TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

PTD 3-2020
CHAPTER 732
DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSIT DIVISION

FILING CAPTION: Veterans Healthcare Transportation Grant Program

EFFECTIVE DATE: 04/03/2020 THROUGH 09/29/2020

AGENCY APPROVED DATE: 04/02/2020

CONTACT: Marcia Hoskins
503-986-3266
marsha.a.hoskins@odot.state.or.us

Rail and Public Transit Division
555 13th Street NE
Salem, OR 97301

Filed By:
Lauri Kunze
Rules Coordinator

NEED FOR THE RULE(S):
In November 2019, Oregon Department of Veterans Affairs (ODVA) invited Oregon Department of Transportation's Rail and Public Transit Division (RPTD) to develop and implement health care access services to veterans living in rural areas of Oregon. Pursuant to Senate Bill 5538 – Package 103, the 2019 Oregon legislature made a one-time allocation of $500,000 in Oregon Lottery funds to ODVA for the expansion of Oregon’s successful federally funded Highly Rural Veterans Transportation Program to be used by the end of the 2019-21 Biennium. The resource created by SB 5538 will be transferred from ODVA to RPTD by interagency agreement to administer a transit grant program to support access to health care for veterans living in rural areas which do not already receive federal funding for that purpose.

RPTD intends to use its existing Special Transportation Fund (STF) Discretionary grant program (OAR Chapter 732, Division 20) to administer the one-time allotment. However, RPTD requires administrative rules to define eligibility criteria for the new grant program.

JUSTIFICATION OF TEMPORARY FILING:
The Oregon legislature has found that there is a significant need for veterans in Oregon to have improved health care outcomes. In particular, the $500,000 allocation to ODVA originated from Measure 96 (2016) which amended Oregon’s Constitution to deposit 1.5% of the net proceeds from the State Lottery in a veterans’ service fund created by the Legislative Assembly. In its unanimous referral to Oregon voters, the Assembly found that average wait-time to access service from the Veterans Administration was 39 months contributing to over 250,000 Oregon veterans not receiving the care they earned. Accordingly, using the designated funds to facilitate rural veterans’ ability to access health care is in the public interest.

To prepare funds for distribution on July 1, 2020, RPTD must act immediately to develop a grant program facilitating the initial on-time allotment. The short operational timeframe set by the legislature means that temporary rulemaking is necessary to launch the grant application and selection process. RPTD intends to engage in parallel permanent
rulemaking so that permanent rules will be in place during the period of grant administration beginning July 1, 2020.

Without adoption of the proposed temporary rule, RPTD lacks the legal authority to advertise and select grant recipients. Accordingly, failure to act promptly will result in serious prejudice to the public interest because delivery of an urgently needed service to Oregonians who served our nation will be lost. In addition to Oregon veterans themselves, sixteen Oregon counties and eight tribal nations that have been identified as eligible will be negatively impacted if the temporary rule is not adopted because their veteran residents will continue to be unable to access medically necessary services.

ODOT has found that it can most efficiently implement this grant program by leveraging its existing STF Discretionary Grant program, adopting a single rule to define eligibility criteria. Therefore, RPTD intends to temporarily adopt a single rule within its existing Special Transportation Fund (STF) Discretionary grant program (OAR Chapter 732, Division 20). It is the intent of RPTD to engage in concurrent permanent rulemaking so that there is an opportunity for public comment and a permanent rule can be in place for the post-selection, grant administration period.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
None

ADOPT: 732-020-0050

RULE SUMMARY: Creates eligibility rules for the Rural Veterans Healthcare Transportation Grant Program.

CHANGES TO RULE:

732-020-0050
Rural Veterans Healthcare Transportation Grant Program
(1) As used in this rule, “veteran” has the meaning given that term in ORS 408.225(1)(f).
(2) For purposes of Discretionary Program grants to provide medical access transit services for veterans, the eligibility criteria listed below apply. An STF Agency is eligible to apply if:
(a) It is an Indian Tribe; or
(b) It is not located, in whole or in part, in an area which will receive a Highly Rural Transportation Grant from the US Department of Veterans Affairs at any time during the period for which the Discretionary Grant is sought.
(3) A Project is eligible for a Discretionary Grant if it will provide medical access transit services to veterans who reside in census tracts to which, as of July 3, 2019, the US Department of Agriculture assigned a primary Rural-Urban Commuting Area (RUCA) code of 4 through 10.
Statutory/Other Authority: ORS 184.619, 391.810
Statutes/Other Implemented: ORS 391.800 - 391.830, 408.225