

**Connect Oregon, Bicycle and Pedestrian Element  
Rules Advisory Committee (RAC)  
Meeting #2  
Wednesday, January 16, 2019  
9am – 12pm**

Gail Achterman Commission Room (Transportation Building, Rm 103)  
355 Capital Street NE, Salem

**RAC Members:** Penny Arrentsen, Michael Black, Jan Hunt, Rob Inerfeld, Gery Keck, Gary Milliman, Stephanie Noll, Robert Spurlock, John Vial, Julie Warncke, Phil Warnock

**Absent:** Mike Caccavano

**ODOT Staff:** Amanda Pietz, Susan Peithman, Katie Thiel, Jessica Horning, John Boren

**Committee & Staff Introductions:**

Susan Peithman called the meeting to order, led introductions, and provided an update on the Trails Roundtable hosted by ODOT on December 14.

Staff will provide a copy of notes from the Trails Roundtable to RAC members.

**Public Comment:**

Clifford Keele provided public comment. The Connect Oregon website focuses on urban paths, but rural areas need connections, especially between frontage roads. Hwy 99 was repaved but the shoulder wasn't widened around Eugene. Jessica Horning and Rob Inerfeld provided their contact info to follow-up with Mr. Keele on site specific issues.

**Review of RAC Timeline & Charge**

Jessica Horning provided an overview of the schedule and rough agenda for future RAC meetings. A 5<sup>th</sup> meeting may be scheduled in spring 2019 if necessary to address changes made by the legislature.

**Connect Oregon Program Update**

John Boren provided an update on the last Connect Oregon Air/Marine/Rail RAC meeting. The legislator members of the RAC raised questions about whether Ped/Bike element of Connect Oregon was intended to be split out into a separate program. Amanda Pietz provided an overview of other legislative issues identified with the Connect Oregon program, including:

- Potential split of Ped/Bike into different program
- Clarify 7% + excise tax
- 10% per region requirement
- minimum program size for solicitation

Discussion:

- Phil - Concerned with implementation of aggregate criteria
- Stephanie - Is there any risk of losing access to the 7% set aside in addition to bike excise tax when restructuring program?
- Rob – Where did 7% figure come from? How much went to ped/bike in previous rounds? 7% was presented as amount received by ped/bike, but website shows 14% of Round V and 16% of Round VI funds went to ped/bike, and transit was also removed from eligibility.

- John – Would like to see department advocate for separation of programs. Fitting square peg into round hole.
- Rob – How do we define “reducing transportation costs and improving access to sources of labor” and are they relevant to ped/bike? Could remove from ped/bike definitions, since this language is included in statute.
- Clarify “outside road right-of-way” eligibility requirement. Would a trail bridge along Hwy 101 be eligible? Would any public road right-of-way be ineligible? What about trail crossings? Eugene has been allowed limited use of funds for improvements in the right-of-way to make a project whole. Can you use match funds for improvements in the right-of-way? Does right-of-way refer to the actual ownership or just the cross section?
- Katie will share clarification on right-of-way restrictions and limited use of funds to make projects whole.
- Steph – Do changes need to be in the form of a Bill? Opportunity to clarify previous intentions, and get out of definitions that don’t apply, but concerned about risks. How does legislative clarity give BP interests clarity for advocacy and funding in future?
- Phil – In previous rounds of CO, 7% was amount awarded for ped/bike, but there was opportunity for more. Think about connections to transits and hubs, multimodal connectivity.
- John – Asking to remove this from CO is not the right move. Just need to clarify which freight standards don’t apply to ped/bike
- Michael – Economic criteria apply to bike/ped but should be defined differently/better
- Rob – There has been a massive drop in funding available for paths in Oregon. Legislators should be made aware. Document how oversubscribed previous programs have been. TE funded over 50% of trails projects in Metro and now went away. How do paths like bear creek greenway continue to move forward? Does OBPAC have a role?
- Gary –In economic development world, regions are given an allocation but have ability to assign those funds to another region if they don’t have a project. Is this possible with the 10% allocation per region required by Connect Oregon?

Jan Hunt presented OPRD’s draft legislative concept regarding trail funding changes to HB2017. HB2017 requires OPRD to reimburse ODOT up to \$4M/biennium for ped/bike projects. Funds would come out of local government grant program, which would lose up to 40% of funding. HB2083 is OPRD bill that would revise HB2017 so that ODOT and OPRD work together to allocate up to \$4M for ped/bike projects. Funding would stay part of OPRD Local Govt grant program and OPRD Advisory Committee would continue to advise on grant awards. Sunsets in 2025. OPRD doesn’t know yet if LC will be heard.

#### Discussion

- If HB2083 doesn’t pass are there creative solutions to explore? OPRD Local Govt Grant program could have opportunity to award up to \$4M/biennium for BP and any remaining dollars would be awarded by ODOT.
- Program has historically awarded about \$2 million for BP.
- Penny – OPRD funding could include soft surface paths. Not an option with ODOT program.
- Susan – Emphasis on recreation/transportation dual purpose paths
- Michael – Ashland has received grants from Local Government program. Why are legislators taking from OPRD program? Would “outdoor recreation improvement projects for bicycle and pedestrian needs” include pump tracks, etc or does it also need to meet transportation needs? Is there a sunset in HB2017? No

- Robert – What’s going to make local agencies delivering projects most successful? Local government grant program has most flexibility. Could more transportation stakeholders or OBPAC be involved in selection if funding stays with OPRD?
- Jan – if HB2083 passes, may need to have Rules Advisory Committee or IGA to clarify coordination and details
- John V – AOC/LOC is very concerned about loss of funds to Local Gov’t program. OPRD made choice to take funds out of that program rather than other funds.
- Gery – Can you use OPRD funds for path amenities?
- Phil – After sunset does program automatically revert back to existing system? Should address mechanism for how that change back happens. Is change back to system pre-HB2017 or pre-HB2083?
- Jan – assumption was sunset means OPRD stays in control of \$4M, but could continue to coordinate with ODOT

### **Discuss & Revise Definitions**

Jessica Horning led discussion of existing Connect Oregon definitions in statute, definitions in other statutes or policy plans that could provide guidance for Connect Oregon definitions in rule, and draft proposed rule definitions.

- Based on RAC input, staff will revise draft definitions and distribute for additional edits and comments.

### **Next Steps**

Next meeting will be February 4, 2019. Meeting will focus on Program Criteria and Process discussion and any additional edits to definitions.

### **Materials available on website:**

<https://www.oregon.gov/ODOT/Programs/Pages/CO-BP-RAC.aspx>

- Committee Roster
- Schedule
- HB2017 ORS
- Connect Oregon OAR
- RAC Meeting #2 Agenda
- RAC Powerpoint presentation
- Draft Definitions
- Trails Roundtable presentation