



# Multimodal Active Transportation Fund Rules Advisory Committee

RAC Meeting #1  
July 30th, 2019

Welcome Back!

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graph LR; A((Connect Oregon, Bike/Ped Element RAC)) -- "2019 Legislative Session" --> B((Multimodal Active Transportation Fund RAC));
```

Connect  
Oregon,  
Bike/Ped  
Element RAC

**2019  
Legislative Session**

Multimodal  
Active  
Transportation  
Fund RAC

# **Committee & Staff Introductions**

<b>RAC Members</b>	<b>Agency/Organization</b>	<b>Representation</b>
Gary Milliman	Southwest Area Commission on Transportation	ACT Representative
Gery Keck	Tualatin Hills Parks and Recreation District	Grant recipient, Regional Park District
Michele Scalise (formerly 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
Amanda Pietz	Program Implementation Manager, RAC liaison to OTC
Jessica Horning	Bicycle and Pedestrian Program Manager, technical lead, RAC facilitation and coordination
Katie Thiel	Connect Oregon Program Manager
John Boren	Freight Program Manager, CO RAC staff lead



# Public Comment

# RAC Refocus

```
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# Recap: CO Bike/Ped RAC Schedule

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.
<del>March 5, 2019</del>	<del>Review draft rule or continue discussion.</del>
Spring 2019	<b>Determine if any legislative changes will impact draft.</b> Schedule draft rule public review and hearings. Schedule review/approval by OTC.

# CO Bike/Ped Element RAC

- Dec 2018-February 2019
- Confirmed Rule Vs. Guidance
- Drafted Definitions
- Reviewed Rule Language for Match, Readiness, Validation

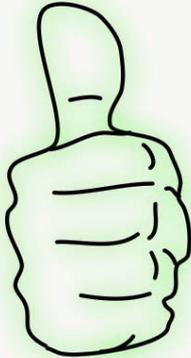
# Updated MAT RAC Schedule

Meeting	Topic
June 30, 2019	Constitutional Sine Die
July 2019	ODOT staff drafts rule based on CO RAC work
July 30, 2019	<b>MAT RAC #1: Review legislative changes, rule vs. guidance and draft rule</b>
August 12, 2019	<b>MAT RAC #2: Confirm or edit second draft of rule. Seek consensus to either file draft rule or add third RAC meeting.</b>
August 25, 2019	ODOT rule filing deadline.
September 3, 2019	Notice on rule filing published. Start of 21 day public comment period. ODOT outreach to local agencies and partners.
Late September, 2019	Staff reviews comments. Substantive comments will be discussed with RAC.
October or November, 2019	Law goes into effect and draft rules finalized by Oregon Transportation Commission

# Opportunities for engagement

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

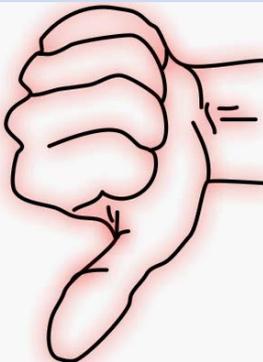
# Consensus model



*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 2592

## Section 20

Changes to ORS 367.080

Removes eligibility for bicycle and pedestrian projects from CO Fund

## Section 21

Creates \$50M floor to run a CO program

Each biennium, transfer 7% of CO Fund to Multimodal Active Transportation Fund (est in section 23) for grants for bicycle and pedestrian projects

## Section 22

Removes OTC solicitation of OBPAAC recommendations (as there are no longer bike/ped proposals)

Removes CO criteria from bike/ped projects (as there are no longer bike/ped proposals)

## Section 23

Definitions for private entity, public body and transportation project

Establishes fund and what monies are included – bike excise, CO, anything from legislature, earnings and other sources.

## Section 24

Establishes the Multimodal Active Transportation Program to receive monies from Multimodal Active Transportation Fund

Requires ODOT to adopt rules that define the process for how to apply for grant.

Requires 30% match

OTC selects projects after soliciting recommendations from OBPAC

## Section 25

Moves deposit of bicycle excise tax to the MAT Fund

# Section 28

Each biennium, OPRD (in cooperation with ODOT) shall allocate up to \$4M of lottery dollars to bike/ped projects that meet recreation and transportation needs

½ of the \$4M to provide grants to through local and regional grant programs

½ of the \$4M for transportation projects on signature, scenic or recreation trails in OR

# Section 29

Repeals Section 28 on January 2<sup>nd</sup>, 2025

# Key Takeaways

Bike/Ped no longer eligible in CO program

7% of CO Fund transferred to newly created Multimodal Active Transportation Fund

ODOT must define the MAT Fund program with the following parameters:  
30% match, bike/ped projects, OBPAC review

ODOT can no longer ask for a reimbursement of OPRD lottery dollars for bike/ped projects

OPRD must work with ODOT to select projects with both recreation and transportation function with \$2M in grants and \$2M to signature trails

OPRD requirement to fund bike/ped projects with lottery dollars sunsets on 1/2/2025

# ODOT's Path Program

Focus on off-street multi-use paths

Combine multiple funding sources to create a larger and consistently available pot of funds

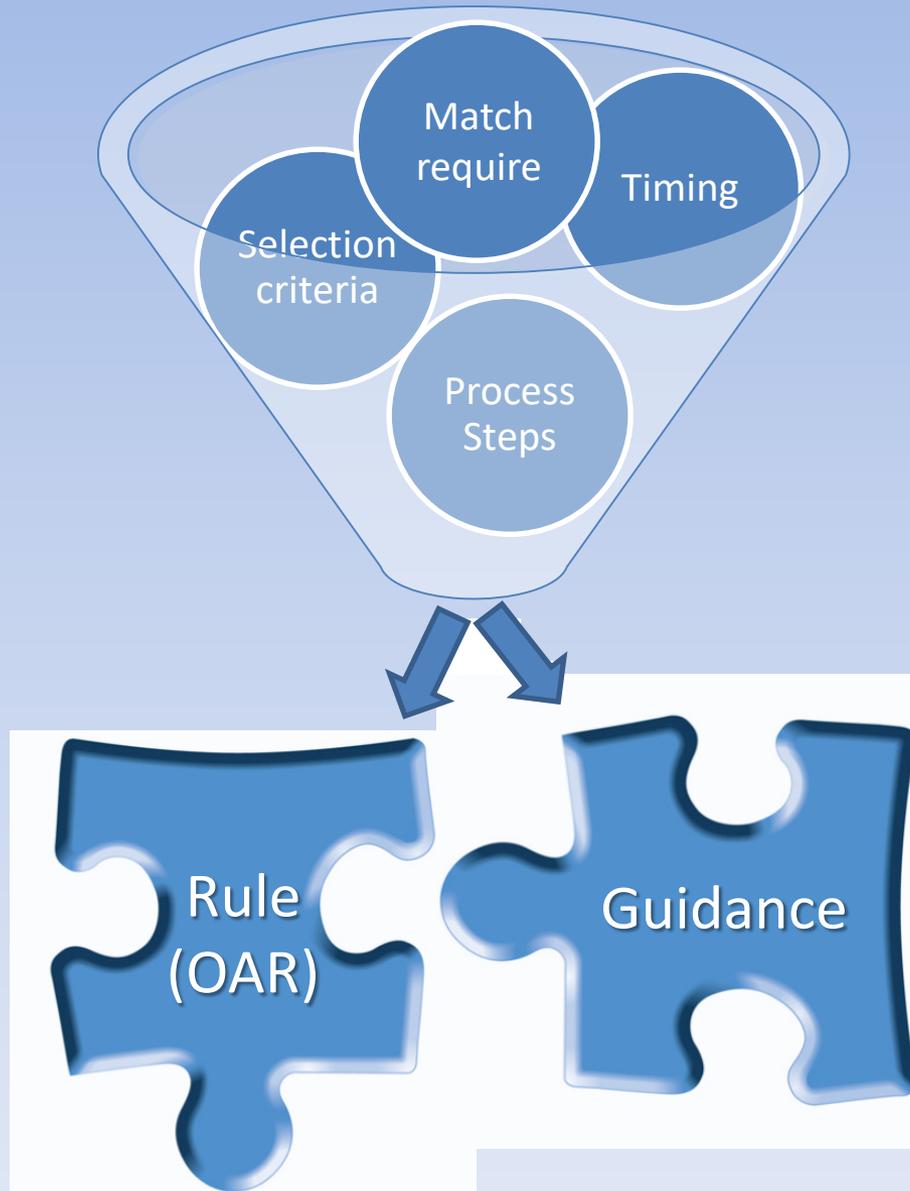
Competitive grant program for local agencies

Criteria supported by OBPP policies



# Draft Structure of Rule

# Recommend what goes in Rule vs Guidance



# Rule vs. Guidance

Rule (formal process to change)	Guidance (adaptable to changing needs)
Eligibility (what and who)	Priority for funding
Project type (high level)	Project selection
Solicitation process and/or information	IGA structure and language
Timing	Staffing
Project Selection/Scoring	
Who Reviews and Selects	
Validation	
IGA	
Match	
Administration	

# Definitions

# Draft Rule Language

Next Steps

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**FIN**

“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”

# Draft Definitions for OAR

- “**Bicycling**” includes, but is not limited to, use of bicycles. *(Consistent with [737-025-0010](#) (3) 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 or wheelchair. *(Consistent with [737-025-0010](#) (31) SRTS OAR)*

# Draft Definitions for OAR

- **“Multiuse path”** or **“Multiuse trail”** means a public way that is designated for use by persons walking, bicycling, and using other forms of non-motorized transportation, except as otherwise specifically provided by law or a governing body.
- **“Bicycle trail”** or **“Bicycle path”** has the meaning given the term “bicycle path” in ORS 801.160.
- **“Footpath”** means a public way that is designated for use by persons walking, except as otherwise specifically provided by law.

# Draft Definitions for OAR

- **“Commuter route”** means a multiuse path or trail, including bicycle trails and footpaths, that improves walking and biking access:
  - in high need locations (i.e. transportation disadvantaged areas, surrounding schools, shopping, employment centers, medical services, connections to transit and regional paths, and downtowns);
  - in areas where no connections exist, transportation options are limited,

# Draft Definitions for OAR

- *Commuter Route (continued)*
- “...OR; 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 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,; and
  - Is endorsed by elected bodies along path alignment.

# Program Criteria

# 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

# Part 1 Project Selection Considerations

- 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 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.

# 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