



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

November 27, 2024

BCC Agenda Date/Items: _____

Board of County Commissioners
Clackamas County

Approval of Supplemental Project Authorization with the Oregon Department of Transportation for the I-205 Multi-User Path Alternatives Development Study. Total Project Cost is \$1,220,169. Funding is through \$1,094,857.64 of Metro Regional Flexible Funds Allocation and \$125,311.36 County Road Funds. No County General Funds are involved.

Previous Board Action/Review	2/10/22: BCC Approval to apply for a Regional Flexible Funds Allocation (RFFA) grant for the I-205 Multi-user Path Alternatives Development Study. 11/26/24: Request for consent.		
Performance Clackamas	The project will build a strong infrastructure and align with the goal that by 2026 100% of county residents and businesses will have access to safe and affordable infrastructure, including multimodal facilities.		
Counsel Review	10/14/24: HH	Procurement Review	No
Contact Person	Scott Hoelscher	Contact Phone	503-742-4533

EXECUTIVE SUMMARY: This is a project agreement between Clackamas County and the Oregon Department of Transportation (ODOT) for a planning study to develop a design solution for the one-mile gap in the I-205 multiuse path (MUP). The project will assess up to three route alternatives and develop design concepts for evaluation leading to a preferred alignment selected through the alternative analysis process.

The I-205 MUP extends 16.5 miles from Vancouver, Washington to SE 82nd Drive in Gladstone. Currently it provides a continuous off-street path for pedestrians and bicyclists, with the exception of a one-mile gap between SE Herbert Court and Hwy. 212, in Clackamas County. The I-205 Multi-user Path Alternatives Development Study Path will engage community members and stakeholders to develop an alignment and design solution for the one-mile gap to improve safety and accessibility for all transportation modes.

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Clackamas County applied for and obtained a grant through the Metro Regional Flexible Funds Allocation (RFFA), which is a process Metro conducts every three years to decide how to spend the region's allotment of federal transportation dollars. The County will complete the work as a Supplemental Project under the County's Local Agency Certification Program Agreement No. 73000-00029343:1 with ODOT. The project will be funded with \$1,094,857.64 from the RFFA and \$125,311.36 by County Road Fund (10.27% match). The overall project cost is \$1,220,169.00.

RECOMMENDATION: Staff respectfully recommend that the Board of County Commissioners sign the attached Supplemental Project Authorization No. 73000-00029343:2 with the Oregon Department of Transportation for the I-205 Multi-user Path Alternatives Development Study.

Respectfully submitted,

Dan Johnson

Dan Johnson
Director of Transportation & Development

Oregon Department of Transportation
 LOCAL AGENCY CERTIFICATION PROGRAM
 Supplemental Project Authorization No. 73000-00029343:2

Under the authority of Certification Program Agreement No. 73000-00029343 (“Program Agreement”) between the **Oregon Department of Transportation** (“State” or “ODOT”) and Clackamas County (“Certified Agency”), dated 07/17/2024, which is hereby incorporated by reference, the Parties agree to Certified Agency delivering the “Project” shown on the Project Details Table in Section A below (“Project”) as agreed to herein.

A. PROJECT DETAILS TABLE

SPA NUMBER	#2
Project Key Number:	23236
Project Name:	I-205 Multi-user path alternatives development study
Project Description:	The study will assess up to three route alternatives and develop design concepts for evaluation leading to a preferred alignment selected through an alternative analysis process.
Funding Award Program:	Funds have been awarded under the Surface Transportation Block Grant – Urban (STBG-U) program and will be applied in accordance with Paragraph V.3.f of the Program Agreement.
Project End Date:	Certified Agency must complete the Project by: 12/31/2030.
Project Location and Jurisdiction:	<ul style="list-style-type: none"> I-205 is a part of the Oregon State Highway System (state highway) under the jurisdiction and control of the Oregon Transportation Commission. I-205 Multi-user path alternatives development study is a Clackamas County planning project, part of Certified Agency’s (Clackamas Co.) program under the control of Certified Agency.
FUNDING DETAILS	
Certified Agency’s Unique Entity Identifier:	NVWKAVB8JND6
Certified Agency to report executive compensation information per Federal Transparency Act (see Exhibit B):	No
Award is for Research and Development (R&D) as defined in 2 CFR 200.1:	No
Certified Agency Indirect Cost Rate(s):	30.66%
Pro-rated Federal Share Percentage:	89.73%
Certified Agency Required Match Percentage:	10.27%
Federal Funds:	\$1,094,857.64
State Funds:	N/A
Certified Agency Funds:	\$125,311.36
Other Funds:	N/A
Approved In-kind Contribution:	N/A
Total Project Cost	\$1,220,169.00
INFORMATIONAL DETAILS	
DATA	

ODOT’s preliminary estimated costs for oversight and other ODOT services for Project phases covered by this Supplemental Project Authorization, applied in accordance with Section B, Paragraph 3 below:		\$50,000.00
APPLICABLE PROVISIONS		
Standard Provisions: The following exhibits to the Program Agreement apply to this Project if marked “Yes” below (“No” indicates the exhibit does not apply to this Project).		
Yes/No	Exhibit #	Description
Yes	Exhibit B:	Standard Provisions: Federal Transparency Act Subaward Reporting
Yes	Exhibit C:	Standard Provisions: Contract Insurance
Yes	Exhibit D:	Standard Provisions: Americans with Disabilities Act Compliance
No	Exhibit E:	Standard Provisions: Local Bridge Projects
No	Exhibit F:	Standard Provisions: Right of Way Services
Special Provisions: The following attachment(s) to the Program Agreement apply(ies) to this Project if marked “Yes” below (“N.A.” indicates “not applicable”).		
Yes/N.A.	Attachment #	Description
Yes	Attachment 1:	Project Vicinity Map
Yes	Attachment 2:	Special Provisions: State Highway Work
N.A.	Other Project-specific modifications to the Program Agreement that apply to this Project.	

B. SUPPLEMENTAL PROJECT AUTHORIZATION TERMS

1. **Applicable Provisions:** Except as otherwise modified by the terms of this Supplemental Project Authorization, the Project is subject to the terms and conditions of the Program Agreement, including the Standard Provisions and Special Provisions specified in the Project Details Table above, which are incorporated into this Supplemental Project Authorization by reference as though fully set forth herein.
2. **Scope:** This planning Project includes conducting the I-205 Multi-user path alternatives development study described in the Project Details Table above. The Project location and study area are shown on Attachment 1 – Project Vicinity Map.
3. **ODOT Costs:** The Parties agree that ODOT will perform risk-based Project oversight in accordance with the Program Agreement. A preliminary estimate for the cost of ODOT’s work is shown above in the Project Details Table under Informational Details. The Parties agree that ODOT services to be performed in excess of this preliminary estimate shall be addressed as provided in Paragraph V.3 Subsection g. of the Program Agreement. Certified Agency understands that ODOT’s costs are estimates only and Certified Agency agrees to pay ODOT’s actual costs incurred per the Terms of this Supplemental Project Authorization. On a quarterly basis, ODOT will provide Certified Agency a statement of costs expended by ODOT.
4. **Funding:** A combination of federal, state, and local funds may be expended on the Project as detailed in the Project Details Table above, subject to the limitations and obligations set forth in

the Program Agreement and this Supplemental Project Authorization. Federal and State funds for a project shall be limited to the amount shown in the Funding Details section of the Project Details Table above.

- a. Certified Agency guarantees the availability of Certified Agency funding in an amount required to fully fund Certified Agency's share of the Total Project Costs, as shown in the Project Details Table, and in accordance with the Funding provisions in Paragraph V.3 of the Program Agreement.
 - b. Certified Agency understands and agrees that federal funding for this Project is contingent upon FHWA's approval of each funding request. Any work performed outside the period of performance approved by FHWA or outside the Project Scope will be considered non-participating and paid for at Certified Agency expense.
 - c. ODOT will submit requests for federal funding authorizations to FHWA by Project phase. The ODOT Project Contact or designee will provide Certified Agency with a written notice to proceed for each Project phase when FHWA approval has been secured and funds are available for expenditure on the Project.
 - d. With the notice to proceed, ODOT will provide Certified Agency with a copy of the USDOT FHWA Federal Aid Project Agreement between ODOT and FHWA for this Project, which contains the information required of pass-through entities by 2 CFR 200.332(a)(1).
5. Invoicing: Certified Agency shall submit invoices for Project progress billings in accordance with the invoicing provisions in Paragraph V.5 of the Program Agreement.
6. Period of Performance:
- a. Begin and End Dates: The Project period of performance begins when both the initial FHWA Project authorization has been received by ODOT and a notice to proceed for the first phase of the Project has been issued by the ODOT Project Contact. The Project period of performance ends on the Project End Date shown in the Project Details Table. All Project work must be completed within the period of performance.
 - b. Project End Date Changes: The Project End Date may be changed upon written approval by the ODOT Project Contact, which shall be incorporated by reference into this Supplemental Project Authorization. To extend the Project End Date, Certified Agency shall submit a written request to the ODOT Project Contact as soon as Certified Agency becomes aware that a schedule change is necessary, but no less than sixty (60) calendar days prior to the authorized Project End Date. The ODOT Project Contact will coordinate with ODOT Program and Funding Services to seek authorization from FHWA prior to approving the extension request. FHWA authorization for extensions is not guaranteed. Any work performed outside the period of performance authorized by FHWA will be nonparticipating and paid for at Certified Agency expense.
7. Project Useful Life: The useful life of the Project is 20 years.
8. Project-Specific Modifications: Reserved.

C. PROJECT CONTACTS, SIGNATURE AUTHORITIES, COUNTERPARTS, ACKNOWLEDGEMENT

1. Each Party's Project Contact is shown on the signature page of this Supplemental Project Authorization. Each Party agrees to notify the other Party in writing of any contact information changes during the term of this Supplemental Project Authorization.
2. Each Party certifies and represents that the individuals signing this Supplemental Project Authorization have been authorized to enter into and execute this Supplemental Project Authorization on behalf of the Party under the direction or approval of its governing body, commission, board, officers, members, or representatives, and to legally bind the Party.
3. This Supplemental Project Authorization may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Supplemental Project Authorization so executed shall constitute an original. The Parties may use Electronic Signatures in accordance with Paragraph VII.15. of the Program Agreement.
4. This Project is in the 2024-2027 Statewide Transportation Improvement Program, (Key No. 23236) that was approved by the Oregon Transportation Commission on July 13, 2023 (or subsequently approved by amendment to the STIP).
5. Certified Agency Acknowledgement:

Certified Agency's signing representatives certify that by initialing here, and signing this Supplemental Project Authorization, they have read the Program Agreement, including the following exhibits that apply to this Supplemental Project Authorization: Exhibit B (Federal Transparency Act), Exhibit C (Contract Insurance), and Exhibit D (ADA).

Certified Agency (Initial here.)

Signature Page to Follow

THE PARTIES, by execution of this Supplemental Project Authorization, hereby acknowledge that their signing representatives have read this Supplemental Project Authorization, understand it, and agree to be bound by its terms and conditions.

CLACKAMAS COUNTY, acting by and through its elected officials

By _____

Title _____

Date _____

LEGAL REVIEW APPROVAL

(If required by Certified Agency's process)

By Hoy Hui _____

Certified Agency Legal Counsel

Date 11/12/24 _____

Certified Agency Project Contact:

Joel Howie, PE

503-742-4658

JHowie@clackamas.us

ODOT Project Contact:

Mahasti Hastings, Local Agency Liaison

123 NW Flanders St.

Portland, OR 97209

971-264-8253

mahasti.v.hastings@odot.oregon.gov

STATE OF OREGON, acting by and through its Department of Transportation

By _____

Delivery and Operations Division

Administrator

Date _____

APPROVAL RECOMMENDED

By _____

Certification Program Manager

Date _____

By _____

Region 1 Transportation Planner

Date _____

By _____

Region 1 Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By Karen Clevering _____

Assistant Attorney General

Date via email received 10/18/2024 _____

Attachment 2
Special Provisions: State Highway Work
(Applicable to work on or along the state highway.)

A. GENERAL REQUIREMENTS AND RESTRICTIONS

1. **General:** Certified Agency agrees to comply with all federal, state, and local laws, rules, and regulations and shall obtain and comply with the provisions of all necessary permits, licenses, and approvals, including land use permits, building permits, and environmental clearances for the Project. Certified Agency shall ensure its developers, contractors, subcontractors, and consultants performing work on the Project comply with such requirements.
2. **Notification:** Certified Agency shall notify the ODOT District 2B Office when performing onsite work on or along the state highway as follows:
 - a. **Planning:** At least two (2) business days prior to performing planning or survey work.

To provide the notification in this subsection a, Certified Agency shall complete and submit to D2Bup@odot.oregon.gov the “Oregon Department of Transportation 48HR. Work Notice” form, attached hereto as Appendix A and incorporated into this Supplemental Project Authorization by reference. Include the Key Number and the Supplemental Project Authorization number for this Project in place of the permit number.
 - b. **Lane Restrictions:** At least thirty (30) calendar days prior to performing any type of work requiring lane restrictions.

To provide the notification in this subsection b, Certified Agency shall complete and submit the “Highway Restriction Notice – Size and/or Weight Form 734-2357” through Oregon Trucking Online at: <https://www.oregontruckingonline.com/cf/MCAD/pubMetaEntry/restriction/>.
3. **Restrictions:** Certified Agency shall not perform any work on or along the state highway requiring lane restrictions as follows:
 - a. Between 5:00 a.m. and 9:00 p.m. for single lane closures and between 4:00 a.m. and 10:00 p.m. for multiple lane closures on the Interstate.
 - b. During inclement weather (snow, ice, heavy fog, high wind) or between noon on the day preceding a legal holiday or holiday weekend and midnight of the legal holiday.
 - c. Without providing required notice as described in Paragraph 2 above.

B. PERMITTING REQUIREMENTS

1. **Permission for Project Work:** ODOT grants Certified Agency permission to conduct Project work within the state highway right of way as described in this Supplemental Project Authorization and in accordance with the limitations set forth in Section A above. The work shall be protected in accordance with the versions of the *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)*, the *Oregon Supplement to the Manual on Uniform Traffic Control Devices*, and the *Oregon Temporary Traffic Control Handbook* that are in effect at the time the work is conducted. In addition, the Project may be subject to the requirements of the ODOT *Mobility Procedures Manual* and approval by the ODOT Mobility Advisory Committee prior to submittal of the Plans, Specifications, and Estimates (PS&E) documents.

Certified Agency / ODOT
Agreement No. 73000-00029343:1

C. PROJECT SPECIFIC FEATURES - RESERVED

D. MAINTENANCE RESPONSIBILITIES - RESERVED

*****End Attachment 2 (See next page for Appendix A).*****

Appendix A
Oregon Department of Transportation 48HR. Work Notice

Oregon Department of Transportation 48HR. Work Notice
District 2B Permit Work Information

Permit #:

Please return this form via email to address shown at right:
Or Fax to 503.653.5655

d2bup@odot.oregon.gov (District 2B Permitting)

Applicant Name: _____

Received Info From: _____

Phone: _____

Contractor: _____

Contractor Contact: _____

Contractor Phone: _____

24-Hr Emergency#: _____

Highway Name & Route #: _____ # _____

Mile points: _____ -- _____ (On Permit)

Direction of Travel: _____

Nature of work being done: _____

Is a Traffic Signal shut off required (Yes / No)?

Signal shut off 72 hour Notice submitted? Yes No

Type of traffic control / restriction / lane closures: _____

Work Duration (Start/Finish Dates and Work Hours): Dates: Start: _____ Finish: _____

Hours: Start: _____ Finish: _____

Will Traffic impacts remain in place after work hours (i.e. steel plates, cones, etc.)?

No?

Yes? If "yes" please explain: _____

NOTICE:
All sections must be completed.
Forms with incomplete or inaccurate
information will be returned for correction.
Strikethrough or "N/A" sections which do not apply.