

## Appendix VI (Chapter 8)

### Table of Contents

<b>1.1</b>	<b>The Need for MTIP Process Objectives</b>	<b>1</b>
1.2	MTIP Amendment Process Objectives	2
1.3	Types of MTIP Amendments: Formal MTIP Amendments	3
1.4	Fiscal Constraint Demonstration and Formal Amendments	19
1.5	Administrative Modifications	20
1.6	Metro Administrative Modifications and the Amendment Matrix Thresholds	22
1.7	Technical Corrections/Adjustments	23
1.8	Advance Construction Programming	24
<b>2.1</b>	<b>Attachments:</b>	<b>28</b>
2.2	Attachment 1: Sample MTIP Formal Amendments Processing Calendar	29
2.3	Attachment 2: Submission Reminders	32
2.4	Attachment 3: Flex Transfer Reminders	38
2.5	Attachment 4: Resolution Development Reminder	42
2.6	Attachment 5: Public Comment Overview	46
2.7	Attachment 6: Public Comment Summary Log	55
2.8	Attachment 7: Staff Report Sample from 23-5308	57
2.9	Attachment 8: JPACT Summary Sheet Example	72
2.10	Attachment 9: USDOT Advance Construction Guidance	73
2.11	Attachment 10: Metro MTIP Amendment Matrix Expanded	77
2.12	Attachment 11: Determining Scope Changes as Major or Minor	84

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

### Sections:

- The Need for MTIP Amendments
- MTIP Process Objectives
- Types of MTIP Amendments: Formal MTIP Amendments
- Fiscal Constraint Demonstration and Formal Amendments
- Administrative Modifications
- Metro Administrative Modifications and the Amendment Matrix Thresholds
- Technical Corrections/Adjustments
- Advance Construction Programming
- MTIP Amendment Matrix
- Attachments:
  - o Attachment 1: Sample MTIP Formal Amendments Processing Calendar
  - o Attachment 2: Submission Reminders
  - o Attachment 3: Flex Transfer Reminders
  - o Attachment 4: Resolution Development Reminders
  - o Attachment 5: Public Comment Overview
  - o Attachment 6: Public Comment Summary Log
  - o Attachment 7: Staff Report Sample from 23-5308
  - o Attachment 8: JPACT Summary Sheet Example
  - o Attachment 9: USDOT Advance Construction Guidance
  - o Attachment 10: Metro MTIP Amendment Matrix Expanded
  - o Attachment 11: Determining Scope Changes as Major or Minor

### Background: The Need for MTIP Amendments

23 CFR 450.326 identifies MTIP requirements when the MTIP is updated. In between MTIP Updates, US DOT authorizes modifications to the MTIP that do not result or contribute to increases in mobile emissions and negatively impact regional air conformity, or negatively impact the fiscal constraint to the degree that the MTIP fiscal constraint finding would be invalidated. In a perfect world, once the MTIP is updated and approved, implementation of the programmed project would progress exactly as the programming reflects. However, the federal transportation project delivery process is elastic with projects evolving in cost, scope, design, alignment, etc. as it moves through the Preliminary Engineering phase and into implementation phases. From initial federal award/allocation through programming and fund obligation to implementation and final project delivery, the federal transportation process could be described as living and ever changing.

For this reason, 23 CFR 450.328 acknowledges that periodic project modifications in scope, funding, work elements, etc. will need to occur and modifications to projects programmed in the MTIP via amendments will have to be completed. 23 CFR 450.328 states the following guidance for completing MTIP amendments:

- (a) An MPO(s) **may revise the TIP at any time under procedures agreed to by the cooperating parties consistent with the procedures established in this part for its**

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

**development and approval.** In nonattainment or maintenance areas for transportation-related pollutants, if a TIP amendment involves non-exempt projects (per 40 CFR part 93), or is replaced with an updated TIP, the MPO(s) and the FHWA and the FTA must make a new conformity determination. In all areas, changes that affect fiscal constraint must take place by amendment of the TIP. The MPO(s) shall use public participation procedures consistent with §450.316(a) in revising the TIP, except that these procedures are not required for administrative modifications.

- (b) After approval by the MPO(s) and the Governor, **the State shall include the TIP without change, directly or by reference, in the STIP required under 23 U.S.C. 135.** In nonattainment and maintenance areas, the FHWA and the FTA must make a conformity finding on the TIP before it is included in the STIP. A copy of the approved TIP shall be provided to the FHWA and the FTA.

Projects programmed in the MTIP are to be maintained as accurately as currently approved and as developed for delivery. Therefore, if a required change to a project emerges during project development, or other implementation phases, the project in the MTIP also needs to be amended to reflect the change. USDOT has placed limits on the degree and types of changes allowed through an MTIP amendment process. Generally, the MTIP amendment process is governed under the following basic rules for project changes:

- Any and all changes must result in the project still being consistent with the original approved project in the RTP.
- The changes result in a project that still support the goals and strategies of the RTP.
- The impact of the changes do not negatively result in higher emissions or negatively impact air conformity.
- The changes do not negatively impact the fiscal constraint finding for the RTP and/or MTIP.
- The changes will be made in a transparent and open process allowing necessary public review/and comment for major and significant project changes that are allowed through an MTIP amendment.
- The changes are necessary to ensure the MTIP, the draft environmental document, and the intergovernmental agreement match.
- Added note for MTIP amendments: JPACT and Metro Council reserve the right to require any proposed MTIP project change to be processed as a formal amendment. Factors that may contribute to this decision may include:
  - Impact upon the RTP and the RTP's goals and strategies.
  - Public sensitivity to the requested change
  - Regional significance impact
  - Additional project details or interest and requests by elected officials for additional details.
  - Need to discuss the funding or funding plan for the project

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

### MTIP Amendment Process Objectives

Developing, implementing, and managing MTIP amendments must adhere to the above basic rules and meet seven key objectives. The objectives are:

1. Ensure that federal requirements are properly met for use of available federal funds, including the requirement that projects using federal funds, and all projects of regional significance are included in the TIP and that the projects are consistent with the financially constrained element of the RTP.
2. Ensure regional consideration of proposed amendments having an impact on the priority for use of limited available resources or having an effect on other parts of the transportation system, other modes of transportation or other jurisdictions.
3. Ensure that the responsibilities for project management and cost control remain with the agency sponsoring the project.
4. Authorize routine amendments to the MTIP to proceed expeditiously to avoid unnecessary delays and committee activity.
5. Provide for dealing with emergency situations.
6. Ensure projects are progressing to fully obligate annual funding in order to avoid a lapse of funds.
7. The changes required through the amendment does not violate any of the core amendment rules stated on the previous page.

### Types of MTIP Amendments

As a result of the MTIP rules and objectives, USDOT and Metro have categorized required project changes legal MTIP amendments into two categories that allow specific project changes to occur. These include formal/full amendments and administrative Modification. A subcategory with administrative modifications also exists which is covered and treated as a separate category.

USDOT has negotiated with ODOT and the MPOs of the allowable changes within each type of change category. The key requirements, responsibilities, and processes are stated below for each:

#### 1. Formal/Full Amendments – Requirements and Processess

- a. Generally, formal MTIP amendments allow for new non capacity enhancing, exempt projects to be added to the MTIP that were not included as part of the prior MTIP Update.
- b. Formal amendments to existing projects reflect significant changes to the project where additional technical analysis is required to demonstrate that the change(s) do not negatively impact the conformity finding, fiscal constraint finding, and still remain consistent with the RTP's goals and strategies.
- c. The analysis must demonstrate that the proposed project changes are still consistent with the original scope and deliverables as initially programmed in the MTIP and have not deviated significantly from the approved RTP goals and strategies. A completed analysis may include the following:

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

- i. Completed performance measurement evaluation:
    - 1. Note: The Performance Assessment Evaluation is a form the lead agency will complete and provide as amendment supporting documentation.
    - 2. The Performance Assessment Evaluation is required for capacity enhancing regionally significant projects with a total project cost above \$100 million dollars.
    - 3. Inclusion of the Performance Assessment Evaluation is mandated by Metro Council direction as of 2022.
  - ii. Review and comparison of the changes to the pre-amendment programming against the transportation demand model.
  - iii. Evaluation by RTP staff of the proposed changes against the RTP's core goals and strategies.
  - iv. Evaluation of the funding changes or delivery schedule changes that result from the amendment
  - v. Discussion, meeting, changes to IGAs, etc. with ODOT LALs or other project delivery expert staff to help qualify the proposed changes as significant or minor.
- d. The proposed changes may impact RTP policies, goals, and strategies. Through a formal MTIP amendment, the review process demonstrates the project changes are still consistent with the RTP.
- e. Because the changes are significant within the formal amendment, approval of the requested changes require:
- i. Formal Metro approval before submission to ODOT-Salem and USDOT. This includes:
    - 1. Notification to the Metro Transportation Policy Alternatives Committee (TPAC) along with an approval recommendation to the Metro Joint Policy Advisory Committee on Transportation (JPACT).
    - 2. Approval from JPACT with an approval recommendation to Metro Council
    - 3. Final approval from the Metro Council
  - ii. Successful completion of a 30-day public notification/comment period.
  - iii. Submission of all required support and back-up documentation required by USDOT as part of the approval process. Required support documentation may vary depending upon the project and associated change, but normally will need to include following items:
    - 1. Approved formal amendment resolution.
    - 2. Completed Exhibit A to the Resolution (MTIP Worksheet) that provides the specific before-and after amendment changes to the project.

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

3. Narrative explanation changes including reasons for the changes, and why the proposed changes as part of the amendment reflect the best course for efficient project delivery.
  4. Project location map showing general and specific location and limits for the project.
    - a. Project grouping buckets (PGB) that cover the Metropolitan Planning Area (MPA) three-county boundary area may include a basic regional map if multiple improvements are included that are spread over the three-county area.
    - b. PGBs with only a small number of approved site locations or single location projects are required to provide a detailed map showing the specific location and project limits for the project.
  5. Verification using 40 CFR 93.126, Tables 2 and 40 CFR 93.127, Table 3 that the project changes do not negatively impact air conformity.
  6. Verification and proof of funding if new funds are being added to the MTIP as part of the amendment.
  7. Demonstration that the associated funding changes do not negatively impact the MTIP's fiscal constraint finding.
  8. Compliance in providing any other USDOT specifically requested documentation as part of the amendment approval process (e.g. project schedule, phase milestones, contact information, etc.)
- iv. Submission to for review and approval by ODOT-Salem post Metro approval for the formal amendment.
  - v. Submission to USDOT for final approval:
    1. FHWA approval may only be required for roadway improvement type projects and their corresponding changes.
    2. Approval by FHWA and FTA may be required for some projects (especially transit type projects) depending upon the project and proposed changes.
    3. If FTA based transit funds are included as a funding source for the project, then FTA approval will be required as part of the final amendment approval process.
  - vi. Transit Related Project Amendments. The formal amendment process to complete transit system or funded projects is basically the same as noted above for roadway improvement type projects. The major differences are FTA is required to also approve the project. Second, the transit agency may submit the amendment request to Metro instead of ODOT. The amendment request can be initiated through the ODOT Region 1 STIP Coordinator. If submitted to Metro:
    1. The MTIP Amendments Manager will coordinate processing requirements with the transit agency contact person. This includes

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

submission to Metro or required support documents as part of the amendment (e.g. FTA ward award letters, original grant applications, FTA programming guidance, etc.).

2. Metro, the transit lead agency, and FTA staff as required will determine if the transit improvement can be programmed using only the “Other” phase, or if the standard roadway capital project improvement format (using preliminary engineering (PE), right-of way (ROW), Utility Relocation (UR), and/or Construction (Cons) phases are required to complete the amendment.
3. Metro will develop the draft MTIP Worksheet/Exhibit A to the resolution for the formal amendment detailing the required project changes.
4. Metro, ODOT, and the lead agency will complete any necessary pre-reviews and discussions with the transit agency to complete the amendment submission process. If approval barriers emerge, then Metro and ODOT may call for a pre-review from FTA to prevent amendment rejection prior to final submission.
5. The current process for submission of transit related MTIP amendments is usually a “transit agency-to-Metro” submission action. However, if the funding or project change originates from the ODOT Public Transit Division, then, the amendment submission can and will flow through the Region 1 STIP Coordinator.

### f. Formal amendment scheduling, development, and submission

#### i. Formal/full amendment scheduling:

1. The MTIP Amendments Manager will develop a formal/full amendment processing calendar based on the calendar year identifying the basic submission and processing schedule for formal amendments.
2. The calendar will outline the Metro review and approval timing using the compressed processing timing process from initial submission to Metro through TPAC, JPACT, and Metro Council.
3. The MTIP Amendments Manager will provide The Region 1 STIP Coordinator with the calendar for internal ODOT Region 1 formal amendment development, processing, submission to Metro, and ODOT tracking of submitted amendments.
4. Note: The formal/full Amendment processing calendar is considered a planning document between the MTIP Amendments Manager and the Region 1 STIP Coordinator. It is not an official document of proposed approval dates and times.
5. Each formal/full amendment will require official approval from the Metro Council Office and will provide the final JPACT and Council dates for the formal/full amendment.

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

### 6. See Attachment 1 for an example for the Formal Amendment Calendar.

- ii. Formal/full amendment initial submission to Metro:
  - 1. Generally, requests for a MTIP project amendment will originate from ODOT the project lead, or LAL to the ODOT Region 1 STIP Coordinator for roadway related capital improvement type projects.
  - 2. If the project is roadway type improvement (non-transit) and Metro funded project, the awarded lead agency will normally submit the amendment request to their Local Agency Liaison (LAL) to review using a project change request (PCR) form. Upon completion of required reviews and approvals, the LAL will submit the approved PCR to the Region 1 STIP Corridor for review and approval.
  - 3. If the project is a transit-based project, the transit agency responsible for the project may submit the amendment request to Metro or ODOT Region 1 Coordinator, as noted above. Specific transit steps are noted in item f(ii)8 below.
  - 4. If the requested project amendment is for a roadway improvement type project (non-transit type), then upon completion of pre-amendment reviews and approvals within ODOT, the Region 1 STIP Coordinator will update the STIP FP with the draft amendment request and complete the required support documents for submission to Metro to request the MTIP amendment.
  - 5. The Region 1 STIP Coordinator will evaluate if the requested changes can be processed as an administrative modification, or as a formal amendment. Pre-submission discussions or meetings may occur among the LAL, lead, agency, project lead, and Metro to determine the amendment processing options. The Region 1 STIP Coordinator may request a pre-submission review by Metro to determine if the project changes require a formal amendment or can proceed as an administrative modification.
  - 6. Because Metro and ODOT's STIP and MTIP Amendment Matrix's are slightly different, MTIP amendment processing rules may differ between the STIP and MTIP. When processing requirements differ, the Region STIP Coordinator and Metro MTIP Amendments Manager will coordinate options available to resolve the impasse and find an acceptable processing path to complete the amendment in both the MTIP and STIP.
  - 7. Upon satisfactory completion of the pre-submission review and evaluation process, the Region 1 STIP Coordinator will submit the amendment request to Metro to be included in the next available formal amendment. The required submission documents currently include the following:
    - a. STIP Summary Report



## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

- b. STIP Impacts Worksheet, and or Change Management Request (CMR), or approved PCR)
  - c. Project location map
  - d. OTC approval staff report item If OTC approval is required).
  - e. Director's approval letter in place of the OTC item (if acting on behalf of OTC)
  - f. Program manager official conformation and approval (via appropriate test in the CMR or STIP impacts Worksheet) for the change (if authorized to make the change)
  - g. Other support documentation needed for fiscal constraint verification (e.g. grant or earmark award letter, etc.)
  - h. Any other requested support document to help develop the staff report for TPAC, JPACT, and Council (e.g. project exhibits, schematics, delivery schedules, goals statements, etc.). The purpose of these added support documents are to help develop a sufficiently detailed staff report, or provided necessary attachments to ensure the amendment can proceed through the Metro approval process with a minimum of questions or comments.
  - i. **See Attachment 2 for Amendment Submission Reminders for added details concerning formal/full amendments.**
8. Acceptance of a Transit Formal amendment (Adding new or amending existing transit projects):
- a. As stated earlier, a transit agency may submit an amendment request directly to Metro. If this approach is taken, then following needs to occur:
    - i. The submission originates from the transit agency designated MTIP/STIP programming coordinator.
    - ii. The amendment request includes the following items:
      - 1. Email request for the amendment.
      - 2. Draft MTIP Worksheet, Metro MTIP Amendment Request form, or other acceptable document identifying the needed programming changes.
      - 3. Explanation/need for the project amendment.
      - 4. Grant award notification if applicable for new funds for the project.
      - 5. Grant application to provide added project details.

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

6. Other programming guidance as needed (e.g. A copy of the Federal Register award guidance, FTA NOFO information, fund code and match requirements, etc.)
    7. Delivery timing and funding amounts phase and year
  - iii. Other Phase versus Roadway Capital Programming Approach for Transit Projects
    1. Most transit recurring formula-based funded projects required to be included in the MTIP and STIP can be programmed using only the Other phase.
    2. Use of the Other phase is dependent on the type of funding and project scope which must include the following:
      - a. Exempt transit project scope as identified in 40 CFR 93.126, Table 2, Mass Transit, and/or 40 CFR 93.127, Table 3.
      - b. Normally is a recurring type of exempt transit project funded with FTA based Section 5307, 5339, 5310, etc. formula-based funds.
    3. Examples of acceptable projects with FTA based formula funds include operational Assistance type projects, preventative maintenance support, bus stop amenity upgrades, procurement of transit vehicles, senior and disabled 5310 program needs, and other non-construction type improvement areas.
    4. If the project has construction related activities, (e.g. expansion of MAX Rail line, facility rehab/construction, etc.), then the project programming must follow the roadway capital improvement requirements which requires a PE, ROW, UR, and Construction phases as applicable. In this case, the project is expected to complete NEPA in a similar fashion to a roadway construction improvement project.
    5. The above programming is not MPO or ODOT driven, but a specific FTA requirement.
  - iv. Flex Transferring FHWA funds to FTA:

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

1. If the lead agency (transit or non-transit) has approved federal funds committed to a project that are eligible to be flex-transferred to FTA and follow the FTA approval process, then the lead agency will notify the MTIP Amendments Manager that this is their course of action.
2. The lead agency normally will have FTA's approval to flex transfer the FHWA based funds and past experience completing this action and understand the requirements in FTA's Transit Award Management System (TrAMS) to complete the flex-transfer action.
3. Eligible FHWA based funds that can be flex transferred include Congestion Mitigation Air Quality (CMAQ), improvement funds, Surface Transportation Block Grant (STBG) funds, and /or Transportation Alternative (TA) funds.
4. Proof of flex transfer eligibility is required for any other FHWA federal funds beyond the above three cited programmatic fund types.
5. If eligible the lead agency must provide the expected FTA conversion code to the MTIP Amendments Manager (often FTA section 5307)
6. The formal/full amendment support documentation will identify the project changes also involve a final flex transfer to FTA and cite the action and conversion code for ODOT, FHWA, and FTA.
7. **See Attachment 3 for Flex Transfer Reminders**

### iii. MTIP formal/full amendment processing within Metro:

1. The MTIP Amendments manager:
  - a. Reviews, accepts, or rejects the amendment submission from the Region 1 STIP Coordinator, ODOT LAL, or Transit programming coordinator.
  - b. If the amendment submission is denied, the MTIP Amendments Manager will provide a sufficient explanation for the submission rejection to the submitting contact.

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

- c. If the required corrections, or missing support documents be corrected quickly, then the MTIP Amendments Manager may allow the amendment to continue in the monthly formal amendment bundle.
  - d. If the corrections can't be resolved, then the MTIP Amendments Manager will declare the requested project changes to be held in abeyance and the amendment delayed until the required corrects occur.
  - e. Follow-on discussion the impacted individuals and agencies will occur to find a solution to the problem allowing the amendment to continue.
2. If the amendment submission is accepted, the MTIP Amendments Manager will:
  - a. Evaluate and confirm if the requested changes can proceed as an administrative modification or formal amendment. If the changes can occur as an administrative modification, see administrative modification process steps.
  - b. Develop the final bundle list of projects in the monthly formal amendment package.
  - c. Develop the formal amendment's Purpose Statement for the amendment resolution and committee agenda items
  - d. Request the resolution number and proposed Metro approval schedule from the Metro Council Office Legislative and Engagement Coordinator
  - e. Develop the required amendment processing documents to be sent to TPAC, JPACT, and Metro Council which includes the following at a minimum:
    - i. **Resolution:** Development of the formal amendment resolution. [See Attachment 4 for Resolution Development Reminders.](#)
    - ii. **PNT Tables:** Develop the Public Notification Tables (PNT) and posting instruction for Communications staff. The PNT contain an expanded Exhibit A explaining the comment process, comment period, and project changes (Exhibit A tables). The Exhibit A tables also are referred to as the MTIP worksheets and show specific changes occurring to the project. [See Attachments 5 and 6 for the PNT example and Exhibit A MTIP Worksheet example.](#)
    - iii. **Exhibit A (MTIP Worksheets) to the Resolution:** Development of Exhibit A which is a modification to the public notification tables (MTIP worksheets only) are required for every project included in the amendment bundle. Basically, they are the PNT

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

MTIP worksheets without the PNT cover page. The Exhibit A (MTIP Worksheets) are used to satisfy both the PNT requirement and standard Exhibit A requirement to the resolution.

- iv. **Amendment Staff Report:** Development and inclusion of an MTIP Formal Amendment Staff Report. The format is flexible, but TPAC, JPACT, and Metro Council expect sufficient details about each project amendment to meet their review and approval expectations. At a minimum, the amendment staff report should include:
    - 1. Amendment summary table. The table is the same as used for the PNT and Exhibit A summary tables.
    - 2. Reason for the amendment with the Purpose Statement included.
    - 3. Requested approval motion
    - 4. A summary section of discussion and actions from prior committees
    - 5. A discussion of the changes for each project within the amendment bundle
    - 6. A summary confirmation of the required reviews for fiscal constraint verification and RTP consistency
    - 7. Proposed approval timing for the major approval steps
    - 8. Analysis summary information for legal basis for the MTIP and potential impact to the Metro budget
    - 9. Recommended approval motion
    - 10. Support attachments to the staff report as deemed necessary.
- 11. See Attachment 7 for a MTIP Formal Amendment staff report.**

- iv. Metro Public Notification/Opportunity to Comment Steps:
  - 1. All formal MTIP amendments require completion of an official public comment period. Per 23 CFR 450.326(b), completion of the required period includes the following:
    - (b) “The MPO(s) shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by §450.316(a). In addition, in nonattainment area TMAs, the MPO(s) shall provide at least one formal public meeting during the TIP development process, which should be

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

### Expanded Guidance and Processes concerning MTIP Formal/Full Amendments, Administrative Modifications, and Technical Corrections

addressed through the participation plan described in §450.316(a). In addition, the MPO(s) shall publish or otherwise make readily available the TIP for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in §450.316(a).”

2. Ensuring Metro is in compliance with the above includes the following:
  - a. The MTIP Formal Amendment public notification and opportunity to comment is in compliance with Metro’s public participation plan as stated in 23 CFR 450.316(a).
  - b. Providing public notification through the TPAC committee. Metro staff complete a formal presentation to TPAC members about the formal amendment, project in the bundle, nature of the changes, required consistency checks completed to the RTP, review and reverification of fiscal constraint, plus the proposed processing and approval schedule.
  - c. Adding Public Notification Tables (PNT) to Metro’s website and offering the public a 30-day comment period to submit amendment comments via email.
  - d. Completing and submitting to Metro management and Communication staff a written summary log of submitted comments.
  - e. Offering additional opportunities to submit written comments to Metro through the committees, Council, and Council office.
  - f. Offering the in-person opportunity at TPAC, JPACT, and Metro Council meetings with formal documentation in the committee meeting minutes.
3. If the formal amendment generates a significant amount of comments, then a comment summary will be established and submitted back to Communications staff and the Council Office.
4. If the formal amendment generates a significant number of negative comments, the project may be pulled from planned Council meets and returned to JPACT for further discussion.
5. The nature of the project changes or the comments, or the sensitivity of the amendment in general may require a longer comment period. Metro management may extend the comment period beyond 30 days if deemed appropriate to ensure the public has a sufficient time to provide comment.
6. Attachments 5 and 6 provide additional details about the MTIP’s formal amendment notification/opportunity and comment process.

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

- v. Metro MTIP Formal Amendment Approval Steps:
  - 1. Upon successful development and scheduling of the Formal MTIP Amendment, required reviews and approval steps within Metro include the following:
  - 2. The Metro Transportation Policy Advisory Committee (TPAC) committee is responsible for receiving an official notification of the formal amendment. They are responsible for
    - a. Discussing and evaluating the nature of the proposed changes consistent with the objectives of the amendment process and public notification/opportunity to comment process.
    - b. TPAC may hold the amendment or a specific project in the amendment bundle over for additional discussion and evaluation if further clarification from members is requested.
    - c. TPAC may request a specific project in the bundle to complete a two-step notification and approval process before providing their approval recommendation to JPACT. These actions require the amendment/project to be submitted first as an information/discussion item, later as an approval item. The purpose for this is to provide TPAC members extra review and evaluation time to consider the nature of the proposed project changes and impacts upon the MTIP. TPAC members may require presentations or formal responses to questions from the lead agency concerning the project amendment. TPAC
    - d. If satisfied with the reasons for the amendment, TPAC and will provide an approval recommendation to JPACT allowing the amendment to proceed to JPACT for approval.
    - e. TPAC also may forward the amendment or specific project in the amendment bundle to JPACT without approval citing further discussion issues or concerns for JPACT to evaluate
    - f. Finally, TPAC may pull the formal amendment, or project within the bundle if not satisfied with the explanation for the project changes, and direct staff to provide additional details or research about the nature of the project amendment.
  - 3. JPACT review and approval actions:
    - a. Upon approval from TPAC, the MTIP will move on to JPACT:
      - i. MTIP amendment scheduling normally occurs two weeks after TPAC during the same month as TPAC under the compressed processing schedule.
      - ii. However, Metro Council Office and JPACT may change when the MTIP amendment will be included

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

on the JPACT agenda. Second, JPACT will confirm or deny the request to include the MTIP Amendment as a consent item on the JPACT agenda.

- iii. If JPACT pulls the MTIP amendment for discussion, Metro staff will prepare for and expect a short amendment presentation to JPACT members
  - iv. Amendment materials submitted to TPAC will be updated as required and re-submitted to JPACT along with the JPACT Overview Summary Sheet.
  - v. Updated MTIP amendment materials for JPACT will be submitted to JPACT for Granicus upload by the submission target date Metro Council offices establishes.
  - vi. Upon JPACT approval, the MTIP Formal amendment will proceed to Metro Council for final Metro approval.
  - vii. [See Attachment 8 for a JPACT Overview Summary Sheet Example](#)
4. Metro Council approval actions:
- a. To be accepted on the Metro Council agenda, the following must first have occurred:
    - i. TPAC and JPACT approval s must have already occurred.
    - ii. The public comment period has been complete and is now closed. N no significant comments have been received that require holding the amendment abeyance or submitting it back to JPACT for further discussion.
    - iii. No Council member has raised any questions about the MTIP amendment which requires further JPACT and/or staff discussion.
    - iv. The Metro legal staff have provided their support and approval of the contents within the final draft resolution. If changes are required to the MTIP amendment resolution, they must first occur and receive legal staff approval before the Council Office can accept and add the MTIP amendment to the agenda.
  - b. Under the compressed scheduling approach, the MTIP amendment will be scheduled to be on the Council approximately 3-weeks after JPACT approval.
  - c. Metro Council Office will verify the date the MTIP amendment has been accepted on the Council agenda.



## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

- d. All required MTIP amendment materials (as submitted to JPACT) will be updated and submitted for Granicus upload by the submission date the Council Office establishes.
  - e. The 3-week timing is a planning function and inclusion on the Council agenda could occur at a later date.
  - f. Unless discussion at JPACT, special interest by Council members, or other mitigating circumstances, the MTIP amendment scheduling request will be to add the amendment to the Council consent agenda.
  - g. If consent processing is denied, the Council Office will schedule the amendment as a discussion item and forward presentation expectations to MTIP staff.
  - h. The MTIP Amendment Manager will complete required presentation materials and submit to Metro management for review and acceptance prior to submission to the Metro Council Office.
  - i. If significant discussion occurs about the MTIP amendment among Council members which results in an inability to approve the amendment, Council may send the amendment back to JPACT for further discussions and approval actions.
  - j. If Metro Council approves the MTIP amendment, Metro Council Office will complete final approval steps and signatures for the amendment resolution. The final signed amendment resolution will be made available to MTIP normally around 3-4 business days after Metro Council approval.
  - k. The final signed resolution will reflect Metro's official approval of the formal/full MTIP amendment bundle. Council Office staff will immediately notify MTIP staff that the resolution has been signed and now ready to be submitted to ODOT and USDOT.
- vi. Once Metro approves the amendment bundle , it will be submitted to the ODOT Region 1 STIP Coordinator and ODOT-Salem for review and approval.
- vii. If questions may arise about a project and clarification is needed, this normally will be handled by Metro MTIP and ODOT STIP staff. However, if the questions arise beyond staff's ability to adequately respond, the project manager will be contacted for assistance. If during the review, a question arises regarding the interpretation of what constitutes a legal modification within the project, ODOT, the MPO, FHWA and/or FTA will consult with each other to resolve the question. If after consultation the parties disagree, the final decision rests with FTA, for transit projects, and FHWA, for highway projects.

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

- viii. Once USDOT provides final amendment approval, then the STIP and MTIP will be updated accordingly.
- g. Formal Amendment Dispute Resolution Actions:
  - 1. Periodically an amendment processing conflict arises between the ODOT STIP and Metro MTIP business processes may conflict. Example: ODOT STIP and Metro MTIP staff may disagree on the final description for a new project. When programming disagreements arise, the MTIP Amendments Manager and Region 1 STIP Coordinator will examine the nature for the disagreement and evaluate together options to resolve the issue without having to elevate the disagreement to higher levels. Both will utilize the doctrine of “what’s best for the project” and “path of least resistance” to avoid delivery barriers and delays when evaluating possible solutions.
  - 2. If the disagreement can’t be resolved at the staff programming level, either party may request an arbitration review and guidance from USDOT to help resolve the programming issue.
  - 3. If the difference results over the interpretation of the required amendment type for the project change (formal versus administrative modification), both will examine possible flexibility in the amendment process and options to avoid a formal amendment and process the changes administratively. However, ultimately Metro must comply with their delegated responsibilities from USDOT under 23 CFR 450.300-338 and ensure the MTIP demonstrates fiscal constraint and consistency with the RTP. MTIP Amendment staff also must comply with JPACT and Council directives or legal guidance which may impact how a project amendment can and will be processed. This may or may not offer amendment processing flexibility and will be addressed on a case-by-case basis.
  - 4. This process also acknowledges that while Metro may some flexibility in the interpretation of MPO’s Amendment Matrix, ODOT may not have the same flexibility. The MTIP Amendments Manager will abide by the ODOT Statewide STIP Manager decision when an amendment must complete ODOT formal/full amendment processing requirements (although Metro can complete the same action administratively) which includes a two-week public notification/opportunity to comment period and final approval from USDOT.
  - 5. If a processing timing dispute emerges from ODOT over Metro’s required processing and internal approval requirements, then ODOT staff may submit a written request to Metro MPO senior management requesting an amendment processing modification. The request will identify the needed change to the amendment

## Expanded Guidance and Processes concerning MTIP Formal/Full Amendments, Administrative Modifications, and Technical Corrections

- i. If OTC does not approve the project item, then the project amendment will be withdrawn from approval consideration from Metro Council. The MTIP project amendment is effectively dead at that time and will have start re-processing from the beginning with a new amendment request submission.

#### h. Formal Amendments and Concurrent Processing with Required OTC Approval.

- 2024-2027 Metropolitan Transportation Improvement Program | Public Comment Draft | April 2023

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

start re-processing from the beginning with a new amendment request submission.

### 2. Fiscal Constraint Demonstration and Formal Amendments

- a. Per 23 450.328, the MTIP must include a financial plan that clearly demonstrates fiscal constraint at all times and for all funding changes to projects. Per section 328(j) (k):

“(j) The TIP shall include a financial plan that demonstrates how the approved TIP can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the TIP, and recommends any additional financing strategies for needed projects and programs. In developing the TIP, the MPO(s), State(s), and public transportation operator(s) shall cooperatively develop estimates of funds that are reasonably expected to be available to support TIP implementation in accordance with §450.314(a). Only projects for which construction or operating funds can reasonably be expected to be available may be included. In the case of new funding sources, strategies for ensuring their availability shall be identified. In developing the financial plan, the MPO(s) shall take into account all projects and strategies funded under title 23 U.S.C., title 49 U.S.C. Chapter 53, and other Federal funds; and regionally significant projects that are not federally funded. **For purposes of transportation operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways** (as defined by 23 U.S.C. 101(a)(6)) and public transportation (as defined by title 49 U.S.C. Chapter 53). In addition, for illustrative purposes, the financial plan may include additional projects that would be included in the TIP if reasonable additional resources beyond those identified in the financial plan were to become available. Revenue and cost estimates for the TIP must use an inflation rate(s) to reflect “year of expenditure dollars,” based on reasonable financial principles and information, developed cooperatively by the MPO(s), State(s), and public transportation operator(s).

(k) The TIP shall include a project, or a phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project. In nonattainment and maintenance areas, projects included in the first 2 years of the TIP shall be limited to those for which funds are available or committed. **For the TIP, financial constraint shall be demonstrated and maintained by year and shall include sufficient financial information to demonstrate which projects are to be implemented using current and/or reasonably available revenues, while federally supported facilities are being adequately operated and maintained.** In the case of proposed funding sources, strategies for ensuring their availability shall be identified in the financial plan consistent with paragraph (h) of this section.

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

- b. As a result of the CFR requirements, all formal MTIP must contain a proof of funding verification for any funding changes to demonstrate fiscal constraint which evidence that the included projects programming does not exceed the revenue capacity.
- c. Acceptable proof funding to meet the fiscal constrain demonstration includes the following examples:
  - i. Official funding program award letter from the agency awarding the funds.
  - ii. Federal or State agency grant/earmark funding award notification (via website award list or email confirmation)
  - iii. Approved OTC staff report item
  - iv. ODOT Director's funding adjustment/award letter (authorized by OTC in place of the OTC approval requirement)
  - v. Authorized ODOT Program Manager's official confirmation for funding adjustments or additions
  - vi. Local lead agency official Council or Board action authoring the new funds, or funding adjustment.
  - vii. Official FTA UZA funding appropriation adjustment and resulting funding allocation across the UZA and to the transit agency.
  - viii. Approved and amended IGA when local funds are added to projects to address cost increases or required local overmatch for a specific phase.  
Note: When project cost increases occur to local delivery management projects, the ODOT Local Delivery section managed project will address this through required adjustments to the project's IGA. The revised funding addresses the proof of funding verification requirement in support of fiscal constraint demonstration.

### 3. Administrative Modifications:

- a. Project changes that clearly demonstrate that the change has no impact upon conformity, fiscal constraint, or RTP consistency areas fall into the category of "Administrative Amendments".
- b. The administrative project changes do not require a verification of no conformity impact or fiscal constraint.
- c. Administrative modifications do not require completion of a public notification/opportunity to comment period.
- d. They do not require Metro policy committee reviews or Council approval.
- e. The amendment does not require review or approval by USDOT.
- f. Administrative amendments are approved by ODOT-Salem per USDOT's delegation authority.
- g. Administrative Modification submission Steps:
  - i. Submission through the Region 1 STIP Coordinator:
    - 1. Metro funded projects managed by ODOT Local Delivery section the Local Agency Liaison (LAL) normally will submit the

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

### Expanded Guidance and Processes concerning MTIP Formal/Full Amendments, Administrative Modifications, and Technical Corrections

- administrative modification request through the ODOT Region 1 STIP Coordinator.
  2. The LAL will submit a completed Project Change Request (PCR) or other applicable support document to the Region 1 STIP Coordinator for review and approval.
  3. Upon review and approval of the PCR, the Region 1 STIP Coordinator will develop the STIP Summary Report or equivalent programming changes document and send it along with the PCR to Metro requesting the administrative modification.
  4. The ODOT LAL may submit the PCR to Metro for a pre-review and development of the MTIP Worksheet prior to the administrative modification submission for RFFA funded projects. The dual submission is to reduce administrative processing time when needed.
  5. The MTIP Manage also may initiate the administrative modification to the Region 1 STIP Coordinator using an MTIP Worksheet and support documentation as well for RFFA or transit funded projects when needed.
  6. The administrative modification process is a flexible process allowing a two-way submission process to save time when necessary.
- ii. ODOT funded Projects:
    1. Normally, ODOT funded projects requiring administrative modifications will be submitted from the Project Lead or appropriate contact person to the Region 1 STIP Coordinator before submission to Metro.
    2. The submission will include a Change Management Request (CMR) or equivalent document (e.g. STIP Impacts Worksheet) explaining the reasons for the change.
    3. Upon review and approval, The Region 1 STIP Coordinator will develop the STIP Summary Report, or equivalent programming document and submit it along with STIP Impacts worksheet/CMR to Metro to complete the administrative modification.
  - iii. Other Required Supporting Documentation Complete Administrative Modifications:
    1. Generally, submission of the STIP Summary Report and STIP Impacts Worksheet/PCR/CMR will be sufficient to complete the administrative modification unless the following is part of the change:
      - a. Funding change additions: If the administrative modification includes funding additions but are less than the amendment matrix threshold, proof of funding verification is required for fiscal constraint demonstration.
      - b. Examples of acceptable proof of funding documentation includes:

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

- i. Grant award letter/notification.
    - ii. FTA or FHWA official notification/verification
    - iii. OTC staff report item with funding approval.
    - iv. Metro Council approval funding adjustment.
    - v. ODOT Director's authorization if OTC approval is not required.
    - vi. ODOT Program Manager's authorization (stated in the STIP Impacts Worksheet or CMR.
    - vii. Other funding documentation deemed acceptable as proof of funding.
  2. Other Possible Support Documentation: Under some circumstances, additional support documentation may be required to help explain the need for the modification. Examples vary but could include FHWA guidance, design modifications impacting a specific phase, additional minor project scope elements (e.g. tree planting/landscaping mitigation) impacting the project. The additional documentation is to help explain the changes needed to the project.
- h. Administrative Modification Approval Steps: Upon acceptance and completion of the required changes and involve multiple projects, they may be combined into a single administrative modification bundle. Once bundled together:
  - i. The MTIP Amendments Manager will send the Metro approved administrative modification bundle to the Region 1 STIP Coordinator.
  - ii. The Metro approved administrative modification bundle will include a cover letter notifying ODOT of the projects within the bundle, acknowledge that all required reviews have occurred, met the thresholds of or administrative modification limits, or explain why the administrative modification thresholds is being waived, and that the projects are not Metro approved for immediate inclusion the MTIP.
  - iii. The Metro approved administrative modification bundle will also include the MTIP Worksheets documenting the specific changes to the projects in the bundle.
  - iv. Any required support documentation or proof of funding/fiscal constraint documentation will be included the bundle as well.
  - v. Upon receipt of the Metro approved, the Region STIP 1 Coordinator will complete required processing and approval actions with ODOT Salem to update the projects in the STIP. Upon final approval from ODOT, Metro will be notified of the updated approval status. Normally, this occur on a project-by project notification.

#### 4. Metro Administrative Modifications and the Amendment Matrix Thresholds:

- a. The Metro approved Amendment Matrix overlaps with the ODOT approved amendment Matrix but contains additional latitudes for the MTIP Amendments Manager to implement under special occasions. This allows additional

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

programming flexibilities to process project changes administratively rather than as a formal amendment.

- b. However, this can result in the Metro amendment process being in conflict with the ODOT amendment process for administrative modifications.
- c. When this conflict emerges, and ODOT can't process the needed changes administratively as Metro completed, and must complete the changes as a formal amendment, Metro will defer to ODOT to complete the final changes as a formal amendment for the STIP. This normally will include the addition of a two-week public notification period and final approval from USDOT. No changes are needed to Metro prior completion of the changes as an administrative modification.
- d. On special occasions, the opposite will occur with ODOT may approve the changes as an administrative modification for the STIP, but Metro must process the changes as a formal amendment. When this conflict emerges, ODOT will defer to Metro formal amendment process which will include satisfying the processing requirements as identified in Section 1, Formal Amendments.
- e. If either situation arises, the Region 1 STIP Coordinator and Metro Amendments Manager will coordinate and discuss the path of least resistance to complete the required changes and necessary approval steps.

### 5. Technical Corrections/Adjustments

- a. Technical corrections are not amendments to the MTIP, but necessary minor adjustments to project data to ensure the MTIP and project entries match.
- b. They are included as part of the current administrative modification bundle under development as a confirmation that the change or corrections has occurred.
- c. Technical corrections do not require ODOT or USDOT approval.
- d. They may be accomplished between the Metro and ODOT Region 1 STIP Coordinator when required.
- e. Examples of required technical corrections include:
  - i. Typos and other minor spelling and grammatical corrections
  - ii. Funding corrections where its clear the mistake is a typo (e.g. adding the fund code amount as \$10,000,000 instead of the approved \$1 million)
  - iii. Correcting other minor mistakes or data entry errors made as part of an earlier amendment (e.g. correcting an amendment number reference or other tag in the project description due to a typo)
  - iv. Normally, the Region 1 STIP Coordinator and the MTIP Amendments Manager will identify the needed correction and agree on the corrective action. The corrective action will be made in the MTIP worksheet, MTIP database, or STIP with the appropriate support documents included in the administrative modification bundle to act as a record of the correction.
  - v. Projects that need a technical correction are not required to complete a public comment period.



## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

### 6. **Advance Construction Programming:**

- a. Periodically as priorities change and competition for limited resources increase, federal funds committed to a project may be delayed. With the number of projects the State DOT is required to program and complete, funding liquidation issues, or delays when funding is expected to be available may occur.
- b. To avoid these issues and keep projects on their delivery time, ODOT may utilize Advance Construction initially to program their projects.
- c. Advance Construction is a fund management tool allows agencies to incur costs on a project and submit the full or partial amount later for Federal reimbursement if the project is approved for funding.
- d. When ODOT choses this option, Advance Construction (ADVCON) or AC will be used in place of the anticipated federal programmatic fund type code (e.g. NHPP, HSIP, State STBG, etc.).
- e. When Advance Construction is utilized, ODOT agrees to cover the project costs until the federal funds are identified and become available.
- f. AC/ADVCON is used to program the phase representing the AC placeholder.
- g. As part of the programming, ODOT will identify the anticipated conversion code (programmatic federal fund type code). The AC programming code will be added to the MTIP with the anticipated conversion code allowing fiscal constraint to be properly demonstrated,
- h. When the federal code is known, ODOT will notify Metro of the programmatic fund type code and complete a technical correction to swap out the Advance Construction “AC” with the committed federal programmatic fund type code.
- i. Under the manual programming process in the MTIP, special AC codes have been established to capture advance construction and the conversion code. Examples included: AC-HSIP, AC-NHPP, AC- State STBG, etc. Under development in the new MTIP programing database, a similar process will be used. The expected federal programmatic fund type code along with an “AC” filed will be available to identify projects using advance construction.
- j. ODOT has the responsibility to identify the anticipated federal conversion programmatic fund type code at the time of first programming or as part of the submitted formal amendment/administrative modification.
- k. If ODOT elects to use Advance Construction for phase programming and choses not to identify the anticipated conversion code (As part of the STIP Impacts Worksheet, email notification, other acceptable document) then Metro will reject the amendment as proposed until the conversion code is identified.
- l. For additional guidance concerning the programming and use of Advance Construction, see [Attachment 9: USDOT Advance Construction guidance](#).

### 7. **MTIP Amendment Matrix:**

- a. From the above discussion of Forma/Full amendments, Administrative amendments, and Technical Corrections, USDOT has identified the parameters of project changes allowed for Formal and Administrative amendments.
- b. The current approved MTIP amendment guidance is shown the below table.

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments, Administrative Modifications, and Technical Corrections

- c. The expanded Amendment Matrix with added guidance is included in **Attachment 10 with Scope Change Reminders in Attachment 11.**

Item	FORMAL/FULL MTIP AMENDMENTS
1	<p><b>JPACT &amp; METRO COUNCIL AUTHORIZED DISCRETION:</b></p> <p>Metro JPACT and Council reserved the right to require any project change to be process as a formal/full amendment based on the scope or cost change, regional significance impact, impact to air quality, change in relationship to the RTP and the RTP's goals and strategies, and/or public interest or public sensitivity to the project or required change.</p>
2	<p><b>ADDING OR CANCELING PROJECTS:</b></p> <p>Adding/cancelling a federally funded, regionally significant, or state/locally funded project or project phase which will potentially be federalized and trigger the need for a formal amendment. If project or project phase does not meet these criteria, see Administrative Modification #1. For Western Federal Lands (WFL) or planning projects, see administrative section #7 and #8</p>
3	<p><b>PROJECT LOCATIONS AND/OR MILEPOST LIMITS CHANGES:</b></p> <p>Location/Limit Changes that normally will trigger a formal amendment:</p> <ul style="list-style-type: none"> <li>- Project location and limit changes equal to or &gt; 1 mile = Formal/Full Amendment</li> <li>- Project modifications that result in NEPA re-evaluation</li> <li>- Change affects air quality conformity</li> <li>- Adding capacity per the Federal Code of Regulations (CFR) and FHWA/FTA/EPA guidance</li> <li>- Projects adding work-type in the STIP FP that trigger a change in limits, location, or result in a significant scope impact</li> <li>- Project location or limit changes greater than 0.5 miles and up to 1 mile = MPO discretionary review and consideration of the change impact</li> <li>- Project location or limit changes up to 0.5 miles = Administrative modification if the discretionary review result in no significant impact as noted below. If significant impacts are noted, Metro will process the change as a formal amendment.</li> </ul>
4	<p><b>CHANGES IN FISCAL CONSTRAINT (COST CHANGES) BY THE FOLLOWING CRITERIA:</b></p> <p>Changes in Fiscal Constraint by the following criteria will normally trigger a formal amendment:</p> <ol style="list-style-type: none"> <li>a. For FHWA funded projects - total project cost increase for all phases and any type of funding increase: <ul style="list-style-type: none"> <li>- Projects under \$1M – cost increases over 50%</li> <li>- Projects between \$1 million to \$5 million – cost increases over 30%</li> <li>- Projects over \$5 million – cost increases over 20%</li> </ul> </li> <li>b. For FTA funded projects – total project cost increases for all phases and any type of funding increase over 30% will trigger a formal amendment.</li> </ol>

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

5	<p><b>MAJOR PROJECT SCOPE OR WORK ELEMENT ADJUSTMENTS:</b></p> <p>Major changes to the project scope or work approved work elements will normally require the changes to occur through a formal/full amendment. The changes are allowable as a formal amendment assuming:</p> <ul style="list-style-type: none"> <li>- The changes are not capacity enhancing which would change the project transportation demand modeling status.</li> <li>- The project is still consistent with the RTP in overall scope, improvement, performance, strategies, and goals from the original constrained project RTP project entry</li> <li>- The scope adjustments do not impact the project's cost, location, or limits beyond the established thresholds described above.</li> <li>- The scope changes include capacity enhancing additions but are still consistent with project as modeled in the RTP.</li> <li>- The proposed scoping changes result in a significant down-scoping action to the project but are still consistent with the original Metro RFFA award, and have been approved by Metro management and/or JPACT previously.</li> </ul>
6	<p><b>ADDING PERMANENT EMERGENCY RELIEF PROJECTS</b></p> <p>Adding an emergency relief permanent repair project that involves substantial change in function and location will normally trigger the need for a formal/full amendment</p>

ADMINISTRATIVE MODIFICATIONS	
1	Any project changes that do not meet the STIP amendment criteria in the Full Amendments section above.
2	Advancing or slipping an approved project/phase within the current MTIP constrained years (years 1-4)
3	Adding or canceling any phase of an approved existing project in the active MTIP constrained years except for the Construction phase. Adding or canceling the construction phase for a project usually will trigger the need for a formal/full amendment.
4	Combining two or more approved existing projects into one or splitting an approved project into two or more projects or splitting part of an approved project to a new one.
5	Completing Minor technical corrections to make the printed STIP consistent with prior approvals, such as typos or missing data.
6	Completing Project Cost Decreases: This assumes the cost reduction is not due to a significant location or limits change as well as a scope change.
7	<p>Completing Minor Scope Changes: Project adjustments that result from minor scope changes can occur as an administrative modification under the following conditions:</p> <ul style="list-style-type: none"> <li>- The changes to the project costs remain under the formal amendment cost threshold</li> <li>- The changes to the project limits and location remain under the formal amendment threshold.</li> <li>- The changes are non-capacity, air quality exempt changes which include examples listed in 40 CFR 93.126, Table 2 and 40 CFR 93.127, Table 3</li> </ul>

## 2024-27 MTIP Amendments Technical Appendix to Chapter 8

Expanded Guidance and Processes concerning MTIP Formal/Full Amendments,  
Administrative Modifications, and Technical Corrections

	<ul style="list-style-type: none"><li>- The changes result in the project still being consistent with the RTP through fiscal constraint, performance assessment, goals, and strategies verifications.</li><li>- For Metro RFFA funded projects, the project is still consistent with the original RFFA award in scope, location, and limits</li></ul>
8	<p>Adjusting programing or obligation levels to prior obligated projects without phases in the active years of the current MTIP.</p> <p>The following conditions apply:</p> <ul style="list-style-type: none"><li>- The prior obligate phase is being updated for follow-on obligation purposes</li><li>- Fund swaps or adjustments are occurring to the prior obligated phase based on obligation updates to the project.</li><li>- No change in scope, location/limits results from the prior obligated phase adjustment.</li></ul>
9	<p>Completing project name or description change based on minor scope, location, or limits changes. Assumptions: The name or description change is considered corrective in nature and does not reflect a major change to the project</p>
10	<p>Modifying metropolitan planning projects (UPWP) funded under 23 U.S.C. 104(d) and 49 CFR 5305(d) or State Planning and Research (SPR) projects funded under 23 U.S.C. 505 and 49 U.S.C. 5303(e) funds.</p>
11	<p>Adding a Western Federal Lands (WFL) project</p>

### Attachments:

- o Attachment 1: Sample MTIP Formal Amendments Processing Calendar
- o Attachment 2: Submission Reminders
- o Attachment 3: Flex Transfer Reminders
- o Attachment 4: Resolution Development Reminders
- o Attachment 5: Public Comment Overview
- o Attachment 6: Public Comment Summary Log
- o Attachment 7: Staff Report Sample from 23-5308
- o Attachment 8: JPACT Summary Sheet Example
- o Attachment 9: USDOT Advance Construction Guidance
- o Attachment 10: Metro MTIP Amendment Matrix Expanded
- o Attachment 11: Determining Scope Changes as Major or Minor

## **Attachments to Appendix VI, Chapter 8**

- Attachment 1: Sample MTIP Formal Amendments Processing Calendar
- Attachment 2: Submission Reminders
- Attachment 3: Flex Transfer Reminders
- Attachment 4: Resolution Development Reminders
- Attachment 5: Public Comment Overview
- Attachment 6: Public Comment Summary Log
- Attachment 7: Staff Report Sample from 23-5308
- Attachment 8: JPACT Summary Sheet Example
- Attachment 9: USDOT Advance Construction Guidance
- Attachment 10: Metro MTIP Amendment Matrix Expanded
- Attachment 11: Determining Scope Changes as Major or Minor

# Attachment 1: Sample MTIP Formal/Full Amendment Processing Calendar



CY 2023 MTIP Formal Amendments Summary Calendar Last Year of the 2021-24 MTIP and Beginning of the 2024-27 MTIP									
CY 2023 Month	Amendment Submission to Metro	Amendment Bundle Development	TPAC Agenda Mail-out	TPAC Approval	JPACT Approval	Metro Council Approval	Resolution Executed	Amendment Submission to ODOT & USDOT	Final Approval Target
January	Wednesday December 14 2022	12/14/22 to 12/28/2022	Friday December 30 2022	Friday January 6 2023	Thursday January 19 2023	Thursday February 9 2023	Wednesday February 15 2023	Thursday February 16 2023	Early to Mid-March 2023
February	Thursday January 13 2023	1/13/2023 to 1/25/2023	Friday January 27 2023	Friday February 3 2023	Thursday February 16 2023	Thursday March 9 2023	Wednesday March 15 2023	Thursday March 16 2023	Early to Mid-April 2023
March	Monday February 13 2023	2/13/2023 to 2/22/2023	Friday February 24 2023	Friday March 3 2023	Thursday March 16 2023	Thursday April 6 2023	Wednesday April 12 2023	Thursday April 13 2023	Early to Mid-May 2023
April	Wednesday March 15 2023	3/15/2023 to 3/29/2023	Friday March 31 2023	Friday April 7 2023	Thursday April 20 2023	Thursday May 11 2023	Wednesday May 17 2023	Thursday May 18 2023	Early to Mid-June 2023
May	Thursday April 13 2023	4/13/2023 to 4/26/2023	Friday April 28 2023	Friday May 5 2023	Thursday May 18 2023	Thursday June 8, 2023	Wednesday June 14 2023	Thursday June 15 2023	Mid-July 2023
June	Monday May 15 2023	5/15/2023 to 5/24/2023	Friday May 26 2023	Friday June 2 2023	Thursday June 15 2023	Thursday July 6 or 13 2023	Wednesday July 12 or 19 2023	Thursday July 13 or 20 2023	Mid-August 2023
July	Friday June 16 2023	6/16/2023 to 6/28/2023	Friday June 30 2023	Friday July 7 2023	Thursday July 20 2023	Thursday August 3 2023	Tuesday August 8 2023	Wednesday August 9 2023	By end of August 2023
July Note: The July 2023 Formal Amendment will be a special amendment proceeding based on emergency need and Metro Council Office pre-approval									
August	N/A	N/A	N/A	Friday August 4 2023	N/A Expected to be canceled	N/A	N/A	N/A	N/A
September	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

## Attachment 1: Sample MTIP Formal/Full Amendment Processing Calendar



Transition to the 2024-27 MTIP (Beginning of FFY 2024 amendments)									
<b>October</b>	Friday September 15 2023	9/15/2023 to 9/27/2023	Friday September 29 2023	Friday October 6 2023	Thursday October 19 2023	Thursday November 9 2023	Wednesday November 15 2023	Thursday November 16 2023	Mid- December 2023
<b>CY 2023 Month</b>	<b>Amendment Submission to Metro</b>	<b>Amendment Bundle Development</b>	<b>TPAC Agenda Mail-out</b>	<b>TPAC Approval</b>	<b>JPACT Approval</b>	<b>Metro Council Approval</b>	<b>Resolution Executed</b>	<b>Amendment Submission to ODOT &amp; USDOT</b>	<b>Final Approval Target</b>
<b>November</b>	Friday October 13 2023	10/13/2023 to 10/25/2023	Friday October 27 2023	Friday November 3 2023	Thursday November 16 2023	Thursday December 7 2023	Wednesday December 13 2023	Thursday December 14 2023	Mid- January 2024
<b>December</b>	Friday November 10 2023	11/10/2023 to 11/21/2023	Wednesday November 22 2023	Friday December 1 2023	Thursday December 21 2023 Expected to be canceled Move to January 18 2024	Thursday February 8 2024	Wednesday February 14 2024	Thursday February 15 2024	Mid-March 2024

### Notes:

1. The above approval times reflect standard formal amendments processing under the Metro compressed approval timing. The amendment will be requested to proceed as consent items through JPACT and Metro Council. Approval of the compressed timing is dependent upon the contents of the monthly bundle.
2. Some amendments (e.g. Rose Quarter) may process under a special preview, then approval format. This requires the amendment to start in TPAC as a preview/no decision item, and then proceed to JPACT the same month as a preview/no decision item. The amendment returns to TPAC and JPACT as an approval item the next month. Presentations are expected for preview and approval actions at TPAC and JPACT.
3. The special amendment processing timing will be published separately from this calendar. Added submission materials may also be required for the amendment.
4. The Metro Formal MTIP Amendment Calendar reflects planning date estimates. Changes to committee and Council dates are possible and could impact the required time to complete the Metro approval process. The final amendment processing schedule is approved by the Metro Council Office which may change the review times or committee dates as deemed necessary.
5. JPACT can request a month delay to review and approve the monthly formal amendment bundle depending upon contents. If JPACT establishes this requirement, then the amendment bundle Metro approval will be delayed by at least one month.
6. No formal MTIP amendments during August and September 2023 are expected to occur as the new 2024-27 MTIP final approval will be pending for early October. Formal MTIP amendments will commence once the 2024-27 MTIP is approved.
7. Only Admin Modifications are expected to be completed during August 2023 affecting final FFY 2023 project obligations.
8. As of September 1, 2023, no further FFY 2023 admin mods will occur for FFY 2023. Admin mods will commence for FFY 2024 once the new 2024-27 MTIP is approved.

## Attachment 1: Sample MTIP Formal/Full Amendment Processing Calendar



9. Final approval of the new 2024-27 MTIP is expected to be in early October 2023 unless USDOT issues a delay in commencing amendments for FFY 2024 and beyond as part of the new MTIP. If the approval delay is significant, the current 2021-24 MTIP will continue on into FFY 2024. Formal amendments and Admin Mods will be scheduled and occur within the 2021-24 MTIP based on the delay time frame and any conditions USDOT imposes upon Metro.
10. Once the 2024-27 MTIP is approved, it automatically overrides and replaces the 2021-24 MTIP. The 2021-24 MTIP lapses at this time and all active projects in the 2024-27 MTIP become the official approved MTIP projects for FFY 2024. Required amendments then will begin based on the projects in the newly approved 2024-27 MTIP.



Purpose: This form provides a guide for submitting an MTIP amendment request and a description of the required support materials to successfully process and approve the required changes through a formal amendment or through an administrative modification. Use the below checklist reminder to help develop and submit an MTIP amendment request

Formal/Full MTIP Amendments Types and Examples of Required Changes	
<ul style="list-style-type: none"> <li>• Adding a new project (PE through Cons)</li> <li>• Adding the Construction phase</li> <li>• Adding a new implementation phase where full programming is not present</li> <li>• Completing major scope changes</li> <li>• Completing limit changes (above threshold)</li> <li>• Adding new funds (above threshold)</li> </ul>	<ul style="list-style-type: none"> <li>• Cost increases above threshold to address phase funding shortfalls</li> <li>• Capacity changes triggering major cost and scope changes</li> <li>• Canceling a project Cons phase triggering a major cost decrease to the project</li> <li>• Canceling an entire project</li> </ul>
Note: Please reference the Metro Amendment Matrix for additional details concerning the project changes	

Required Amendment Submission Documentation	Documentation Examples	Submitted Items	Meets Requirements	
			Yes	No
Documentation that explains what is specifically changing to the project (e.g. before and after for fund changes, scope, schedule, etc.)	<ul style="list-style-type: none"> <li>• MTIP Amendment Request Form</li> <li>• Completed STIP Summary Report</li> <li>• Project Change Request (PCR)</li> <li>• Written request explaining the specific needed changes</li> </ul>			
Documentation explaining why the change is occurring and the need for the amendment, plus the impacts if not approved	<ul style="list-style-type: none"> <li>• MTIP Amendment Request Form</li> <li>• Completed STIP Impacts Worksheet</li> <li>• Completed Change Management Request (CMR)</li> <li>• Completed Project Change Request (PCR)</li> <li>• OTC Staff Report Item</li> <li>• Written request explaining the need for the changes and impacts if not approved</li> </ul>			
Proof of funding documentation verifying the funds are available and committed to the project to meet the fiscal constraint requirement	<ul style="list-style-type: none"> <li>• Grant award letter</li> <li>• Grant application specifically for new projects being added to the MTIP via a formal/full amendment</li> <li>• Earmark award – notification or proof of award</li> <li>• Approved OTC staff report item</li> </ul>			

	<ul style="list-style-type: none"> <li>• ODOT Director's signed delegation funding letter</li> <li>• Program allocation letter or email from the appropriate approval authority verifying the source of the new or added funds</li> <li>• IGA (e.g. SFLP IGA verifying SFLP conversion approval)</li> <li>• Program of Projects (POP) for transit amendments</li> <li>• Current year budget line item</li> <li>• Current year CIP reference and amount confirmation</li> </ul> <p>Council or Board action committing the funds</p>			
Project Location Map	<ul style="list-style-type: none"> <li>• GIS, Google, or other type of project location map</li> <li>• The map must clearly show the project location and limits</li> </ul>			
Project Performance Evaluation Assessment	<ul style="list-style-type: none"> <li>• Completed questionnaire from Metro the Lead Agency/ Applicant completes</li> <li>• Applies to capacity enhancing projects with a total project cost 100 million or greater</li> </ul>			
Other additional items pertinent to the satisfactory completion of the amendment	<ul style="list-style-type: none"> <li>• Federal Register pages</li> <li>• Notice of Funding Opportunity (NOFO)</li> <li>• Programming, obligation, or expenditure guidance from FHWA or FTA</li> <li>• Project exhibits required in support of the amendment</li> <li>• Other support documents as identified necessary to complete the amendment</li> </ul>			

## Notes:

1. Performance Assessment Evaluation documentation:
  - a. Applies to major projects that increase motor vehicle capacity or significantly increase transit capacity and have a total cost approximately \$100 million.
  - b. These projects are required to submit a completed amendment request form to provide information about the project for analysis on impacts of MTIP consistency with the Regional Transportation Plan's investment priorities, and for analysis of consistency with the region's Congestion Management Process and state Highway Plan Policy 1G. Check

with Metro MTIP staff if you are unsure whether the proposed amendment meets the definition of a major project.

2. There are multiple code of federal regulations which govern how an MPO develops and processes MTIP amendments and administrative procedures detailing how Metro carries out the MTIP amendment process to meet federal regulations. A short list of the regulations, guidance and administrative procedures include the below references:
  - a. 23 CFR450.300-338 (Planning Assistance and Standards)
  - b. 23 CFR 450 Appendix A (Linking the Transportation Planning and NEPA Processes)
  - c. 40 CFR 93.126, Table 2 (Exempt Projects)
  - d. 40 CFR 93.127, Table 3 (Projects Exempt from Regional Emission Analyses)
  - e. Current approved Regional Transportation Plan
  - f. FHWA/FTA/ODOT/MPO Amendment Matrix (formal/full amendments versus administrative modification thresholds)
  - g. Current approved Metro MTIP and Appendix VI

### Formal Amendment Processing Steps:

1. Metro normally uses a compressed MTIP formal/full Amendment processing and approval process allowing the formal/full amendment to proceed through JPACT and Metro Council as consent items and the public comment period scheduled to conclude as late as just prior to the Metro Council meeting for amendment approval. However, TPAC, JPACT, or Metro Council members may request, or Metro staff may use professional judgement regarding interest of the public or the recommending/approval committees to consider or comment on the amendment. This can include setting a schedule to conclude the public comment period to an earlier date and consideration of the amendment as a discussion item on a JPACT and/or Metro Council agenda.
2. To complete the amendment process, TPAC, JPACT and Council require a complete, accurate amendment package to be submitted. Partial or incomplete amendment requests will not be accepted and returned to the submitter to address the shortfall. The full amendment package must be re-submitted for processing consideration.
3. Basic Formal Amendment Processing and Approval Actions (time period from initial submission to Metro to final USDOT approval is approximately 3 months)
  - a. Notification of formal amendment need
  - b. Development of required support materials to process the amendment
  - c. Submission of the formal amendment materials to Metro
  - d. Acceptance or rejection of the submitted amendment by Metro
  - e. Complete required adjustments to the amendment
  - f. Re-submit and acceptance of the amendment'
  - g. Request to Metro Council for Resolution number and processing schedule
  - h. Submit and implement public notification period
  - i. Amendment submission to TPAC for notification and approval recommendation to JPACT
  - j. Update materials and submission to JPACT for approval and approval recommendation to Metro Council

- k. Close of public comment period and evaluation of submitted comments
- l. Update materials and submission to Metro Council
- m. Metro approval and amendment bundle submission to ODOT and USDOT
- n. Final reviews and approvals by ODOT and USDOT
- o. Final approved amended project(s) updated into the current STIP and MTIP.

Administrative Modifications Types and Examples	
<ul style="list-style-type: none"> <li>Adding a new phase (e.g. Utilities or ROW) to an existing fully programmed project which does not exceed the cost threshold or trigger a scope change</li> <li>Canceling a project phase (ROW or Utilities) where the cost change does not exceed the threshold or trigger a scope change</li> <li>Name and/or description changes that do not result from a major scope change</li> <li>Splitting and combining projects in constrained years</li> <li>Splitting funds from existing constrained projects and combining into other existing constrained projects.</li> </ul> <p>Completing minor technical corrections or changes (e.g. obligation updates)</p>	<ul style="list-style-type: none"> <li>Creating child projects with existing programmed funds for enhanced delivery where total cost thresholds are maintained, and scope changes do not occur</li> <li>Minor cost increases below the threshold</li> <li>Adding new funds below the cost change threshold and doesn't result in a scope change</li> <li>Minor scope changes where the original delivery scope is still maintained</li> <li>Minor Limit changes below threshold limitations</li> <li>Phase slips that remain in constrained years</li> <li>Cost decreases that do not change the project scope</li> <li>Fund phase swaps where no scope change or cost change above the threshold results</li> </ul>
<p>Note: Please reference the current approved FHWA/FTA/ODOT/MPO Amendment Matrix to determine if the needed project change(s) can proceed as an administrative modification or require a formal/full amendment</p>	

Required Amendment Submission Documentation	Documentation Examples	Submitted Items	Meets Requirements	
			Yes	No
Documentation explaining what is specifically changing to the project (before and after for fund changes, scope, description, etc.)	<ul style="list-style-type: none"> <li>MTIP Amendment Request Form</li> <li>Completed STIP Summary Report</li> <li>Written request explaining the specific needed changes</li> </ul>			
Documentation explaining why the change is occurring and the need for the amendment, plus impacts if not approved	<ul style="list-style-type: none"> <li>MTIP Amendment Request Form</li> <li>Completed STIP Impacts Worksheet that includes the anticipated AC conversion code if Advance Construction funding is being identified for the project</li> <li>Completed Change Management Request (CMR)</li> <li>Completed Project Change Request (PCR)</li> </ul>			

	<ul style="list-style-type: none"> <li>Written request explaining the need for the changes and impacts if not approved</li> </ul>			
<p>Possibly Required under certain circumstances</p> <p>Proof of funding documentation verifying the funds are available and committed to the project to meet the fiscal constraint requirement</p>	<ul style="list-style-type: none"> <li>Grant award letter</li> <li>Grant application specifically for new projects being added to the MTIP via a formal/full amendment</li> <li>Approved OTC staff report item</li> <li>ODOT Director's signed delegation funding letter</li> <li>Program allocation letter or email from the appropriate approval authority verifying the source of the new or added funds</li> <li>IGA (e.g. SFLP IGA verifying SFLP conversion approval)</li> <li>Program of Projects (POP) for transit amendments</li> <li>Current year budget line item</li> <li>Current year CIP reference and amount confirmation</li> <li>Council or Board action committing the funds</li> </ul>			

## Notes.

1. Proof of Funding/ Fiscal Constraint Demonstration Conditional Requirements: A cost change with new federal funds, or new fund additions that proceed as administrative modification still may be required to satisfy the proof of funding/fiscal constraint requirement. Examples may include:
  - a. SFLP conversions: A copy of the SFLP conversion IGA provided as proof of funding for the SFLP conversion is normally required and is included as support documentation for the admin mod to convert the funds to SFLP.
  - b. A federally funded project receiving a supplemental federal funding allocation which will replace local overmatch, but is not large enough to exceed the cost increase threshold triggering a formal amendment. However, fiscal constraint demonstration is still required even as an administrative modification. In this case a copy of the grant award letter, or another type of funding award confirmation is still required to satisfy the proof of funding and fiscal constraint requirement.
2. Project location maps or other project exhibits normally are not required as support documentation unless conditioned by FHWA or FTA to complete the admin modification.



3. For project changes eligible to proceed via an administrative modification, the above item #3 requirements will not be necessary as support documentation unless funding changes are occurring.

#	Item	Yes	No	Comment
1	Did the Lead Agency identify as part of the amendment submission that the project amendment includes the completion of a flex transfer process to FTA?			
2	Was the amendment request submitted with all required details and support document to be correctly processed and approved?			
3	Are the FHWA based federal funds eligible to be flex transferred to FTA? (See note B below)			
4	Does the agency have past experience working with FTA to complete flex transfers?			
5	Does the amendment flex transfer include and state the expected FTA conversion code (e.g. Section 5307)?			
6	Does the Exhibit A (MTIP Worksheets), resolution, staff report, and/or other required amendment documentation identify the project will be flex transferred to FTA and includes the expected conversion code?			
7	Does the lead agency understand they will need to notify their FTA contact to initiate the flex transfer process with ODOT?			

## Notes:

- A. FTA guidance at <https://www.transit.dot.gov/funding/grants/grant-programs/flexible-funding-transit-and-highway-improvements>
- B. These associated transit improvements must be physically or functionally related to transit facilities. Eligible projects are:
  - i. Historic preservation, rehabilitation, and operation of historic public transportation buildings, structures, and facilities (including historic bus and railroad facilities) intended for use in public transportation service.
  - ii. Bus shelters.
  - iii. Functional landscaping and streetscaping, including benches, trash receptacles, and street lights.
  - iv. Pedestrian access and walkways.

- v. Bicycle access, including bicycle storage shelters and parking facilities and the installation of equipment for transporting bicycles on public transportation vehicles.
- vi. Signage.
- vii. Enhanced access for persons with disabilities to public transportation.

**C. The following are important to keep in mind when considering interagency transfers:**

- i. Funds transferred from FHWA to FTA can be used only for purposes eligible under both the original program that the funds are transferred from and the program to which the funds are transferred.
- ii. Funds transferred from FHWA to FTA shall be administered under the requirements of Chapter 53 of Title 49 USC, except that the non-federal share for the original source of the funding applies to the transferred funds.
- iii. To transfer funds from FHWA to FTA, a State Department of Transportation must request the transfer, with concurrence of the Metropolitan Planning Organization (MPO) if the project is within a metropolitan planning area, in a letter to the FHWA State Division Office.
- iv. Funding transfers are permitted only for projects contained in an approved metropolitan [transportation improvement program](#) (TIP) and/or [statewide transportation improvement program](#) (STIP).

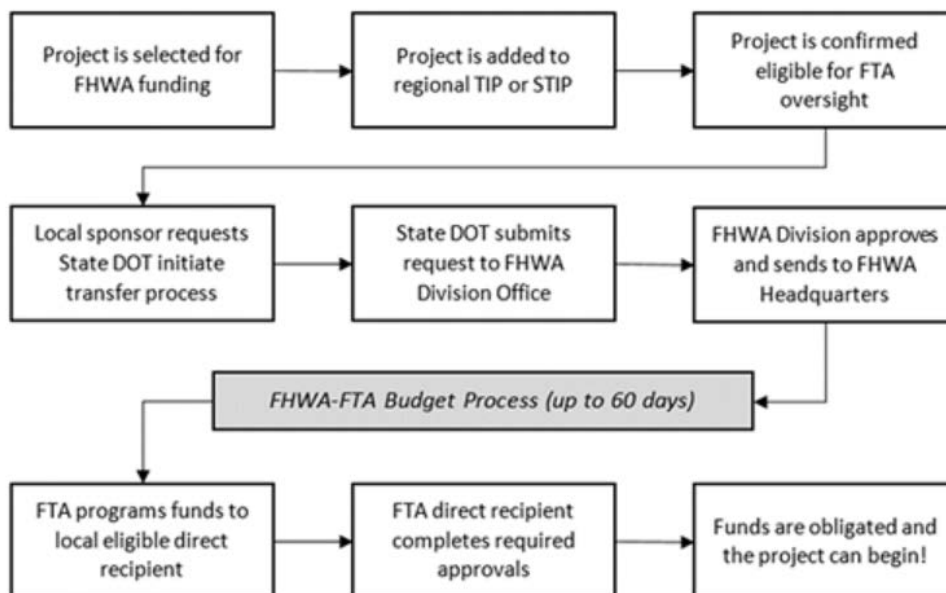
**D. FHWA based Funding Programs that can be Flex Transferred to FTA**

Eligible Programs to be flexed to FTA	
Congestion Mitigation and Air Quality Improvement (CMAQ)	✓
Surface Transportation Block Grants (STBG)	✓
Highway Safety Improvement Program (HSIP)	✓
National Highway Performance Program (NHPP)	✓
Transportation Alternatives (TA)	✓
Ferry Boat Program	✓
State Planning and Research (SPR)	✓
Carbon Reduction Program ( <b>new</b> )	✓



**E. Lead Agency Flex Transfer Initiation Steps:**

- i. Grantee requests a transfer of funds by sending an email to [FTA.TRO10Flex@dot.gov](mailto:FTA.TRO10Flex@dot.gov) with a copy to their FTA contact person
- ii. The flex transfer email request must include the following information:
  - 1) PDF attachment of the project STIP page (post amendment approval)
  - 2) Grant number in TrAMS (A TrAMS grant application must have been initiated by the lead agency)
  - 3) STIP Key number for the project (e.g. Key 22160)
  - 4) STIP Title and Federal approval date of the current STIP (Note: If the project is has been amended, include the STIP amendment number and approval date for the amendment).
  - 5) Brief project description as programmed in the STIP.
  - 6) Amount to be transferred as programmed in the STIP (full amount federal + match. Acknowledge this is the full amount or explain why you are not flexing the full programmed amount.)
  - 7) Identify the Urbanized Area (UZA) which the project will be undertaken.
  - 8) FHWA Federal-aid apportionment category (i.e. the programmatic fund type code, STBG, CMAQ, etc.) that will be flex transferred to FTA
  - 9) Confirmation that the project is eligible under the intended funding program (See note B above. Example = transit vehicle rehabilitation.)
  - 10) State the expected FTA flex transfer conversion code (e.g. Section 5307).
  - 11) Source of local match (e.g. local agency funds, partner contribution, etc. Can't be another federal source).

**F. Flex Transfer Funding Process Flow Chart**

## G. Sample FTA Flex Transfer Request to ODOT



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

REGION X  
Alaska, Idaho, Oregon,  
Washington

915 Second Avenue  
Federal Bldg. Suite 3142  
Seattle, WA 98174-1002  
206-220-7954  
206-220-7518 (fax)

July 27, 2022

Katie Parlette  
Federal Aid Funding Manager  
Oregon Department of Transportation  
555 13<sup>th</sup> Street, Suite 2  
Salem, OR 97301

RE: Request for STBG-Urban Funds Transfer  
FTA Project No. 1711-2022-3  
Project Sponsor: Metro

Dear Ms. Parlette:

The Federal Transit Administration (FTA) requests the Oregon State Department of Transportation (ODOT) and the Federal Highway Administration (FHWA) initiate the transfer of \$530,449 in Surface Transportation Block Grant (STBG-Urban) funds for the above-referenced FTA grant. Metro is the project sponsor, and all funds will be transferred into the FTA Section 5307 program. The following are the funds requested for transfer.

STIP Number	Funding Source	Urbanized Area	Description	Transfer Amount
22160	STBG-Urban	410280	Safe Routes to School Program	\$530,449
<b>Total Transfer Requested</b>				<b>\$530,449</b>

The above project is included in the 2021-2024 Oregon Statewide Transportation Improvement Program (STIP) Amendment 21-24-1951 federally approved on March 14, 2022. Please notify FHWA so that it may proceed to obligate these funds. If there are any questions regarding this request, please contact Ned Conroy at 206-220-4318, or email [ned.conroy@dot.gov](mailto:ned.conroy@dot.gov).

Sincerely,

**AMY M. CHANGCHIEN**

Digitally signed by AMY M.  
CHANGCHIEN  
Date: 2022.07.27 22:18:37 -07'00'

Amy Changchien  
Director, Office of Planning and Program Development

## Attachment 4: MTIP Formal/Full Amendment Resolution Development Reminders

Background: All formal/full Metro approved amendment bundles require a official resolution as part of the required support documentation. The amendment resolution is a mandatory and required element of the bundle and provides the legal justification for the formal/full amendment. The resolution is normally divided into multiple sections and includes the below elements.

## Resolution Header Section

BEFORE THE METRO COUNCIL		
<p>FOR THE PURPOSE OF ADVANCING METRO ELIGIBLE UNIFIED PLANNING WORK PROGRAM (UPWP) PROJECTS FOR INCLUSION IN THE STATE FISCAL YEAR 2024 UPWP AND COMPLETING A SCOPE CHANGE FOR AN ODOT AMERICANS WITH DISABILITIES CURBS AND RAMPS PROJECT</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>RESOLUTION NO. 23-5308</p> <p>Introduced by: Chief Operating Officer Marissa Madrigal in concurrence with Council President Lynn Peterson</p>

Notes:

The Header section includes:

- Amendment Purpose Statement stating the need for the MTIP amendment
- Resolution Number (assigned by the Council Office)
- Introduction statement by the current Metro COO and Council president

## Regulatory Background for the Resolution

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

This section provides the background for the MTIP and amendment process which include:

- Prioritization of projects in the MTIP against the RTP in compliance with 23 CFR 450.300-338
- Establishment of the MTIP in compliance with 23 CFR 450.300-330
- JPACT's official approval role and approval of the current MTIP
- JPACT's approval role in relation to MTIP amendments

## Reasons for Amendment Project Adjustments

WHEREAS, preliminary development of Metro's State Fiscal Year 2024 Unified Planning Work Program (UPWP) now requires re-programming of multiple MTIP supporting UPWP projects; and

WHEREAS, three Regional Flexible Fund Allocation (RFFA) Step 1 funded projects supporting the SFY 2024 UPWP are being advanced to FFY 2023 and will be combined into the single UPWP Master Agreement project key; and

WHEREAS, the advancement and combining effort affects the planned SFY 2024 UPWP Surface Transportation Block Grant allocations to the Freight and Economic Development Planning, Transportation System Management and Operations, and Regional Planning funds to simplify the federal obligation process and be included as part of Metro's FFY 2023 Obligation Targets program; and

WHEREAS, Federal Highways Administration based Planning funds and Federal Transit Administration Section 5303 funds allocated for the Metro SFY 2024 UPWP are being adjusted based on their latest approved funding levels; and

WHEREAS, the city of Portland is designating Lombard St (OR99E) as a pilot project to evaluate expediated and streamlined Americans with Disabilities Act (ADA) permitting processes which impacts the Oregon Department of Transportation planned ADA curb and ramp improvement project in the area and now requires a scope change to drop the OR99E segment and adjust the revised project for inflationary cost increases; and

This section explains the amendment bundle contents and the reasons for the changes. Statements may relate to individual projects or groups of projects.

This section obviously changes with each monthly formal/full amendment and is open to interpretation by Metro Legal staff and/or JPACT or Council members.

Overall, this section helps explain what is changing with the included project and “why” the changes are needed (required federal approval steps, obligation need, etc. Brevity is encourage in this section.

## Attachment 4: MTIP Formal/Full Amendment Resolution Development Reminders

<p><b>RTP Consistency Check, Fiscal Constraint Demonstration, and Exhibit A Reference Statements</b></p> <p>WHEREAS, Metro staff reviewed all project changes for consistency with the RTP, including fiscal constraint verification in the long-range plan, possible air quality impacts assessment, and for consistency with regional approved goals and strategies; and</p> <p>WHEREAS, Metro staff reviewed and confirmed the MTIP's financial constraint finding is maintained with this amendment; and</p> <p>WHEREAS, Exhibit A to this resolution includes the project names, descriptions, and amendment action for the four projects proposed for amendment; and</p>	<p>This portion of the resolution reiterates that as a result of the amendment:</p> <ul style="list-style-type: none"> <li>- The MTIP's fiscal constraint finding is maintained</li> <li>- The required RTP consistency checks have been completed and no conflicts or negative impacts exist</li> <li>- The changes made to individual projects are contained in Exhibit A (MTIP Worksheets) to the resolution – <i>New requirement as of February 2023.</i></li> </ul>
<p><b>Resolution Approvals Section</b></p> <p>WHEREAS, on January 6, 2023, Metro's Transportation Policy and Alternatives Committee recommended that JPACT approve this resolution; and</p> <p>WHEREAS, on January 19, 2023, JPACT approved and recommended the Metro Council adopt this resolution; now therefore</p> <p>BE IT RESOLVED that the Metro Council adopts this resolution to amend the five projects in the 2021-24 Metropolitan Transportation Improvement Program.</p>	<p>The resolution approval section contains:</p> <ul style="list-style-type: none"> <li>- The TPAC and JPACT approval dates</li> <li>- The "Be It Resolved" statement indicating that Metro Council is approving and adopting the MTIP amendment resolution</li> </ul>
<p><b>Resolution Final Signature and Date</b></p> <p>ADOPTED by the Metro Council this ____ day of _____ 2023.</p> <p>Approved as to Form:</p> <p>_____ Lynn Peterson, Council President</p> <p>_____ Carrie MacLaren, Metro Attorney</p>	<p>The resolution final approval section includes:</p> <ul style="list-style-type: none"> <li>- The "Adopted by Metro Council" statement and the day and month of the final approval</li> <li>- Signature line and name of the Metro Council President</li> <li>- Approved to Form statement with the Metro attorney signature line</li> </ul>

Added notes for the MTIP Formal/Full Amendment Resolution development:

1. The Metro Council Office and legal staff routinely review the contents of the draft resolution prior to submission to Metro Council.
2. Metro legal staff may ask for clarification of any included statements, or require adjustments/removals of any draft statements
3. Generally, do not include acronyms that are not used multiple times in the resolution. Spell out the name completely. Do not include the acronym name in parenthesis if used only once in the resolution.
4. Avoid using passive voice in statements.
5. Try to develop brief and concise statements relating to the amendment project contents.
6. Try to keep the resolution overall short and to the point.
7. Statements that summarize multiple project changes, required approvals, the need for the formal/full amendment, or reasons why they are included in the amendment bundle are encouraged where possible and when logic support the summary statement.
8. The above reminders are somewhat generic and elastic. Legal interpretations can change resulting in one or more statement modifications over time. Be flexible and expect changes in the required statements to occur.

## Attachment 4: MTIP Formal/Full Amendment Resolution Development Reminders

### Sample Completed MTIP Formal/Full Amendment Resolution

#### BEFORE THE METRO COUNCIL

<b>FOR THE PURPOSE OF ADVANCING METRO</b>	)	RESOLUTION NO. 23-5308
<b>ELIGIBLE UNIFIED PLANNING WORK</b>	)	
<b>PROGRAM (UPWP) PROJECTS FOR</b>	)	Introduced by: Chief Operating Officer
<b>INCLUSION IN THE STATE FISCAL YEAR 2024</b>	)	Marissa Madrigal in concurrence with
<b>UPWP AND COMPLETING A SCOPE CHANGE</b>	)	Council President Lynn Peterson
<b>FOR AN ODOT AMERICANS WITH</b>	)	
<b>DISABILITIES CURBS AND RAMPS PROJECT</b>	)	

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, preliminary development of Metro's State Fiscal Year 2024 Unified Planning Work Program (UPWP) now requires re-programming of multiple MTIP supporting UPWP projects; and

WHEREAS, three Regional Flexible Fund Allocation (RFFA) Step 1 funded projects supporting the SFY 2024 UPWP are being advanced to FFY 2023 and will be combined into the single UPWP Master Agreement project key; and

WHEREAS, the advancement and combining effort affects the planned SFY 2024 UPWP Surface Transportation Block Grant allocations to the Freight and Economic Development Planning, Transportation System Management and Operations, and Regional Planning funds to simplify the federal obligation process and be included as part of Metro's FFY 2023 Obligation Targets program; and

WHEREAS, Federal Highways Administration based Planning funds and Federal Transit Administration Section 5303 funds allocated for the Metro SFY 2024 UPWP are being adjusted based on their latest approved funding levels; and

WHEREAS, the city of Portland is designating Lombard St (OR99E) as a pilot project to evaluate expedited and streamlined Americans with Disabilities Act (ADA) permitting processes which impacts the Oregon Department of Transportation planned ADA curb and ramp improvement project in the area and now requires a scope change to drop the OR99E segment and adjust the revised project for inflationary cost increases; and

WHEREAS, Metro staff reviewed all project changes for consistency with the RTP, including fiscal constraint verification in the long-range plan, possible air quality impacts assessment, and for consistency with regional approved goals and strategies; and

#### Attachment 4: MTIP Formal/Full Amendment Resolution Development Reminders

WHEREAS, Metro staff reviewed and confirmed the MTIP's financial constraint finding is maintained with this amendment; and

WHEREAS, on January 6, 2023, Metro's Transportation Policy and Alternatives Committee recommended that JPACT approve this resolution; and

WHEREAS, on January 19, 2023, JPACT approved and recommended the Metro Council adopt this resolution; now therefore

BE IT RESOLVED that the Metro Council adopts this resolution to amend the five projects in the 2021-24 Metropolitan Transportation Improvement Program.

ADOPTED by the Metro Council this 9th day of February 2023.



---

Lynn Peterson, Council President

Approved as to Form:



---

Carrie MacLaren, Metro Attorney



## Attachment 5: Formal/Full MTIP Public Comment Process



Metro approval of a formal/full MTIP Amendment requires the successful completion of a 30-day Public Notification Period that provides the public the opportunity to provide comments and feedback about the amendment or specific project within the bundle.

### FORMAL AMENDMENTS

Occasionally, the active MTIP is amended. This may be necessary if additional funding becomes available or if conditions on the ground lead jurisdictions to delay one project in favor of another. Amendments will include a public notice on the website and a minimum 30-day review and comment (letter, email, phone, public comment at committee and council meetings) of the proposed amendment.

To comment, contact Summer Blackhorse at [summer.blackhorse@oregonmetro.gov](mailto:summer.blackhorse@oregonmetro.gov).

Find out more about engaging in Metro's transportation planning:

[Be involved in transportation planning](#)  
Find out about how Metro engages with the public when planning a better system for getting around greater Portland.  
1.61 MB Adobe Acrobat PDF | Published Jan 30, 2019

#### Current formal amendments

[February Formal Amendment #2](#)  
Comment by March 29, 2023 at 5 p.m.  
123.54 KB Adobe Acrobat PDF | Published Feb 28, 2023

#### Prior adopted amendment

[February FFY 2023 MTIP Formal Amendment, #JAN3-05-JAN](#)  
Adopted February 9, 2023 (Comment period January 4 to February 2, 2023)  
7.26 MB Adobe Acrobat PDF | Published Feb 9, 2023

2021-2024 Metropolitan Transportation Improvement Program  
Public Notification of Submitted New and Proposed Amended Existing Projects  
Public Notification and Opportunity to Comment Notice

### Metro is in receipt of the 2021-24 MTIP March FFY 2023 Formal Amendment Bundle for Resolution 23-5319

Amendment Purpose Statement for Resolution 23-5319 (Amendment Number MR23-07-MAR)

**FOR THE PURPOSE OF AMENDING THE 2021-24 MTIP TO RE-SCOPE THE OR8/CANYON RD PROJECT TO REFLECT ONLY THE BEAVERTON PEDESTRIAN ENHANCEMENT PORTION ALLOWING IT TO MEET FEDERAL DELIVERY REQUIREMENTS**

**Public Notification Comment Opportunities for the March FFY 2023 Formal MTIP Amendment for Resolution 23-5319**

The public review period for this project amendment is **2/28/2023** and concludes on **3/29/2023**, at 5:00 pm. Requests to submit comments or concerns about this amendment should be submitted to Summer Blackhorse, via email at [summer.blackhorse@oregonmetro.gov](mailto:summer.blackhorse@oregonmetro.gov). Subject to revisions to address comments received during the public comment period, the 2021-26 MTIP as revised by the proposed amendment will be the final program unless amended, and a final notice will not be published.

**Added Notes**

Public comment also may occur by attending one of the two Metro approval committees required for the formal amendment to complete: (1) Transportation Policy Alternatives Committee (TPAC), or (2) at the Joint Policy Advisory Committee on Transportation (JPACT). Public comment can also occur at the Metro Council where the formal amendment receives final Metro approval. Please check the Metro website for the specific committee to see if the amendment is included on that month's agenda.

**About MTIP Formal/Full Amendments**

Formal MTIP amendments represent a significant change to a project from the original funding or scope of improvement activities. The various required process steps are intended to demonstrate that the required changes have no significant impact upon air conformity, plus fiscal constraint is still maintained, and/or the priorities, policies, and goals established in the approved Regional Transportation Plan (RTP) have not changed. Formal MTIP amendments normally fall into one or more of the following categories: (1) Significantly adds, revises, reduces, or changes the project scope of improvement activities. (2) Requires a significant change to the project limits (greater than 1 mile). (3) Involves a significant cost change (increase or decrease normally 20% or 30% greater). (4) Adds or cancels a project from the MTIP.

### Public Notification Header Table Notes:

- The header includes key information about the monthly formal/full amendment bundle and the comment associated comment period. Key information needed in the PNT header includes:
  - The resolution number (23-5319 – assigned by the Metro Council office to the amendment)

- b. Formal/full amendment month (e.g. March 2023)
  - c. Amendment number (MR23-07-MAR)
    - i. The MTP Amendments Manager assigns the formal amendment number
    - ii. This usually occurs to the MTIP formal amendment log and when the amendment becomes official.
  - d. Purpose Statement: This explains why the amendment is basically needed.
  - e. Comment period dates: From and to dates which must provide at least a 30-day opportunity for public comment
2. Alternative means to provide comment if not through an email submission
  3. A basic overview of what constitutes a formal/full amendment.

### Exhibit A Summary

2021-2024 Metropolitan Transportation Improvement Program				
Exhibit A to Resolution 23-5319				
March FFY 2023 Formal Transition Amendment Bundle Contents				
Amendment Type: Formal/Full				
Amendment #: MR23-07-MAR				
Total Number of Projects: 1				
Key Number & MTIP ID	Lead Agency	Project Name	Project Description	Amendment Action
(#1) ODOT Key # 19758 MTIP ID 70757	ODOT	<del>OR8: SW Hocken Ave - SW Short St</del> OR8: Canyon Rd Pedestrian Enhancements	<del>Design and construct streetscape, safety, and operational improvements</del> Construct streetscape, safety & operational enhancements of median islands and crosswalk stripping between SW 117th Ave & SW Lloyd St with new pedestrian crossing at Cedar Hills Blvd, & rapid flashing beacon at Rose Biggi Ave, for safer pedestrian access.	<b>SCOPE CHANGE:</b> Re-scope the project to reflect the Beaverton pedestrian enhancement portion as the primary project scope and adjust the construction phase to be in FFY 2024.

#### Added Amendment Notes:

The complexity of separating the Beaverton pedestrian portion from the ODOT Street improvement project results in continue discussions over the appropriate name, description, and funding composition for the project. Through the public comment process, additional tweaks and adjustments to the project name, description, and funding composition may still occur. The final version will proceed to Metro Council with no further changes then occurring.

#### Proposed Amendment Review and Approval Steps:

- Tuesday, February 28, 2023: Post amendment & begin 30-day notification/comment period
- Friday, March 3, 2023: TPAC meeting (Required Metro amendment notification)
- Thursday, March 16, 2023: JPACT meeting
- Wednesday, March 29, 2023: End 30-day Public Comment period
- Thursday, April 6, 2023: Metro Council meeting
- Wednesday, April 13, 2023: Submit MTIP Amendment bundle sent on to ODOT and FHWA for final reviews and approvals
- Mid to late May 2023: Final project amendment approval from FHWA expected.

### Exhibit A Summary Notes:

1. The Exhibit A summary provides the basic details about the amendment and will include:
  - a. ODOT Key number and MTIP ID
  - b. Lead Agency
  - c. Project name. Note: Use of red strikethrough font indicates a change is occurring. The blue font represents the updated information.
  - d. Project short description
  - e. Amendment Action: Basic description of what changes are occurring to the project
2. Proposed processing and approval dates (optional). This is a helpful timeline of internal metro processing and approval dates through the committees, Council, and then on to ODOT a and USDOT for final approval.
3. If included, ensure the processing and approval dates are qualified as “estimated”, or “proposed” as the final processing and approval dates may change.



## Attachment 5: Formal/Full MTIP Public Comment Process



### Exhibit A or MTIP Worksheets

Used to show specific changes occurring to the project as part of the amendment. The MTIP Worksheets are also used as part of administrative modifications.

### Sample Exhibit A/MTIP Worksheet Header and Project Details Section

March 2023 Formal Amendment for FFY 2023 - Amendment Number MR23-07-MAR			
Summary Reason for Change: The project is being re-scoped closer to Beaverton's RFFA award Canyon Rd pedestrian enhancement project			
		<b>Metro</b> 2021-26 Metropolitan Transportation Improvement Program (MTIP) <b>PROJECT AMENDMENT DETAIL WORKSHEET</b>	
<b>Lead Agency:</b> ODOT		<b>MTIP Formal Amendment SCOPE CHANGE</b> Re-scope project to reflect Beaverton Canyon Rd Ped project	
<b>Project Name:</b> OR8: SW Hocken Ave—SW Short St OR8: Canyon Rd Pedestrian Enhancements	<b>1</b>	<b>Project Type:</b> Highway <b>Fiscal Constraint Cat:</b> SM&O <b>ODOT Type:</b> Operations <b>Performance Goal:</b> Safety <b>Capacity Enhancing:</b> No <b>Conformity Exempt:</b> Yes <b>On CMP:</b> Yes <b>30 Day Notice Begin:</b> 2/28/2023 <b>30 Day Notice End:</b> 3/29/2023 <b>Funding Source:</b> Metro ODOT <b>Funding Type:</b> STBG <b>State Highway Route:</b> OR8 <b>Mile Post Begin:</b> <del>3.22</del> 3.15 <b>Mile Post End:</b> <del>4.07</del> 3.90 <b>Length:</b> <del>0.85</del> 0.75 <b>Flex Transfer to FTA:</b> No <b>FTA Conversion Code:</b> N/A <b>1st Year Program'd:</b> 2015 <b>Years Active:</b> 9 <b>STIP Amend #:</b> 21-24-3109	<b>ODOT Key:</b> 18758 <b>MTIP ID:</b> 70757 <b>Status:</b> 4 <b>Comp Date:</b> 12/31/2028 <b>RTP ID:</b> 11440 <b>RTP Approval:</b> 12/6/2018 <b>Trans Model:</b> 12/6/2018 <b>TCM:</b> No <b>TSMO Award:</b> No <b>TSMO Cycle:</b> N/A <b>RFFA ID:</b> N/A <b>RFFA Cycle:</b> 2016-2018 <b>UPWP:</b> No <b>UPWP Cycle:</b> N/A <b>Past Amend:</b> 7 <b>Council Appr:</b> Yes <b>Council Date:</b> <b>OTC Approval:</b> No <b>OTC Date:</b> N/A <b>MTIP Amnd #:</b> MR23-07-MAR
<b>Project Status:</b> 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated).			
<b>Short Description:</b> Design and construct streetscape, safety, and operational improvements Construct streetscape, safety & operational enhancements of median islands and crosswalk stripping between SW 117th Ave & SW Lloyd St with new pedestrian crossing at Cedar Hills Blvd, & rapid flashing beacon at Rose Biggi Ave, for safer pedestrian access.			
<b>Detailed Description:</b> Improve the safety and signal operation to provide streetscape improvements that improve the connectivity between the Creekside District and Old Town, and to improve access to transit users of OR8 (Canyon Rd) in the Beaverton Regional Center Project Funding. Construct various pedestrian upgrades on Canyon Rd/OR8 in Beaverton between MP 3.15 and MP 3.90, between SW 117th Ave and SW Lloyd St to include new pedestrian crossing at Cedar Hills Blvd, rectangular rapid flashing beacon (RRFB) at Rose Biggi Ave, construct median islands with landscaping, crosswalk striping, plus street and intersection lighting (Split from ODOT OR8 January 2023, 2016-2018 RFFA award and HIP fund exchange award)			
<b>STIP Description:</b> Design and construct streetscape, safety, and operational improvements on Canyon Rd in Beaverton between SW 117th Ave and SW Lloyd St. Improve signal safety and access for pedestrians including streetscape enhancements.			
Last Amendment of Modification: Administrative - AM22-07-DEC1 - December 2022 - Slip Construction phase with \$1,974,955 of STB-U and \$1,615,497 of STBG State plus matching funds and overmatch from FFY 2022 to FFY 2023			

### Header and Project Details Notes:

- Exhibit A or MTIP Worksheets are developed in Excel to identify the “before and after” changes to the project

2. The header section contains a very brief overview of the amendment and includes the amendment name and summary reason for the change.
3. A summary box that identifies the amendment type (Formal), type of change (Scope Change), brief description of the change)
4. Other key areas in the project details section include:
  - a. **Lead agency:** The agency responsible for the funds or fund award, responsible to obligate the federal funds, and will be the agency responsible for expending the obligated funds. The lead agency is normally equal in logic to the “Applicant” in the STIP.
  - b. **Project Name:** Official project name as will be stated on the environmental document, intergovernmental agreement (IGA), obligation/expenditure documentation, etc. The project name has a character limitation of 65 total character spaces in the STIP and MTIP currently.
  - c. **Project Status:** A status code indicating where the project generally is in the delivery process.
  - d. **Short Project Description:** A brief description of the project scope and delivery elements. The short description in the MTIP is limited to 255 character spaces. Both the MTIP and STIP try to match up the short descriptions to be very close or exact match.
  - e. **Detailed Project Description:** Use internally in the MTIP for staff use. States in more detail the project location, limits, and scope elements to ensure the project description is consistent with the constrained entry in the Regional Transportation Plan (RTP). Normally will identify the major capacity type improvements for capacity enhancing projects.
  - f. **STIP Description:** The description as entered into the current STIP. Included for comparison purposes and to determine if the MTIP and STIP short descriptions match up.
  - g. **Last Amendment or Modification:** Identifies when the project last completed an formal amendment or administrative modification and includes brief details about the changes.
5. Project Detail ID Tags and Document References:
  - a. These items provide short references to various project identification tags, project types, required prior approvals, Milepost locations and limits and relationships to related transportation documents.
  - b. The entries are primarily for internal staff, ODOT, and USDOT staff references about the amendment.

#### Exhibit A Project Funding Details

# Attachment 5: Formal/Full MTIP Public Comment Process



PROJECT FUNDING DETAILS							
Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction
Federal Funds							
STP (Metro)	Z230	2015		\$ 1,111,396			\$ -
STP (Metro)	Z230	2015		\$ 1,577,190			\$ 1,577,190
State STP	H240	2015		\$ 32,882			\$ 32,882
Equity B	L22E LZ20	2015		\$ 50,344			\$ 50,344
NHS (Min Guarantee)	Q760	2015		\$ 25,452			\$ 25,452
Redistribution	M040 M03E	2015		\$ 125,876			\$ 125,876
ADVCON	ACPO	2015		\$ 325,948			\$ 325,948
STP (Metro)	Z530	2020			\$ 448,650		\$ -
State STBG	Z530	2020			\$ 1,139,571		\$ -
HSIP	Z530	2020			\$ 225,133		\$ 225,133
STP (Metro)	Z230	2023					\$ 1,974,955
STBG-U	Z230	2024					\$ 1,957,810
State STBG	Z240	2023					\$ 1,615,497
State STBG	Z240	2024					\$ 548,244
Note: ADVCON = Metro HIP Fund Exchange awarded funding to the project.							Federal Totals: \$ 4,868,879
State Funds							
State (STP)	Match	2015		\$ 3,764			\$ 3,764
State (Equity)	Match	2015		\$ 5,762			\$ 5,762
State (NHS)	Match	2015		\$ 2,913			\$ 2,913
State (Redist)	Match	2015		\$ 14,407			\$ 14,407
State (STBG)	Match	2020			\$ 130,429		\$ -
State (HSIP)	Match	2020			\$ 25,767		\$ 25,767
State	S010	2020			\$ 30,000		\$ 30,000
State (STBG)	Match	2023					\$ 184,901
State STBG	Match	2024					\$ 62,749
							State Total: \$ 145,362
Local Funds							
Local (STP-U)	Match	2015		\$ 127,204			\$ -
Local (STP-U)	Match	2015		\$ 180,516			\$ 180,516
Local (AC)	Match	2015		\$ 37,306			\$ -
Local (STP-U)	Match	2020			\$ 51,350		\$ -
Local (STP-U)	Match	2023					\$ 226,042
Local (STBG-U)	Match	2024					\$ 224,080
Other	OTH0	2023					\$ 3,900,000
Other	OTH0	2024					\$ 19,107
							Local Total: \$ 423,703
Phase Totals Before Amend:	\$ -	\$ 1,500,000	\$ 1,770,000	\$ -	\$ 7,901,395	\$ 11,171,395	
Phase Totals After Amend:	\$ -	\$ 2,382,360	\$ 280,900	\$ -	\$ 2,811,990	\$ 5,475,250	
Phase Totals Before Amend:	\$ -	\$ 1,500,000	\$ 1,770,000	\$ -	\$ 7,901,395	\$ 11,171,395	
Phase Totals After Amend:	\$ -	\$ 2,382,360	\$ 280,900	\$ -	\$ 2,811,990	\$ 5,475,250	
Total Project Cost Estimate (all phases):							\$ 5,475,250
Year of Expenditure Cost Amount:							\$ 5,475,250

Programming Summary Details							
Why project is short programmed:							
Phase Change Amount:	\$ -	\$ 882,360	\$ (1,489,100)	\$ -	\$ (5,089,405)	\$ (5,696,145)	
Phase Change Percent:	0%	59%	-84%	0%	-64%	-51%	
Revised Match Federal:	\$ -	\$ 244,668	\$ 25,767	\$ -	\$ 286,829	\$ 557,264	
Revised Match Percent:	N/A	10.27%	10.27%	N/A	10.27%	10.27%	

Phase Obligations and Expenditures Summary						
Item	Planning	PE	ROW	Other/UR	Construction	
Total Funds Obligated:		\$ 2,382,360	\$ 280,900			Federal Aid ID
Federal Funds Obligated:		\$ 2,137,692	\$ 225,133			S029(027)
Initial Obligation Date:		8/31/2015	11/1/2019			Other Notes
EA Number:		PE002550	R9263000			
EA Start Date:		N/A	N/A			
EA End Date:		N/A	N/A			
Known Expenditures:		N/A	N/A			

Project Funding Details Notes:

1. Federal, state, and local funds are shown in this section and how they are committed to which specific phase for the project. Funding information includes:
  - a. **Programmatic fund type code:** This entry specifies the federal, state, or local fund type code for the project
  - b. **Fund Code:** The fund code represents the anticipated funding pot where the funds originate. FHWA appropriates various programmatic fund types (e.g. NHPP, STBG, HSIP, etc.) to the states. The funds usually are appropriated by their funding legislation, appropriation act, or other action to designate the source of the specific funding. Consider the fund code a more detailed version of the general programmatic fund type code.
  - c. **Year:** For now, the programming year represent the first year in the specific phase the funds will be obligated (approved to be expended). In the developing MTIP, the funding allocation will be committed to the year the funds are obligated and not just the original obligation year. Example. If a project obligates \$500,000 of federal STBG for PE in FFY 2023 and then adds another \$300 of STBG in FFY 2024, the current process will show the total \$800,000 of STBG in FFY 2023 (representing the first obligation year). However, in the new MTIP database, the added \$300,000 of STBG will show up correctly in the follow obligation year of FFY 2024. The total will still be the same at \$800,000. However, being able to program across multiple years within the same phase will demonstrate fiscal constraint more accurately.
  - d. **Phase Programming amounts** (for Planning, PE, ROW, UR, Construction, and Other phases): States the federal, state, and/or local amount in the specific phase and year initially expected to obligate and be expended. Most federal funds require a non-federal minimum match. These amounts will be stated in the State or Local fund sections. If the lead agency provides local or state funds above the minimum match, this will be stated as "Other" funds using the OTH0 fund code and represents overmatch to the project phase.
  - e. **Totals:** Phase and project totals are stated for federal, state and local funds committed to the project. The project programming total is stated along with the Year of Expenditure amount which demonstrates if the project is fully programmed or not and has addressed cost increases due to inflation, scope adjustments, or cost barriers impacting the project. If short programmed, the amendment submission must call this out and why this is occurring.
  - f. **Programming summary details:** This is an internal table for staff review to ensure the phase changes are calculating correctly and the minimum required match is still present. The table is used for comparison with the changes being made in the STIP to ensure both documents match up correctly.
  - g. **Phase Obligations and Expenditures Summary:** This is another internal table that includes prior obligation and expenditure details as known. The table assist staff in ongoing project tracking and monitoring through the federal transportation delivery process.

### MTIP Programming Consistency Checks and Glossary Areas

## Attachment 5: Formal/Full MTIP Public Comment Process



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 completes a re-scoping action to become a pedestrian/safety enhancement project which is closer to the original Beaverton Canyon Rd project as awarded through the 2016-18 RFFA call. The prior ODOT intersection safety improvement piece is split off from Key 18758.
4	MTIP Programming Submitted Supporting Documentation: STIP Summary Report, STIP Impacts Worksheet, Project Location Map, Approved CMR, prior Metro funding award documentation, IGA 30667,
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? February 28, 2023 to March 29, 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: The project returns closer to the original RFFA award scope for Beaverton
Fiscal Constraint Consistency Check Areas	
1	Will Performance Measurements Apply? No. This is a planning activity. Performance measurements do not apply to planning activities.
2A	Does the amendment include fiscal updates? No. The authorized funding is not changing, only being advanced forward to FFY 2023.
2B	What is the funding source for the project? Metro RFFA Step 1 annual funding
2C	Was the Proof-of Funding requirement satisfied and how? Confirmation of project need in FFY 2023 and verification that the funds will be part of the SFY 2024 UPWP.
2D	Was overall fiscal constraint demonstrated? Yes.
RTP Consistency Check Areas	
1A	RTP ID and Name: ID# 11440 - TV Hwy (and Canyon Rd) Corridor Safety and Access to Transit
1B	RTP Project Description: Bus stop improvements, ADA improvements, sidewalk infill, enhanced pedestrian crossings, signal priority, queue jumps.
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 - Air Quality - Bicycle and pedestrian facilities.
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 #3 - Transportation Choices - Objective 3.3 Access to Transit – Increase household and job access to current and planned frequent transit service. - Objective 3.4 Access to Active Travel Options – Increase household and job access to planned regional bike and walk networks.
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.

## Attachment 5: Formal/Full MTIP Public Comment Process



UPWP Consistency Check Areas	
1A	Does the MTIP action also require an UPWP amendment: No. The project is not part of Metro's UPWP.
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. "Other NHS Routes"
2A	Is the project location identified as part of one or more of Metro Modeling Networks, and which one(s)? Yes. Motor Vehicle
2B	What is the Metro modeling designation? See below: - Motor Vehicle Network = Major Arterial - Transit Network = Light Rail Transit + Frequent Bus - Freight = Roadway Connectors - Bicycle = Bike Parkway + Regional Bicycle - 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	
ADVCON	Federal Advance Construction fund type code. ADVCON is a generic federal fund placeholder. The State DOT normally covers the expenditures using their own funds until the final federal fund code is known and can be applied to the project. ADVCON is also stated as "AC" or ACPO in the STIP. In this case, the origin of the AC funds are fund exchanged federal Highway Infrastructure Program (HIP) funds between ODOT and Metro. When the final federal conversion code is known, a technical correction will occur to identify the specific programmatic federal fund code for the project
Equity B	Older federal Equity Bonus Special funds that date back to SAFETEA-LU and reflect adjusted apportionments of federal funds to the state DOTs
HSIP	Federal Highway Safety Improvement Program funds appropriated to the State DOT and applied to eligible safety related type improvement projects
NHS Minimum Guarantee	A specialized federal fund type within the National Highway System (NHS) funding program that ensures that each State receives a specific share of the aggregate funding for major highway programs, with every State guaranteed at least a 90.5 percent return on its percentage share of contributions to the Highway Account of the HTF and that no State receives less than \$1 million annually.
Local	General Local funds committed by the lead agency that normally cover the minimum match requirement to the federal funds
Other	Local or general state funds used above the required match to cover phase costs. Also referred to as "overmatch" funds for the project.
Redistribution	FHWA rescinds some funds from states that don't meet their annual obligation targets and redistributes them to other states as a bonus that don't meet their annual obligation targets. Redistribution funds reflect a portion of those funds Oregon received from other states by meeting Oregon's annual obligation targets
State	General state funds normally used by ODOT as the match to the required federal fund match requirement.
State STBG	Federal Surface Transportation Block Grant funds appropriated to the state DOT. The portion ODOT retains is subclassified as State STBG to differentiate it from STBG allocated to the MPOs.
STP, STP-U, or STBG-U	(Metro STBG) Federal Surface Transportation Block Grant funds appropriated to ODOT and with a portion allocated under a formula to the MPOs and then committed to eligible projects via a discretionary award process

### Consistency Checks and Glossary Notes:

- This section is intended to demonstrate to USDOT that the MPO has completed its required validations and verifications under 23 CFR 450.300-338 that the fiscal constraint finding is maintained and not negatively impacted, plus the project is still consistent as originally included in the constrained Regional Transportation Plan. This is referred to as the MPO consistency check requirement for all MTIP amendments and administrative modifications.
- Areas of the overall consistency check include:
  - Amendment purpose and summary
  - Completion of the public comment and notification process
  - Fiscal constraint verification
  - RTP consistency check area verifications
  - UPWP consistency verification areas (if applicable)
  - Other Review Areas (as applicable)
- Programmatic fund type code glossary references: Explains the fund type code acronym used and the funding source.
- Additional attached supporting documents:

- a. Depending on the funding change, changes to project details, and the nature of the formal amendment, additional support documentation may be attached at the end of Exhibit A to provide added amendment clarification as part of the overall public comment process.
- b. Added supporting documents may include:
  - i. Funding grant award confirmation lists (needed for fiscal constraint demonstration)
  - ii. Key sections of OTC Staff Reports (used for fiscal constraint demonstration and RTP consistency verification needs)
  - iii. Project location map (for added clarity)
  - iv. Project exhibits, proposed design configurations, etc. to help explain the project and the needed amendment.
  - v. Other items as deemed necessary.
- c. Documents included as part of Exhibit A may be the shortened version of the large item that normally will be included as an attachment to the amendment staff report.

### Summary Page

The summary page contains the project name, description, amendment, purpose statement, and a bullet summary of the overall comments. The log provides Metro Communication staff and Council Office staff with a summary picture of the public notification period for the amendment or specific project in the bundle. The Summary Comment Log is developed normally only for formal MTIP amendment projects that generate a significant number of comments either positive or negative. If the formal MTIP amendment does not result in a significant number of comments, then development of the Comment Summary Log is not required.

The May 2022 Formal Amendment includes the following project:

Resolution Number	Amendment Number	Summary Name
<b>22-5265</b>	<b>MY22-11-MAY1</b>	<b>I-205 Abernethy Bridge</b>

Project Complete Name: I-205: I-5-or 213, Phase IA Project

#### Project Description:

On I-205 from MP 8.30 to 11.09, complete the Abernethy Bridge improvement segment which includes constructing ground improvements, new foundations, sub-structure and superstructure and adding a lane in both directions of I-205. The I-205 NB and OR 43 IC will be reconstructed and include a roundabout. The OR 99 IC will be reconstructed to accommodate the bridge widening. Additional scope elements include a sound walls in the vicinity of SB I-205 at Exit 9, stormwater mitigation, landscaping, paving, striping, signing and lighting improvements.

#### MTIP Amendment Purpose Statement:



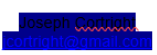
FOR THE PURPOSE OF AMENDING THE 2021-26 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO INCREASE THE CONSTRUCTION PHASE FOR THE I-205: I-5-or 213, PHASE IA PROJECT ALLOWING THE CONSTRUCTION PHASE TO MOVE FORWARD AND BE IMPLEMENTED (MY22-11-MAY1)

#### Summary:

- The 30-day Public Comment period spanned April 15, 2022 to May16, 2022
- Three formal comments were received via email.
- All are opposed to the I-205 Abernethy project and overall planned tolling to I-205
- The comments are similar to comments made in opposition to the I-205 PE phase Tolling Project



## Sample Comment Log Page

November 2021 Formal MTIP Amendments Comments Log				
Date	Name	Project	Comment	Added Notes
4/15/22 (1)		I-205 Tolling	<p>Dear Metro,</p> <p>Please reject this proposed amendment to the MTIP (per <a href="https://www.oregonmetro.gov/news/public-notice-opportunity-comment-pending-amendment-metropolitan-transportation-improvement-507utm_source=Metro+contacts&amp;utm_campaign=46b9d55616-EMAIL_DIGEST_CAMPAIGN&amp;utm_medium=email&amp;utm_term=0_e7c2405cf5-46b9d55616-278256174&amp;mc_cid=46b9d55616&amp;mc_eid=24f9b54c65">https://www.oregonmetro.gov/news/public-notice-opportunity-comment-pending-amendment-metropolitan-transportation-improvement-507utm_source=Metro+contacts&amp;utm_campaign=46b9d55616-EMAIL_DIGEST_CAMPAIGN&amp;utm_medium=email&amp;utm_term=0_e7c2405cf5-46b9d55616-278256174&amp;mc_cid=46b9d55616&amp;mc_eid=24f9b54c65</a>)</p> <p>This freeway expansion project is over budget, and taking resources away from necessary improvements to our regional bicycle, pedestrian, transit, open space, and housing systems, either implicitly or explicitly.</p> <p>We're in a climate crisis, and need to act accordingly. We must stop expending our precious resources on making it easier for automobiles to emit carbon dioxide and other global warming gases. We must instead invest in providing safe, comfortable, effective systems that eliminate dependency on the automobile. We must do so now, THIS decade.</p> <p>We can always come back and make adjustments to the freeway system, if needed, after 2050, once we have moved our automobile fleet off of fossil fuels.</p> <p>Right now, we must express our sense of urgency by halting all expenditures on the freeway system, so we can instead use those funds to make investments in our regional bicycle, pedestrian, and transit networks.</p> <p>Anything else would be gross negligence and a clear violation of the public trust doctrine during this time of a climate emergency.</p> <p>Thank you for rejecting this proposed MTIP</p>	Objection is to the I-205 Tolling project. However, comments are now closed for that project.
5/5/2022 (2)		I-205 Abernethy Widening and Proposed Tolling	<p>Pamplin Media "Opinion Piece by Paul Edgar", ODOT's proposed Pedestrian Bridge between Oregon City and West Linn is a Consolation Prize that will be paid for by Tolling Revenue from the I-205 Corridor and I-205 Abernethy Bridge. Printed in the Oregon City News 03/28/2022, submitted to Metro TPAC meeting, May 6, 2022.</p> <p>Note: see full comment submitted at the end of the comment log</p>	Opposes the Abernethy Bridge becoming a toll facility
5/16/202 (3)		I-205 Abernethy Widening	<p>Please enter this comment into the record for the consideration of the MTIP amendment for the I-205 Abernethy Bridge Project</p> <p>In December 2018, FHWA approved a categorical exclusion for the I-205 Abernethy Bridge. The scope of this project was limited to widening the bridge structure and seismic improvements, and contained no provision for tolling. Now, subsequently, ODOT has advanced a much expanded project, widening several miles of I-</p>	Opposes the Abernethy Bridge project


**Metro**

 600 NE Grand Ave.  
 Portland, OR 97232-2736

# Memo

Date: January 20, 2023  
 To: Metro Council and Interested Parties  
 From: Ken Lobeck, Funding Programs Lead  
 Subject: January FFY 2023 MTIP Formal Amendment & Resolution 23-5308 Approval Request

---

## FORMAL MTIP AMENDMENT STAFF REPORT

### Amendment Purpose Statement

**FOR THE PURPOSE OF ADVANCING METRO ELIGIBLE UNIFIED PLANNING WORK PROGRAM (UPWP) PROJECTS FOR INCLUSION IN THE STATE FISCAL YEAR 2024 UPWP AND COMPLETING A SCOPE CHANGE FOR AN ODOT AMERICANS WITH DISABILITIES CURBS AND RAMPS PROJECT**

### BACKGROUND

#### What This Is:

The January FFY 2023 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment bundle is primarily a positioning amendment supporting the development of the State fiscal Year (SFY) Unified Planning Work Program (UPWP). The January FFY 2023 Formal MTIP Amendment also completes a necessary scope and cost change to one of ODOT's Americans with Disabilities (ADA) projects. The summary of changes includes the following:

- Three Metro Regional Flexible Fund Allocation (RFFA) Step 1 UPWP program allocations for the SFY 24 UPWP (Freight/Goods Movements administration (Key 22146), TSMO administration (Key 22170), and the FFY 2023 UPWP STBG Regional Planning allocation (in Key 22152) are being advanced from non-constrained out-tears of the MTIP and combined into Key 22311.
- Key 22311 will function as the primary SFY 2024 UPWP project containing all approved UPWP projects part of the Master Agreement with ODOT.
- The ODOT State contribution is being added to Key 22311.
- Finally, Federal Highways based "PL" planning funds, and Federal Transit based Administration Section 5303 funding levels are being updated per revised authorized amounts to the MPOs.
- The fifth project in the bundle is an ODOT ADA improvement project on US30BY and OR99E is completing a scope and cost change to drop the OR99E portion and adjust the costs for the remaining US30BY ADA improvement portion.

#### What is the requested action?

**JPACT approved TPAC's recommendation on January 19, 2023 and now recommends Metro Council provide the final approval for Resolution 23-5308 consisting of the five amended projects enabling further required UPWP updates to occur and allow ODOT to move forward with their US30BY ADA project.**

A summary of the projects and amendment actions within the bundle are shown on the next pages.

January FFY 2023 Formal Transition Amendment Bundle Contents Amendment Type: Formal/Full Amendment #: JA23-05-JAN Total Number of Projects: 5				
Key Number & MTIP ID	Lead Agency	Project Name	Project Description	Amendment Action
(#1) ODOT Key # <b>22146</b> MTIP ID 71119	Metro	<b>Freight and Economic Development Planning (FFY 2023)</b>	Regional planning to support freight systems planning and economic development planning activities. (FY 2023 UPWP allocation year)	<a href="#"><u>ADVANCE &amp; COMBINE</u></a> Key 22146 is being advanced to FFY 2023 and combined into Key 22311 to be part of the SFY 2024 UPWP Master Agreement project list
(#2) ODOT Key # <b>22170</b> MTIP ID 71125	Metro	<b>TSMO Administration (FFY 2023)</b>	Administration of the regional TSMO program; providing program strategy and direction, administration of grant allocations, and staffing of the Transport committee. (FY 2023 allocation year)	<a href="#"><u>ADVANCE &amp; COMBINE</u></a> Key 22170 is being advanced to FFY 2023 and combined into Key 22311 to be part of the SFY 2024 UPWP Master Agreement project list
(#3) ODOT Key # <b>22152</b> MTIP ID 71132	Metro	<b>Regional MPO Planning (FFY 2023)</b>	Funding to support transportation planning activities and maintain compliance with federal planning regulations. (FY2023 UPWP allocation year)	<a href="#"><u>ADVANCE &amp; COMBINE</u></a> Key 22152 is being advanced to FFY 2023 and combined into Key 22311 to be part of the SFY 2024 UPWP Master Agreement project list
(#4) ODOT Key # <b>22311</b> MTIP ID: 71225	Metro	<b>Portland Metro Planning SFY24</b>	Portland Metro MPO planning funds for SFY 24 (FFY 2023). Projects will be selected and support the annual Metro Unified Planning Work Program (UPWP)	<a href="#"><u>ADD &amp; COMBINE</u></a> Key 22311 adds the ODOT contribution (State STBG) to the SFY 24 UPWP Master Agreement and combines STBG-U from Keys 22146, 22152, and 22170.
(#5) ODOT Key # <b>22469</b> MTIP ID: 71259	ODOT	<del>US30BY &amp; OR99E Curb Ramps (Portland)</del> <b>US30BY Curb Ramps (Portland)</b>	Construct to American Disabilities Act (ADA) standards, curbs and ramps at multiple locations along <del>OR99E and</del> US30BY to reduce mobility barriers and make state highways more accessible to disabled persons	<a href="#"><u>SCOPE &amp; COST CHANGE:</u></a> PBOT will use Lombard as a pilot project for streamlining and expediting ADA permitting for Lombard project. As a result, Key 22469's scope, name, and funding is being

				adjusted. An additional \$1.6 million is being pulled from the ADA program to address the revised cost to US30BY locations. The OR99E segment is being eliminated.
--	--	--	--	--

### **AMENDMENT BUNDLE SUMMARY:**

A total of five projects are included in the January FFY 2023 MTIP Formal Amendment bundle. The amendment bundle is proceeding under amendment number JA23-05-JAN. All changes are to existing projects. There are no new projects included in the bundle. All projects completed a 30-day public notification/opportunity to comment period consistent with Metro's Public Participation Plan. The public comment period opened on January 4, 2023 and closed on February 2, 2023.

### **JPACT January 19, 2023 Meeting Summary:**

The January 2023 Formal MTIP Amendment bundle under Resolution 23-5308 was included in the JPACT agenda as a consent item. JPACT approved the item on the consent calendar without discussion.

### **TPAC January 6, 2023 Meeting Summary:**

Ken Lobeck, Metro Funding Lead provide TPAC members with an overview of the January MTIP Formal Amendment bundle. Ken explained that four of the five projects involve advancing and combining projects in support of the SFY 2024 UPWP. The fifth project involves a needed scope and cost change to the ODOT US30BY/OR99E ADA Curbs and Ramps project which requires a scope change to remove the OR99E portion and a cost update.

A question was raised to clarify why the UPWP projects were programmed in FFY 2025 and are now being advanced from to FFY 2023. Ken explained that normally are programed in their expected year of obligation. However, the UPWP is a fluid document and the annual planning needs and funding requirements change from year to year. To avoid conflicts with the annual Obligation Targets and to provide added flexibility to the UPWP, many of the STBG funded UPWP projects were pushed out to FFY 2025. They are then advanced as required to their specific year of obligation once it's clear through the UPWP budget development process that the funding is needed to support the annual UPWP. Ken added that this is a two-step amendment process, and few more project advancements will occur as part of the February 2023 Formal Amendment bundle.

With no further discussion, TPAC move and unanimously approved staff's recommendation to provide JPACT an approval recommendation for Resolution 23-5308 and the five included projects.

A more detailed overview of each project amendment in the bundle begins on the next page.

Project #1 Key 22146	Freight and Economic Development Planning (FFY 2023) (Advance & Combine) Lead Agency: Metro
<b><u>Project Description:</u></b> Regional planning to support freight systems planning and economic development planning activities. (FY 2023 UPWP allocation year)	
Identifications/Key Consistency Check Areas: <ul style="list-style-type: none"> <li>• Lead Agency: Metro</li> <li>• ODOT Key Number: <b>22146</b></li> <li>• MTIP ID#: 71119</li> <li>• RTP ID: 11103</li> <li>• Proof-of Funding/Fiscal Constraint Demonstrated: Yes</li> <li>• Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements</li> <li>• OTC approval required: No.</li> <li>• Performance Measurements applicable: No. The project is a planning project. Performance measurements are not applicable to planning projects.</li> <li>• Special Amendment Performance Assessment Required: No. Same reason as for performance measurements.</li> <li>• Were overall RTP Consistency checks achieved and satisfactory? Yes</li> <li>• UPWP approved project: Yes. The project allocation will support the development of the SFY 2024 UPWP</li> <li>• Can the required changes be made to the MTIP without issues? Yes</li> </ul>	
<b><u>Description of Changes</u></b> The formal amendment advances the project from the non-financially constrained year of FFY 2025 to FFY 2023 to be included in the SFY 2024 UPWP Master Agreement list of approved projects. Programming for UPWP Master Agreement will occur through Key 22311.  Each year Metro develops the annual Unified Planning Work Program (UPWP). As the MPO, Metro is required by the federal government to develop the Unified Planning Work Program each year with input from local governments, TriMet, the Oregon Department of Transportation, Federal Highway Administration and Federal Transit Administration. The program is a guide for transportation planning activities to be conducted over the course of each fiscal year (July 1 to June 30). The UPWP includes: <ul style="list-style-type: none"> <li>• Planning priorities for the region</li> <li>• Projects of regional significance: description, objectives, previous work, methodology, products expected, responsible entities, costs, funding sources and schedules</li> <li>• Transportation planning, programs, projects, research and modeling: participating entities, tasks and products for the coming year along with costs, funding sources and schedules.</li> </ul> The final approved UPWP and budget will include twenty or more planning projects. Some are required to remain as stand-alone projects and are programmed separately in the MTIP and STIP. The remaining UPWP projects are consolidated into a single Master Agreement list of approved projects. Rather than obligation eighteen or more separate projects and trying to manage their obligations and expenditures separately, they are combined into a single project and obligated together at the same time.	

Developing the annual UPWP is a multi-step process which TPAC members participate. Initially, the projects are identified individually as a RFFA Step 1 approved allocation for their specific year. From there, the process refines the list and approved funding. The final product produces a summary budget table containing the project list. The below table is an example from the SFY 23 UPWP approved budget for reference.

As the annual budget table takes shape, related MTIP programming adjustments also begin occurring. The purpose is the position the required funding for the expected approved projects in the correct year, and begins the single-key programming consolidation for the Master Agreement list of approved projects. For the SFY 2024 UPWP Master Agreement list of approved projects, Key 22311 will be used as the single obligation project Key.

METRO		Requirements	Resources										
		Total Direct and Indirect Costs	PL	PL Match (ODOT)	S303	S303 Match (Metro)	STBG	STBG Match (Metro/ODOT)	FTA, FHWA, ODOT Discretionary Grants	FTA, FHWA, ODOT Grants Match (Metro)	Metro Direct Contribution	Local Support	Total
Regional Transportation Planning													
1	Transportation Planning	\$ 469,533					\$ 421,312	\$ 48,221					\$ 469,533
2	Climate Smart Implementation	\$ 478,854					\$ 69,858	\$ 7,996			\$ 401,000		\$ 478,854
3	Regional Transportation Plan Update 2023	\$ 2,632,643	\$ 289,828	\$ 33,172			\$ 539,089	\$ 61,701			\$ 1,458,853	\$ 250,000	\$ 2,632,643
4	Metropolitan Transportation Improvement Program	\$ 1,615,520	\$ 1,243,227	\$ 142,293							\$ 230,000		\$ 1,615,520
5	Air Quality Program	\$ 26,918					\$ 24,153	\$ 2,764					\$ 26,918
6	Regional Transit Program	\$ 384,984					\$ 121,121	\$ 13,863			\$ 250,000		\$ 384,984
7	Regional Freight Program	\$ 215,337					\$ 193,222	\$ 22,115					\$ 215,337
8	Complete Streets Program	\$ 126,635					\$ 113,630	\$ 13,005					\$ 126,635
9	Regional Travel Options and Safe Routes to School Program	\$ 3,804,676							\$ 3,642,938	\$ 161,738			\$ 3,804,676
10	Transportation System Management & Operations - Regional Mobility Program	\$ 310,438					\$ 278,556	\$ 31,882					\$ 310,438
11	Enhanced Transit Concepts Program	\$ 2,513,252									\$ 2,513,252		\$ 2,513,252
12	Regional Freight Delay and Commodities Movement Study	\$ 130,000					\$ 116,649	\$ 13,351					\$ 130,000
13	Economic Value Atlas Implementation	\$ 66,491					\$ 59,663	\$ 6,829					\$ 66,491
14	Regional Emergency Transportation Routes Phase 2	\$ 138,216									\$ 138,216		\$ 138,216
Regional Transportation Planning Total:		\$ 12,913,498	\$ 1,533,055	\$ 175,465	\$ -	\$ -	\$ 1,937,253	\$ 221,727	\$ 3,642,938	\$ 161,738	\$ 4,853,105	\$ 388,216	\$ 12,913,498
Regional Corridor/Area Planning													
1	Investment Areas Corridor Refinement and Project Development	\$ 547,668									\$ 547,668		\$ 547,668
2	Southwest Corridor Transit Project	\$ 537,215							\$ 413,750	\$ 97,218	\$ 26,248		\$ 537,215
3	Columbia Connects	\$ 133,136					\$ 119,463	\$ 13,673					\$ 133,136
4	City of Portland Transit and Equitable Development Assessment	\$ 50,000							\$ 50,000				\$ 50,000
5	TV Highway Transit and Development Project	\$ 1,089,418					\$ 224,043	\$ 25,643	\$ 425,000	\$ 47,222	\$ 367,511		\$ 1,089,418
6	Westside Multimodal Improvements Study	\$ 267,681							\$ 125,000		\$ 142,681		\$ 267,681
7	82nd Ave	\$ 817,401					\$ 244,697	\$ 28,007			\$ 544,697		\$ 817,401
Regional Corridor/Area Planning Total:		\$ 3,442,518	\$ -	\$ -	\$ -	\$ -	\$ 588,202	\$ 67,322	\$ 1,013,750	\$ 144,440	\$ 1,602,556	\$ 26,248	\$ 3,442,518
Administration & Support													
1	MPO Management and Services	\$ 473,552	\$ 349,842	\$ 40,041							\$ 83,669		\$ 473,552
2	Data Management and Visualization	\$ 1,695,045			\$ 461,429	\$ 52,813					\$ 1,180,804		\$ 1,695,045
3	Land Use and Socio-Economic Modeling Program	\$ 375,831			\$ 300,137	\$ 34,352					\$ 41,341		\$ 375,831
4	Travel Model Program	\$ 727,063	\$ 289,161	\$ 33,096	\$ 290,000	\$ 33,192					\$ 81,614		\$ 727,063
5	Oregon Household Travel and Activity Survey Program	\$ 237,514					\$ 213,121	\$ 24,393					\$ 237,514
6	Technical Assistance Program	\$ 111,759					\$ 100,281	\$ 11,478					\$ 111,759
7	Intergovernmental Agreement Fund Management	\$ 2,406,523									\$ 2,406,523		\$ 2,406,523
Administration & Support Total:		\$ 6,027,287	\$ 639,003	\$ 73,137	\$ 1,051,566	\$ 120,356	\$ 313,403	\$ 35,870	\$ -	\$ -	\$ 3,793,951	\$ -	\$ 6,027,287
GRAND TOTAL													
		\$ 22,383,303	\$ 2,172,058	\$ 248,602	\$ 1,051,566	\$ 120,356	\$ 2,838,858	\$ 324,920	\$ 4,656,688	\$ 306,178	\$ 10,249,612	\$ 414,464	\$ 22,383,303

**2021-2026 Metropolitan Transportation Improvement Program (MTIP)**  
Current Approved Project List with Approved Amendments

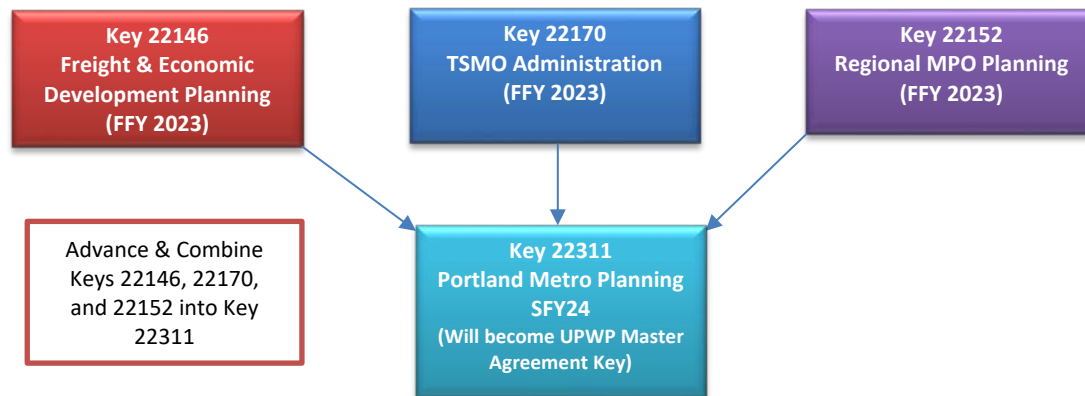


LEAD AGENCY		Metro				
PROJECT NAME		Portland Metro Planning SFY24				
Project IDs		Project Description				Project Type
ODOT KEY	22311	Portland Metro MPO planning funds for SFY 24 (FFY 2023). Projects will be selected and support the annual Metro Unified Planning Work Program (UPWP)				Other
MTIP ID	71225					
RTP ID	11103					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Planning	2023	Metro Planning (Z450)	\$2,107,855	\$241,253	\$0	\$2,349,108
Planning	2023	Metro PL (5303)	\$620,694	\$71,041	\$0	\$691,735
FY 21-26 Totals			\$2,728,549	\$312,294	\$0	\$3,040,843
Estimated Project Cost (YOES)			\$2,728,549	\$312,294	\$0	\$3,040,843

Since the UPWP includes federal Metro Surface Transportation Block Grant (STBG-U) funds, they federal funds are also part of Metro's required annual Obligation Targets program. Unfortunately, the obligation targets must be completed and submitted to ODOT by the end of December. The UPWP budget is not completed until nearly March. Due to this disconnect, staff rely in a multi-step amendments process to complete the required adjustments once the projects are known and funding amounts for them are clear.

The January FFY 2023 Formal MTIP Amendment is the first of multiple MTIP amendments that may be required to properly build Key 22311 with its final approved projects and required funding levels. This first amendment begins by positioning and known UPWP project funding in the correct obligation year, combining the UPWP Master Agreement projects together into the single obligation key, and updates approved funding if known.

The action to Key 22146 takes the allocated UPWP administrative funds for the Freight/Goods Movements program, advances them to FFY 2023, and combines them into Key 22311.



#### Support Item(s): Existing MTIP Programming for Key 22146


- Scope and funds are being advanced and combined into Key 22311

LEAD AGENCY		Metro				
PROJECT NAME		Freight and Economic Development Planning (FFY 2023)				
Project IDs		Project Description				Project Type
ODOT KEY	22146	Regional planning to support freight systems planning and economic development planning activities. (FY 2023 UPWP allocation year)				Freight
MTIP ID	71119					
RTP ID	11103					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Planning	2025	STBG-URBAN	\$76,491	\$8,755	\$0	\$85,246
FY 21-26 Totals			\$76,491	\$8,755	\$0	\$85,246
Estimated Project Cost (YOE\$)			\$76,491	\$8,755	\$0	\$85,246



<b>Project #2 Key 22170</b>	<b>TSMO Administration (FFY 2023) (Advance &amp; Combine) Lead Agency: Metro</b>
<b><u>Project Description:</u></b> Administration of the regional TSMO program; providing program strategy and direction, administration of grant allocations, and staffing of the Transport committee. (FY 2023 allocation year)	
Identifications/Key Consistency Check Areas: <ul style="list-style-type: none"> <li>• Lead Agency: Metro</li> <li>• ODOT Key Number: <b>22170</b></li> <li>• MTIP ID#: 71125</li> <li>• RTP ID: 11104</li> <li>• Proof-of Funding/Fiscal Constraint Demonstrated: Yes</li> <li>• Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements</li> <li>• OTC approval required: No.</li> <li>• Performance Measurements applicable: No. The project is a planning project. Performance measurements are not applicable to planning projects.</li> <li>• Special Amendment Performance Assessment Required: No. Same reason as for performance measurements.</li> <li>• Were overall RTP Consistency checks achieved and satisfactory? Yes</li> <li>• UPWP approved project: Yes. The project allocation will support the development of the SFY 2024 UPWP</li> <li>• Can the required changes be made to the MTIP without issues? Yes</li> </ul>	
<b><u>Description of Changes</u></b> The formal amendment advances the project from the non-financially constrained year of FFY 2025 to FFY 2023 to be included in the SFY 2024 UPWP Master Agreement list of approved projects. Programming for UPWP Master Agreement will occur through Key 22311.	

**2021-2026 Metropolitan Transportation Improvement Program (MTIP)**  
 Current Approved Project List with Approved Amendments



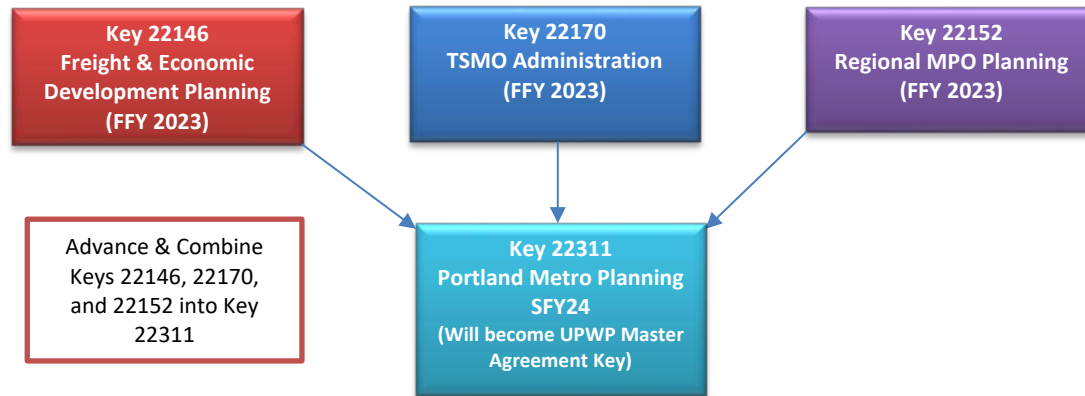
LEAD AGENCY		Metro				
PROJECT NAME		Portland Metro Planning SFY24				
Project IDs		Project Description				Project Type
ODOT KEY	22311	Portland Metro MPO planning funds for SFY 24 (FFY 2023). Projects will be selected and support the annual Metro Unified Planning Work Program (UPWP)				Other
MTIP ID	71225					
RTP ID	11103					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Planning	2023	Metro Planning (Z450)	\$2,107,855	\$241,253	\$0	\$2,349,108
Planning	2023	Metro PL (5303)	\$620,694	\$71,041	\$0	\$691,735
FY 21-26 Totals			\$2,728,549	\$312,294	\$0	\$3,040,843
Estimated Project Cost (VOE\$)			\$2,728,549	\$312,294	\$0	\$3,040,843

The January FFY 2023 Formal MTIP Amendment is the first of multiple MTIP amendments that may be required to properly build Key 22311 with its final approved projects and required funding levels. This first amendment begins by positioning and known UPWP project funding in the correct obligation year, combining the UPWP Master



Agreement projects together into the single obligation key, and updates approved funding if known.


The action to Key 22170 takes the allocated UPWP administrative funds for the Transportation Systems Management and Operations (TSMO) program, advances them to FFY 2023, and combines them into Key 22311.



#### Support Item(s): Existing MTIP Programming for Key 22170

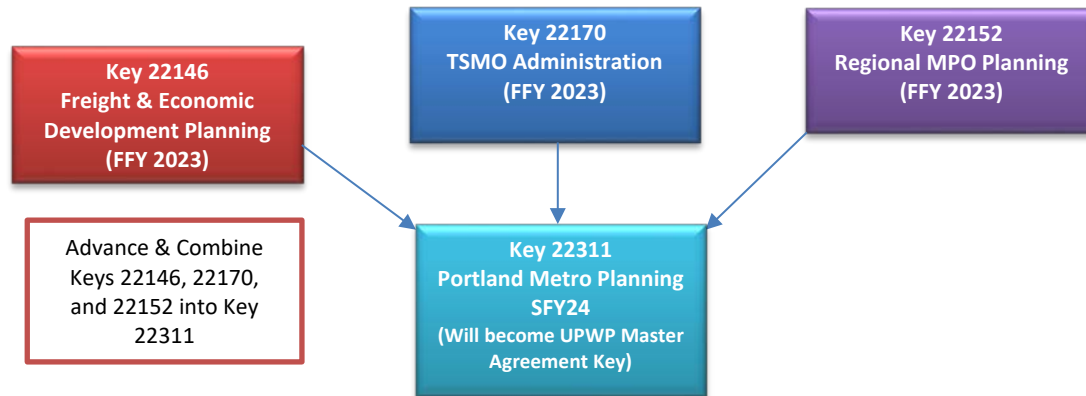
- Scope and funding are being advanced and combined into Key 22311

LEAD AGENCY		Metro				
PROJECT NAME		TSMO Administration (FFY 2023)				
Project IDs		Project Description				Project Type
ODOT KEY	22170	Administration of the regional TSMO program; providing program strategy and direction administration of grant allocations and staffing of the Transport committee. (FY 2023 allocation year)				Transportation System Management Operations
MTIP ID	71125					
RTP ID	11104					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Other	2025	STBG-URBAN	\$194,369	\$22,246	\$0	\$216,615
FY 21-26 Totals			\$194,369	\$22,246	\$0	\$216,615
Estimated Project Cost (VOE\$)			\$194,369	\$22,246	\$0	\$216,615

<b>Project #3 Key 22152</b>	<b>Regional MPO Planning (FFY 2023) (Advance &amp; Combine) Lead Agency: Metro</b>					
<b><u>Project Description:</u></b> Funding to support transportation planning activities and maintain compliance with federal planning regulations. (FY2023 UPWP allocation year)						
Identifications/Key Consistency Check Areas: <ul style="list-style-type: none"> <li>• Lead Agency: Metro</li> <li>• ODOT Key Number: <b>22152</b></li> <li>• MTIP ID#: 71132</li> <li>• RTP ID: 11103</li> <li>• Proof-of Funding/Fiscal Constraint Demonstrated: Yes</li> <li>• Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements</li> <li>• OTC approval required: No.</li> <li>• Performance Measurements applicable: No. The project is a planning project. Performance measurements are not applicable to planning projects.</li> <li>• Special Amendment Performance Assessment Required: No. Same reason as for performance measurements.</li> <li>• Were overall RTP Consistency checks achieved and satisfactory? Yes</li> <li>• UPWP approved project: Yes. The project allocation will support the development of the SFY 2024 UPWP</li> <li>• Can the required changes be made to the MTIP without issues? Yes</li> </ul>						
<b><u>Description of Changes</u></b> The formal amendment advances the project from the non-financially constrained year of FFY 2025 to FFY 2023 to be included in the SFY 2024 UPWP Master Agreement list of approved projects. Programming for UPWP Master Agreement will occur through Key 22311.						
<b>2021-2026 Metropolitan Transportation Improvement Program (MTIP)</b> Current Approved Project List with Approved Amendments						
<b>LEAD AGENCY</b>		Metro				
<b>PROJECT NAME</b>		Portland Metro Planning SFY24				
<b>Project IDs</b>		<b>Project Description</b>				<b>Project Type</b>
<b>ODOT KEY</b>	22311	Portland Metro MPO planning funds for SFY 24 (FFY 2023). Projects will be selected and support the annual Metro Unified Planning Work Program (UPWP)				Other
<b>MTIP ID</b>	71225					
<b>RTP ID</b>	11103					
<b>Phase</b>	<b>Year</b>	<b>Fund Type</b>	<b>Federal Amount</b>	<b>Minimum Local Match</b>	<b>Other Amount</b>	<b>Total Amount</b>
Planning	2023	Metro Planning (Z450)	\$2,107,855	\$241,253	\$0	\$2,349,108
Planning	2023	Metro PL (5303)	\$620,694	\$71,041	\$0	\$691,735
FY 21-26 Totals			\$2,728,549	\$312,294	\$0	\$3,040,843
Estimated Project Cost (VOE\$)			\$2,728,549	\$312,294	\$0	\$3,040,843

The January FFY 2023 Formal MTIP Amendment is the first of multiple MTIP amendments that may be required to properly build Key 22311 with its final approved projects and required funding levels. This first amendment begins by positioning and known UPWP project funding in the correct obligation year, combining the UPWP Master Agreement projects together into the single obligation key, and updates approved funding if known.


The action to Key 22152 takes the allocated UPWP Regional Planning STBG funds, advances them to FFY 2023, and combines them into Key 22311.



#### Support Item(s): Existing MTIP Programming for Key 22152

- Scope and funding are being advanced and combined into Key 22311

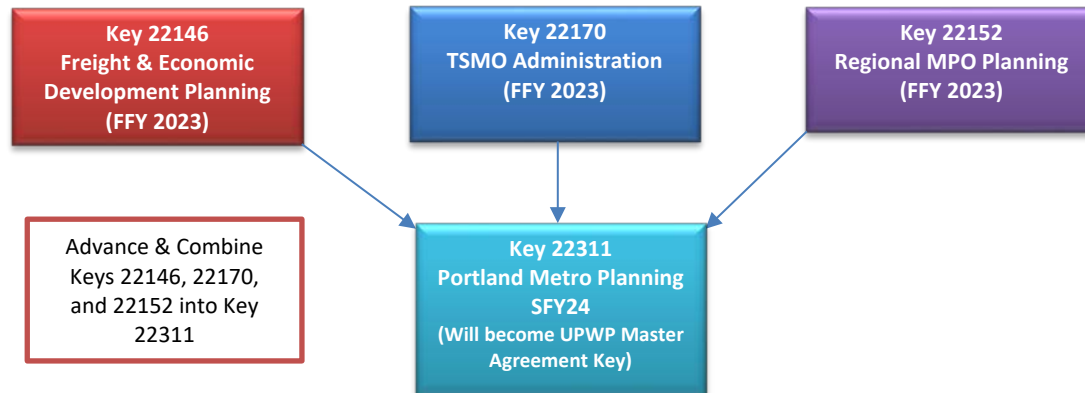
LEAD AGENCY		Metro				
PROJECT NAME		Regional MPO Planning (FFY 2023)				
Project IDs		Project Description				Project Type
ODOT KEY	22152	Funding to support transportation planning activities and maintain compliance with federal planning regulations. (FY2023 UPWP allocation year)				Regional Program
MTIP ID	71132					
RTP ID	11103					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Planning	2025	STBG-URBAN	\$1,442,694	\$165,123	\$0	\$1,607,817
FY 21-26 Totals			\$1,442,694	\$165,123	\$0	\$1,607,817

<b>Project #4 Key 22311</b>	<b>Portland Metro Planning SFY24 (Add &amp; Combine) Lead Agency: Metro</b>					
<b><u>Project Description:</u></b> Funding to support transportation planning activities and maintain compliance with federal planning regulations. (FY2023 UPWP allocation year)						
Identifications/Key Consistency Check Areas: <ul style="list-style-type: none"> <li>• Lead Agency: Metro</li> <li>• ODOT Key Number: <b>22311</b></li> <li>• MTIP ID#: 71225</li> <li>• RTP ID: 11103</li> <li>• Proof-of Funding/Fiscal Constraint Demonstrated: Yes</li> <li>• Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements</li> <li>• OTC approval required: No.</li> <li>• Performance Measurements applicable: No. The project is a planning project. Performance measurements are not applicable to planning projects.</li> <li>• Special Amendment Performance Assessment Required: No. Same reason as for performance measurements.</li> <li>• Were overall RTP Consistency checks achieved and satisfactory? Yes</li> <li>• UPWP approved project: Yes. The project allocation will support the development of the SFY 2024 UPWP</li> <li>• Can the required changes be made to the MTIP without issues? Yes</li> </ul>						
<b><u>Description of Changes</u></b> The formal amendment advances the project from the non-financially constrained year of FFY 2025 to FFY 2023 to be included in the SFY 2024 UPWP Master Agreement list of approved projects. Programming for UPWP Master Agreement will occur through Key 22311.						
<b>2021-2026 Metropolitan Transportation Improvement Program (MTIP)</b> Current Approved Project List with Approved Amendments						
LEAD AGENCY		Metro				
PROJECT NAME		Portland Metro Planning SFY24				
Project IDs		Project Description				Project Type
ODOT KEY	22311	Portland Metro MPO planning funds for SFY 24 (FFY 2023). Projects will be selected and support the annual Metro Unified Planning Work Program (UPWP)				Other
MTIP ID	71225					
RTP ID	11103					
Phase	Year	Fund Type	Federal Amount	Minimum Local Match	Other Amount	Total Amount
Planning	2023	Metro Planning (Z450)	\$2,107,855	\$241,253	\$0	\$2,349,108
Planning	2023	Metro PL (5303)	\$620,694	\$71,041	\$0	\$691,735
FY 21-26 Totals			\$2,728,549	\$312,294	\$0	\$3,040,843
Estimated Project Cost (YOE\$)			\$2,728,549	\$312,294	\$0	\$3,040,843

The January FFY 2023 Formal MTIP Amendment is the first of multiple MTIP amendments that may be required to properly build Key 22311 with its final approved projects and required funding levels. This first amendment begins by positioning and known UPWP project funding in the correct obligation year, combining the UPWP Master

Agreement projects together into the single obligation key, and updates approved funding if known.

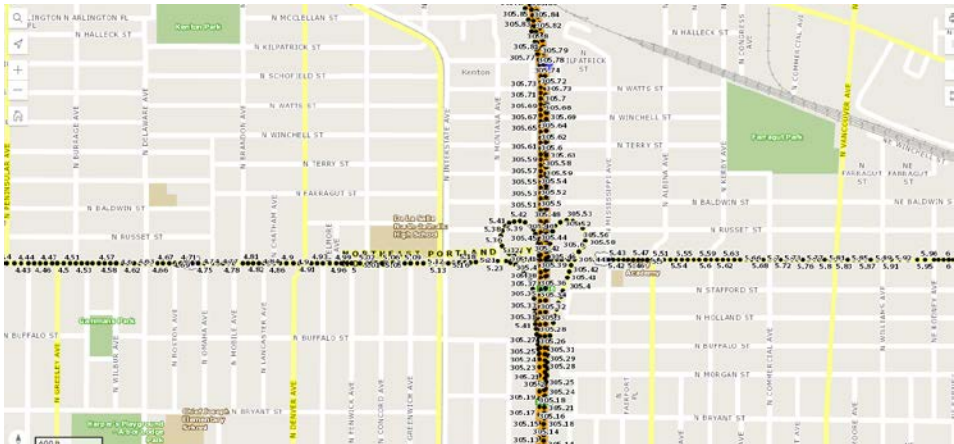
The action to Key 22152 takes the allocated UPWP Regional Planning STBG funds, advances them to FFY 2023, and combines them into Key 22311.



#### Support Item(s): Revised MTIP Programming for Key 22311

- PL and 5303 funds are updated per latest authorizations. STBG-U from Keys 22146, 22170, and 22152 are advanced and combined into Key 22311.

PROJECT FUNDING DETAILS								
Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Construction	Other (ITS)	Total
<b>Federal Funds</b>								
PL	Z450	2023	\$ 2,107,855					\$ -
PL	Z450	2023	\$ 2,636,693					\$ 2,636,693
5303	Z77D	2023	\$ 620,694					\$ -
5303	Z77D	2023	\$ 1,337,453					\$ 1,337,453
State STBG	Y240	2023	\$ 201,892					\$ -
STBG-U	Y230	2023	\$ 1,713,554					\$ 1,713,554
								\$ -
PL & 5303 increase per revised updates. Match for PL is from ODOT State STBG. STBG-U is added from multiple sources							Federal Totals:	\$ 5,687,700
<b>State Funds</b>								
State (PL)	Match	2023	\$ 241,253					\$ -
State (PL)	Match	2023	\$ 301,782					\$ 301,782
State (st STBG)	Match	2023	\$ 23,108					\$ 23,108
								\$ -
							State Total:	\$ 324,890
<b>Local Funds</b>								
Local (5303)	Match	2023	\$ 71,041					\$ -
Local (5303)	Match	2023	\$ 153,077					\$ 153,077
Local (STBG-U)	Match	2023	\$ 196,124					\$ 196,124
								\$ -
							Local Total	\$ 349,201
Phase Totals Before Amend:			\$ 3,040,843	\$ -	\$ -	\$ -	\$ -	\$ 3,040,843
Phase Totals After Amend:			\$ 6,563,683	\$ -	\$ -	\$ -	\$ -	\$ 6,563,683
Total Project Cost Estimate (all phases):								\$10+ million
Year of Expenditure Cost Amount:								\$10+ million

<b>Project #5</b> <b>Key</b> <b>22469</b>	<b><del>US30BY &amp; OR99E Curb Ramps (Portland)</del></b> <b>US30BY Curb Ramps (Portland)</b> <b>(Scope &amp; Cost Change)</b> <b>Lead Agency: ODOT</b>
<b><u>Project Description:</u></b> <b>Construct to American Disabilities Act (ADA) standards, curbs and ramps at multiple locations along <del>OR99E</del> and US30BY to reduce mobility barriers and make state highways more accessible to disabled persons</b>	
<b>Identifications/Key Consistency Check Areas:</b> <ul style="list-style-type: none"> <li>• Lead Agency: ODOT</li> <li>• ODOT Key Number: <b>22469</b></li> <li>• MTIP ID#: 71259</li> <li>• RTP ID: 12095</li> <li>• Proof-of Funding/Fiscal Constraint Demonstrated: Yes</li> <li>• Conformity Status: Exempt from air quality analysis and transportation demand modeling requirements</li> <li>• OTC approval required: No.</li> <li>• Performance Measurements applicable: Yes, Safety</li> <li>• Special Amendment Performance Assessment Required: No.</li> <li>• Were overall RTP Consistency checks achieved and satisfactory? Yes</li> <li>• UPWP approved project: No</li> <li>• Can the required changes be made to the MTIP without issues? Yes</li> </ul>	
<b><u>Description of Changes</u></b> PBOT will use Lombard as a pilot project for streamlining and expediting ADA permitting. As a result, Key 22469's scope, name, and funding are being adjusted. An additional \$1.6 million is being pulled from the ADA program to address the revised cost to US30BY locations. The OR99E segment is being removed from through the amendment. The cost increase which is well above the 30% threshold along with the scope update triggers the need for a formal amendment.  The total project cost increases from \$1,349,000 to \$2,949,000 with the primary increase occurring to the construction phase.	
<b>Support Item(s): Project area map for Key 22469</b>  	

## METRO REQUIRED PROJECT AMENDMENT REVIEWS

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

- Verification and eligible to be programmed in the MTIP.
- Passes fiscal constraint verification.
- Passes the RTP consistency review. Identified in the current approved constrained RTP either as a stand- alone project or in an approved project grouping bucket
- 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 January FFY 2023 Formal MTIP amendment (JA23-05-JAN) will include the following:

<u>Action</u>	<u>Target Date</u>
• TPAC Agenda mail-out.....	December 30, 2022
• Initiate the required 30-day public notification process.....	January 4, 2023
• TPAC notification and approval recommendation.....	January 6, 2023
• JPACT approval and recommendation to Council.....	January 19, 2023
• Completion of public notification process.....	February 2, 2023
• <b>Metro Council approval.....</b>	<b>February 9, 2023</b>

### 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..... | February 15 ,2023       |
| • USDOT clarification and final amendment approval.....   | Early to mid-March 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:**
  - a. Parallels the development of the Metro SFY 2024 UPWP approved budget
  - b. MTIP programming is subordinate to UPWP budget approval.
  - c. MTIP programming will be adjusted to reflect the final approved SFY 2024 UPWP.

## RECOMMENDED ACTION:

**JPACT approved TPAC's recommendation on January 19, 2023 and now recommends Metro Council provide the final approval for Resolution 23-5308 consisting of the five amended projects enabling further required UPWP updates to occur and allow ODOT to move forward with their US30BY ADA project.**

No Attachments



## JPACT Worksheet

**Agenda Item Title:****March FFY 2023 MTIP Formal Amendment & Resolution 23-5319 Approval Request**

**Presenters:** N/A (Ken Lobeck or Ted Leybold if a presentation is required). However, the item is proposed to proceed as a Consent item on the JPACT March 16, 2023 agenda which will negate the need for a presentation

**Contact for this worksheet/presentation:** Ken Lobeck, Funding Programs Lead

**Purpose/Objective:**

**FOR THE PURPOSE OF AMENDING THE 2021-24 MTIP TO RE-SCOPE THE OR8/CANYON RD PROJECT TO REFLECT ONLY THE BEAVERTON PEDESTRIAN ENHANCEMENT PORTION ALLOWING IT TO MEET FEDERAL DELIVERY REQUIREMENTS**

**Outcome:**

JPACT to approve and provide an approval recommendation to Metro Council which upon final approval will enable the Beaverton OR8 Canyon Road Pedestrian Enhancement under resolution 23-5319 to complete the required re-scoping action to separate it out from the existing ODOT OR8 operation and safety upgrade projects. TPAC approval recommendation occurred on 3-3-2023.

**What has changed since JPACT last considered this issue/item?**

Not applicable. This is the first time JPACT has considered the March Formal Amendment.

The March FFY 2023 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment bundle contains one project. Key 18758 currently is a combined ODOT street upgrade and Beaverton pedestrian enhancement project. The project is being re-scoped to reflect the Beaverton pedestrian enhancement scope elements.

The original Beaverton's Canyon Road Streetscape Project awarded under the 2016-2018 Regional Flexible Fund Allocation (RFFA) project call contained pedestrian and operation street upgrades that overlapped with proposed ODOT operational and safety upgrade projects. After discussion between ODOT and Beaverton, the Beaverton project was combined into the ODOT projects to provide improved delivery efficiencies. However, during the preliminary engineering phase, delivery and cost challenges have emerged that can't be resolved. After lengthy discussion, the answer is to separate the Beaverton project from the ODOT operational and safety project to prevent the delivery and cost conflicts from emerging. The March FFY 2023 Formal MTIP Amendment is now completing the re-scoping effort to separate and re-name the Beaverton project to be the OR8 Canyon Rd Pedestrian Enhancements project.

**What packet material do you plan to include?**

Included materials:

- Draft Resolution 23-5319
- Exhibit A to Resolution 23-5319
- Staff Report with 1 attachment (OTC Staff Report)

Check out  
the video

## Finance Project Funding Advance Construction

[www.fhwa.dot.gov/federal-aidessentials](http://www.fhwa.dot.gov/federal-aidessentials)

*This mechanism allows projects to be funded with Federal-aid dollars at a later date*



The Statewide Transportation Improvement Program, or STIP, identifies all transportation projects that are eligible for Federal funds. As a result, some agencies have used advance construction, or AC. However, as priorities change and competition for limited resources increase, projects may be delayed. This fund management tool allows agencies to incur costs on a project and submit the full or partial amount later for Federal reimbursement if the project is approved for funding.

Advance construction can be used to fund emergency relief efforts and for any project listed in the STIP, including surface transportation, interstate, bridge, and safety projects. As with any Federal-aid project, to remain eligible for reimbursement, the agency must be able to meet project funding requirements to complete the project and follow all other Federal requirements as the project advances.

Let's look at how advance construction is used to fund a Federal-aid transportation project, as well as possible risks associated with it, such as Federal funds not being available for your project.

To initiate the advance construction process, your State department of transportation, or State DOT, needs authorization from the Federal Highway Administration, the FHWA. If FHWA approves, the project costs incurred from this point on become eligible for Federal funding provided Federal-aid funds become available.



After authorization, the work begins and agencies start to incur costs.

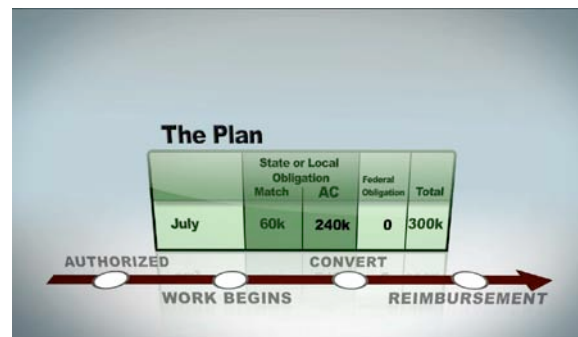
At some point, your State DOT will request that FHWA fund the full or a partial amount of the advance construction balance. If FHWA approves the request, it converts the advance construction from eligible for funding to an obligation to fund and reimburse. Only then can agencies seek reimbursement for costs they incurred up to the obligated amount.



To help illustrate the advance construction process, let's follow a project to widen an intersection. During the planning phase, the local public agency (LPA) discovers it needs to acquire a parcel of land for right-of-way.

The real estate team is ready to move forward, but the Federal funds—some \$240,000, or 80 percent of the total costs—are not currently available.

A consultation in July with the State DOT results in an LPA funding plan that uses advance construction and the State DOT immediately requests authorization for \$240,000 in advance construction for the right-of-way work phase.



The plan outlines a future request to convert advance construction to Federal funds for \$140,000 in November and the remaining \$100,000 in January. The process will convert the \$240,000 in cost from a State or local obligation to a Federal obligation.

As planned, in July the State DOT receives authorization from FHWA that it approves the project for advance construction. This authorization means that while the agency can incur costs of up to \$300,000, none of it is billable until the State DOT requests that the funds be converted and FHWA approves the funds as a Federal obligation.

With authorization in place, the real estate staff begins to acquire the needed parcels of land and to relocate the owners. By October, the LPA has incurred \$25,000 in costs and intends to meet this obligation with its own funds until such time the costs are converted to a Federal obligation.

As planned, in November, the State DOT makes its request and FHWA converts \$140,000 from advance construction to a Federal obligation. The LPA is now able to invoice up to \$140,000—provided it do not exceed the 80 percent matching limit.

By now, the initial \$25,000 in costs has grown to \$100,000. Applying the 80-percent matching limit, the finance department calculates an invoice amount of \$80,000 and submits it for reimbursement.

**Actual**

	State or Local Obligation Match	AC	Federal Obligation	Total
Initial Authorization	60k	240k	0	300k
Partial Conversion	60k	100k	140k	300k
Full Conversion	60k	0	240k	300k

A timeline arrow below the table shows the progression: **AUTHORIZED** (yellow dot) → **WORK BEGINS** (yellow dot) → **REIMBURSEMENT** (yellow dot). The **CONVERT** phase is indicated between **WORK BEGINS** and **REIMBURSEMENT**.

The project and plans for advance construction continue and the LPA submits invoices in accordance with matching and other Federal requirements. If there are any unspent funds at the conclusion of the right-of-way phase, the LPA must obtain authorization before applying those funds to construction phase activities or any other activities.

As we have just learned, advance construction allows agencies to manage funds and accelerate work on projects. However, FHWA does not view advance construction as an obligation for Federal funds or reimbursement.

This means that if planned Federal funds fail to become available, agencies must either use non-Federal funds to complete projects or suspend work on the projects. Therefore, it's essential that agencies carefully assess their risks before using this technique.

Each State DOT has an established approach to funding and financing projects. The staff can describe how it has successfully used advance construction, as well as the steps taken to manage the associated risks.



If your agency uses advance construction to manage cash flow and accelerate project delivery, it's expected to comply with all Federal requirements.

### Web Resources

- Federal-aid fund management tools provide overview of advance construction  
[http://www.fhwa.dot.gov/ipd/finance/tools\\_programs/federal\\_aid/ac\\_pcac/](http://www.fhwa.dot.gov/ipd/finance/tools_programs/federal_aid/ac_pcac/)
- AASHTO briefing paper on advance construction  
[https://bookstore.transportation.org/item\\_details.aspx?ID=1770](https://bookstore.transportation.org/item_details.aspx?ID=1770)

The content of this document is not a substitute for information obtained from State departments of transportation, appropriate FHWA Division Offices, and applicable laws. Scenarios have been simplified for emphasis and do not necessarily reflect the actual range of requirements applicable to the scenario or this topic. This document was created under contract number DTFH61-11-D-00025 by the Federal Highway Administration, U.S. Department of Transportation, and is offered to the public to heighten and focus awareness of Federal-aid requirements within the local public agencies community and reinforces the importance of these necessary policies, procedures, and practices.

This companion resource is the script content for the video production of the same name.

The ODOT-FTA-FHWA amendment matrix lists which modifications require FTA-FHWA approval and which modifications Metro has delegated authority to approve. For formal/full amendment, the changes require Metro Council approval, ODOT approval and USDOT approval (FHWA and/or FTA). For administrative modifications, the changes require Metro staff approval and ODOT approval. The main difference between MTIP amendment and modification types include the following:

**Formal/Full MTIP Amendments must complete the below review and approval steps:**

- The MTIP Amendment Manager's review and approval that all required documents have been properly submitted to complete the formal amendment
- A formal demonstration that the MTIP remains fiscally constrained and is not overprogrammed.
- Verification and proof of any new funds being added to the MTIP's constrained years (years 1-4) as part of the fiscal constraint validation.
- A formal review and verification that the project changes are allowable and still consistent with the current Regional Transportation Plan (RTP) as a result.
- Successful completion of a 30-day public notification/opportunity to comment period before the amendment receives Metro approval.
- Official notification and opportunity for discussion to the Metro Transportation Alternatives Policy Committee (TPAC).
- Approval recommendation from TPAC to Metro's Joint Policy Advisory Committee on Transportation (JPACT).
- Approval by JPACT with an approval recommendation to Metro Council
- Approval by Metro Council.
- Review and approval by ODOT-Salem.
- Requires final approval by USDOT (Either FHWA for projects with FHWA oversight, or FHWA and FTA for transit related project amendments) before inclusion in the MTIP and STIP.

**Administrative Modifications require the following actions:**

- Are considered minor fit within the amendment matrix as an acceptable change under the administrative modification thresholds and parameters.
- Review and verification that the proposed changes do not exceed limits of the amendment matrix thresholds, or have received special approval status to be processed as an administrative modification
- Requires a re-verification the fiscal constraint finding is still valid.
- Requires Metro staff approval on behalf Metro
- Requires ODOT review and final approval before inclusion in the STIP

**MTIP Amendment Frequency:**

- Metro usually completes one formal/full amendment monthly utilizing a bundle approach that allows multiple projects to be included.
- Administrative modifications occur on an ongoing basis which also utilize a bundle approach. Metro normally offers and completes at least one administrative modification bundle each month and can complete more if time permits.

## Attachment 10: Metro MTIP Amendment Matrix

Item	<b>FORMAL/FULL MTIP AMENDMENTS</b>
1	<p><b>JPACT &amp; METRO COUNCIL AUTHORIZED DISCRETION:</b></p> <p>Metro JPACT and Council reserved the right to require any project change to be process as a formal/full amendment based on the scope or cost change, regional significance impact, impact to air quality, change in relationship to the RTP and the RTP's goals and strategies, and/or public interest or public sensitivity to the project or required change.</p>
2	<p><b>ADDING OR CANCELING PROJECTS:</b></p> <p>Adding/cancelling a federally funded, regionally significant, or state/locally funded project or project phase which will potentially be federalized and trigger the need for a formal amendment. If project or project phase does not meet these criteria, see Administrative Modification #1. For Western Federal Lands (WFL) or planning projects, see administrative section #11.</p> <p><u>Added Clarification for adding /canceling actions that trigger a formal/full amendment:</u></p> <ul style="list-style-type: none"> <li>- This includes slipping projects and phases from the constrained years (years 1-4) to the outer non-constrained years (years 5-6).</li> <li>- This includes advancing projects and phases from the non-constrained years (years 5-6) forward into the constrained MTIP years (years 1-4).</li> <li>- This includes adding or canceling non-federalized funded projects and/or locally funded regionally significant projects.</li> <li>- This includes adding or canceling the construction phase for roadway improvement type projects.</li> <li>- This includes adding or canceling planning projects.</li> <li>- This includes adding capacity enhancing projects assuming they meet all required RTP reviews, consistency checks, and fiscal constraint requirements. Metro defines capacity projects as new roadways or roadway modifications that are not defined as exempt by 40 CFR 93.126 Table 2 or exempt from regional emissions analysis by 40 CFR 93.127 Table 3 and transit capital projects that significantly expand transit service. Metro will include capacity projects in the regional travel model as appropriate.</li> <li>- Canceling (or deleting a capacity enhancing project) from the MTIP normally can't occur through a formal amendment and will have to be removed during the next full MTIP update.</li> </ul>
3	<p><b>PROJECT LOCATIONS AND/OR MILEPOST LIMITS CHANGES:</b></p> <p>Location/Limit Changes that normally will trigger a formal amendment:</p> <ul style="list-style-type: none"> <li>- Project location and limit changes equal to or &gt; 1 mile = Formal/Full Amendment</li> <li>- Project modifications that result in NEPA re-evaluation</li> <li>- Change affects air quality conformity</li> <li>- Adding capacity per the Federal Code of Regulations (CFR) and FHWA/FTA/EPA guidance</li> <li>- Projects adding work-type in the STIP FP that trigger a change in limits, location, or result in a significant scope impact</li> <li>- Project location or limit changes greater than 0.5 miles and up to 1 mile = MPO discretionary review and consideration of the change impact</li> <li>- Project location or limit changes up to 0.5 miles = Administrative modification if the discretionary review result in no significant impact as noted below. If significant impacts are noted, Metro will process the change as a formal amendment.</li> </ul>



## Attachment 10: Metro MTIP Amendment Matrix

	<p><u>Added Clarification Notes:</u></p> <ul style="list-style-type: none"> <li>a. When evaluating whether to process a scope change request as an administrative adjustment or formal amendment, Metro as an MPO begins with the elements listed below but will also consider issues such as, but not limited to, potential impacts to transportation system performance, consistency with long-range plan investment priorities, and public or MPO committee/board interest in considering the modification as an amendment.</li> <li>b. Location or limit changes between 0.5 miles and 1 mile will be evaluated for their impact upon the regional model, air quality, and impact to the goals and strategies to the approved RTP.</li> <li>c. Overall project location and/or limit changes will be addressed at the discretion of the MPO. The MPO will consider issues such as, but not limited to, potential for impacts to MTIP performance, public or MPO committee/board interest in considering the amendment, perceived significance of the additional segment, and environmental impact or NEPA analysis consistency issues.</li> </ul>
4	<p><b>CHANGES IN FISCAL CONSTRAINT (COST CHANGES) BY THE FOLLOWING CRITERIA:</b></p> <p>Changes in Fiscal Constraint by the following criteria will normally trigger a formal amendment</p> <ul style="list-style-type: none"> <li>a. For FHWA funded projects - total project cost increase for all phases and any type of funding increase: <ul style="list-style-type: none"> <li>- Projects under \$1M – cost increases over 50%</li> <li>- Projects between \$1 million to \$5 million – cost increases over 30%</li> <li>- Projects over \$5 million – cost increases over 20%</li> </ul> </li> <li>b. For FTA funded projects – total project cost increases for all phases and any type of funding increase over 30% will trigger a formal amendment.</li> </ul> <p><u>Added Clarification Notes:</u></p> <ul style="list-style-type: none"> <li>- Cost changes only affect cost increases as noted above. Cost decreases where no scope change, or major location/limits changes are occurring will normally be allowed to proceed as an administrative modification.</li> <li>- Metro staff are authorized under periodic special circumstances to waive the cost change thresholds and process the cost increase administratively. The circumstances are normally negotiated among Metro senior management, Council Office legal staff, JPACT, and Council members as applicable. The circumstances are considered temporary, one-time special modifications to the normal processing requirements and should not be considered permanent policy.</li> </ul>
5	<p><b>MAJOR PROJECT SCOPE OR WORK ELEMENT ADJUSTMENTS:</b></p> <p>Major changes to the project scope or work approved work elements will normally require the changes to occur through a formal/full amendment The changes are allowable as a formal amendment assuming:</p> <ul style="list-style-type: none"> <li>- The changes are not capacity enhancing which would change the project transportation demand modeling status.</li> <li>- The project is still consistent with the RTP in overall scope, improvement, performance, strategies, and goals from the original constrained project RTP project entry</li> <li>- The scope adjustments do not impact the project’s cost, location, or limits beyond the established thresholds described above.</li> </ul>



## Attachment 10: Metro MTIP Amendment Matrix

	<ul style="list-style-type: none"> <li>- The scope changes include capacity enhancing additions but are still consistent with project as modeled in the RTP.</li> <li>- The proposed scoping changes result in a significant down-scoping action to the project, but are still consistent with the original Metro RFFA award, and have been approved by Metro management and/or JPACT previously.</li> </ul> <p>Added Clarification Notes:</p> <ul style="list-style-type: none"> <li>- See <b>Table X</b> in Chapter six for additional scope change guidance</li> <li>- A formal/full amendment normally is not allowable for major scope changes to capacity enhancing projects that impact the project's RTP transportation demand modeling status. Either a RTP amendment will need to first occur, or the project will have to wait until the next RTP Update and MTIP Update to complete required transportation demand management modeling as a result of the scope change.</li> </ul>
6	<p><b>ADDING PERMANENT EMERGENCY RELIEF PROJECTS</b></p> <p>Adding an emergency relief permanent repair project that involves substantial change in function and location will normally trigger the need for a formal/full amendment</p> <p>Added Clarification Note: Temporary emergency repair (ER) projects that are a mitigation response to an environmental episode normally are not programmed in the MTIP or STIP. These projects usually are non-capacity enhancing projects that are considered temporary repairs to offset or restore the transportation system back to its original configuration. If the repair deviates from the original configuration, then the improvement is considered a permanent repair project and subject to a formal amendment if FHWA directs the programming requirement.</p>

ADMINISTRATIVE MODIFICATIONS	
1	<p><b>Any project changes that do not meet the STIP amendment criteria in the Full Amendments section above. Examples:</b></p> <ul style="list-style-type: none"> <li>- A \$6 million total project cost requires \$750,000 additional funding to address a construction phase shortfall. The total project cost increases to \$6,750,000 and represents a 12.5% increase to the project. The increase is less than the 20% threshold, does not include scope or limits/location changes allowing it to proceed as an administrative modification</li> <li>- The 60% design update for a project extends the project limits by 0.4 miles to included added pavement rehab work. The rehab work element is a non-capacity enhancing extension of the current scope. The limits impact is minor and under the 0.5 mile discretionary review threshold and can occur administratively.</li> <li>- The updated design for a commuter trail project result in the need to add a retaining wall for added pedestrian safety needs. The amendment requires a description change to reflect the new scope element. The cost increase results in a 9% increase to the project and is under the 20% threshold. The additional scope element is a non-capacity enhancing type work element and is considered exempt under 40 CFR 93.126, Table 2, Safety. Under this scenario, the new scope element is considered a minor change to the project and can occur administratively.</li> </ul>

## Attachment 10: Metro MTIP Amendment Matrix

2	<p><b>Advancing or slipping an approved project/phase within the current MTIP constrained years (years 1-4)</b></p> <p>Additional Clarification Notes:</p> <ul style="list-style-type: none"> <li>- If slipping into year 5 or 6 of the MTIP or advancing from year 5 or 6 to a constrained year (years 1-4 normally for obligation needs), a formal/full amendment is required for fiscal constraint verification and demonstration.</li> <li>- Advancing a project from year 5 or 6 to the constrain MTIP years (1-4) translates to adding a new project to the STIP as the STIP is a 4-year constrained document and triggers the need for a formal amendment</li> <li>- The phase slip normally is due to a schedule delay impacting the phase. The delay reason should be documented by the project Lead or LAL as part of the annual Red/Yellow/Green Slip Amendment update.</li> </ul>
3	<p><b>Adding or canceling any phase of an approved existing project in the active MTIP constrained years except for the Construction phase. Adding or canceling the construction phase for a project usually will trigger the need for a formal/full amendment.</b></p>
4	<p><b>Combining two or more approved existing projects into one or splitting an approved project into two or more projects or splitting part of an approved project to a new one.</b></p> <ul style="list-style-type: none"> <li>- Added note: The new split project is sometimes referred to as the “child project” from the parent.</li> </ul>
5	<p><b>Completing Minor technical corrections to make the printed STIP consistent with prior approvals, such as typos or missing data.</b></p>
6	<p><b>Completing Project Cost Decreases.</b></p> <p>Added Clarification Notes:</p> <ul style="list-style-type: none"> <li>- This assumes the cost reduction is not due to a significant location or limits change as well as a scope change.</li> <li>- Metro RFFA funded projects are encouraged to include contingency funding a deemed appropriate to help offset ongoing cost increase amendments to the MTIP. If the design updates indicate a cost reduction is required to match up with the IGA, Metro will not penalize the lead agency to ensuring the project has adequate funding. The cost reduction can occur as an administrative modification.</li> <li>- Support as an administrative modification for the cost decrease results as the funding programmed in the MTIP for the project exceeds the actual funding needed, there is no impact to fiscal constraint as project costs programmed will not exceed available revenues.</li> </ul>
7	<p><b>Completing Minor Scope Changes: Project adjustments that result from minor scope changes can occur as an administrative modification under the following conditions:</b></p> <ul style="list-style-type: none"> <li>- The changes to the project costs remain under the formal amendment cost threshold</li> <li>- The changes to the project limits and location remain under the formal amendment threshold.</li> <li>- The changes are non-capacity, air quality exempt changes which include examples listed in 40 CFR 93.126, Table 2 and 40 CFR 93.127, Table 3</li> <li>- The changes result in the project still being consistent with the RTP through fiscal constraint, performance assessment, goals, and strategies verifications.</li> </ul>

## Attachment 10: Metro MTIP Amendment Matrix

	<ul style="list-style-type: none"> <li>- For Metro RFFA funded projects, the project is still consistent with the original RFFA award in scope, location, and limits</li> <li>- See <b>Table X for additional guidance on scope changes</b></li> </ul>
8	<p><b>Adjusting programing or obligation levels to prior obligated projects without phases in the active years of the current MTIP.</b></p> <p>The following conditions apply:</p> <ul style="list-style-type: none"> <li>- The prior obligate phase is being updated for follow-on obligation purposes</li> <li>- Fund swaps or adjustments are occurring to the prior obligated phase based on obligation updates to the project.</li> <li>- There is no change in scope, location, or limits to the project as a result of the prior obligated phase adjustment.</li> </ul>
9	<p><b>Completing project name or description change based on minor scope, location, or limits changes.</b></p> <p>Qualifications include the following:</p> <ul style="list-style-type: none"> <li>- The name or description change is considered corrective in nature and does not reflect a major change to the project</li> <li>- The reason for the update name or description may result from the NEPA process to match up better with the environmental an updated IGA, or as requested by FHWA to meet the next federal delivery</li> </ul>
10	<p><b>Modifying metropolitan planning projects (UPWP) funded under 23 U.S.C. 104(d) and 49 CFR 5305(d) or State Planning and Research (SPR) projects funded under 23 U.S.C. 505 and 49 U.S.C. 5303(e) funds.</b></p> <p>Added Clarification Notes:</p> <ul style="list-style-type: none"> <li>- Not all planning projects in the UPWP and funded with planning funds need to be included in the MTIP. 23 CFR 450.308 identifies the development the UPWP which enables the planning project to exist there and not in the MTIP. Changes to scope, location, limits and costs will normally occur through an UPWP amendment.</li> <li>- For those special planning projects required to be included in the MTIP (e.g. for obligation through FMIS purposes) modifications to their scope, location, limits, and costs usually can occur administratively unless the cost change impacts the fiscal constraint finding (e.g. receipt of an new federal grant to support the planning project which must be obligated through the FHWA FMIS system). The impact of the change to the planning project will determine if it is significant enough to require a formal/full amendment. See note 6 below.</li> </ul>
11	<p><b>Adding a Western Federal Lands (WFL) project</b></p> <p>Added Clarification Notes</p> <ul style="list-style-type: none"> <li>- Presently Western Federal Lands maintains it own MTIP. However, on special occasions, a WFL federally funded project also requires programming in the ODOT STIP.</li> <li>- If located in the Metro MPO boundary, then programming in the Metro MTIP also may be required for at least information purposes. Per discussions between ODOT and FHWA, the WFL project may be added to the STIP and MTIP administratively.</li> </ul>

Added Notes:

## Attachment 10: Metro MTIP Amendment Matrix

1. Amendment Definition: A (S)TIP amendment is a modification or change to project information, and/or programming of revenues made through a formal decision process with approval by the Oregon Transportation Commission (OTC) and/or Metropolitan Planning Organization (MPO) Board. For financial changes, this applies to unobligated phases or phases which have been obligated and have additional financial change within the same federal fiscal year.
2. Administrative Adjustment Definition: A (S)TIP administrative adjustment is a modification or change to project information and/or programming of revenues that may be made without the formal approval of the OTC or MPO Board.
3. When Metro waives the amendment matrix formal amendment requirements to complete a project change administratively, the action may still require a formal amendment to be completed in the STIP. A STIP formal amendment will include a two-week public notification/opportunity to comment period and required FHWA and/or FTA approval to complete the required change.
4. Under ODOT's approved amendment matrix, some change may occur in the STIP administratively. However, under Metro's amendment matrix, the changes will require a formal/full amendment. When these situations occur, Metro will process the changes as a formal/full amendment with final approval from ODOT as an administrative modification. FHWA and/or FTA approval usually will not be required.
5. FHWA and/or FTA may override the amendment matrix thresholds plus parameters by adding new or revised MTIP and STIP processing and approval guidance at any time. Processing and approval changes may result from the source of funding used for the project, delivery approval steps, and oversight responsibilities. When special amendment processing and approval requirements emerged, both ODOT and Metro will coordinate the required actions with FHWA and FTA and update their processes as required.
6. 23CFR 450.308 identifies the development and management of the MPO's UPWP and includes:
  - a. (Paragraph b) An MPO shall document metropolitan transportation planning activities performed with funds provided under title 23 U.S.C. and title 49 U.S.C. Chapter 53 in a unified planning work program (UPWP) or simplified statement of work in accordance with the provisions of this section and 23 CFR part 420.
  - b. (Paragraph c) Except as provided in paragraph (d) of this section, each MPO, in cooperation with the State(s) and public transportation operator(s), shall develop a UPWP that includes a discussion of the planning priorities facing the MPA. The UPWP shall identify work proposed for the next 1- or 2-year period by major activity and task (including activities that address the planning factors in §450.306(b)), in sufficient detail to indicate who (e.g., MPO, State, public transportation operator, local government, or consultant) will perform the work, the schedule for completing the work, the resulting products, the proposed funding by activity/task, and a summary of the total amounts and sources of Federal and matching funds.

## Attachment 11: Determining Scope Changes as Major or Minor

Project changes where approved scope elements are added or deleted may or may not require a full/formal amendment depending upon the nature of the project plus the degree of the change upon the project, and the associate impacts to the project on costs and/or limits. General rules and logic for assessing the impact of a scope change follows on the next page.

### Major and Minor Scope Changes:

1. If the project change is considered to be a major scope change, then processing the changes must occur through a formal/full amendment.
2. If the changes to the work activities are considered minor, then the changes may occur as an administrative modification. To be considered a minor scope change, then:
  - a. The resulting cost change remains under the cost increase thresholds.
  - b. The adjusted project remains in the spirit of the scope as originally awarded and programmed. The revised scope elements may be due to mitigation needs, safety, or other aspects to delivery the project. There is no significant change in alignment, location, cost, schedule, or delivery purpose as a result of the revised project scope.
  - c. The adjusted scope incorporates adds or removes non-capacity work elements (safety, mitigation, or other) as identified in 40 CFR 93.126, Table, or 40 CFR 93.127, Table which would not change the air quality or transportation demand modeling status for the project.
3. Evaluating the impact of proposed scope changes to a project as major or minor is not a simple black-and-white evaluation. Determining the scope change as major or minor is an interpretation and can be subjective. If the evaluation results in an impasse:
  - a. Consult with the Region 1 STIP Coordinator to obtain a second opinion.
  - b. Consult with Metro management for their interpretation.
  - c. Discuss with FHWA or FTA as applicable for their opinion
  - d. Finally, if no resolution is clear, process the scope change as formal/full MTIP amendment rather than gamble the changes are eligible under an administrative modification
4. To assist in interpreting scopes as major or minor, reference the below table for guidance and added to reach an appropriate decision and direction to complete the scope change amendment determine if the project change is a major scope change.

Scope Changes to Projects and Corresponding Formal Amendments or Administrative Modifications				
Project Type	Action	Result	Impact	Amendment or Admin Mod
Exempt Stand-Alone project	Add or delete specific non capacity work elements	Significantly changes the works elements for the project	Results in significant cost of limits changes.  No change to exempt status	<b>Subjective interpretation</b> depending on sensitivity of changes Determine Formal vs Admin based on overall cost change, limits change, and/or impact on schedule

## Attachment 11: Determining Scope Changes as Major or Minor

Exempt Stand-Alone project	Add new capacity enhancing scope element	Changes project from exempt to nonexempt	Results in change to project classification  Changes exemption status to non-exempt/ capacity enhancing project type now	<b>Formal amendment required.</b> Assumes RTP consistency check, Travel Demand and air conformity modeling validation are positive. Otherwise, a RTP amendment may first be required.  (Example: A ramp reconfiguration project that adds aux lanes as a scope element,
Exempt Project Grouping Bucket (PGB)	Add or delete site location for the PGB. No change in scope (improvement) elements	Project remains exempt. All proposed elements are meet requirements on 40 CFR 93.126, Table 2 or 40 CFR 93.127	Due to updated costs or funding, the number of improvement site locations changes  Exempt status remains unchanged	<b>Generally, changes like this can occur administratively.</b> An updated approved project location list, statement of improvement planned at each location and estimated site location costs is required as part of the admin modification <b>Exception:</b> If the number of site locations change is greater than 50 percent, and results in a significant cost change or change in limits, then a formal amendment may be required. Evaluate based on the net change to the project costs, and/or limits.
Non-Exempt Stand-Alone Project	Add or delete exempt scope elements. No change to the capacity enhancing scope elements	Additional exempt scope element added to the overall project (e.g. pavement rehabilitation, sound walls, storm water mitigation, retaining wall, channelization improvements)	Capacity improvements do not change, alignment does not change, limits stay relatively the same, and total project cost does not significantly change	<b>Subjective interpretation</b>  The number and nature of the added exempt scope elements will determine if a formal amendment is required. Example, the project adds storm water mitigation requirement which does not impact the limits, but increases the project cost by 15%. The project is multi-million dollar project. The scope change can be viewed as both a minor or major depending on public sensitivity. When in doubt, proceed as a formal amendment.
Non-Exempt Stand-Alone Project	Add or delete capacity enhancing type scope elements	Additional capacity enhancing scope elements are proposed to be added to the project	If the new capacity enhancing scope elements are modeled in the constrained RTP with the project, then they can be added through a formal amendment	<b>Formal amendment required</b> Or complete an RTP amendment first  A RTP consistency verification is required before the formal amendment can proceed. If the RTP consistency verification is negative, then a RTP amendment would be required to add the new capacity scope elements

## Attachment 11: Determining Scope Changes as Major or Minor

### Scope change Summary:

1. If the project is capacity enhancing where transportation demand modeling and air conformity analysis was required through the RTP, and the scope change does not impact the either, then the changes to cost and limits become the guiding factors. If the scope changes does not change the project as modeled in the RTP and the cost and/or limits changes are minor, then you have a fairly good argument that the changes can occur administratively unless public sensitivity is in play. Then, the public sensitivity to the project changes may override and trigger the need for a formal amendment.
2. If the project is an exempt non-capacity enhancing type project and can clearly be identified as exempt in 40 CFR 93.126, Table 2 or 40 CFR 93.127, and the scope changes also are exempt resulting in only minor changes to the project cost and limits, then it's possible to proceed with the changes administratively unless public sensitivity again is in play.
3. The bottom-line to determining how to proceed with a scope change is subject to the impact of the changes upon the transportation modeling, air conformity analysis, costs, limits, or public sensitivity. Any impact upon transportation modeling or air conformity aspects automatically triggers a formal amendment and the need to first complete a RTP amendment to maintain RTP consistency. Exempt scope change which are considered minor also may require a formal amendment depending upon the public sensitivity level. When no RTP consistency issues are present, but the total project cost change, or limits, or public sensitivity are significant, proceed as a formal amendment.