



Connect Oregon Rules Advisory Committee Bike/Ped Element

RAC Meeting #2

January 16, 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



Opportunities for engagement

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

RAC Timeline and Decision-Making Process

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



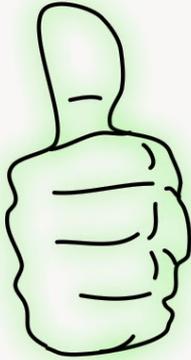
Public Hearing



OTC Adoption



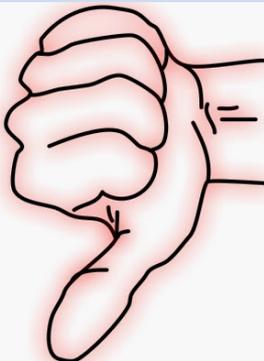
Consensus model



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 2017 is the framework



Allocation



Match amount



Decision makers



Priorities



Types of projects

the OAR* is the details



Definitions (economic benefit, critical link, access to jobs, etc)



Project selection process



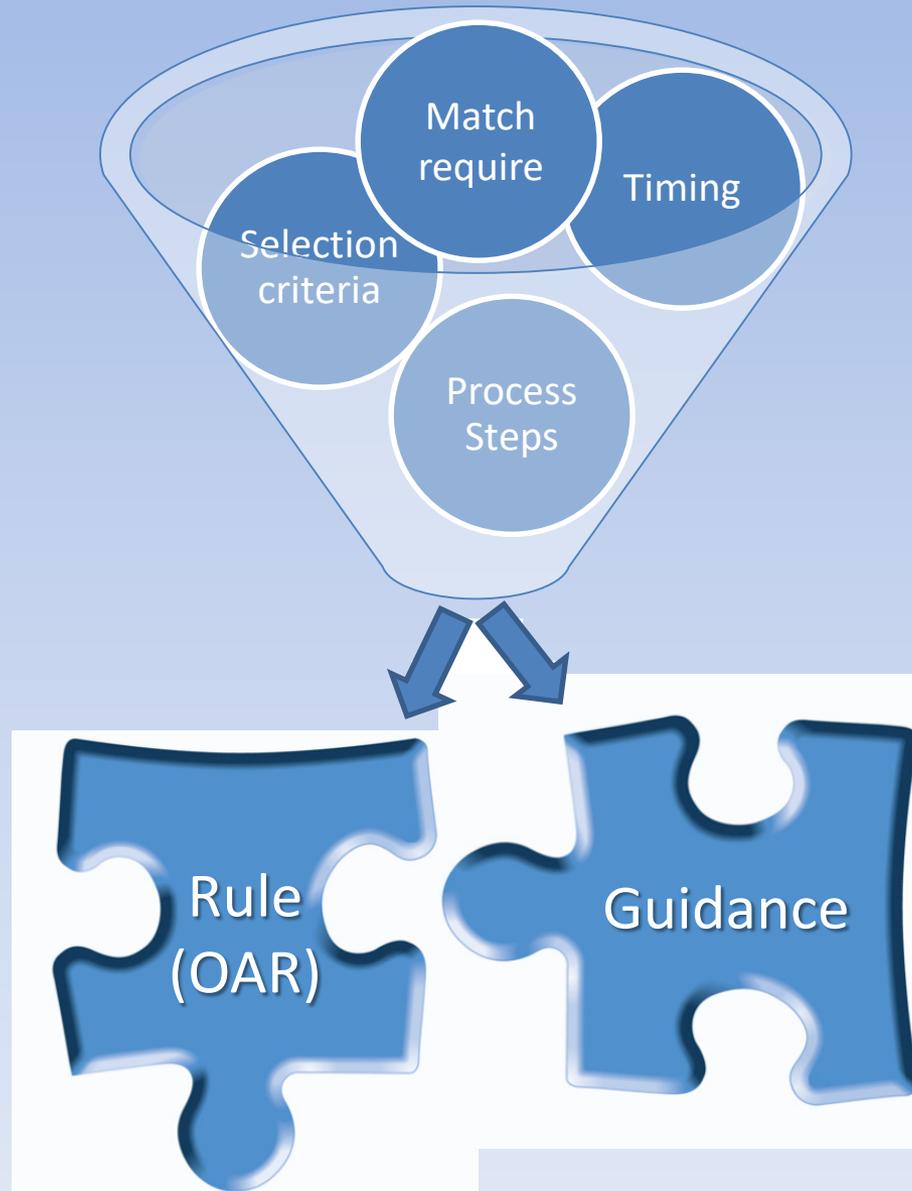
Acceptable forms of match



Project readiness

*Oregon Administrative Rule

Recommend what goes in Rule vs Guidance



To be discussed at RAC

Process

- Who (OPBAC, ACT, other)
- When (timing)
- How (application and award)

What to fund

- Types of projects (definitions)
- Eligibility criteria
- Evaluation criteria

Rule vs. Guidance

Rule (formal process to change)	Guidance (adaptable to changing needs)
Definition for type of path project (example OBPP Policy 2.5D)	Evaluation criteria and prioritization
Project selection process	Focus area for a funding cycle
Acceptable forms of match	Roles and responsibilities details
Eligibility components (example: project readiness and legislative criteria)	Details on match

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

Key Statutory Parameters

- OTC to approve projects for Part 1:
 - 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 Program Update

Air/Marine/Rail RAC Meeting #4

- *January 7th, 2019*
- Definitions
- Draft rule reviewed
- Overview of program limiters
- Next steps

Gathering Information on CO 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?

Legislative Concepts

LC 506
2019 Regular Session
63400-007
8/13/18 (HE/ps)

D R A F T

SUMMARY

Directs State Parks and Recreation Department to work in cooperation with Department of Transportation to allocate funding for bicycle and pedestrian projects. Sunsets January 2, 2025.

Repeals Department of Transportation's authority to request reimbursement for funding bicycle and pedestrian projects within Connect Oregon program.

A BILL FOR AN ACT

1

2 Relating to use of lottery funding for transportation projects; creating new
3 provisions; and repealing ORS 367.089.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** Each biennium, in cooperation with the Department

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”

“Bicycle”

– Defined in Connect Oregon Statute

- **367.080 (a) Connect Oregon Fund** “Bicycle” has the meaning given that term in ORS 801.150
 - **801.150 "Bicycle."** "Bicycle" means a vehicle that:
 - (1) Is designed to be operated on the ground on wheels;
 - (2) Has a seat or saddle for use of the rider;
 - (3) Is designed to travel with not more than three wheels in contact with the ground;
 - (4) Is propelled exclusively by human power; and
 - (5) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter. [1983 c.338 §22]

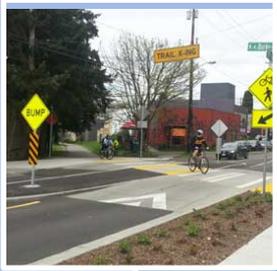
“Transportation Project”

– Defined in Connect Oregon Statute

- **367.080 Connect Oregon Fund**
 - “Transportation project” means a project or undertaking for transit, rail, marine, aviation and bicycle and pedestrian capital infrastructure, including bridges, paths and ways, or a project that facilitates the transportation of materials, animals or people. A transportation project does not include costs associated with operating expenses or the purchase of bicycles.

Defined in Other Statute

- **801.385 "Pedestrian."** "*Pedestrian*" means any person afoot or confined in a wheelchair. [1983 c.338 §69]
- **801.160 "Bicycle path."** "*Bicycle path*" means a public way, not part of a highway, that is designated by official signs or markings for use by persons riding *bicycles* except as otherwise specifically provided by law. [1983 c.338 §24]



“paths”

- Off-street and critical connections along roads
- Hard surface
- ADA accessible
- Transportation focus



“trails”

- Off-street
- Soft surface
- Recreation focus
- Hiking and mountain biking trails



“Path”



“Trail”

Regional Path Designation

- Oregon Bicycle & Pedestrian Plan

- Is a continuous path made up of one or more connected segments that is primarily physically separated from the roadway;
- Connects two or more incorporated 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, such as Scenic Bikeways, Bike Route, or US National Bike Route; and
- Is endorsed by elected bodies along path alignment

High Need Locations

- Oregon Bicycle & Pedestrian Plan

- **Oregon Bicycle and Pedestrian Plan Policy 8.2A**
- “Recognize that projects identified and funding allocated should be distributed among these categories in ‘high need locations’ (i.e. transportation disadvantaged areas and surrounding schools, shopping, employment centers, medical services, connections to transit, and downtowns) first.”

Critical Connection

- Oregon Bicycle & Pedestrian Plan

- **Oregon Bicycle and Pedestrian Plan Policy 8.2A**
- “Add critical connections and address other safety issues – Make improvements to the existing system by providing pedestrian and bicycle connections in areas where no connections exist, such as new regional paths or where transportation options are limited, particularly in high need locations/ and to address significant safety concerns”

Draft Definitions for OAR

- “Bicycling” includes, but is not limited to, use of bicycles. (*Consistent with [737-025-0010](#) (31) 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, scooter, skateboard, rollerblades, skates, use of wheelchairs or other mobility device. (*Consistent with [737-025-0010](#) (31) SRTS OAR*)

Draft Definitions for OAR

- “Multiuse path” means a public way, not part of a highway, that is designated by official signs or markings for use by persons walking, bicycling, and using other forms of non-motorized transportation, except as otherwise specifically provided by law. Multiuse paths include bicycle paths/trails and footpaths.
- “Bicycle trail” has the meaning given the term “bicycle path” in ORS 801.160.
- “Footpath” means a public way, not part of a highway, that is designated by official signs or markings for use by persons walking except as otherwise specifically provided by law.

Draft Definitions for OAR

- “Commuter route” means a multiuse path that:
- 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 incorporated 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, such as Scenic Bikeways, Bike Route, or US National Bike Route; and
 - Is endorsed by elected bodies along path alignment.

Draft Definitions for OAR

- *Commuter Route (continued)*
- “...OR; improves walking and biking access to jobs and sources of labor in high need locations (i.e. transportation disadvantaged areas and surrounding schools, shopping, employment centers, medical services, connections to transit, and downtowns) and areas where no connections exist, transportation options are limited, or significant safety concerns are addressed by the improvement.

“Critical Link”

- Recommended definition from Freight RAC:
- “Critical Link” refers to linkages within or between modes of transportation.

Program Criteria

Part 1 Project Selection Considerations

- ORS 367.084(6)
 - Reduces transportation costs or improves access to jobs/labor
 - Results in economic benefit to state
 - “critical link” that will measurably improve utilization and efficiency
 - Project cost borne by applicant (overmatch)
 - Ready for construction
 - Useful life expectancy
 - Located near aggregate mining/processing operations

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.

Process

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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Outreach



Public Hearing



OTC Adoption

