



Connect Oregon 2021

## Instructions to Reviewers

August 16, 2021

For more information about Connect Oregon visit:

<http://www.oregon.gov/ODOT/TD/TP/pages/connector.aspx>

Table of Contents

Instructions to Reviewers ..... 1

PURPOSE OF THIS DOCUMENT ..... 4

REVIEW DOCUMENTS ..... 5

1 AGENCY STAFF REVIEW – November 3, 2021 – December 31, 2021 ..... 6

    1.1 Completeness Review ..... 6

    1.2 Eligibility, Feasibility and Statutory Review – November 21, 2021 – December 15, 2021 ..... 6

        1.2.1 Eligibility Review ..... 6

        1.2.2 Feasibility Review ..... 7

        1.2.3 Statutory Review Considerations ..... 7

        1.2.4 Economic Benefit Review ..... 9

    1.3 Communication with Applicants during Eligibility, Feasibility and Statutory Review ..... 9

    1.4 Decisions on Applicant and Project Eligibility ..... 9

2 COMMITTEE REVIEW – January 5 – March 16, 2021 ..... 10

    2.1 Overview ..... 10

        2.1.1 Modal Review Committee ..... 10

        2.1.2 Timeline for Modal Committee Review ..... 10

        2.1.3 Regional Review Committee ..... 10

    2.2 Committee General Administration ..... 12

        2.2.1 Scheduling and Noticing of MRC and RRC Meetings ..... 12

        2.2.2 Conflict of Interest Disclosure ..... 12

        2.2.3 Applicant Presentations ..... 12

        2.2.4 Input into the Decision Process ..... 12

        2.2.5 Additional Information ..... 13

    2.3 Committee Evaluation Process Overview ..... 13

        2.3.1 General ..... 13

        2.3.2 Task Outline ..... 13

    2.4 Prior to Public Meetings ..... 14

        2.4.1 Modal and Regional Review Committee Staff Responsibilities ..... 14

        2.4.2 Modal and Regional Review Committee Responsibilities ..... 14

        2.4.3 Modal and Regional Review Committee Chair Responsibilities ..... 15

    2.5 During Public Meetings ..... 15

        2.5.1 Modal and Regional Review Committee Staff Responsibilities ..... 15

        2.5.2 Modal and Regional Review Committee Responsibilities ..... 15

    2.6 After Public Meetings ..... 16

        2.6.1 Modal and Regional Review Committee Staff Responsibilities ..... 16

        2.6.2 Representatives to the Final Review Committee ..... 17

3 FINAL REVIEW COMMITTEE – April 2022 ..... 18

    3.1 Formation of the Final Review Committee ..... 18

    3.2 Committee Administration ..... 18

        3.2.1 Staff Support ..... 18

        3.2.2 Conflict of Interest Disclosure ..... 19

        3.2.3 Inputs into the Decision Process ..... 19

3.2.4	Applicant Presentations .....	20
3.3	Final Recommendation Report .....	20
4	OREGON TRANSPORTATION COMMISSION .....	21
5	CONTACT INFORMATION .....	22
5.1	Connect Oregon Staff: .....	22
5.2	Questions .....	22
APPENDIX	.....	23
A.	SAMPLE ELIGIBILITY/FEASIBILITY REPORT TEMPLATE .....	25
B.	ECONOMIC CONSIDERATION REVIEW FORM.....	28
C.	STATUTORY CONSIDERATION REVIEW FORM.....	32
D.	SCORE SUMMARY AND TIER FORM.....	38
E.	SAMPLE REVIEW COMMITTEE PROJECT REPORTS TEMPLATE .....	39
F.	SAMPLE REVIEW COMMITTEE MATRIX TEMPLATE .....	40
G.	REGIONAL SOLUTIONS TEAM TEMPLATE .....	41

## **PURPOSE OF THIS DOCUMENT**

The purpose of this document is to provide instruction regarding the Connect Oregon 2021 review and recommendation processes to the various committees that are providing recommendations to the Oregon Transportation Commission (OTC).

The application review process includes the following steps:

### **A. AGENCY STAFF REVIEW** – November 2021 – January 2022

1. Completeness Review
2. Eligibility Review
3. Feasibility Review
4. Economic Benefit Review
5. Statutory Consideration Review

### **B. COMMITTEE REVIEW** – January – April 2022

1. Mode Committee Reviews
2. Region Committee Reviews
3. Final Review Committee
4. Oregon Transportation Commission - May 2022

## REVIEW DOCUMENTS

The application is the primary source of applicant-supplied information regarding the proposed projects. The other documents identified below will be used to document the review process, create a record of actions, and inform the later steps of the review process.

- ▶ Application
- ▶ Completeness Checklist (using the template shown in Appendix A-1)
- ▶ Eligibility/Feasibility Report (using the template shown in Appendix A-2)
- ▶ Economic Benefit Review Form (using the template shown in Appendix A-3)
- ▶ Statutory Consideration Review Form (using the template shown in Appendix A-4)
- ▶ Score Summary and Tier Form (using the template shown in A-5)
- ▶ Review Committee Project Reports (One per project per Modal and Regional Committee using the template shown in Appendix A-6)
- ▶ Review Committee Matrix (One per Review Committee using the template shown in Appendix A-7)
- ▶ Regional Solutions Team Review Form (using the template shown in Appendix A-8)
- ▶ Modal and Regional Summary Matrix (Prepared by Connect Oregon staff prior to the Final Review Committee)
- ▶ Final Review Committee Matrix (Prepared by the Final review Committee with support from the Connect Oregon staff.)

The Appendices in this document provide Sample versions of the respective document. Agency staff, modal and regional reviewers will receive final versions of each form in Word or Excel prior to the start of the review period.

# 1 AGENCY STAFF REVIEW – November 3, 2021 – December 31, 2021

## 1.1 Completeness Review

Connect Oregon staff includes all agency staff (ODOT, Oregon Business Development Department, and Oregon Department of Aviation) assigned to develop and administer the Connect Oregon 2021 application process. Applications will be screened by internal Connect Oregon staff (rail) and by Oregon Business Development Department (marine) and Department of Aviation staff to ensure that each application is complete, including:

- ▶ Tax Declaration
- ▶ Department of Revenue Certificate of Compliance
- ▶ Property owner signatures, documentation
- ▶ A completeness review summary will be submitted to the ODOT Freight Planning Unit on or before December 10, 2021.

**Note:** *Program administration resources are limited; therefore, incomplete applications that lack the Tax Declaration, Department of Revenue Tax Certification, and appropriate real estate signatures will not be forwarded to review committees and will not be considered for project award. Connect Oregon staff will inform applicants if an application is ineligible due to incompleteness. Applicants will have the opportunity to appeal an ineligibility decision as outlined in section 1.4 below.*

## 1.2 Eligibility, Feasibility and Statutory Review – November 21, 2021 – December 15, 2021

### 1.2.1 Eligibility Review

Connect Oregon staff will review whether each applicant and project meet the eligibility requirements including (See Appendix A-2 for review template):

- ▶ The applicant must be current on all state and local taxes, fees, and assessments. ODOT staff will verify that a positive Department of Revenue Certificate of Compliance has been submitted with the application. The Certification should be submitted whether in compliance or non-compliance. Applicants who receive a non-compliance certification from the Oregon Department of Revenue will have until December 31, 2021 to obtain Compliance Certification. Failure to obtain Compliance Certification by December 31, 2021 will render an applicant ineligible and the application will not move to committee reviews described below.
- ▶ The applicant must have sufficient management and financial capacity to complete the project.
- ▶ The project must benefit aviation, marine, and rail.
- ▶ The project is not eligible for funding from the State Highway Trust Fund revenues described in Section 3a, Article IX of the Oregon Constitution.
- ▶ The project does not require or rely upon continuing subsidies from ODOT.
- ▶ The project is feasible, including the estimated cost of the project, the expected results from the proposed project, the project schedule, and all applicable and required permits may be obtained within the project schedule.

Ineligible applicants or projects will be processed as outlined in Section 1.4.

### **1.2.2 Feasibility Review**

Connect Oregon staff will review the technical information contained in the applications. The feasibility review may result in some applications being deemed technically infeasible. (See Appendix A-2 for review template.) As needed, applicants may be requested to clarify portions of their application. Connect Oregon staff should document in review forms any clarification obtained.

Connect Oregon staff will review technical aspects of assigned Connect Oregon 2021 applications for project feasibility including:

- ▶ Proposed project scale in relation to cost
- ▶ Anticipated users
- ▶ Achievability of the project in the proposed timeframe
- ▶ Achievability of all applicable and required permits in proposed timeframe

### **Feasibility Review Staff Assignments**

During the Eligibility/Feasibility Review, applications may be assigned to Connect Oregon staff based on modal expertise as follows:

- ▶ Rail projects to the ODOT Rail Division
- ▶ Aviation projects to the Oregon Department of Aviation
- ▶ Marine projects to the Oregon Business Development Department

Applications may also be assigned to Connect Oregon staff for specific review, such as finance, project management, or other aspects of a project.

### **1.2.3 Statutory Review Considerations**

[OAR 731-035-0060](#) requires the Oregon Transportation Commission to take into consideration the following considerations:

- A. Whether a proposed project reduces transportation costs for Oregon businesses or improves access to jobs and sources of labor
- B. Whether a proposed transportation project results in an economic benefit to this state
- C. Whether a proposed project is a critical link connecting elements of Oregon's transportation system that will measurably improve utilization and efficiency of the system
- D. The proportion of the cost of a proposed project that is borne by the Applicant or contributed from any other source other than the Connect Oregon Fund
- E. Whether a proposed transportation project is ready for construction. A project will be considered ready for construction if the Applicant can demonstrate that:
  - a. Community engagement/outreach has occurred prior to or at the time of application submission.
  - b. Project completion can be achieved within 3 years of the award of the grant by submitting a project schedule that includes project stages and dates of major milestones

- c. Matching funds have been secured 30 calendar days before the Commission’s decision to award funds
  - d. Site ownership or control is secured 30 calendar days before the Commission’s decision to award funds
  - e. Final land use actions necessary to support the proposed project have been approved by the local government 60 calendar days before the Commission’s decision to award funds
  - f. Limited Land Use Decision rendered by the appropriate local government received within six months of execution of Agreement
  - g. Securing all permits needed for construction within nine months of execution of an Agreement
- F. Whether a proposed transportation project has a useful life expectancy that offers maximum benefit to the state
- G. Whether a proposed transportation project is located near operations conducted for mining aggregate or processing aggregate as described in ORS 215.213 (2)(d) or 215.283 (2)(b).

To support the review committees’ prioritization process, Connect Oregon staff will sort projects into “Tiers” that indicate how many of the project Statutory Considerations identified in OAR 731-035-0060 are **thoroughly** met by the project. Tiers will be assigned based on scores achieved from a combination of the Statutory Considerations Review (Appendix A-4) and Economic Benefit Review (Appendix A-3). The tiers include:

<b>Tier 1</b>	81 – 105 Points	The application demonstrates the project meets <b>all seven</b> considerations <b>thoroughly</b>
<b>Tier 2</b>	51 – 80 Points	The application demonstrates the project meets <b>most</b> considerations <b>thoroughly</b>
<b>Tier 3</b>	35 – 60 Points	The application demonstrates the project meets <b>some</b> considerations <b>thoroughly</b>
<b>Tier 4</b>	0 - 34 Points	The application <b>fails</b> to demonstrate the project meets <b>any of</b> the considerations <b>thoroughly</b>

Based on the application materials, a staff review committee shall determine whether a project **thoroughly** meets each of the OAR 731-035-0060 considerations. Connect Oregon staff will complete reviews and tier each project for committee consideration.

To **thoroughly** meet a consideration, a project shall demonstrate through application responses, and through the requested independent verification, that the project will accomplish the intent. (A project statutory consideration review form is provided in Appendix A-4).

All Connect Oregon review committees and the OTC must consider the statutory consideration review when prioritizing or selecting projects.

The Statutory Consideration Review must be complete by Connect Oregon staff and returned to the ODOT Freight Planning Unit by December 10, 2021.



#### **1.2.4 Economic Benefit Review**

ODOT economists and Business Oregon development officers will conduct an economic benefit review of the reasonableness of the economic benefit claimed in each project application. The Economic Benefit Review is an element of the statutory considerations review and included in the score for tiering. The economic benefit review will include (but not limited to):

- ▶ A review of the application's analytical methodology for estimating project benefits;
- ▶ A review of the project's likelihood to retain or generate new distinct jobs in Oregon (not just move jobs from one part of the state to another);
- ▶ A review of the project's level certainty to produce benefits; and
- ▶ A review of the project's potential for public benefits.

A report will be completed for each application documenting the results of the review. This report will be submitted to the ODOT Freight Planning Unit by December 15, 2021. (See Appendix A-3 for sample template.)

#### ***1.3 Communication with Applicants during Eligibility, Feasibility and Statutory Review***

If Connect Oregon staff identifies a need for additional written data concerning any applicant or project, Connect Oregon staff will solicit this from applicants.

Applicants will be given a specified amount of time (three business days) to provide the requested additional information.

All requests for additional information must be sent in writing to applicants during the week of November 11, 2021.

#### ***1.4 Decisions on Applicant and Project Eligibility***

ODOT will exclude any project from continuing to the Modal, Regional or Final Review process if it is deemed the applicant or project is ineligible, or the project is technically infeasible.

If this determination is made, ODOT will notify the applicant in writing.

The applicant will have 15 days to file a written appeal with the ODOT Director. The ODOT Director will make a final determination of eligibility/feasibility. Only applicants may file an appeal.

## 2 COMMITTEE REVIEW – January 5 – March 16, 2021

### 2.1 Overview

#### 2.1.1 Modal Review Committee

This section provides specific instructions to the staff, chairs, and members of:

- ▶ The **Oregon Aviation Board**, which will make recommendations on aviation projects.
- ▶ The **Oregon Freight Advisory Committee**, which will make recommendations on freight transportation projects.
- ▶ The **Rail Advisory Committee**, which will make recommendations on rail transportation projects.
- ▶ The **Marine Project and Planning Advisory Committee, Oregon Business Development Department**, which will make recommendations on marine transportation projects.

OAR 731-035-0060 requires the OTC to solicit advice from these entities for projects as outlined. In the remainder of this document, the board and committees identified above will be referenced as “Modal Review Committees” or “MRC”. The staff assigned to support these committees will be referred to “Modal Review Committee staff” as “MRC staff”.

All MRC meetings will be conducted as public meetings as defined by Oregon Public Meetings Law. MRC staff shall ensure adequate notice of the meeting and compile meeting minutes. Meeting dates and locations where available will be posted on the Connect Oregon website.

#### 2.1.2 Timeline for Modal Committee Review

Modal Review Committees may start review of applications on February 3, 2016 and must complete their work and submit it back to the ODOT Freight Planning Unit by March 25, 2016.

***NOTE: MRCs must include a Mode Review Committee Report (Appendix A-6) for each project. MRCs should provide as much narrative as possible about each project to ensure subsequent review committees and the OTC sufficiently understand each project.***

#### 2.1.3 Regional Review Committee

In the remainder of this document, the committees identified below will be referenced as “Regional Review Committees” or “RRC”. The staff assigned to support these committees will be referred to as “Regional Review Committee staff” or “RRC staff”.

Regional Review Committees will be formed by ODOT as follows:

- ▶ An equal number of selected ACT members from each ACT in the Region.

##### **Region 1**

OAR 731-035-0070 defines Region 1 as consisting of Clackamas, Hood River, Multnomah and Washington Counties.

The Region 1 RRC will include the Region 1 ACT as designated by ODOT.

## **Region 2**

OAR 731-035-0070 defines Region 2 as consisting of Benton, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Polk, Tillamook and Yamhill Counties.

The Region 2 RRC will include the Northwest Oregon ACT<sup>1</sup> (Clatsop, Columbia, and Tillamook Counties), the Mid-Willamette Valley ACT (Marion, Polk and Yamhill Counties), the Cascades West ACT (Benton, Linn and Lincoln Counties), and Lane County ACT.

## **Region 3**

OAR 731-035-0070 defines Region 3 as consisting of Coos, Curry, Douglas, Jackson and Josephine Counties.

The Region 3 RRC will include the South West ACT (Coos, Curry and Douglas Counties) and the Rogue Valley ACT (Jackson and Josephine Counties).

## **Region 4**

OAR 731-035-0070 defines Region 4 as consisting of Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake, Sherman, Wasco and Wheeler Counties.

The Region 4 RRC will include the Lower John Day ACT (Gilliam, Sherman, Wheeler and Wasco Counties) the Central Oregon Act (Crook, Deschutes and Jefferson Counties) and the South Central Oregon ACT (Klamath and Lake Counties).

## **Region 5**

OAR 731-035-0070 defines Region 5 as consisting of Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union and Wallowa Counties.

The Region 5 RRC will include the North East ACT (Morrow, Baker, Union, Umatilla and Wallowa Counties) and the South East ACT (Grant, Harney and Malheur Counties).

## **Timeline for Regional Review Committee Review**

RRCs may begin their review, discussion and recommendation of projects when they receive the Modal Committee reports. These reports will be delivered to the RRCs by January 5, 2021. The RRCs must complete their work and submit the required documents to the Connect Oregon staff by March 16, 2021.

***NOTE: RRCs must include a Region Review Committee Report (Appendix A-6) for each project. RRCs should provide as much narrative as possible about each project to ensure subsequent review committees and the OTC sufficiently understand each project.***

## **Regional Solutions Teams**

The Governor's Regional Solutions Teams (RSTs) will review applications and note where projects support regional priorities identified by Regional Solutions Advisory Committees. This review will occur with coordination assistance from Connect Oregon staff and RRC staff. Connect Oregon staff will provide RST coordinators with necessary application materials. RST coordinators must provide RRC staff with completed reviews at least one week prior to RRC review. A sample RST Review form is provided in Appendix A-7. This review must be included

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<sup>1</sup> The Northwest ACT will not review projects in western rural Washington County, as this County is in Connect Oregon Region 1, and will be reviewed by the Connect Oregon Region 1 RRC.

with RRCs staff report to the ODOT Freight Planning Unit with submission of RRC review materials.

## **2.2 Committee General Administration**

### **2.2.1 Scheduling and Noticing of MRC and RRC Meetings**

All meetings where Connect Oregon 2021 projects are discussed are public meetings and public notices will be posted on the ODOT Connect Oregon website in addition to other posting sites used by the committees. MRC and RRC staff will coordinate the posting of notices with the ODOT Freight Planning Unit.

### **2.2.2 Conflict of Interest Disclosure**

At the start of each meeting, the MRC and RRC Chairs shall require committee members to disclose all conflicts of interest regarding any projects being discussed. A conflict of interest means the member is an applicant, or a consultant to the applicant, or is a committee or board member who has assisted the applicant, or has a financial benefit in the project. All conflict of interest disclosures will be recorded in the committee meeting minutes.

The MRC and RRC Chairs will ensure that members refrain from voting on or recommending projects or a slate of projects in which they have disclosed a conflict of interest. Committee members with conflicts of interest, except those who are excluded from discussions or debate because they are subject to ORS 244.120(2)(b) and have an actual conflict of interest, are allowed to otherwise participate in the evaluation process. Those with actual conflicts of interest per ORS 244.120(2)(b) may not participate in discussion or debate nor may they vote.

### **2.2.3 Applicant Presentations**

MRCs and RRCs may invite presentations from applicants on an equitable basis, specifically inviting every applicant for projects under that committee's purview. All presentations from applicants are to be conducted during the public meetings.

If applicants are invited to make presentations, the applicants must be informed at the same time as the public meeting notices are posted.

New information learned by the MRCs or RRCs from applicant presentations should be documented in the Review Committee Project Reports for subsequent committees to see.

### **2.2.4 Input into the Decision Process**

The MRCs and RRCs will review projects based on information provided through:

1. The project application and related documents;
2. Applicant responses to questions;
3. Completeness Review, Eligibility, Feasibility, and Statutory Considerations Reviews;
4. Economic Benefit Review; and
5. MRC and RRC members' knowledge and expertise.

The MRCs and RRCs may also review projects based on information provided through:

1. Applicant testimony (if all applicants are provided the opportunity to testify);

2. Professional staff recommendations or analysis (if requested by the committee); and
3. Public comment.

MRCs should also use any identified statewide plan such as the Oregon Aviation Plan or the Oregon Rail Plan to assist with prioritization and determining where projects strategically address modal needs.

RRCs should use Regional Solutions Teams reviews where applicable.

Review should be to determine which projects best address the 7 statutory considerations identified in Section 1.2.3 Statutory Considerations Review.

The MRCs and RRCs shall **not consider** information provided through lobbying by the applicant or any other person outside of the committees' public meetings. This includes any request for pre-approval by an applicant or other party.

MRCs and RRCs shall not require applicants to seek prior consultation or pre-approval of any projects, nor prioritize any project negatively due to any failure to consult with the committee prior to submitting an application.

### **2.2.5 Additional Information**

MRCs and RRCs may request additional written data as needed concerning any application or project. This request must be made through the MRC and RRC staff. Staff will collect information from applicants. Staff should give applicants no more than 3 business days from time of request to reply. MRC and RRC staff will be responsible for submitting electronic copies of all requests to and responses received from applicants to the ODOT Freight Planning Unit as an attachment to the Review Committee Project Report (See section 2.6.1).

## ***2.3 Committee Evaluation Process Overview***

### **2.3.1 General**

Connect Oregon staff will provide each MRC and RRC with an electronic application package for each project that the committee will review.

Because the projects potentially represent a variety of different actions on three different modal systems, no single set of data can be used for comparison. It is each applicant's responsibility to be as precise and well-documented as possible in showing how the application responds to each of the seven Connect Oregon considerations. It is each MRC's and RRC's responsibility to prioritize projects while considering the benefits of the project and the statutory considerations.

### **2.3.2 Task Outline**

The project recommendation process for the review committees involves the development of a single prioritized list. Prior to the initial MRC or RRC meeting, the MRC and RRC staff will provide each committee with the documents needed for the evaluation process. The evaluation tasks are detailed in the following table:

Table 1 Review Committee Outline

Step	Task	Explanation	Responsible party
<b>Pre Meeting</b> Through 1/5/22	Delivery of Information to Modal Review Committee staff, Regional Review Committee staff	Delivery of project documents including: applications and completeness reviews, feasibility reports, economic benefit evaluations, and standardized committee reporting materials.	CO staff
	Staff Preparation for meeting	Modal Review Committee or Regional Review Committee staff ensures all documents are distributed to the Committee members.	Modal Review Committee staff, Regional Review Committee staff
<b>Meetings</b> 1/5/22 Through 3/16/22	Prioritizing	Projects are prioritized (1- through $n$ , with 1 indicating the highest priority project).	Modal Review Committee, Regional Review Committee
<b>Post Meeting</b> 3/16/22 through 3/21/22	Reporting	Complete standardized committee report material and obtain approval of the report by the Modal Review Committee Chair or Regional Review Committee Chair.	Modal Review Committee staff, Regional Review Committee staff

## 2.4 Prior to Public Meetings

### 2.4.1 Modal and Regional Review Committee Staff Responsibilities

#### Scheduling and Noticing of Review Meetings

MRC and RRC staff will notify Connect Oregon staff of all MRC and RRC meeting dates. Connect Oregon staff will ensure all Connect Oregon meetings, and any revisions or changes, are accurately noticed on the Connect Oregon website. MRC and RRC staff are responsible for all required public meeting notices (A duplicate notice will be posted on the Connect Oregon website).

#### Distribution of Application Materials

The Connect Oregon staff will provide electronic copies of project application materials (e.g. application, letters of support, RST Report (for RRC only) and supplemental information) to the MRC and RRC staff. MRC and RRC staff are responsible for the distribution of the review materials to committee members prior to the scheduled MRC and RRC meeting.

Connect Oregon staff and RRC staff will be jointly responsible for coordinating receipt and distribution of RST Reports for RRC consideration. Appropriate contacts will be provided to RRC staff by Connect Oregon staff prior to RRC review.

### 2.4.2 Modal and Regional Review Committee Responsibilities

Prior to the MRC and RRC meetings, the MRC and RRC members should review in detail the application packages.

### **2.4.3 Modal and Regional Review Committee Chair Responsibilities**

#### **Coordinate with MRC and RRC Staff**

Prior to meetings, the MRC and RRC Chairs will coordinate with respective MRC/RRC staff regarding the meeting scheduling, agenda and necessary public notice.

## **2.5 During Public Meetings**

### **2.5.1 Modal and Regional Review Committee Staff Responsibilities**

#### **General**

The MRC and RRC staff will assist the committees with understanding the review process and the expectations of and instructions to the committees.

#### **Meeting Minutes**

For each MRC and RRC meeting, MRC and RRC staff will record and prepare committee meeting minutes, and secure the committee's approval of the minutes. Within 5 days of each meeting, draft meeting minutes will be sent to the Connect Oregon staff for posting on the Connect Oregon website. Upon approval of the committee, final meeting minutes will be sent to the Connect Oregon staff. Final minutes will replace draft minutes posted on the Connect Oregon website.

### **2.5.2 Modal and Regional Review Committee Responsibilities**

#### **Conflict of Interest Disclosure**

The MRC and RRC members shall adhere to the conflict of interest disclosure instructions in Section 2.2.2.

#### **Review, Discuss and Recommend Projects**

Each MRC and RRC is expected to provide the OTC with a single prioritized list of recommended projects for Connect Oregon 2021 funding.

All MRC and RRC meetings related to the recommendations of projects for Connect Oregon 2021 funding shall be held as public meetings. MRC and RRC members may present information regarding projects, the condition of the state's transportation network, or other relevant information to the whole committee. Each MRC and RRC shall establish a written record of the decision-making process and project specific reports (See Appendix A-6 for report format).

***NOTE: Project specific reports should include as much narrative as possible to ensure that subsequent reviewers are fully informed of each project's viability and value to the transportation system.***

#### **Prioritize the Projects**

Each MRC and RRC will assign a number to each prioritized project, with priority 1 indicating the committee's first choice, priority 2 indicating the second choice, and so on, until all prioritized projects are assigned a number. If a committee reviews 20 projects, the prioritization should be from 1 to 20.

MRCs and RRCs will use the Statutory Consideration Review completed by Connect Oregon staff as a basis for the prioritization process however, review committees are not constrained by

the identified project “Tier” and may give a lower tiered project a higher prioritization if circumstances warrant. If a lower “Tier” project is moved up in priority the project “Review Committee Report” must contain a discussion of the reasoning for this placement. (See Section 2.6.1 for information on the Review Committee Report.)

Each MRC and RRC will provide only one prioritized list statewide. There is no need to differentiate projects by region.

MRCs and RRCs may not change the scope of a project as submitted in an original application. In rare instances where the project’s budget is determined to be unreasonably low or high for the scope of the project, a Committee can apprise the applicant of this determination. The Committee can only recommend a lower level of funding for a project, if the applicant first submits a hard-copy letter signed by the applicant contact person to Committee staff and returned to Connect Oregon staff in accordance with the timelines of Table 1 Review Committee Outline of this document with the following information:

- Applicant acceptance of potential reduced amount;
- Applicant’s understanding that original scope will still be constructed;
- New project financial breakdown consistent with format of the Connect Oregon Application;
- Source of additional applicant match funds to complete original project scope-of-work.
- Verification that additional matching funds will be available within the original project timelines as presented in the Connect Oregon application.

Recommendations for lower project funding will not move forward in the review process without all the aforementioned materials.

### **2.5.3 Modal and Regional Review Committee Chair Responsibilities**

The MRC and RRC Chairs shall preside over all meetings, including calling the meeting to order, ensuring members participate appropriately, minutes are taken and approved, and the committee completes its work as outlined in this document. The Final Review Committee shall have ultimate authority whether or not to consider a recommendation for reduced funding.

## **2.6 After Public Meetings**

### **2.6.1 Modal and Regional Review Committee Staff Responsibilities**

#### **Preparation and Transmittal of Reviews**

MRC and RRC staff will complete and prepare for publication the following:

- ▶ Review Matrix,
- ▶ Review Committee Report, and
- ▶ Meeting Minutes.

MRC and RRC staff shall secure the authorization of the MRC and RRC Chairs prior to transmittal of these documents to the Connect Oregon staff. MRC and RRC staff will be responsible for submitting electronic copies of documents to the ODOT Freight Planning Unit no later than March 23, 2022.



### **Review Committee Report**

For each application, the MRC and RRC staff will complete the Review Committee Report. Connect Oregon staff will provide MRC and RRC staff with a Review Committee Report Form template (Appendix A-6). Additionally, the template will be available on the Connect Oregon website. The form will summarize the project and will present the details of the committee's decision-making process to subsequent reviewers, the Final Review Committee and the OTC. The Review Committee Report should include any specific details which the MRC or RRC thinks subsequent reviewers should be aware.

### **Review Committee Matrix**

A Review Committee Matrix will be provided to each MRC and RRC in electronic form (See Appendix A-7) prior to each MRC and RRC meeting. MRC and RRC staff will complete the Review Committee Matrix, recording the actions of the committee. The Review Committee Matrix is designed to provide subsequent reviewers, the Final Review Committee and the OTC with a summary of the MRC's or RRC's prioritization. The MRC or RRC staff will email the Review Committee Matrix to the ODOT Freight Planning Unit in MS Excel format within the aforementioned prescribed timeline.

Neither the Modal Review Committees nor Regional Review Committees make the final decision on final project prioritization. The MRCs and RRCs provide guidance to the Final Review Committee and OTC to allow for an informed final project recommendation. To ensure the preferences of each MRC and RRC are presented to the OTC, the Review Committee Matrix from each MRC and RRC will be forwarded to the OTC along with the Final Review Committee's Final Recommendation Report.

## **2.6.2 Representatives to the Final Review Committee**

Representatives from each MRC and RRC will be invited to participate on the Final Review Committee (See section 3). These representatives will be asked to present their MRC's or RRC's prioritization, discuss project merits and collaborate with other members of the Final Review Committee to reach a consensus regarding the best projects for Oregon.

The final review committee process treats the inputs from each MRC and RRC equally. This is necessary as each MRC and RRC approaches projects from a different perspective. Due to the time constraints placed on the Final Review Committee, representatives from each MRC and RRC will not have the opportunity to consult with other MRC and RRC members during the consensus process. The representatives to the Final Review Committee will be asked to adapt the input from their respective MRC's and RRC's prioritizations to create a single prioritized list for the OTC. This will allow the Final Review Committee to resolve differences in prioritization between MRCs and RRCs.

## **3 FINAL REVIEW COMMITTEE – April 2022**

### **3.1 Formation of the Final Review Committee**

Following the receipt of recommendations from the Modal and Regional Review Committees, the ODOT Director will convene a Final Review Committee. The Final Review Committee will include representatives from each MRC and RRC when possible. In certain circumstances it may not be possible for the Director to appoint a representative from each committee when in conflict with House Bill 2274 of the 2015 Oregon Legislative session. In which case, the Director retains sole discretion regarding appointments and will seek to ensure an adequate representation of all stakeholder groups involved.

As per House Bill 2274 of the 2015 Oregon Legislative session, the ODOT Director may not appoint representatives to the Final Review Committee who:

- (a) Who represents an entity that submitted an application for a Connect Oregon grant that is being considered for funding by the final review committee; or
- (b) Has a direct financial interest in an application that is being considered for funding by a final review committee.

### **3.2 Committee Administration**

The Connect Oregon staff will provide the Final Review Committee a combined list of recommendations from each MRC and RRC. The list presented to the Final Review Committee may contain all or a portion of the project applications as determined by ODOT prior to the meeting. The format of this summary will be developed in consultation with the OTC and the Final Review Committee facilitator.<sup>2</sup>

The Final Review Committee meeting is tentatively scheduled for April 13 with location and meeting type to be determined closer to the meeting time. Meeting details will be published on the Connect Oregon website.

#### **3.2.1 Staff Support**

The Connect Oregon staff will provide staff support for the Final Review Committee.

Connect Oregon staff, unless otherwise directed by the committee, will:

- ▶ Present the MRC and RRC prioritization of projects to the Final Review Committee;
- ▶ Assist the Final Review Committee with understanding the review process; and
- ▶ Record results of the Final Review Committee proceedings.

Connect Oregon staff advice and analysis is limited to a supporting role and cannot be substituted for the required decision-making role of the Final Review Committee.

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<sup>2</sup> An independent facilitator will be contracted by ODOT to coordinate the decision-making process of the Final Review Committee.

### 3.2.2 Conflict of Interest Disclosure

At the start of each meeting, the Final Review Committee Chair shall require committee members to disclose all conflicts of interest regarding any projects being discussed. A conflict of interest means the member is a consultant to the applicant, or is a committee or board member who has assisted the applicant, or has a financial benefit in the project. All conflict of interest disclosures will be recorded in the Final Review Committee meeting minutes.

The Final Review Committee Chair will ensure that members refrain from voting on or recommending projects or a slate of projects in which they have disclosed a conflict of interest. Final Review Committee members with conflicts of interest, except those who are excluded from discussions or debate because they are subject to ORS 244.120(2)(b) and have an actual conflict of interest, are allowed to otherwise participate in the evaluation process. Those with actual conflicts of interest per ORS 244.120(2)(b) may not participate in discussion or debate nor may they vote.

This disclosure requirement applies to all committee members.

### 3.2.3 Inputs into the Decision Process

The Final Review Committee will review projects based on information provided through:

1. The project application and related documents;
2. Applicant responses to questions;
3. Eligibility and Feasibility Review;
4. Economic Benefit Review;
5. Modal Report and Review Matrix;
6. Region Report, Review Matrix, and RST Report; and
7. Final Review Committee members' knowledge and expertise.

The Final Review Committee may also review projects based on information provided through:

1. Applicant testimony (if all applicants were provided the opportunity to testify as provided during the Modal or Regional Review Committees' process);
2. Professional staff knowledge or analysis (if requested by the committee); and
3. Public comment received throughout the Modal and Regional Review Committee review process.

The Final Review Committee shall **not consider** information provided through:

- ▶ Any lobbying by the applicant or any other person outside of the Final Review Committee's public meetings. This includes any request for pre-approval by an applicant or other party.
- ▶ The Final Review Committee shall not require applicants to seek prior consultation or pre-approval of any projects, nor prioritize any project negatively due to any failure to consult with the committee prior to submitting an application.
- ▶ The Final Review Committee may or may not consider recommendations put forth by the Modal and Regional Review Committees for a reduced funding level of a project; however, the Final Review Committee shall not alter the scope of a project from that of the original project application.

### **3.2.4 Applicant Presentations**

The Final Review Committee will **not** hear presentations from any applicants.

### **3.3 *Final Recommendation Report***

This Final Review Committee will provide the ODOT Director a Final Recommendation Report prioritizing projects.

## **4 OREGON TRANSPORTATION COMMISSION**

The OTC will consider the recommended project list in May 2022. Should the OTC determine that more information is needed, or to consider testimony at the meeting, then the project selection decision may occur at their next regular meeting in July 2022.

The exact dates, time, and locations for the OTC meetings will be posted on the Connect Oregon website once they are available.

## **5 CONTACT INFORMATION**

### **5.1 *Connect Oregon Staff:***

MRC and RRC staff should transmit documents to the Freight Planning Unit electronically to expedite processing time. Should any technical difficulties arise or any portion of documentation be unable to be transmitted electronically, then Freight Planning Unit staff may direct applicants to mail items to the address below.

**John Boren**

**Freight Planning Unit**

**555 13th Street NE, Suite 2**

**Salem, Oregon 97301-4178**

**Email: [john.boren@odot.state.or.us](mailto:john.boren@odot.state.or.us)**

### **5.2 *Questions***

Please direct all questions to:

**[Connect.Oregon@odot.state.or.us](mailto:Connect.Oregon@odot.state.or.us)**

Or contact:

**John Boren at 503-986-3703**

## **APPENDIX**

The Appendices in this document provide SAMPLE versions of the respective document, agency staff; modal and regional reviewers will receive final versions of each form in Word or Excel prior to the start of the review period. The final versions may differ in minor ways from these sample versions.





# A. SAMPLE ELIGIBILITY/FEASIBILITY REPORT TEMPLATE

## CONNECT OREGON 2021 ELIGIBILITY/FEASIBILITY REPORT FORM

---

Application Number: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

Mode: \_\_\_\_\_

---

### Applicant Administrative Eligibility:

- The Applicant is a Public Body or Person within the state of Oregon.
  - The Applicant, if applicable, has signed and submitted the Tax Declaration form
  - The Applicant has submitted the Department of Revenue Tax Certification
  - The Applicant has sufficient management and financial capacity to complete the Project including without limitation the ability to contribute 30 percent of the eligible Project cost (or 50 percent for Class I Railroads).
- 

### Project Administrative Eligibility:

- The project is a Transportation Project that involves one or more of the following modes of transportation: air, marine, or rail.
  - The Project will assist in developing a multimodal transportation system that supports state and local government efforts to attract new businesses to Oregon or that keeps and encourages expansion of existing businesses.
  - The Project is eligible for funding with lottery bond proceeds under the Oregon Constitution and laws of the State of Oregon.
  - The Project will not require or rely upon continuing subsidies from the Department for ongoing operations.
  - The Project is not a public road or other project that is eligible for funding from revenues described in section 3a, Article IX of the Oregon Constitution, i.e. the State Highway Trust Fund.
  - The Project is feasible, including the estimated cost of the Project, the expected results from the proposed Project for each of the considerations as prescribed in 731-035-0060, the Project schedule, and all applicable and required permits may be obtained within the Project schedule.
- 

### Technical Feasibility

Does the cost estimate appear reasonable?

Yes  No

Is timeline in relation to tasks not yet completed feasible?

Yes  No

Are there any elements of the project that could cause unanticipated delays?

Yes  No

Can all applicable and required permits be obtained as indicated in the schedule?

Yes  No

Does the application package include documentation of the desire for and support of the Project from the businesses and entities to be served by the Project?

Yes  No

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**Comments:**

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**No Conflict of Interest Certification:** I do not have any conflict of interest with the proposer submitting this project application. A conflict of interest may include any family members presently associated with a proposer, or any financial relationships with a proposer (does not include past employment). I have read and rated the project application independently, and without interference or pressure from anyone. I have not had conversation or other contact with the proposer concerning this project application since it was issued. I have noted any potential conflicts or concerns on this form."

**FEASIBILITY/ELIGIBILITY EVALUATOR(s):**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Name(s)

Date



## B. ECONOMIC CONSIDERATION REVIEW FORM

### Connect Oregon 2021 Economic Benefit Review

Project Number: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Name: \_\_\_\_\_

Thank you for your participation in evaluating the economic benefit aspects of Connect Oregon 2021 applications. One of the seven required “considerations” of the Oregon Transportation Commission when selecting applications for funding through the Connect Oregon program asks:

*“Whether a proposed transportation project results in an economic benefit to this state.”*

Use the scoring sheet below as a quick guide to the application. In some instances, where the score is a simple calculation based on information provided in the application, the answer has been provided. The remaining questions require a critical review of the applicant’s answer before selecting an evaluation score based on the range of possible evaluations. Application instructions for questions requiring review are attached as guidance.

**Calculation and comment areas are provided to show your work and note information critical to your evaluation: How you arrived at your score.**

Save a completed electronic version of this document for each application you evaluate. Email signed evaluation forms to [ConnectOregon@odot.state.or.us](mailto:ConnectOregon@odot.state.or.us) **no later than December 10, 2021.**

**Section 1**

Application Question #s	Evaluation Criteria	Individual Score
<p>31*8</p> <p>31d/[(20)/1,000,000]</p>	<p>Long-term jobs multiplied by projects useful life = long-term job-years</p> <p><b>OR</b></p> <p>Private investment (\$) divided by [CO 2021 request/1 million] = Private investment per \$ million requested from Connect Oregon</p>	
<p><b>Point System:</b></p> <p>0 – no positive impacts;</p> <p>1-2 – unlikely to make positive impacts;</p> <p>3-4 – potential positive impacts;</p> <p>5-6 – likely positive impacts;</p> <p>7-8 – significant positive impacts</p>		
<p>38</p>	<p>Does this project serve one or more of Oregon’s Statewide Business Clusters?</p> <p>[note in comments section which box(es) were checked and any other relevant details from the application]</p>	
<p><b>Point System:</b></p> <p>0 – the project does not serve the identified business clusters;</p> <p>1 – the project has the potential to serve identified business clusters;</p> <p>2 – the project is likely to serve identified business clusters;</p> <p>3 – the project will serve identified business clusters</p>		
<p><b>Calculations/Comments:</b></p>		

--

**Section 2**

<b>Application Question #s</b>	<b>Evaluation Criteria</b>	<b>Individual Score</b>
25	<p>Does this project improve Oregon’s transportation system efficiency and/or utilization in specifically identified ways?</p> <p>[note in comments section which box(es) were checked and any other relevant details]</p>	
<p><b>Point System:</b></p> <p>0 – no positive impacts;            1-2 – unlikely to make positive impacts;            3-4 – likely positive impacts; and            5-6 – significant positive impacts;</p>		
29	<p>Does the project improve safety?</p> <p>[briefly note in comments section the documentation or explanation required for a “yes” answer that was provided]</p>	
<p><b>Point System:</b></p> <p>0 – no positive impacts;            1 – unlikely to make positive impacts;            2 – potential positive impacts;            3 – likely positive impacts;</p>		
<p><b>Comments:</b></p>		

**Review of Economic Benefit to the State**

**Final Point Calculation**

Section 1 (no more than 11)	points
Section 3 (no more than 9)	points
<b>Total (no more than 20)</b>	<b>Points</b>

**Reviewer Name:** \_\_\_\_\_

**Reviewer Agency:** \_\_\_\_\_

**Date of Review:** \_\_\_\_\_

# C. STATUTORY CONSIDERATION REVIEW FORM

## Connect Oregon 2021 – Statutory Considerations Review

Project Number: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Reviewer: \_\_\_\_\_

On the following pages, tables are provided indicating which application questions relate to the identified consideration. A given question may relate to more than one consideration, and will appear under each relevant consideration.

**Consideration (a) - Whether a proposed transportation project reduces transportation costs for Oregon businesses or improves access to jobs and sources of labor**

Item No.	Brief Description of Question (from Application)	Points	Appraiser's Score
<b>27-28</b>	Industrial or employments connections	5	
<b>26a-c</b>	Measurement of Success (Improved use and efficiency)	10	
<b>29</b>	Safety	5	
<b>30</b>	Serving Business Clusters	5	
<b>TOTAL AVAILABLE POINTS – Consideration “a”</b>		25	
<b>Point System for 27-28, 29, 30:</b> 0 – No positive benefit; 1-2 – Potential positive benefit; 3-4 – Likely positive benefit; and 5 – Significant positive benefit.		<b>Point System for 26a-c</b> 0 – No positive benefit; 1-3 – Potential positive benefit; 4-7 – Likely positive benefit; and 8-10 – Significant positive benefit.	
<b>COMMENTS</b>			



**Consideration (c) - Whether a proposed transportation project is a critical link connecting elements of Oregon’s transportation system that will measurably improve utilization and efficiency of the system.**

Item No.	Brief Description of Question (from Application)	Points	Appraiser's Score
24	Explanation of benefits	8	
25	Improvement of efficiency checkboxes	6	
26a-c	Measurement of Success (Improved use and efficiency)	8	
<b>TOTAL AVAILABLE POINTS – Consideration “c”</b>		20	
<b>Point System for 25:</b> 0 – No positive benefit; 1-2 – Potential positive benefit; 3-4 – Likely positive benefit; and 5-6 – Significant positive benefit.		<b>Point System for 24 and 26</b> 0 – No positive benefit; 1-2 – Unlikely to make positive impact 3-4 – Potential positive benefits; 5-6 – Likely positive benefits; and 7-8 – Significant positive benefits.	
<b>COMMENTS</b>			

**Consideration (d) - How much of the cost of a proposed transportation project can be borne by the applicant for the grant from any source other than the Connect Oregon Fund.**

Item No.	Brief Description of Question (from Application)	Points	Appraiser's Score
20	Applicant will provide 30% match only	5	
20	Applicant will provide between 31% to 40% match	7	
20	Applicant will provide between 41% to 50% match	9	
20	Applicant will provide > 50% match	10	
<b>TOTAL AVAILABLE POINTS – Consideration “d”</b>		10	

<b>COMMENTS</b>
-----------------

**Consideration (e) - Whether a proposed transportation project is ready for construction. A project will be considered ready for construction if the Applicant can demonstrate that:**

Item No.	Brief Description of Question (from Application	Points	Appraiser's Score
<b>For this consideration, assume OTC decision in <u>May/July</u> grant execution date of <u>September 2022</u></b>			
<b>14</b>	Community engagement/outreach	2	
<b>9-11</b>	Completion within 3 years of award	6	
<b>21</b>	Matching funds (30 days prior to OTC decision)	2	
<b>12</b>	Site ownership or control (30 days prior to OTC decision)	4	
<b>16-17</b>	Land Use to allow for use at location (within <b>2 months</b> of grant execution)	4	
<b>16-17</b>	Limited Land Use decision; site plan review (within <b>6 months</b> of grant execution)		
<b>15</b>	Securing all permits needed for construction (within <b>9 months</b> of grant execution)	2	
<b>TOTAL AVAILABLE POINTS – Consideration “e”</b>		20	

<p><b>Point System for 9-11:</b>  0 – No positive benefit;  1 – Some outreach, insufficient; and  2 – Sufficient outreach or N/A.</p>	<p><b>Point System for 14:</b>  0 – No positive benefit;  1 – Some outreach, insufficient; and  2 – Sufficient outreach or N/A.  5-6 – Minimal concerns about completion in 3 years.</p>
<b>Point System for 21:</b>	<b>Point System for 12:</b>

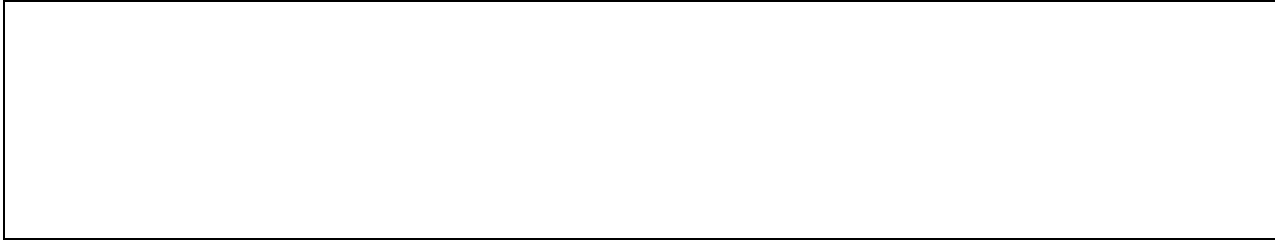
0 – Doubtful match will be available; 1 – Match may be available; and 2 – Match available.	0 – Doubtful site will be under control; 1-3 – Site may be under control; and 4 – Site is currently under control.
<b>Point System for 15:</b> 0 – Doubtful permits will be secured; 1 – Permits may be secured; and 2 – Confident permits will be secured.	<b>Point System for 16-17:</b> 0 – Doubtful land use decisions will be rendered; 1-3 – Land use decisions partially rendered; and 4 – Confident land use decisions will be rendered.
<b>Comments:</b>	

Staff and review committees all the following information plus other knowledge when determining project readiness.

- Permitting • Match financing • Plan inclusion where necessary
- Land use approval • Applicant capacity

**Consideration (f) - Whether a proposed transportation project has a useful life expectancy that offers maximum benefit to the state.**

Item No.	Brief Description of Question (from Application	Points	Appraiser's Score
<b>The primary element of each project should be used in determining useful life. See reviewer instructions for further direction.</b>			
31	Expected useful life is between 0 and 5 years	2	
31	Expected useful life is between 6 and 10 years	4	
31	Expected useful life is between 11 and 15 years	6	
31	Expected useful life is between 16 and 20 years)	8	
31	Expected useful life is > 20 years	10	
<b>TOTAL AVAILABLE POINTS – Consideration “f”</b>		10	
<b>COMMENTS</b>			



**Consideration “f” Maximum Benefit Calculation Table**

For the purposes of Connect Oregon, “maximum benefit” is considered as the project benefits identified in scoring of considerations a, b, and c.

In order to take both “life expectancy” and “maximum benefit” of consideration f into account, *ConnectOregon* staff will utilize the following method to determine life expectancy vs. maximum benefit.

*(To be completed by ODOT Freight Planning Staff)*

Expected life score(Considerations a+b+c scores) / Possible Maximum Sum of Considerations a+b+c		
---	--	--

Example:

$$8(16+12+10)/60 = 304/60 = 5.06 = 5 \text{ (rounded to nearest whole number)}$$

**Consideration (g) - Whether a proposed transportation project is located near operations conducted for mining aggregate or processing aggregate as described in ORS 215.213 (2)(d) or 215.283 (2)(b).**

Item No.	Brief Description of Question (from Application)	Points	Appraiser’s Score
27	Project is within 10 miles of a site	3	
27	Project is within 5 miles of a site	5	
<b>TOTAL AVAILABLE POINTS Consideration “g”</b>		<b>5</b>	

**Additional Considerations- Briefly describe any expected project benefits or impacts in the outcome areas below.**

Item No.	Brief Description of Question (from Application)	Benefit Eval	Appraiser's Score
28a	Equity	SP	
28b	Climate Change/GHG Reduction	SP	
<b>QUALITATIVE SCORE –</b>		<b>SP/SP</b>	
<p><b>*Qualitative Evaluation 28a-b:</b>            NP – No positive benefit;            LP – Limited positive benefit; and            SP – Significant positive benefits.</p>			
<p><b>COMMENT:</b></p>			

**Additional Considerations Benefits Note:**

The additional considerations questions are intended to capture ODOT's Strategic Action Plan priorities of taking into account benefits and/or impacts of projects upon equity and climate change/GHG emissions considerations. They are being scored separately than the statutory considerations and are being used to help break ties or prioritize among projects that score closely.

## D. SCORE SUMMARY AND TIER FORM

PROJECT #:

APPLICANT:

PROJECT NAME:

**Application Tier:**

### FINAL POINT CALCULATION

	AVAILABLE POINTS	TOTAL SCORE
Consideration a –	Maximum 25 Points	
Consideration b –	Maximum 20 Points	
Consideration c –	Maximum 20 Points	
Consideration d –	Maximum 10 Points	
Consideration e –	Maximum 20 Points	
Consideration f –	Maximum 10 Points	
Consideration g –	Maximum 5 Points	
<b>Maximum Available Points = 110</b>		

<u>Points</u>	<u>Tier</u>
91-110	1
61-90	2
35-60	3
0 - 34	4

### **Note**

Scoring for Considerations a, c, d, e, and f was conducted by Connect Oregon staff including Oregon Department of Transportation (ODOT) for rail, Oregon Business Development Department (OBDD) for marine, and Oregon Department of Aviation (ODA) for aviation staff. Scores and reviews are based on modal expertise and knowledge as well as information provided by the applicant in the application.

Scoring for Consideration b was conducted concurrently by Oregon Department of Transportation economists and Oregon Business Development Department Business Development Officers for each application. Where scores by each scorer differed by 1 point, the higher of the two was awarded. Where scores by each scorer differed by 2 points, the middle score was awarded. Applications that were awarded with scores that differed by more than two points were re-evaluated jointly with the final settlement score used for tiering purposes.

## E. SAMPLE REVIEW COMMITTEE PROJECT REPORTS TEMPLATE

[Mode or Region] Review Committee Report	
<b>Tier (1-4):</b>	<b>Assigned Priority</b>
<b>Project:</b>	#
<b>Requested Funds:</b>	
<b>Region:</b>	
<b>Report Date:</b>	
<b>Jobs Created:</b>	
<b>Projected Start Date:</b>	
<b>Projected Completion Date:</b>	
<b>Project Description:</b>	
<b>Review Comments:</b>	

## F. SAMPLE REVIEW COMMITTEE MATRIX TEMPLATE

The table below is a sample of the fields that will be used on the review matrix provided to the Modal and Regional Review Committees. The final version will be a Microsoft Excel spreadsheet.

The application number, name, and funds requested columns will be completed by Connect Oregon staff. The “Tier” column will be completed by Modal or Regional Review Committee staff. The priority column will record the actions of the committee.

App #	Project Name / Description	Total Connect Oregon Funds Requested (\$)	Tier	Priority
	Sample	\$1,000,000		



## G. REGIONAL SOLUTIONS TEAM TEMPLATE

Regional Solutions Team Review	
Project Number:	<b>Tier #</b>
Project Name:	
Requested Funds:	
ODOT Region:	
RST Region:	
Date Reviewed by RST:	
Project Description:	
Does the project support regional priorities identified by the Regional Solutions Advisory Committee?	
Yes ____ No ____	
Please describe how the project supports the regional priority (or priorities) and/or provide other comments.	