

Oregon Community Paths (OCP) FAQ

1. How can I distinguish between recreation and transportation use of a proposed path? Most can be used for both.

Most walking and biking facilities serve multiple functions, including recreation and transportation. The legislation that created the Multimodal Active Transportation (MAT) fund requires that the funds be used for a transportation purpose. Therefore, an applicant must show that the project reasonably can be used for a transportation function, including, but not limited to, walking or biking to and from jobs, school, shopping, health care, public services, and other utilitarian trips.

2. Does the path need to be a hard surface path?

The rule ([OAR 731.060](#)) doesn't require a hard surface path. The rule does require a transportation purpose allowing walking; biking; and rolling use of mobility devices to access employment and services and to connect communities.

Soft surface trails that are primarily designed for recreational use by hikers, equestrians, mountain bikers, and others are not eligible for OCP.

3. What are the requirements for a soft surface path?

Path surfaces must be "firm and stable", per U.S. Access Board guidelines. Concrete and asphalt (impervious or pervious) are the most common and durable firm and stable construction material for shared use paths. Some natural surfaces can be compacted so that they are firm and stable, but these surfaces can degrade and become inaccessible without regular maintenance. Applicants should demonstrate how their proposed path design meets ADA accessibility requirements.

More information about shared use path accessibility guidelines is available in the Oregon Bicycle and Pedestrian Design Guide:

https://www.oregon.gov/ODOT/Engineering/Documents_RoadwayEng/HDM_L-Bike-Ped-Guide.pdf and on the Public Right-of-Way Accessibility Guidelines (PROWAG) website: <https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/shared-use-paths/supplemental-notice/proposed-supplements>)

4. Is a separated bike lane eligible under this program?

OCP is intended to fund "off-street" pedestrian and bicycle facilities that are not eligible for other active transportation funding sources due to Oregon's constitutional restriction on usage of state highway funds for improvements outside of the public road right-of-way. Eligible projects must be a "multiuse path", "bicycle path", or "footpath" as defined in [OAR 731-036-0020](#). In some constrained areas, a path may need to cross or be constructed within the road right-of-way to provide a continuous facility for people walking and biking. Separated bike lanes and other improvements within the road right-of-way are eligible for OCP if they are a segment of or contribute to a larger path project that is primarily located outside the public road right-of-way.

5. If part of a trail is on ODOT right-of-way, does ODOT apply or partner with the city?

If the proposed path is located on or near an ODOT facility, the applicant should contact their local ODOT Active Transportation Liaison (ATL) to discuss how to coordinate on the project and application. ATL contact information is available at www.oregonwalkbike.org.

ODOT is ineligible to be the primary applicant for the federal Transportation Alternatives funds included in OCP, but can support and/or partner with a local jurisdiction on an application. The applicant may also partner with ODOT in order for ODOT to oversee planning, design, or construction of federally-funded projects.

6. What if a path is located along a railroad or crosses over railroad tracks?

If the proposed path is located along or crosses railroad right-of-way, the applicant should contact [Prescott Mann](#) at ODOT Rail.

7. Can a path be in an easement or is it required to be in the right-of-way?

If the project is located on public property or right-of-way, the application must include appropriate letters of support from any affected public agencies or road authorities stating the agency or authority's endorsement, as applicable to the project.

If the project is located on private property, the applicant is encouraged to include appropriate letters of support from any affected property owners, along with a project development timeline that includes major milestones such as acquiring easements or site ownership. Applicants must have easement or own right-of-way prior to construction phase commencing.

8. Does your website have more details about the requirements?

The Oregon Community Paths program website includes the most up-to-date information on the program: <https://www.oregon.gov/odot/Programs/Pages/OCP.aspx> Complete Oregon Administrative Rules for the MAT fund, including program evaluation criteria, are available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=267177>

9. How often does the program cycle? Is this an annual application process?

The program is currently on a two-year application cycle based on biennial announcement requirements for cash on hand from the multimodal active transportation fund.

10. What projects would be more likely to be suited to federal grant money?

Planning-only projects, such as project refinement projects can only be funded federally. State funds cannot be used for planning-only grants. All construction projects are equally suited for state or federal funds.

11. So state funds can't be used for planning?

State funds can't be used for planning-only grants. State-funded projects may include a planning and design phase in addition to construction, but the grant must include construction of all planned/designed facilities.

12. If we have the 10.7% match committed, but not the 30% can we still apply?

Yes. You would be limited to federal funding.

13. Can we use previous expenditures for match?

- For federally-funded projects, no. Matching expenditures are only eligible after an agreement is executed and before the end date of the agreement.
- For state funds projects, yes. Previous monetary outlays for match must have been made within ten years of the application deadline for Multimodal Active Transportation grant fund submittals in order to qualify as eligible matching funds. Contact the [OCP Program Manager](#) to see if you qualify.

14. Can staff time count as in-kind match?

Yes, as long as the in-house work is directly related to the project. Overhead and fringe benefits do not count. You can also receive compensation for in-house work. See 8.d of the UGA which states that self-performing work requires ODOT's approval prior to the work being performed.

15. Can design and construction count as in-kind match?

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. Check with the [OCP program manager](#) regarding your specific project prior to application submittal.

16. Can we meet the state match requirements with a grant from another fund like OPRD or Travel Oregon?

A variety of sources can be used to provide match for state-funded OCP grants, including other state-funded grants (provided those matching funds can be used for the project). State funds can also be used to match federally-funded OCP grants, but the state funds will be "federalized", meaning the entire project will have to meet federal requirements. Federal funds cannot be used to match FHWA or other federal funds.

17. Could the city and the grant matching funds be paid out on a percentage basis as the project receives the bills?

Yes. That is how the reimbursement process works. We would reimburse you for your receipts minus the percentage of match.

18. With regards to approval from elected officials: Our project is identified in our Parks Masterplan as well as the City's TSP. Is that enough public outreach? Does that qualify for approval by elected officials? It was identified as a high priority on our community survey as our masterplan was developed.

Yes. The approved masterplan and TSP must have had a public outreach component, and that outreach component must be described in the application. Please provide documentation of additional elected support, if available.

**19. You mention paths along a river - are there design standards regarding floodplain placements?
If not, where would we find this information?**

Design standards for construction of community paths would fall under Chapter 7 of the Oregon Bicycle and Pedestrian Design Guide.

https://www.oregon.gov/ODOT/Engineering/Documents_RoadwayEng/HDM_L-Bike-Ped-Guide.pdf

20. Will ADA requirements apply to state projects?

Yes. ADA requirements will apply to all construction projects awarded through the OCP, regardless of funding source. More information about shared use path accessibility guidelines is available in the Oregon Bicycle and Pedestrian Design Guide:

https://www.oregon.gov/ODOT/Engineering/Documents_RoadwayEng/HDM_L-Bike-Ped-Guide.pdf and on the Public Right-of-Way Accessibility Guidelines (PROWAG) website: <https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/shared-use-paths/supplemental-notice/proposed-supplements>).

21. Can we discuss our project with ODOT staff before we submit a Letter of Interest?

Yes. ODOT will only discuss to see if a project appears eligible based on information shared.

22. When can we start looking at the LOI template?

Once approved by the Oregon Bicycle and Pedestrian Advisory Committee, the LOI will be placed on the OCP website, sometime in late September.

23. If our project is considered ineligible by ODOT during the LOI process, can we revise our LOI and resubmit?

Yes, provided the revised LOI is submitted within the time frame for ODOT accepting LOIs.

24. What if I find the cost is different between the LOI and application?

Use the most current cost in the application.

25. What if I need to modify my scope between the LOI and application?

Contact the [OCP Program Manager](#) to determine if the revised scope impacts eligibility.

26. What if I need to modify my scope after the project is awarded?

The project revision may be only a minor change to the existing scope of work, and may not increase costs, nor reduce the original score. The project revision must take place before work begins. Contact the [OCP Program Manager](#) immediately when a revision becomes necessary.

27. What if my costs exceed what was originally budgeted?

You are responsible for all cost over and above the grant amount.

28. Will traffic calming measures be eligible?

No. That is not eligible under this program

29. What if an off-road path has an on-road alternative?

You would make the case that the off-road path is the better alternative. If not, the on-road alternative should move forward using different funding.

30. When will funds be distributed?

We anticipate projects will be approved and grants funded in summer 2021.

State-funded projects are limited to “cash on hand” from state funding sources.