Multimodal Active Transportation Fund Rules Advisory Committee

RAC Meeting #1
July 30th, 2019
Welcome Back!
Committee & Staff Introductions
<table>
<thead>
<tr>
<th>RAC Members</th>
<th>Agency/Organization</th>
<th>Representation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gary Milliman</td>
<td>Southwest Area Commission on Transportation</td>
<td>ACT Representative</td>
</tr>
<tr>
<td>Gery Keck</td>
<td>Tualatin Hills Parks and Recreation District</td>
<td>Grant recipient, Regional Park District</td>
</tr>
<tr>
<td>Michele Scalise (formerly Jan Hunt)</td>
<td>Oregon Parks and Recreation Department</td>
<td>State Parks</td>
</tr>
<tr>
<td>John Vial</td>
<td>Jackson County</td>
<td>CO Rules Committee (non-bike/ped), County</td>
</tr>
<tr>
<td>Julie Warncke</td>
<td>City of Salem</td>
<td>Local Agency</td>
</tr>
<tr>
<td>Michael Black</td>
<td>Ashland Parks and Recreation District</td>
<td>Oregon Bicycle and Pedestrian Advisory Committee (OBPAC)</td>
</tr>
<tr>
<td>Mike Caccavano</td>
<td>City of Redmond</td>
<td>Local Agency</td>
</tr>
<tr>
<td>Penny Arentsen</td>
<td>Joseph Branch Trail Consortium</td>
<td>Local Trails Proponent Group</td>
</tr>
<tr>
<td>Phil Warnock</td>
<td>Cascades West Council of Governments/Corvallis Area MPO</td>
<td>Small MPO</td>
</tr>
<tr>
<td>Rob Inerfeld</td>
<td>City of Eugene</td>
<td>Public Transit Advisory Committee, Local Agency</td>
</tr>
<tr>
<td>Robert Spurlock</td>
<td>Parks and Nature, Oregon Metro</td>
<td>OBPAC, Recreation Trails Advisory Committee, Large MPO</td>
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<tr>
<td>Stephanie Noll</td>
<td>Oregon Trails Coalition</td>
<td>Statewide Trails Advocacy</td>
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<tr>
<td>Staff</td>
<td>Role</td>
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<tr>
<td>Susan Peithman</td>
<td>Active Transportation Policy Lead</td>
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</tr>
<tr>
<td>Amanda Pietz</td>
<td>Program Implementation Manager, RAC liaison to OTC</td>
<td></td>
</tr>
<tr>
<td>Jessica Horning</td>
<td>Bicycle and Pedestrian Program Manager, technical lead, RAC facilitation and coordination</td>
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<tr>
<td>Katie Thiel</td>
<td>Connect Oregon Program Manager</td>
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<tr>
<td>John Boren</td>
<td>Freight Program Manager, CO RAC staff lead</td>
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Public Comment
RAC Refocus
Connect Oregon, Bike/Ped Element RAC

2019 Legislative Session

Multimodal Active Transportation Fund RAC
### Recap: CO Bike/Ped RAC Schedule

<table>
<thead>
<tr>
<th>Meeting</th>
<th>Topic</th>
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<tbody>
<tr>
<td>December 3, 2018</td>
<td>Kick-off: background, charge of committee, discuss definitions</td>
</tr>
<tr>
<td>January 16, 2019</td>
<td>Review draft language for definitions. Discuss readiness.</td>
</tr>
<tr>
<td>February 4, 2019</td>
<td>Continue review of draft language for definitions, match, and readiness. Discuss project selection process.</td>
</tr>
<tr>
<td>March 5, 2019</td>
<td>Review draft rule or continue discussion.</td>
</tr>
<tr>
<td>Spring 2019</td>
<td><strong>Determine if any legislative changes will impact draft.</strong> Schedule draft rule public review and hearings. Schedule review/approval by OTC.</td>
</tr>
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</table>
CO Bike/Ped Element RAC

- Dec 2018-February 2019
- Confirmed Rule Vs. Guidance
- Drafted Definitions
- Reviewed Rule Language for Match, Readiness, Validation
# Updated MAT RAC Schedule

<table>
<thead>
<tr>
<th>Meeting</th>
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<tr>
<td>June 30, 2019</td>
<td>Constitutional Sine Die</td>
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<tr>
<td>July 2019</td>
<td>ODOT staff drafts rule based on CO RAC work</td>
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<td><strong>MAT RAC #1: Review legislative changes, rule vs. guidance and draft rule</strong></td>
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<tr>
<td>August 12, 2019</td>
<td><strong>MAT RAC #2: Confirm or edit second draft of rule. Seek consensus to either file draft rule or add third RAC meeting.</strong></td>
</tr>
<tr>
<td>August 25, 2019</td>
<td>ODOT rule filing deadline.</td>
</tr>
<tr>
<td>September 3, 2019</td>
<td>Notice on rule filing published. Start of 21 day public comment period. ODOT outreach to local agencies and partners.</td>
</tr>
<tr>
<td>Late September, 2019</td>
<td>Staff reviews comments. Substantive comments will be discussed with RAC.</td>
</tr>
<tr>
<td>October or November, 2019</td>
<td>Law goes into effect and draft rules finalized by Oregon Transportation Commission</td>
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Opportunities for engagement

- Public comment at RAC meetings
- Formal rulemaking public comment period
- Informal communications of RAC members with their networks
Consensus model

I am fully supportive of this decision or choice.

While I may not be fully supportive of this decision or choice, I can live with it and I will not oppose it.

I oppose this decision or choice and need more discussion.
HB 2592
Section 20
- Changes to ORS 367.080
  - Removes eligibility for bicycle and pedestrian projects from CO Fund

Section 21
- Creates $50M floor to run a CO program
  - Each biennium, transfer 7% of CO Fund to Multimodal Active Transportation Fund (est in section 23) for grants for bicycle and pedestrian projects

Section 22
- Removes OTC solicitation of OBPAC recommendations (as there are no longer bike/ped proposals)
  - Removes CO criteria from bike/ped projects (as there are no longer bike/ped proposals)
Section 23
Definitions for private entity, public body and transportation project
Establishes fund and what monies are included – bike excise, CO, anything from legislature, earnings and other sources.

Section 24
Establishes the Multimodal Active Transportation Program to receive monies from Multimodal Active Transportation Fund
Requires ODOT to adopt rules that define the process for how to apply for grant.
Requires 30% match
OTC selects projects after soliciting recommendations from OBPAC

Section 25
Moves deposit of bicycle excise tax to the MAT Fund
Section 28

Each biennium, OPRD (in cooperation with ODOT) shall allocate up to $4M of lottery dollars to bike/ped projects that meet recreation and transportation needs.

½ of the $4M to provide grants to through local and regional grant programs.

½ of the $4M for transportation projects on signature, scenic or recreation trails in OR.

Section 29

Repeals Section 28 on January 2\textsuperscript{nd}, 2025.
Key Takeaways

- Bike/Ped no longer eligible in CO program
- 7% of CO Fund transferred to newly created Multimodal Active Transportation Fund
- ODOT must define the MAT Fund program with the following parameters: 30% match, bike/ped projects, OBPAC review
- ODOT can no longer ask for a reimbursement of OPRD lottery dollars for bike/ped projects
- OPRD must work with ODOT to select projects with both recreation and transportation function with $2M in grants and $2M to signature trails
- OPRD requirement to fund bike/ped projects with lottery dollars sunsets on 1/2/2025
ODOT’s Path Program

- Focus on off-street multi-use paths
- Combine multiple funding sources to create a larger and consistently available pot of funds
- Competitive grant program for local agencies
- Criteria supported by OBPP policies
Draft Structure of Rule
Recommend what goes in Rule vs Guidance
<table>
<thead>
<tr>
<th>Rule (formal process to change)</th>
<th>Guidance (adaptable to changing needs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligibility (what and who)</td>
<td>Priority for funding</td>
</tr>
<tr>
<td>Project type (high level)</td>
<td>Project selection</td>
</tr>
<tr>
<td>Solicitation process and/or information</td>
<td>IGA structure and language</td>
</tr>
<tr>
<td>Timing</td>
<td>Staffing</td>
</tr>
<tr>
<td>Project Selection/Scoring</td>
<td></td>
</tr>
<tr>
<td>Who Reviews and Selects</td>
<td></td>
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<tr>
<td>Validation</td>
<td></td>
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<tr>
<td>IGA</td>
<td></td>
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<tr>
<td>Match</td>
<td></td>
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Definitions
Draft Rule Language
Next Steps
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FIN
“The commission may award grants only for bicycle and pedestrian transportation projects that expand and improve commuter routes for non-motorized vehicles and pedestrians, including bicycle trails, footpaths and multiuse trails”
• “Bicycling” includes, but is not limited to, use of bicycles. *(Consistent with 737-025-0010 (3) SRTS OAR)*

• “Pedestrian” has the meaning given that term in ORS 801.385.

• “Walking” means use of human-powered forms of transportation, including, but not limited to travel to your destination by foot or wheelchair. *(Consistent with 737-025-0010 (31) SRTS OAR)*
• “Multiuse path” or “Multiuse trail” means a public way that is designated for use by persons walking, bicycling, and using other forms of non-motorized transportation, except as otherwise specifically provided by law or a governing body.

• “Bicycle trail” or “Bicycle path” has the meaning given the term “bicycle path” in ORS 801.160.

• “Footpath” means a public way that is designated for use by persons walking, except as otherwise specifically provided by law.
• “Commuter route” means a multiuse path or trail, including bicycle trails and footpaths, that improves walking and biking access:

• in high need locations (i.e. transportation disadvantaged areas, surrounding schools, shopping, employment centers, medical services, connections to transit and regional paths, and downtowns);

• in areas where no connections exist, transportation options are limited, significantly confining travel opportunities.
Commuter Route (continued)

“...OR; meets the following criteria for Regional Path designation:

• Is a continuous path made up of one or more connected segments that is primarily physically separated from the roadway;

• Connects two or more communities, with each community no more than 15 miles apart; or traverses through a single large community with a path that is 10 miles or longer;

• Will serve as a connection point for people commuting between communities; or is part of an officially designated walking and bicycling route,; and

• Is endorsed by elected bodies along path alignment.
Program Criteria
Key Statutory Parameters

- Outside road ROW
- Expand/improve commuter routes
- Minimum of 10% of the funding for each Region
- 30% match requirement (50% for Class 1 Railroads)
- Must be reviewed by modal committees, ACTs and Regional Solutions
Part 1 Project Selection Considerations

- reduces transportation costs for Oregon businesses or
  improves access to jobs and sources of labor
- economic benefit to this state
- critical link connecting elements of the transportation
  system that will measurably improve utilization and
  efficiency of the system
- how much of the cost can be borne by the applicant from
  any source other than the Connect Oregon Fund *(to be
  addressed with match discussion)*
- has a useful life expectancy that offers maximum benefit
  to the state *(default status for all paths)*
- located near operations conducted for mining aggregate
  or processing aggregate as described in ORS 215.213
  (2)(d) or 215.283 (2)(b) *(TBD how it applies)*
Connect Oregon V & VI – Lessons Learned

- Primary causes of trail project delays
  - Incomplete public involvement
  - Unclear match
  - Property, land use, neighbor challenges (NIMBY)
  - Project delivery capacity/experience
  - Political changes

- Opportunities for improvement
  - Rulemaking
  - Application/Instructions

Photo credit: City of Tualatin
• In Statute: 30% match required
• Clarify in OAR:
  • Land
  • Timing and evidence of availability (specifically other grants)
• Allowable previous investments (type and timing)
Applicant matching funds must be provided by the Applicant in the form of cash on hand, or through monetary outlay for eligible capital project costs that are reasonable, necessary and directly related to the project. Eligible costs may include costs to acquire, construct, or improve property (land, buildings, and fixed equipment) or to adapt the property to a new or different use consistent with the improvements described in the Awarded Project.
(A) Monetary outlays for (c) above must have been made within ten years of the application deadline for Connect Oregon grant fund submittals in order to qualify as eligible matching funds.

(B) The acquisition cost of land may only be counted as match toward 15% of the eligible project costs.

(C) Except for Federal Aviation Administration grants, other grants or contingent external funding sources must be identified at the time of application submittal and must be awarded or secured in accordance with the timelines identified in OAR 731-035-0060(8)(e).
Readiness

• Required outreach
• Property acquisition
• Environmental review & permitting
• Project timeline
• Local expertise/capacity
A project will be considered ready for construction if the applicant can demonstrate evidence that may include:

- (A) Completion of community engagement/outreach at application submission.

- (B) Project development timeline that includes the duration of each development stage and dates of major milestones to reflect project completion within 3 years of award.

- (C) Securing matching funds no later than 60 calendar days prior to the Oregon Transportation Commission’s final action to select projects.
Readiness
– Draft Freight RAC Language

• (D) Site ownership or control no later than 60 calendar days prior to the Oregon Transportation Commission’s final action to select projects.

• (E) Limited land use decision rendered by the appropriate local government received within six months of execution of a grant agreement. If the use is not permitted outright and/or requires a land use decision to be a legally allowable use on the site, the land use decision shall be rendered no later than 60 calendar days prior to the Oregon Transportation Commission’s final action to select projects.

• (F) Securing all permits needed for construction within nine months of execution of a grant agreement.
3) Validation shall include:

- a. Evidence of matching funds available for the project
- b. Evidence of site ownership or control, or evidence of a land sales agreement or governing body resolution of condemnation action
- c. Confirmed project delivery schedule that meets program requirements
- d. Other information identified by the department to complete a grant funding agreement