



Connect Oregon Rules Advisory Committee Bike/Ped Element

RAC Meeting #3
February 4, 2019

Committee & Staff Introductions

| RAC Members | Agency/Organization | Representation |
|--------------------|---|--|
| Gary Milliman | Southwest Area Commission on Transportation | ACT Representative |
| Gery Keck | Tualatin Hills Parks and Recreation District | Grant recipient, Regional Park District |
| Jan Hunt | Oregon Parks and Recreation Department | State Parks |
| John Vial | Jackson County | CO Rules Committee (non-bike/ped), County |
| Julie Warncke | City of Salem | Local Agency |
| Michael Black | Ashland Parks and Recreation District | Oregon Bicycle and Pedestrian Advisory Committee (OBPAC) |
| Mike Caccavano | City of Redmond | Local Agency |
| Penny Arentsen | Joseph Branch Trail Consortium | Local Trails Proponent Group |
| Phil Warnock | Cascades West Council of Governments/Corvallis Area MPO | Small MPO |
| Rob Inerfeld | City of Eugene | Public Transit Advisory Committee, Local Agency |
| Robert Spurlock | Parks and Nature, Oregon Metro | OBPAC, Recreation Trails Advisory Committee, Large MPO |
| Stephanie Noll | Oregon Trails Coalition | Statewide Trails Advocacy |

| Staff | Role |
|-----------------|--|
| Susan Peithman | Active Transportation Policy Lead, RAC facilitation and coordination |
| Amanda Pietz | Program Implementation Manager, RAC liaison to OTC |
| Jessica Horning | Bicycle and Pedestrian Program Manager, technical lead |
| Katie Thiel | Connect Oregon Program Manager |
| John Boren | Freight Program Manager, CO RAC staff lead |



| Meeting | Topic |
|------------------|--|
| December 3, 2018 | Kick-off: background, charge of committee, discuss definitions |
| January 16, 2019 | Review draft language for definitions. Discuss readiness. |
| February 4, 2019 | Continue review of draft language for definitions, match, and readiness. Discuss project selection process. |
| March 5, 2019 | Review draft rule or continue discussion. |
| Spring 2019 | Determine if any legislative changes will impact draft. Schedule draft rule public review and hearings. Schedule review/approval by OTC. |

Outreach



Public Hearing



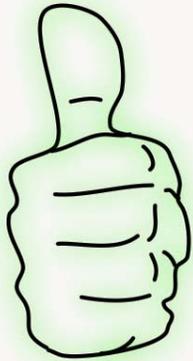
OTC Adoption



Opportunities for engagement

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

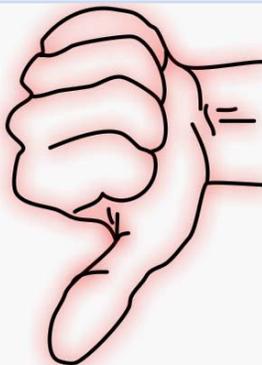
Consensus model



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

Key Definitions

“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”

Draft Definitions for OAR

- **“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, wheelchair or electric personal assistive mobility device. *(Consistent with [737-025-0010](#) (31) SRTS OAR)*
- **“Electric personal assistive mobility device”** has the meaning given that term in ORS 801.259

Draft Definitions for 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.

Draft Definitions for OAR

- **“Commuter route”** means a multiuse path that improves walking and biking access:
 - in high need locations (i.e. transportation disadvantaged areas and 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,

Draft Definitions for OAR

- *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



Photo credit: City of Tualatin

- 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

Match

- In Statute: 30% match required
- Clarify in OAR:
 - Land
 - Timing and evidence of availability (specifically other grants)
 - Allowable previous investments (type and timing)

Match

– Draft Freight RAC Language

- 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

Match (continued)

– Draft Freight RAC Language

- (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

Readiness

– Draft Freight RAC Language

- 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.

Validation

- 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

Next Steps

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OTC Adoption



Connect Oregon Program Update

- OPRD Legislative Concept
- Program limitations
 - Clarify that 7% Connect Oregon set aside for ped/bike is in addition to excise tax revenue.
 - Impact of a minimum dollar amount available prior to running a competitive process?
 - Impact of requirement of a 10% allocation to each region in the state?