

**ORS 367.084 (7) Connect Oregon Selection of Projects**

“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”

<b>Defined in Connect OR Statute</b> (requires legislative action to change)	<p><b>367.080 (a) Connect Oregon Fund</b> “Bicycle” has the meaning given that term in ORS 801.150</p> <p><b>801.150 "Bicycle."</b> "Bicycle" means a vehicle that:</p> <ol style="list-style-type: none"> <li>(1) Is designed to be operated on the ground on wheels;</li> <li>(2) Has a seat or saddle for use of the rider;</li> <li>(3) Is designed to travel with not more than three wheels in contact with the ground;</li> <li>(4) Is propelled exclusively by human power; and</li> <li>(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]</li> </ol>
	<p><b>367.080 (e) Connect Oregon Fund</b> “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.</p>
<b>Defined in Other Statute or Policy</b> (Recommend OAR use consistent definitions or different terminology)	<p><b>801.385 "Pedestrian."</b> "Pedestrian" means any person afoot or confined in a wheelchair. [1983 c.338 §69]</p>
	<p><b>801.160 "Bicycle path."</b> "Bicycle path" means a public way, not part of a highway, that is designated by official signs or markings for use by persons riding <i>bicycles</i> except as otherwise specifically provided by law. [1983 c.338 §24]</p>
	<p><b>Oregon Bicycle and Pedestrian Plan Policy 2.5D “Regional Path”</b></p> <p>“In addition to the definition of ‘high need locations’ specified in Policy 8.2A, off-roadway walkways and bikeways that meet all of the following criteria shall be considered Regional Paths that demonstrate a statewide benefit and shall be prioritized as a ‘critical connection’.</p> <ul style="list-style-type: none"> <li>• Is a continuous path made up of one or more connected segments that is primarily physically separated from the roadway;             <ol style="list-style-type: none"> <li>a. 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;</li> <li>b. 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</li> <li>c. Is endorsed by elected bodies along path alignment.”</li> </ol> </li> </ul>

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<p><b>Oregon Bicycle and Pedestrian Plan Policy 8.2A “High need locations”</b>  “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.”</p>
<p><b>Oregon Bicycle and Pedestrian Plan Policy 8.2A “Critical Connections”</b>  “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”</p>
<p><u>ORS 801.259 “Electric personal assistive mobility device.”</u>  “Electric personal assistive mobility device” means a device that;  <u>(1)Is self-balancing on two nontandem wheels;</u>  <u>(2)Is designed to transport one person in a standing position;</u>  <u>(3)Has an electric propulsion system; and</u>  <u>(4)Has a maximum speed of 15 miles per hour.</u></p>

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**PROPOSED-REVISED DRAFT Connect Oregon OAR Definitions**  
(for RAC discussion)

<p><b>"Bicycling"</b> includes, but is not limited to, use of bicycles. (Consistent with <a href="#">737-025-0010</a> (3) SRTS OAR)</p>
<p><b>"Pedestrian"</b> has the meaning given that term in ORS 801.385.</p>
<p><b>"Walking"</b> means use of human-powered forms of transportation, including, but not limited to travel to your destination by foot, <del>scooter, skateboard, rollerblades, skates, use of wheelchairs or other electric personal assistive</del> mobility device. (Consistent with <a href="#">737-025-0010</a> (31) SRTS OAR)</p>
<p><b>"Electric personal assistive mobility device"</b> has the meaning given that term in ORS <a href="#">801.259</a>.</p>
<p><b>"Multiuse path" or "Multiuse trail"</b> means an accessible public way, <del>not part of a highway,</del> that is designated <del>by official signs or markings</del> for use by persons walking, bicycling, and using other forms of non-motorized transportation, <del>except as otherwise specifically provided by law or a governing body. Multiuse paths include bicycle paths/trails and footpaths.</del></p>
<p>a- <b>"Bicycle trail" or "Bicycle path"</b> has the meaning given the term "bicycle path" in ORS 801.160.</p>
<p>b- <b>"Footpath"</b> means a public way, <del>not part of a highway,</del> that is designated <del>by official signs or markings</del> for use by persons walking, <del>except as otherwise specifically provided by law.</del></p>
<p><b>"Commuter route"</b> means a multiuse path that <u>improves walking and biking access:</u></p> <ol style="list-style-type: none"><li>1) <u>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);</u></li><li>2) <u>in areas where no connections exist, transportation options are limited, or significant safety concerns are addressed by the improvement; OR</u> <u>— in an area that -</u> <u>—</u></li><li>3) <del>Meets</del> the following criteria for Regional Path designation:<ol style="list-style-type: none"><li>a) Is a continuous path made up of one or more connected segments that is primarily physically separated from the roadway;</li><li>b) Connects two or more <del>incorporated</del> 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;</li><li>c) Will serve as a connection point for people commuting between communities; or is part of an officially designated walking and bicycling route, <del>such as Scenic Bikeways, Bike Route, or US National Bike Route;</del> and</li><li>d) <del>Is endorsed by elected bodies along path alignment.</del></li></ol></li><li>d) <del>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.</del></li></ol>

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**Commented [HJ2]:** This text added to address concerns about high demand areas where local jurisdictions may delineate areas for various path users or restrict certain uses (e.g. no skateboarding, walk bikes)

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	<p><b>Recommended definition from Freight RAC:</b></p>
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	<p><b>“Critical Link”</b> refers to linkages within or between modes of transportation.</p>
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**“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.) 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
- (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”**

- 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.
  - (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.

**DRAFT OAR Language from Freight RAC for discussion**

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**731-035-00??**

**Program Administration**

- 1) After the final review committee makes its recommendation to the Oregon Transportation Commission, the department shall validate project information that meets program funding criteria in each project application that will be used in a grant funding agreement for up to 150% of available funding.
  
- a.2) Project applicants shall be required to provide the information requested by the department within five business days of the request.
  
- 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
  
- e) The department shall identify those projects that do not meet program criteria and therefore are not eligible for funding, prior to the commission's final action to select projects.

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