

# **STATE TRANSPORTATION IMPROVEMENT PROGRAM STAKEHOLDER PROCESS**

## **COMMITTEE RECOMMENDATIONS**

SEPTEMBER 28, 2001

### **I. INTRODUCTION**

Approximately a year ago, the Oregon Transportation Commission (OTC) began to have discussions about the STIP process. This may have been precipitated in part by the work that was done in compiling the information for the \$600 million bond measure that went to the voters. Stakeholders involved in that process asked the OTC to consider rulemaking for the STIP development process. In April of last year the OTC held a panel discussion in which it received input from numerous public and private stakeholders regarding the existing STIP process. Based on that discussion the OTC requested that staff assess the issue and bring forward additional information. The staff work was discussed at the OTC workshop in October 2000. At that time the OTC requested that external stakeholders be included to assist in the identification of issues. The OTC also approved a set of objectives to guide the external group.

The external stakeholders involved in the process represent the following: American Automobile Association, Association of Counties, League of Cities, representatives from the Area Commissions on Transportation, Council of Governments, and Metropolitan Planning Organizations. Others include Department of Land Conservation and Development, Governor's Community Development Office, Oregon Environmental Council, Trucking Association, Freight and Public Transit Advisory committee members, 1000 Friends of Oregon, Federal Highway Administration and a port and business representative

### **II. BACKGROUND**

Prior to beginning to formulate recommendations as to possible improvements to the process, staff provided background information and presentations in the following areas: federal planning requirements, state planning requirements, STIP funding, the current STIP process, management systems, and how the agency is currently working on modifying the environmental aspect (Collaborative Environmental and Transportation Agreement for Streamlining). Stakeholders were provided a notebook of resource information, primarily on existing federal and state regulations and ODOT processes. Internal and external web sites were developed.

As the emphasis of these recommendations centers around modernization projects, a series of presentations was also provided in this area. These varied from showing a completed modernization project whose inception began prior to 1982 (Wallace Road) to one that is identified for inclusion in the 2002-2005 STIP update (Elgin). Metro provided information on how projects are selected and prioritized within its Transportation Improvement Program (TIP) and Transit representatives explained their difficulties in adapting to a process and document originally designed for highway construction projects.

This paper identifies the problems and recommendations developed by the stakeholders, as well as assessment of the impacts. The STIP Stakeholder Committee has been meeting on a monthly basis for eight months. The recommendations are centered on changes to the decision-making and public involvement process for the STIP. The stakeholder committee recommendations are being forwarded to the OTC for their consideration. The committee recognizes that implementation of the recommendations will require a prioritized work program and is willing to assist in the development of that strategy.

### **III. OBJECTIVES**

The intent of the committee effort was to understand the current STIP process and provide recommendations for improvement to the process, milestones, decision-making, and opportunities for input. This work is framed around objectives provided by the Commission. These objectives assisted the stakeholders in identifying ways to improve or explain the existing process:

**Clarify public participation opportunities and the role of the Area Commissions on Transportation**—Identify new methods to enhance public involvement during the planning and STIP development processes.

**Clarify implementation of Oregon Transportation Commission policies**—Clarify the timing and application of the Major Improvement Policy (1G.1) and other department policies that affect project identification and selection for the STIP.

**Better define and explain the existing decision-making process**—The department currently takes numerous steps to ensure public involvement and thoughtful project selection. The complex process involves many steps that are not fully described in any one document.

**Foster statewide procedural consistency while accommodating appropriate regional differences**—Oregon highways cover the spectrum from rural to urban, and local differences need to be considered.

**Provide more complete project purpose and need**— Well-scoped projects help identify major project elements and the reasons they are included.

**Assure projects are built and implemented as committed to**— Project changes may be required due to citizen advisory committee input, budget constraints, environmental or other issues. The department needs to ensure that important project elements will not be changed or eliminated without returning to the original stakeholders for consultation.

#### **IV. NECESSARY CHANGES & IMPROVEMENTS BEFORE MODIFYING PROCESS**

##### **A. The processes and roles of the Area Commissions on Transportation (ACTs) need to be modified and expanded.**

- 1. Problem Statement:** The ACT Guidelines do not adequately outline the roles and responsibilities of ACTs.
- 2. Recommendation:** Oregon Transportation Commission (OTC) reexamines ACT Guidelines. Clarify the purpose, process, roles and responsibilities, and how we define and measure success. Provide for consistency as well as flexibility, as needed. Examples of procedures that could be examined include:
  - Public Involvement
  - Uniform basis of decision-making across the state in applying 1999 Oregon Highway Plan (OHP) policies
  - 1997 Oregon Public Transportation Plan (OPTP)
  - Coordination within Oregon Department of Transportation (ODOT) Regions
  - Project selection

##### **Policies and Statutes<sup>1</sup>:**

Guidelines for the Establishment of ACTs

##### **Ideas for areas of further consideration including but not limited to:**

Clarify the programs and process that ACTS act upon: Modernization, Preservation, Bridge, Transit, Freight, Rail, Safety, Bicycle and Pedestrian, Transportation Demand Management, etc.

Clarify processes within the Department that other groups already act upon (Elderly and Disabled transportation, Bridge, Enhancement, Bicycle and Pedestrian, Safety, Freight, etc.) and define ACT role and responsibilities related to these processes.

Clarify that projects from management systems have a different prioritization process.

Review role of ACTs in examination and comment on the coordination, compatibility and short and long term vision of TSPs and projects adopted and proposed by city, county and local agencies.

Review role of ACTs in problem identification.

ACTs should work with regional teams early in the project identification process to identify state agency issues, concerns and opportunities.

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<sup>1</sup> The policies and statutes in this document are a preliminary listing and may not be inclusive of all regulations that potentially apply.

**B. The ACTs need broader stakeholder involvement.**

**Problem Statement:** Composition of ACTs may not fully address breadth of stakeholder interests.

**2. Recommendation:** Revise membership guidelines to encourage the ACTs to be broadly representative, including specific guidelines to attract participation by private and public interests.

**3. Policies and Statutes:**

US Department of Transportation (USDOT) Policies on Environmental Justice  
ODOT STIP Public Involvement Policies

**Ideas for areas of further consideration including but not limited to:**

Reconfigure ACTs to integrate the independent input from other transportation groups.

Identify an equitable, consistent structure that allows for regional differences.

Revise ACT membership guidelines; assure they do not become restrictions and mandates. Be inclusive in identifying interests that should be involved.

Review the dual role of the ODOT Area Managers as the ODOT representative and the spokesperson for the ACT within ODOT.

**C. Need to have blanket coverage of the state by either ACTs or Metropolitan Planning Organizations (MPOs).**

**Problem Statement:** Some areas of the State do not have coverage by an ACT.

**Recommendation:** The OTC will strongly encourage coverage of the State with respect to ACT or MPO representation. (Note: In order to accomplish this objective, modifications may be needed to existing ACT boundaries.) In consultation with local government and other stakeholders, the OTC will develop and implement a process for participation in the STIP for areas not currently represented by an ACT.

**Policies and Statutes:**

USDOT planning regulations recognize MPOs.

**Ideas for areas of further consideration including but not limited to:**

Consider incentives in order to have complete ACT coverage around the state.

Avoid encompassing an area that is too large geographically when defining the ACT functions. There is strength in member familiarity with regional issues.

Study the Tri-County area outside Metro for inclusion in an ACT.

**D. Figure out how ACTs “fit” with MPOs.**

**Problem Statement:** Responsibilities of ACTs and MPOs need clarification. They are not well understood by all (varies by MPO).

**Recommendation:** Define the level of authority and linkages between the ACTs, MPOs and ODOT. (Note: It is anticipated that Oregon will have two new MPOs in the next several months, the Corvallis and Bend areas.)

**Policies and Statutes:**

USDOT planning regulations recognize MPOs.  
ORS 366.205 Powers and Duties of the OTC  
ACT Guidelines

**Ideas for areas of further consideration including but not limited to:**

Clarify the relationship of the MPOs, Regional Partnerships, Community Solutions Teams (CST), port authorities, counties, cities, and others. (Note: The OTC has greater flexibility in defining the relationship of the ACTs than institutions established by other entities.)

- Encourage cooperation between the ACTs and MPOs to assure better understanding and coordination of projects inside and outside the MPO boundaries and to improve the decision-making process. (Note: Federal regulations require that the STIP incorporate the local MPO Transportation Improvement Program without modification.)

To ensure a fair process, construct ACTs with a reconciliation vehicle or committee representing the various transportation groups.

Ensure that the process does not become too prescriptive, yet maintain a statewide perspective.

Evaluate opportunities to encourage MPOs to have broader stakeholder representation on their committees. Examples: (1) MPOs could build upon minimum Federal requirements; (2) OTC could request that a task be added to the annual MPO Planning Work Programs to review the character of MPO committees and policy body; and (3) For new MPOs or those moving to Transportation Management Area (TMA) status, address the character of the committees and policy body at the time of designation or re-designation with the Governor's Office.

## V. PROCESS RECOMMENDATIONS

### **After appropriate input, OTC allocates funds among programs.**

**Problem Statement:** Define the timing and level of input needed by stakeholders prior to OTC approving fund allocations among programs.

**Recommendation:** Improve the process for seeking input from the Local Officials Advisory Committee (LOAC), ACTs, MPOs & other stakeholders prior to OTC allocating funds among programs.

#### **Policies and Statutes:**

Oregon Transportation Plan  
1999 Oregon Highway Plan (OHP) Investment Strategy  
1997 Oregon Public Transportation Plan (OPTP)  
ORS 366.462 Construction of Fences on Freeway Overpasses  
ORS 366.507 Modernization Program  
ORS 366.509 Highway Safety Projects  
ORS 366.514 Footpaths and Bicycle Trails  
Oregon Plan for Salmon Recovery  
Governor's Executive Order on Livability

#### **Ideas for areas of further consideration including but not limited to:**

- As part of an approved timeline for the STIP process, identify the opportunities for input on program funding levels.
- Describe programs for which funding decisions are being considered.
- Seek input on and distribute information being used to support proposed allocations among programs (e.g., management systems, Modernization Program ORS 366.507).
- Improve stakeholder understanding of how the money is divided between the modes, and then regionally allocated to funding categories, and how projects are assigned to those funding categories.

### **ACTs identify and prioritize projects after public hearings.**

1. **Problem Statement:** The ACT process does not use a formal public involvement process to develop priorities.
2. **Recommendation:** When forwarding recommendations to the OTC, require ACTs to follow a formal public involvement process that meets minimum standards established by the OTC.

**3. Policies and Statutes:**

ODOT STIP Public Involvement Policies

1999 Oregon Highway Plan (OHP) Public Involvement Policies

1997 Oregon Public Transportation Plan (OPTP)

Oregon Administrative Rule 660-015-0000(1), Goal 1: Citizen Involvement

USDOT Planning Regulations

**4. Ideas for areas of further consideration including but not limited to:**

- Ensure the ACT public involvement process conforms to federal and state public involvement requirements, while providing flexibility to accommodate local policies and regional differences.
- Refine and formalize the public meeting/hearing process, and incorporate STIP public hearings into the existing ACT process, to achieve the public involvement objectives.
- Revised process should address the need for community publications, solicitation of public testimony, level of staff work needed and adequate time for ACT members to consider public input prior to forwarding recommendations.
- Identify methods to encourage broad based public input, including use of electronic communication through Web-based methodologies.

**C. ACTs apply project selection criteria.**

**Problem Statement:** ODOT has different selection criteria for various types of projects. There is no apparent method of project selection for projects that do not have management systems.

**Recommendation:** Utilize criteria for project eligibility and prioritization. Identify:

- a) Who applies the criteria; and
- b) What criteria will be applied.

**Policies and Statutes:**

a) 1999 Oregon Highway Plan (OHP) Policies

b) 1997 Oregon Public Transportation Plan (OPTP)

**Ideas for areas of further consideration including but not limited to:**

Clarify implementation of Oregon Transportation Commission policies including the timing and application of the Major Improvement Policy (1G.1) and other department policies that affect project identification and selection for the STIP.

- Develop standardized criteria that may be applied and that allows for regional differences in application.

Define whether project criteria apply to project eligibility and/or prioritization. Identify the project types to which the criteria would apply.

- Consider impacts of local governments constructing projects using local standards.
- Need to balance local/regional priorities with statewide system priorities.

#### **D. ACTs make recommendations to OTC.**

**Problem Statement:** There is no formal process to prioritize projects from multiple ACTs into a Regional list.

**Recommendation:** Formalize a process or processes to prioritize projects from multiple ACTs into a Regional list of recommendations.

**Policies and Statutes:**

Oregon Transportation Plan (OTP)  
1999 Oregon Highway Plan (OHP)  
1997 Oregon Public Transportation Plan (OPTP)  
Governor’s Executive Order on Livability  
State Agency Coordination Program  
Applicable Long Range Planning Efforts

**4. Ideas for areas of further consideration including but not limited to:**

Identify processes that currently work well and obtain OTC ratification.

- Identify areas where the process needs improvement and make changes as appropriate.
- Consider joint meetings or reconciliation committees to reconcile differing priorities.
- Review the role of Region Manager in forwarding recommendations from ACTs to the OTC.
- Explore new options to facilitate multi-ACT collaboration across regional lines and consensus leading to jointly supported projects.

#### **E. OTC makes ultimate decisions.**

**Problem Statement:** Need to maintain OTC statewide perspective and decision-making authority.

**Recommendation:** Clarify the ACT role as advisory and that the OTC retains final decision-making authority, while ensuring the process is clear and transparent to participants.

**Policies and Statutes:**

Federal Planning Regulations  
ORS 366.205 Powers and Duties of the OTC

**4. Ideas for areas of further consideration including but not limited to:**

- Retain oversight and efficient management of the State transportation system at the OTC level. ACTs remain advisory.

## **VI. OTHER RECOMMENDATIONS FOR CONSIDERATION**

### **A. Transportation Planning Rule (TPR)**

**Problem Statement:** In assessing transportation needs for the future, difficulties arise in identifying potential STIP priorities from projects identified in unconstrained TSPs, or TSPs that are out of sync with the OHP.

**Recommendation:** ODOT partners with Department of Land Conservation and Development (DLCD) and other interested stakeholders in considering changes to the TPR and the Oregon Highway Plan (OHP).

#### **3. Policies and Statutes:**

1999 Oregon Highway Plan (OHP)  
1997 Oregon Public Transportation Plan (OPTP)  
OAR 660-012-0000 Transportation Planning Rule  
State Agency Coordination Program

#### **4. Ideas for areas of further consideration including but not limited to:**

Identify specific areas of the TPR, including Section 060, that need to be targeted for changes to tie plan amendments to a fiscal analysis.

Recommend improvements that would facilitate fiscally constrained plans and consistency with the OHP.

Assist with the administrative rule review process, as appropriate.

- Require a more complete analysis of the existing transportation revenues and forecasted revenues with an emphasis on more precise detail in the near term.
- Recognize the long-term objectives necessary for a comprehensive STIP process. Recognize projects that are fiscally constrained and those that go beyond fiscal constraint.

### **B. Development Section of the STIP**

**Problem Statement:** No process exists that provides for inclusion of projects that require more than four years to develop.

**Recommendation:** Establish a development section of the STIP that is financially constrained. This section should be evaluated and renewed with each STIP update.

#### **Policies and Statutes:**

- a) 1999 Oregon Highway Plan (OHP)
- b) 1997 Oregon Public Transportation Plan (OPTP)
- c) Governor's Executive Order on Livability
- d) The Oregon Sustainability Act of 2001 (HB 3948)

**4. Ideas for areas of further consideration including but not limited to:**

- Clarify definition of “financially constrained”.
- Identify parameters for a development section of the STIP including length of time, project types, funding limitations, etc.

Consider a 10-year constrained project list as the basis for sizing the development program.

Define the process for submitting projects for the development section of the STIP.

Require projects submitted for the development section of the STIP to be in conformance with planning documents.

**C. Project Problem Statements/Purpose and Need**

**Problem Statement:** Problem identification/purpose and need for transportation projects need to be addressed earlier in the process.

**Recommendation:** Create a process for development and review of purpose and need statements for projects prior to consideration in the STIP (see: “Transportation System Planning Guidelines 2001”).

**Policies and Statutes:**

Transportation Equity Act of the 21<sup>st</sup> Century (TEA-21)

National Environmental Protection Act/404 Accord

Federal Environmental Regulations (e.g., Endangered Species Act, Clean Air Act, Clean Water Act)

Americans with Disabilities Act (ADA)

**4. Ideas for areas of further consideration including but not limited to:**

- Facilitate more environmental planning into TSPs to support development of initial purpose and need statements.

**D. Environmental Analyses**

**1. Problem Statement:** Environmental processes for transportation projects including mode and location decisions, alternatives analysis and preferred alternative selection need to be streamlined and addressed earlier in the process.

**2. Recommendation:** Identify and implement collaborative opportunities with resource and land management agencies for improved environmental analysis processes and for other possible project enhancements.

**3. Policies and Statutes:**

Transportation Equity Act of the 21<sup>st</sup> Century (TEA-21)  
National Environmental Protection Act/404 Accord  
Federal Environmental Regulations (e.g., Endangered Species Act, Clean Air Act, Clean Water Act)  
Americans with Disabilities Act (ADA)

**4. Ideas for areas of further consideration including but not limited to:**

- Finalize agreements for Collaborative Environmental and Transportation Agreement for Streamlining (CETAS).
- If the environmental process is modified to move more activities into the planning process, this change may impact the planning process, including work efforts for TSPs or corridor plans, possibly necessitating more time and funding. The purpose of this additional effort should be offset through efficiencies gained during project development.

**E. STIP Process Guidance, including timeline with decision points and public involvement opportunities.**

**Problem Statement:** The public does not have access to a document that describes the STIP development process. Stakeholders do not have a clear understanding regarding what decisions will be made, when decisions will be made, who makes recommendations and decisions, and opportunities for input for each program area and funding source.

- 2. Recommendation:** Develop a user-friendly document that is available to the public and describes the STIP process and related feedback loops. Clarify and better describe the roles and responsibilities of ACTs, MPOs, Local Officials Advisory Committee (LOAC), local government, public, Community Solutions Teams, and advisory committees (freight, safety, public transportation, bridge, bike, and others as appropriate). Distribute and follow a standard timeline that indicates when public input will be received and at what point decisions will be made, available funding sources and amounts, and eligibility for those funding sources.

**3. Policies and Statutes:**

ODOT STIP Public Involvement Policies  
USDOT Planning Regulations  
Oregon Transportation Plan (OTP)

**4. Ideas for areas of further consideration including but not limited to:**

- Include information regarding all funding sources and program areas covered by the STIP, including Preservation, Operations, state Highway Bridge Replacement, local and MPO Surface Transportation Program funds, Safety, Transportation Enhancement, Congestion Mitigation Air Quality and Transit funding.
- Cover decision-making roles and responsibilities.  
Identify input opportunities.

Involve a Stakeholder subcommittee to assist with review of the proposed document.  
Review naming convention for projects.

Utilize process assistance for committee coordination and final document preparation, as needed.

- Prior to beginning each two-year STIP update, prepare and circulate to interested parties, the proposed timeline being considered by the OTC.

Identify what decisions will be made, when decisions will be made, who makes recommendations, who makes decisions, and opportunities for input.

- Note where local processes fit into the STIP timeline (e.g., ACT recommendations, MPO Transportation Improvement Programs, air quality conformity).
- Obtain OTC approval of the timeline and distribute to internal and external stakeholders.
- Publish the approved timeline on the ODOT STIP website.

## **F. STIP Document and Annual Reporting**

**Problem Statement: the public and many key constituents do not easily understand the current STIP document.** It is difficult to ascertain whether projects are implemented in the manner originally described.

**Recommendation:** Publish a consumer-friendly STIP document. Provide annual reporting of planned projects, obligations, appropriations, and estimated expenditures in comparison to actual expenditures.

### **Policies and Statutes:**

- a) ODOT STIP Public Involvement Policies
- b) USDOT Planning Regulations
- c) Oregon Transportation Plan (OTP)

### **Ideas for areas of further consideration including but not limited to**

Include a provision identifying potential variations affecting obligations, appropriations and expenditures.

Ensure that agency constraints are adequately described.

## **VII. IMPACT ANALYSIS**

ODOT staff prepared this section to provide an impact analysis for the aforementioned committee recommendations and potential areas of future work. The Committee recognizes that given the budgetary restrictions, care should be taken to ensure the most efficient use of resources. The impact to local government, state agency, and other stakeholders' staff resources cannot be fully defined until the strategy and work program for the recommendations is developed.

If the OTC endorses these recommendations, and requests that the committee assist in the development of the work program, members recognize that this balance may have to be addressed. Toward this end, the Committee may choose to prioritize the work efforts.

The Committee recognizes that finalizing the work to implement these recommendations could have short-term ramifications for staff work efforts for local government, state agencies, and other stakeholders. However, the long-term benefits will include a more defined and articulated process for STIP project prioritization that will assist ODOT, local governments, and the general public in addressing statewide transportation needs.

### **List of potential impacts for further consideration:**

Implementing the STIP Committee recommendations will provide a more transparent process resulting in greater public acceptance and better transportation decisions.

If the ACT processes and roles are modified and expanded, it is likely that additional staff and consultant time will be needed to support the process. Most likely this will lead to additional time commitments for all ACT members.

If the ACT public involvement process is enhanced, cost increases could occur in the following areas: staff time, public notices, mailing, copying, meeting locations, etc.

If the STIP timeline is modified, care should be taken to avoid more overlap on STIP cycles to minimize confusion to stakeholders.

**E.** If the OTC expands opportunities to comment on the program funding allocations, the work program and timeline for assembling the necessary data may need to be modified. This would most likely impact both ODOT and local governments.

**F.** If the recommendations for revised STIP procedures are approved, care needs to be taken that the process does not become rigid and bureaucratic.