-	6,837,176
Finance and Regulatory Services	12,159,498	-	12,159,498
Human Resources	6,157,538	-	6,157,538
Capital Asset Management	7,141,873	-	7,141,873
Planning, Development and Research Department	39,900,835	-	39,900,835
Housing	425,000	-	425,000
Special Appropriations	1,945,011	-	1,945,011
Non-Departmental			
Debt Service	2,546,179	-	2,546,179
Interfund Transfers	26,694,190	-	26,694,190
Contingency	23,831,880	(295,000)	23,536,880
<i>Total Appropriations</i>	154,215,572	-	154,215,572
Unappropriated Balance	27,170,056	-	27,170,056
Total Fund Requirements	181,385,628	-	181,385,628
AFFORDABLE HOUSING FUND			
Housing	245,568,825	-	245,568,825
Non-Departmental			
Interfund Transfers	1,331,844	-	1,331,844
Contingency	50,000,000	-	50,000,000
<i>Total Appropriations</i>	296,900,669	-	296,900,669
Unappropriated Balance	150,432,375	-	150,432,375
Total Fund Requirements	447,333,044	-	447,333,044
CEMETERY PERPETUAL CARE FUND			
Non-Departmental			
Interfund Transfers	40,000	-	40,000
<i>Total Appropriations</i>	40,000	-	40,000
Unappropriated Balance	730,314	-	730,314
Total Fund Requirements	770,314	-	770,314
COMMUNITY ENHANCEMENT FUND			
Waste Prevention and Environmental Services	1,514,714	-	1,514,714
Non-Departmental			
Interfund Transfers	50,000	-	50,000
Contingency	69,500	-	69,500
<i>Total Appropriations</i>	1,634,214	-	1,634,214
Unappropriated Balance	105,427	-	105,427
Total Fund Requirements	1,739,641	-	1,739,641

GENERAL ASSET MANAGEMENT FUND

Asset Management Program	11,744,270	-	11,744,270
Non-Departmental			
Interfund Transfers	-	-	-
Contingency	10,108,793	-	10,108,793
<i>Total Appropriations</i>	21,853,063	-	21,853,063
Unappropriated Balance	14,617,375	-	14,617,375
Total Fund Requirements	36,470,438	-	36,470,438

GENERAL OBLIGATION DEBT SERVICE FUND

Non-Departmental			
Debt Service	78,780,223	3,500,750	82,280,973
<i>Total Appropriations</i>	78,780,223	3,500,750	82,280,973
Total Fund Requirements	78,780,223	3,500,750	82,280,973

GENERAL REVENUE BOND FUND

Bond Account			
Debt Service	6,059,650	-	6,059,650
<i>Total Appropriations</i>	6,059,650	-	6,059,650
Unappropriated Balance	4,116,466	-	4,116,466
Total Fund Requirements	10,176,116	-	10,176,116

MERC FUND

MERC	79,867,215	-	79,867,215
Non-Departmental			
Interfund Transfers	11,266,749	-	11,266,749
Contingency	23,446,873	-	23,446,873
<i>Total Appropriations</i>	114,580,837	-	114,580,837
Total Fund Requirements	114,580,837	-	114,580,837

NATURAL AREAS FUND

Parks and Nature	4,183,658	-	4,183,658
Non-Departmental			
Contingency	346,342	-	346,342
<i>Total Appropriations</i>	4,530,000	-	4,530,000
Total Fund Requirements	4,530,000	-	4,530,000

OREGON ZOO ASSET MANAGEMENT FUND

Visitor Venues - Oregon Zoo	15,368,630	-	15,368,630
Non-Departmental			
Interfund Transfers	391,370	-	391,370
<i>Total Appropriations</i>	15,760,000	-	15,760,000
Total Fund Requirements	15,760,000	-	15,760,000

OREGON ZOO OPERATING FUND

Visitor Venues - Oregon Zoo	41,063,281	-	41,063,281
Non-Departmental			
Interfund Transfers	19,502,077	-	19,502,077
Contingency	19,767,252	-	19,767,252
<i>Total Appropriations</i>	80,332,610	-	80,332,610
Total Fund Requirements	80,332,610	-	80,332,610

PARKS AND NATURE BOND FUND

Parks and Nature	83,593,522	-	83,593,522
Non-Departmental			
Interfund Transfers	2,482,751	-	2,482,751
Contingency	14,510,000	-	14,510,000
<i>Total Appropriations</i>		-	100,586,273
Unappropriated Balance	72,896,227	-	72,896,227
Total Fund Requirements	173,482,500	-	173,482,500

PARKS AND NATURE OPERATING FUND

Parks and Nature	29,291,134	-	29,291,134
Non-Departmental			
Interfund Transfers	5,933,606	-	5,933,606
Contingency	8,025,138	-	8,025,138
<i>Total Appropriations</i>		-	43,249,878
Unappropriated Balance	700,000	-	700,000
Total Fund Requirements	43,949,878	-	43,949,878

RISK MANAGEMENT

Finance and Regulatory Services	4,689,224	-	4,689,224
Non-Departmental			
Contingency	522,674	-	522,674
<i>Total Appropriations</i>		-	5,211,898
Unappropriated Balance	445,000	-	445,000
Total Fund Requirements	5,656,898	-	5,656,898

SMITH AND BYBEE WETLANDS FUND

Parks and Nature	175,000	-	175,000
Non-Departmental			
Interfund Transfers	57,610	-	57,610
Contingency	500,000	-	500,000
<i>Total Appropriations</i>		-	732,610
Unappropriated Balance	609,200	-	609,200
Total Fund Requirements	1,341,810	-	1,341,810

SOLID WASTE FUND

Waste Prevention and Environmental Services	120,913,754	-	120,913,754
Non-Departmental			
Debt Service	1,350,000	-	1,350,000
Interfund Transfers	17,001,232	-	17,001,232
Contingency	15,206,150	-	15,206,150
<i>Total Appropriations</i>		-	154,471,136
Unappropriated Balance	17,254,346	-	17,254,346
Total Fund Requirements	171,725,482	-	171,725,482

SUPPORTIVE HOUSING SERVICES

Housing	229,096,707	-	229,096,707
Non-Departmental			
Interfund Transfers	3,370,894	-	3,370,894
Contingency	190,851,198	-	190,851,198
<i>Total Appropriations</i>		-	423,318,799
Total Fund Requirements	423,318,799	-	423,318,799

Total Appropriations	1,502,257,432	3,500,750	1,505,758,182
Total Unappropriated Balance	289,076,786	-	289,076,786
TOTAL BUDGET	1,791,334,218	3,500,750	1,794,834,968
TOTAL FTE	1,130.75	-	1,130.75

EXHIBIT B
General Obligation Bond Debt Service Tax Levy
Resolution 23-5321

General Obligation Bond Debt Service Tax Levy Calculation	Proposed Budget	Amendment	Approved Budget
FY 2023-24 REQUIREMENTS			
General Obligation Refunding (2023 Series)	\$0	\$17,500,000	\$17,500,000
Natural Areas (2012 A Series)	\$8,886,200	(\$8,886,200)	\$0
Zoo Infrastructure (2012 A Series)	\$5,448,075	(\$5,113,050)	\$335,025
Natural Areas (2018 Series)	\$2,467,750	\$0	\$2,467,750
Zoo Infrastructure (2018 Series)	\$1,264,500	\$0	\$1,264,500
Affordable Housing (2019 Series)	\$39,183,904	\$0	\$39,183,904
Natural Areas (2020A Series)	\$3,526,179	\$0	\$3,526,179
Natural Areas (2020B Series)	\$18,003,615	\$0	\$18,003,615
TOTAL REQUIREMENTS	\$78,780,223	\$3,500,750	\$82,280,973
Sources available for cash flow:		\$0	
Fund balance	\$1,998,000	\$0	\$1,998,000
Previously levied taxes estimated to be received	700,000	\$0	700,000
Interest earned, FY 2023-24	200,000	\$0	200,000
Total non-tax sources available in FY 2023-24	\$2,898,000	\$0	\$2,898,000
Tax resources required to balance	\$75,882,223	\$3,500,750	\$79,382,973
Levy (assume 94.5% collectable rate)	\$80,298,648	\$3,704,498	\$84,003,146
Estimated FY 2023-24 Assessed Value	\$210,855,683,047	\$0	\$210,855,683,047
Levy rate per \$1,000 of assessed value	\$0.3808	\$0	\$0.3984
On \$100,000 of assessed property value	\$38.08	\$2	\$39.84
		\$0	
FY 2023-24 GO DEBT TAX LEVY AMOUNT	\$80,298,648	\$3,704,498	\$84,003,146

STAFF REPORT

IN CONSIDERATION OF RESOLUTION 23-5321 FOR THE PURPOSE OF APPROVING THE FY 2023-24 BUDGET, SETTING PROPERTY TAX LEVIES AND TRANSMITTING THE APPROVED BUDGET TO THE MULTNOMAH COUNTY TAX SUPERVISING AND CONSERVATION COMMISSION

Date: May 10, 2023

Prepared by:
Cinnamon Williams, Financial Planning Director
Patrick Dennis, Budget Coordinator

Department: Office of the Chief Operating Officer

Presented by:
Marissa Madrigal, Chief Operating Officer
Brian Kennedy, Chief Financial Officer

Meeting date: May 11, 2023

Length: 30 minutes

ISSUE STATEMENT

The Chief Operating Officer, acting in their capacity as Budget Officer, presented the FY 2023-24 Proposed Budget to the Metro Council, convened as Budget Committee, at the April 11, 2023, Council meeting. This was a Public Hearing where the Council provided an opportunity to receive testimony from interested members of the public and agency stakeholders.

Additional meetings were held for department presentations and budget deliberations throughout the month of April and early May 2023. Multiple Public Hearings were held, where Council provided opportunities to receive testimony from interested members of the public and agency stakeholders on the FY 2023-24 Proposed Budget.

On May 9, 2023, Council, in their capacity as the Budget Committee, considered two proposed amendments to the FY 2023-24 Proposed Budget, to be incorporated into the FY 2023-24 Approved Budget, if approved.

On May 11, 2023, Council, convened as Budget Committee, will vote on the two proposed budget amendments individually, before voting to approve the full budget, as amended, by way of Resolution 23-5321. Per Oregon Budget Law, changes to the budget from the Proposed to Approved stage require the affirmative vote of the majority of the Budget Committee membership.

Approval of the FY 2023-24 budget will be the final budget adoption action for Council, convened as Budget Committee, but Council will have additional opportunities to amend the budget, as the Governing Body, prior to the vote to adopt the budget on June 22, 2023.

ACTION REQUESTED

- Consideration and vote on the two proposed budget amendments that, if approved, will be incorporated into the FY 2023-24 Approved Budget.
- Consideration and vote on Resolution 23-5321 approving the FY 2023-24 budget, setting property tax levies, and transmitting the approved budget to the Multnomah County Tax Supervising and Conservation Commission.

IDENTIFIED POLICY OUTCOMES

Compliance with Oregon Budget Law.

POLICY QUESTION

Does the budget reflect Council priorities, policies, and goals?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Approval of the budget, by Council convened as Budget Committee, will meet one of the legal mandates established by Oregon Budget Law.

STAFF RECOMMENDATIONS

The Chief Operating Officer and Chief Financial Officer recommend that Council, convened as Budget Committee, approve both proposed budget amendments, to be incorporated into the FY 2023-24 Approved Budget, and to adopt Resolution 23-5321, approving the FY 2023-24 budget, setting property tax levies, and authorizing the Chief Operating Officer to submit the FY 2023-24 Approved Budget to the Multnomah County Tax Supervising and Conservation Commission.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The FY 2023-24 Proposed Budget was released electronically to Council and posted to Metro's budget webpage for the public, on April 7, 2023, and presented by the Chief Operating Officer, in their capacity as the Budget Officer, to the Council, sitting as Budget Committee, on April 11, 2023. On May 9, 2023, Council, convened as Budget Committee, considered two budget amendments to be incorporated into the FY 2023-24 Approved Budget.

Relationship to Metro's Strategic Plan, racial equity, and climate action goals

By approving the FY 2023-24 Budget, Metro is one step closer to adopting a budget that will focus on programming related to Metro's guiding principles of racial justice, climate justice and resiliency, and shared prosperity.

Known Opposition: None known.

Legal Antecedents: The preparation, review and adoption of Metro's annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its Approved Budget to the Multnomah County Tax Supervising and Conservation Commission. The Commission will conduct a hearing on June 1, 2023, for the purpose of receiving information from the public regarding the Approved Budget. Following the hearing, the Commission will certify the budget to the Council for adoption and may provide recommendations to the Council regarding any aspect of the budget.

Anticipated Effects: Adoption of Resolution 23-5321 will set the maximum tax levies for FY 2023-24 and authorize the Chief Operating Officer to transmit of the Approved Budget to the Multnomah County Tax Supervising and Conservation Commission.

Budget Impacts: The total amount of the FY 2023-24 Proposed Budget is \$1,791,334,218 with 1,130.75 FTE. The two amendments to the FY 2023-24 Proposed Budget, to be incorporated into the FY 2023-24 Approved Budget, total to \$3,500,750. The total amount of the FY 2023-24 Approved Budget, with both amendments included, is \$1,794,834,968 with 1,130.75 FTE.

BACKGROUND

The actions taken by this resolution are the interim steps between initial proposal of the budget and final adoption of the budget in June. Oregon Budget Law requires that Metro approve and transmit its budget to the Multnomah County Tax Supervising and Conservation Commission (TSCC). Members of the TSCC are appointed by the Governor to supervise local government budgeting and taxing activities in Multnomah County. The TSCC will hold a hybrid Public Hearing on Metro's budget on June 1, 2023 in the Metro Council Chambers at 12:30 p.m. Following the meeting, the TSCC will provide a letter of certification for Metro's budget. The Council's adoption of the final FY 2023-24 budget is currently scheduled for June 22, 2023.

Oregon Budget Law requires the Budget Committee of each local jurisdiction to set the property tax levies for the ensuing year at the time the budget is approved. Under Oregon Budget Law the Metro Council sits as the Budget Committee for this action. The tax levies must be summarized in the resolution that approves the budget and cannot be increased beyond this amount following approval without resubmitting the budget to the TSCC and holding an additional TSCC Public Hearing. Metro's levy for general obligation debt reflects actual debt service levies for all outstanding general obligation bonds, except for the "General Obligation Refunding (Series 2023)," which are currently an estimate based on the timing of the issuance, to be finalized prior to adoption. Metro is working with the TSCC to ensure that the estimated General Obligation Refunding bond amounts are budgeted in good faith and as accurately as possible based on the most-current information available to Metro. The levy authorization for FY 2023-24 budget also includes the 5-year local option levy for Parks and Natural Areas support, which was renewed by the voters in November 2022, as well as the levy for Metro's permanent tax rate for general operations.

ATTACHMENTS

- Resolution 23-5321
- Exhibit A – Schedule of Appropriations
- Exhibit B – GO Bond Debt Service Tax Levy

Agenda Item No. 4.2

**RES 23-5320 For the purpose of adopting solid waste fees
at the metro transfer stations and the regional system fee
for FY 2023-24**
Resolutions

Metro Council Work Session
Meeting Thursday May 11, 2023

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING SOLID)	RESOLUTION NO. 23-5320
WASTE FEES AT THE METRO TRANSFER)	
STATIONS AND THE REGIONAL SYSTEM)	Introduced by Chief Operating Officer
FEE FOR FY 2023-24)	Marissa Madrigal with the concurrence of
)	Council President Lynn Peterson

WHEREAS, Metro Code Chapter 5.02 establishes the regional system fee, which recovers the costs for all associated regional solid waste activities related to managing, planning, and administering the entire recycling, processing, and disposal system for the Metro region; and

WHEREAS, Metro Code Chapter 5.03 establishes the fees for solid waste at Metro Central and Metro South transfer stations; and

WHEREAS, Metro Code Chapters 5.01 and 5.02 establishes that all solid waste generated from inside the Metro jurisdictional boundary is subject to a regional system fee at the time the waste is delivered to a Metro transfer station or otherwise disposed; and

WHEREAS, Metro Code Section 5.06.030 establishes a community enhancement fee in an amount not to exceed \$1.00 on each ton of putrescible waste delivered to eligible solid waste facilities in the Metro region; and

WHEREAS, Metro Council finds that it is in the public interest for Metro to collect a community enhancement fee of \$1.00 per ton on all solid waste received at Metro’s transfer stations; and

WHEREAS, Metro’s costs for solid waste services and programs have changed; and

WHEREAS, the proposed fees comply with Metro Charter Section 15 (“Limitations on Amount of User Charges”); now therefore,

THE METRO COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Solid Waste Fees and Charges. The schedule of solid waste fees and charges attached hereto as Exhibit “A” is approved and shall be implemented on the Effective Date of this resolution.
- Section 2. Effective Date. This resolution shall become effective on July 1, 2023.
- Section 3. Interim Fees. The Chief Operating Office may establish an interim fee for an additional service or waste material at Metro’s transfer stations as provided in Administrative Rules No. 5.03-1000 through 1070.

ADOPTED by the Metro Council this ____ day of April 2023.

Lynn Peterson, Council President

APPROVED AS TO FORM:

Carrie MacLaren, Metro Attorney

Exhibit "A" to Resolution No. 23-5320

SCHEDULE OF SOLID WASTE FEES

Effective July 1, 2023

Fees at Metro Central Station and Metro South Station

Tonnage Fees by waste class

In accordance with Metro Code Chapter 5.03, Metro will charge the following fee for each ton of solid waste received at a Metro transfer station

- (1) Mixed solid waste \$ 86.23
- (2) Clean Wood 74.93
- (3) Yard Debris..... 55.00
- (4) Residentially generated organic waste.....86.15
- (5) Commercially generated organic waste..... 75.38

Transaction Fees by transaction class

In accordance with Metro Code Chapter 5.03, Metro will charge the following fee for each transaction at a Metro transfer station.

- (1) For users of staffed scales. \$ 24.00
- (2) For users of automated scales 6.75

Minimum Charges

In accordance with Metro Code Chapter 5.03. Metro will charge a minimum tonnage fee for loads of 240 pounds or less, as follows:

- (1) Mixed solid waste \$ 40.00
- (2) Clean Wood 33.00
- (3) Yard Debris..... 31.00
- (4) Residentially generated organic waste.....34.00
- (5) Commercially generated organic waste..... 33.00

Fees on Disposal of Solid Waste

Regional System Fees by waste class

In accordance with Metro Code Chapter 5.02, Metro will assess the following regional system fee on solid waste.

- (1) Cleanup material..... \$ 2.50
- (2) All other solid wastes..... 31.41

Community Enhancement Fee

In accordance with Metro Code Chapter 5.06, Metro will collect the following community enhancement fee on solid waste at all eligible solid waste facilities and at Metro transfer stations.

- (1) Putrescible solid waste..... \$ 1.00
- (2) Non-putrescible solid waste (as authorized by Metro Chief Operating Officer) 1.00

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 23-5320 FOR THE PURPOSE OF ADOPTING SOLID WASTE FEES AT THE METRO TRANSFER STATIONS AND THE REGIONAL SYSTEM FEE FOR FY 2023-24.

Date: April 13, 2023
Department: FRS
Meeting Date: April 27, 2023

Prepared by: Cinnamon Williams
Presenters: Brian Kennedy and Cinnamon Williams
Length: 30 Minutes

ISSUE STATEMENT

This resolution will authorize increases to Solid Waste fees at the Metro transfer stations and regional system fee to take effect on July 1, 2023.

ACTION REQUESTED

Council adoption of Resolution 23-5320

IDENTIFIED POLICY OUTCOMES

Council adoption of this resolution will:

1. Increase the Solid Waste fees at the Metro transfer stations and regional system fee to be effective as of July 1, 2023;
2. Provide Council with the annual report of the amount of solid waste that was subject to reduced fees and taxes or exempted during FY 2021-22.

POLICY QUESTION

Should Council increase the Solid Waste fees at the Metro transfer stations (including the total disposal fee, transactions fees, materials charges, and minimum load size fees) and the regional system fee to cover the costs of service of Metro station operations and the regional waste system?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Adoption of the resolution to increase Solid Waste fees at the Metro transfer stations and regional system fee to fund current Department expenses.
2. Reject the resolution and Solid Waste fees at the Metro transfer stations and regional system fee will be unchanged. This action will result in future operational budget shortfalls. This will require Metro to significantly reduce public services and make additional changes to programs and capital plans to keep spending in line with expected revenue collected.

STAFF RECOMMENDATIONS

The Chief Operating Officer recommends adoption of Resolution 23-5320

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

April 11, 2023, the Chief Operating Officer and the Chief Financial Officer presented to the Metro Council policy choices and fee scenarios for adopting fees for FY 2023-24. In that meeting Council direct staff to continue the approach of fee predictability. This approach is to keep the increase to the overall tip fee within the 8% ceiling, which created a mixed solid waste tip fee of \$133.81. This is 8.3% increase from FY 2022-23. This increase also includes the Metro excise tax increase of .48 cents, which is not a part of the fee development. If the excise tax was flat, the overall tip fee would be 8% increase from the prior year, which is within the ceiling guidance provided by Council.

Staff presented the Council with three scenarios: Full Cost of Service (COS), status quo, 8% Ceiling, and freezing the Regional System Fee. While all four have their pros/cons and cover the needs of the WPES department and the Region's solid waste system, Council requested that staff move forward with keeping the promises made in the prior year and go with the 8% ceiling approach.

In summary, the overall tip fee increase is 8.4% and the minimum load from 300 to 240 pounds to create a fee of \$40. This is still higher than the average minimum load, which is approximately 205 pounds.

Independent Solid Waste Fee Review and Staff response: As required by Metro Code Chapter 5.03.070, staff has had the Solid Waste Fees reviewed by an independent reviewer. Metro employs consultant FCS Group who reviews the Solid Waste Rate Model and provisional fees. This review includes a letter with their findings and recommendations during this review. The current review letter is provided as **Attachment 3** and staff's response is **Attachment 4**.

Clean-up Material and Special Exemptions: Metro Code Section 5.02.070(b) states that the Chief Operating Officer must provide the Metro Council with an annual report indicating the amount of solid waste recycled or disposed under special exemption permits and the total regional system revenue that was not collected during the fiscal year because of those special exemptions. A summary showing the total amount of Metro area waste that was subject to Metro's reduced rate or exempt from fees and taxes during FY 2021-22 is provided in **Attachment 1**.

Known Opposition: A solid waste industry representative has previously indicated opposition to the single disposal fee that Metro charges for solid waste received at its transfer stations. Additionally, some local government partners have also expressed concerns about increasing disposal fees.

Legal Antecedent: The process for setting Metro's solid waste fees and taxes are set forth in Metro Code Chapters 5.02, 5.03, 5.06 and 7.01. Metro reviews its solid waste fees annually. The proposed FY 2022-23 fees comply with the restriction set forth in Chapter III, Section 15 of the Metro Charter limiting user charges to the amount needed to recover the costs of providing goods and services.

Attachment 1, Annual Credit and Exemptions Report

Tons of Metro area waste subject to Metro's reduced rate or exempt from fees and taxes at a disposal site

July 1, 2021 - June 30, 2022

Fiscal Year 2022

Reduced rate waste (cleanup material)		Tons
Type:		
Petroleum Contaminated Soil		214,979
Other		28,564
	total	<u>243,543</u>

Exempt waste		Tons
Generator:		
Columbia Steel Casting Co Inc		6,571
Evrz NA		1,424
Greenway Recycling		12,687
Metro Paint		794
Metro South		19
RA Roth / NW Shingle		0
RB Recycling		2,351
Rivergate Scrap Metals		13,390
Schnitzer Steel		135,139
Siltronics Corp		460
Synagro Technologies		1,148
Tire Disposal and Recycling		1,185
Tualatin Valley Waste Recovery		10,431
Willamette Resources Inc		1,426
	total	<u>187,027</u>

Special Exemption Permits		Tons
Generator:		
Oregon Department of Agriculture		2,744
(yard debris from beetle quarantined area - Wash Co) *	total	<u>2,744</u>

* No lost revenue as material would have normally been composted

Fee Setting Criteria

April 2023

Rationale: During the process of fee development, staff relies on Metro’s legal authority as determined by Metro Code and Oregon Revised Statute, as well as policy adopted by the Metro Council and other informal guidance. In addition, the solid waste fee setting process is guided by core set of criteria used to ensure effective management of the regional solid waste system.

Action: Solid waste fee and rate setting guidance recommends that fee and rate setting policy be periodically reviewed. The fee setting principles were last updated in 2018 (see attachment A). Given both the timing and the adoption of the 2030 Regional Waste Plan, it is timely to conduct a review of the criteria. By adopting fees and the fee setting criteria, Council has reviewed the below fee setting criteria that is to be used during fee development.

Fiscal Responsibility

- A. Credit Rating Impacts: The fee structure should not negatively impact Metro’s credit rating.
- B. Authority to Implement: Metro should ensure that it has the legal ability to implement the fee structure; or, if such authority is not already held, evaluate the relative difficulty of obtaining the authority. And, fees should be readily enforceable.
- C. Revenue Adequacy: Fees should be sufficient to generate revenues that fund the costs of the solid waste system and provide fund balance reserves that are necessary for fee stabilization, policy compliance, and unexpected disruptions.

Accountability

- A. Reliability. Anticipated revenues used in the fee setting process should be considered stable and unlikely to deviate from financial plan expectations.
- B. Predictability: Metro fee adjustments should be predictable and orderly to allow local governments, haulers, and rate payers to perform effective planning.
- C. Transparency: Metro fee should be a reflect policy decisions in the fee setting process and structure and have the visibility into the decision-making process (how decisions are being made).

Public Benefit

- A. Administration: Fee setting should evaluate the relative cost and benefits of administering the fees with financial and policy goals.

- B. Service Provision: Charges to users of the waste disposal system should be directly related to disposal services received. Fee impacts to residents of the Metro service district who may not be direct users of the disposal system should be related to other benefits received.
- C. Affordability. Fee setting should consider the economic effects and distribution of benefits on the various types of users in the Solid Waste System, including the cost of living on residential waste generators and the cost of doing business on non-residential generators, as well as the economic effect on others in the region.
- D. Consistency: Solid waste fee setting should be consistent with Metro's agency-wide planning policies and objectives, including but not limited to the Regional Waste Plan.
- E. Waste Reduction: The rate structure should encourage waste reduction, reuse, and recycling.

April 21, 2023

Metro

600 NE Grand Avenue
Portland, OR 97232-2736

Subject: Review of Fiscal Year 2023-2024 Solid Waste Disposal Fees

Dear Ms. Madrigal, Chief Operating Officer,

Metro engaged FCS GROUP to provide an independent review of the methodology for calculating proposed solid waste disposal fees for Fiscal Year (FY) 2023-2024. In response to this request, we have reviewed Metro's updated Excel Fee Model (Model) and associated fees for accuracy, adequacy, reasonableness and compliance with industry practices. This review is in accordance with *Metro Code – Title V Solid Waste Section 5.03.070 “Independent Review of Fee Setting Process; Written Report”*.

This review focused on the overall methodology and resulting fees for compliance with industry practices for FY 2023-2024. The review did not validate the accuracy of source documents or formulae and structure utilized in the Model.

The FY 2023-2024 findings and comments are summarizing below:

- The methodology utilized in the fee setting process follows best practices in the industry. The overall analysis is structured around three (3) fee setting components, or steps:
 1. *Revenue requirement*: evaluates the overall revenue needs of the utility on a self-supporting basis, considering operating and maintenance expenditures, capital/equipment funding needs, debt requirements and fiscal policies.
 2. *Cost of service*: equitably distributes costs to services based on their proportional demand and use of the system.
 3. *Rate / fee design*: includes the development of fees that generate sufficient revenue to support the revenue requirement and address Metro's policy goals and objectives.
- The recommended overall fee strategy (step 1, revenue requirement) for FY 2023-2024 projects revenues after increase to be below annual operating obligations, requiring the use of \$600,000 in reserves. When evaluating reserve levels, it is important to recognize that the value of reserves lies in their potential use. A reserve strategy that deliberately avoids any use of reserves negates their purpose. Fluctuation of reserve levels may indicate that the system is working, while lack of variation over many years may suggest that the reserves are, in fact, unnecessary. The benefit of projecting revenue requirements beyond the immediate test year period is the ability to level out impacts over time, if necessary. The Model does project the revenues after increase for subsequent years to meet the estimated revenue needs, assuming the proposed fees are implemented.
 - » The operating and maintenance (O&M) expense projection for this year's Model update does include a budget realization factor of approximately 95 percent. The budget realization factor reduces the overall budget, not including cost allocation plan expenditures, down to 95.0

percent of the total. This practice is common in the rate setting industry and is often utilized if a utility has historically expended less than planned or if the utility anticipates the test year to be below budget due to factors identified after the budget has been adopted. The budget realization factor reduces the overall operating budget by approximately \$6.0 million for the FY 2023-2024 test year. Metro should continue to closely monitor actual annual expenditures compared to the figures used in the current rate strategy and adjust if necessary.

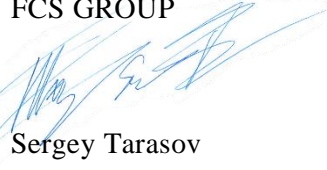
- The cost allocation (step 2, cost of service) utilized in developing service level charges appears technically sound and consistent with that deemed acceptable by industry practices. Costs appear to be allocated with cost causation principles, mimicking the nature of how they are incurred. Primary allocation occurs based on actual time spent by employees within each service level, contractual costs associated with each service level or a direct assignment of costs to a specific service level.
 - » For this year's update, Metro has expanded the O&M expense line-item budget used in the Model. The greater detail allows Metro to hone in on individual expenses, which may have been grouped within larger summary level categories. The expanded approach may increase the granularity of cost allocation but may require additional time for tracking and future updates. Overall, this adjustment did not have a material impact on the cost allocation results.
 - » Another change that has occurred with this year's update is the allocation of the Operating and Personnel cost components of the Central and South Transfer Station contracts. In prior studies, these cost elements were allocated based on the working floor area for each transfer station and the associated service. The updated allocation distributes these costs based on FTEs assigned to each service within the transfer station. While this is a change from prior studies, this modification has been made to more closely align with the actual expenses incurred. The results of this change shifts cost recovery towards scalehouse operations and impacts the cost-based transaction fee.
 - » The results of the cost-of-service analysis indicate that cost differences are present between existing fees and the cost-based allocation. It should be noted that, typically, if the result of each individual service is within plus (+) or minus (-) 5.0 to 10.0 percent of the overall system average, they are generally considered to be within cost-of-service. This range of reasonableness is given since although there is an industry accepted methodology, the specific classification and allocation of expenses reflect cost and waste characteristics at a given point in time. With time, waste patterns, composition and facility requirements change resulting in changes to cost-of-service. The flexibility to work within the range of reasonableness can minimize annual peaks and valleys and help maintain stable fees from year to year.
- The proposed fees (step 3, rate / fee design) phase-in cost-of-service results over a 5-year period. Staffed and automated fees, mixed solid waste, clean wood and residential organics are phased-in to within 4.0 percent of their cost-of-service level, with the majority projected to be within 1.0 percent. By the end of the 5-year period, commercial organics are projected to be within 7.0 percent of their cost of service, which falls in line with the 10.0 percent range of reasonableness discussed above. The yard waste fee is held below allocated costs, to support programmatic goals for this waste area.
 - » The proposed rate design, when reconciled with projected billing units, does project a lower revenue generation in comparison to the total revenue requirement targets identified in step 1, revenue requirement. The deficiency ranges from \$2.0 million in FY 2023-2024 down to

\$113,000 in FY 2027-2028. While the rate design does generate less revenues, effectively lowering the overall rate increases identified in step 1, Metro's existing fund balances are projected to be sufficient to cover the deficiency.

We appreciate the opportunity to work with Metro on this project. Please do not hesitate to contact me if you have any questions regarding this letter or if additional information is needed.

Sincerely,

FCS GROUP



Sergey Tarasov

Principal

cc: Financial Planning Director Cinnamon Williams, Chief Financial Officer Brian Kennedy, and Councilors Peterson, Simpson, Lewis, Rosenthal, Gonzalez, Nolan and Hwang

Attachment 4, Review of FY 2023-24 Solid Waste Disposal Fees

Metro engaged FCS Group to provide an independent review of the methodology for calculating proposed solid waste fees for the fiscal year FY 2023-24. This letter has four bullets. The first bullet outlines the best practices of the industry and the structure to utilize the Rate Model. This structure is three different fee setting components: revenue requirement, cost of service, and rate/fee design. The following three bullets describe those steps, and the sub-bullet down is the review note. Staff will quote each review note and provide a response.

FCS Group – Comment on the Revenue Requirement:

- » The operating and maintenance (O&M) expense projection for this year’s Model update does include a budget realization factor of approximately 95 percent. The budget realization factor reduces the overall budget, not including cost allocation plan expenditures, down to 95.0 percent of the total. This practice is common in the rate setting industry and is often utilized if a utility has historically expended less than planned or if the utility anticipates the test year to be below budget due to factors identified after the budget has been adopted. The budget realization factor reduces the overall operating budget by approximately \$6.0 million for the FY 2023-2024 test year. Metro should continue to closely monitor actual annual expenditures compared to the figures used in the current rate strategy and adjust if necessary.

Staff Response:

Staff agrees with the comment. Staff reviews financial performance and tonnage activity daily, weekly, monthly, and quarterly. In addition, staff produces quarterly reports that include financial forecasts and will closely monitor WPES budget realization to ensure that projected underspending is on-track.

FCS Group – Comment on the Cost of Service:

- » For this year’s update, Metro has expanded the O&M expense line-item budget used in the Model. The greater detail allows Metro to hone in on individual expenses, which may have been grouped within larger summary level categories. The expanded approach may increase the granularity of cost allocation but may require additional time for tracking and future updates. Overall, this adjustment did not have a material impact on the cost allocation results.



- » Another change that has occurred with this year's update is the allocation of the Operating and Personnel cost components of the Central and South Transfer Station contracts. In prior studies, these cost elements were allocated based on the working floor area for each transfer station and the associated service. The updated allocation distributes these costs based on FTEs assigned to each service within the transfer station. While this is a change from prior studies, this modification has been made to more closely align with the actual expenses incurred. The results of this change shifts cost recovery towards scalehouse operations and impacts the cost-based transaction fee.
- » The results of the cost-of-service analysis indicate that cost differences are present between existing fees and the cost-based allocation. It should be noted that, typically, if the result of each individual service is within plus (+) or minus (-) 5.0 to 10.0 percent of the overall system average, they are generally considered to be within cost-of-service. This range of reasonableness is given since although there is an industry accepted methodology, the specific classification and allocation of expenses reflect cost and waste characteristics at a given point in time. With time, waste patterns, composition and facility requirements change resulting in changes to cost-of-service. The flexibility to work within the range of reasonableness can minimize annual peaks and valleys and help maintain stable fees from year to year.

Staff Response:

Staff agrees with the three comments. Staff implemented an itemized O&M expense line approach to improve transparency of costs and acknowledges the additional time that it takes to implement appropriate accounting and review over the expenses. For comment two, staff continues to review allocation methods by how costs are incurred and apply these methods to reflect the operation activity of the department.

Comment three addresses the waste streams' volatility and ongoing increases in costs-of-service. Staff agrees with this comment and will close evaluate how to continue provide this service and level of service within the cost implications of the system.

FCS Group – Comment on Rate/Fee Development:

- » The proposed rate design, when reconciled with projected billing units, does project a lower revenue generation in comparison to the total revenue requirement targets identified in step 1, revenue requirement. The deficiency ranges from \$2.0 million in FY 2023-2024 down to \$113,000 in FY 2027-2028. While the rate design does generate less revenues, effectively lowering the overall rate increases identified in step 1, Metro's existing fund balances are projected to be sufficient to cover the deficiency.

Staff Response:

Staff agrees with this comment. Staff acknowledges that fees do not cover all budgeted spending and will continue to monitor reserves. Each year, additional analysis will be done to ensure that fund balance reserve policies and best practices are appropriately complied with.