

Oregon Community Paths (OCP) FAQ for 2024 Solicitation July 2024

1. Who is eligible to apply?

The following are eligible to apply:

- Local governments
- School districts
- Tribal governments
- Special government body, or other unit of local government
- Non-profit organizations (special conditions apply)

2. We're a non-profit. What are the special conditions?

- Nonprofit applicants must be registered with the State of Oregon as a nonprofit for a minimum of 3 years
- Nonprofit applicants will be required to submit proof of 501(c)(3) status, such as an IRS Determination Letter, at the time of application.
- If awarded a grant, nonprofit grantee must provide federal tax ID and Unique Entity Identifier
- Will name a successor organization at the time of award in case of any change in organizational status (for example: dissolution)
- Does not discriminate on the basis of age, disability, gender, income, race, or religion
- Nonprofit organizations must maintain their nonprofit status throughout the duration of a project. Should the original organization's status change, the successor organization must agree, in writing, to complete all OCP project responsibilities required by the contract. ODOT recommends a government agency be successor
- Nonprofit applicants must submit an approval letter from elected officials along the proposed route as part of the application. For example, a resolution from a city council.
- If project will be on publicly owned property, right of way, the non-profit must partner with the local government agency responsible for the property
- The non-profit must have adequate cash to provide for the match requirement
- DOT or certified agency will administer the federal grant, and the non-profit will not be considered as a contractor or sub-contractor to the project.

3. Can we apply for multiple grants?

Yes, as long as the multiple applications are prioritized by applicant. Also, as of 2024, you can have no more than two active OCP projects.

4. Can multiple agencies within a city apply?

They will be considered as coming from one applicant and will need to be prioritized with other applications from the same applicant.

5. If two communities are partnering who applies?

Either community may apply, or the two communities may jointly apply. All partners must be identified in the application, so as to be documented in the agreement, if awarded the grant.

6. How much is available for my project?

For the 2024 solicitation, there is **\$58 million in federal funds**, and \$3 million in federal funds for construction projects within one mile of a (k-12) school (with letter from school delineating need and how project will remedy need).

- For federally funded project refinement, \$400,000 - \$750,000
- For federally funded construction, \$1,000,000 - \$6 million

7. What percentage of total OCP funding will go towards project development [refinement] vs. construction projects?

Approximately \$6.0 million will be dedicated to “Project Refinement” or development projects in the 2024 solicitation.

8. We completed an engineering study already. Can that help?

With federal funds, the engineering study must have met all federal requirements. Otherwise, it will need to be done again as part of the grant this time in compliance.

9. What is this \$3 million dedicated to projects within one mile of a (k-12) school?

\$3 million in federal Safe Routes to School dollars have been allocated to the OCP program for off-road improvements within one mile of a (k-12) school. The application must include a letter from the school outlining the needs of students traveling to the school and how the proposed project will help remedy that need. This applies only to the 2022 solicitation and the 2024 solicitation.

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

ODOT is requiring that projects serve a transportation purpose. Most walking and biking facilities serve multiple functions, including recreation and transportation. 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.

11. Can we leverage another grant to be able to fund the complete project?

Yes, but you must have been awarded the other grant prior to OCP application. However, you cannot use federal funds as a match for federal grants.

12. 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. 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.

Physically 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. These physically separated bike lanes can only be funded federally.

13. If part of a trail is on ODOT right-of-way, what are the city’s options?

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 <https://www.oregon.gov/odot/programs/pages/bikeped.aspx>.

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

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 should coordinate with ODOT in the application process for ODOT to oversee planning, design, or construction of federally funded projects.

15. Our agency has identified cycling routes that connect rural communities on existing roadways. Would roadway repairs, signage, and other costs be eligible?

The Paths program is primarily off-road. For federally funded OCP projects on-roadway Right of Way, any costs are restricted to active transportation improvements that connect to off-road paths.

16. If we are altering alignment of a section of a regional path and doing other upgrades for safety and operation (width, pavement treatment, signage, etc.) is that considered reconstruction?

Yes. Eligible pedestrian and bicycle transportation projects include the development, construction, **reconstruction**, resurfacing, or other capital improvement of multiuse paths, bicycle paths, and footpaths that improve access and safety for people walking and bicycling.

Routine maintenance is not eligible.

17. Does a Critical Link project have to be in a locally adopted plan?

Projects (Regional Paths and Critical Links) must show that there is political support. Being in a locally adopted plan provides evidence that the project has support from the local jurisdictions.

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

ODOT requires paths to have a transportation purpose allowing walking, biking, and rolling use of mobility devices to access employment and services and to connect communities. Americans with Disability Act (ADA) requirements prohibits many types of soft surface trails.

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

More information about shared use path accessibility guidelines is available in the [Oregon Bicycle and Pedestrian Design Guide](#) and the [Public Right-of-Way Accessibility Guidelines \(PROWAG\)](#) website.

19. You mentioned ADA. Will ADA requirements apply?

Yes. ADA requirements for transportation (which are stricter than for recreation) will apply to all construction projects awarded through the OCP, regardless of funding source.

20. Do you know yet how you will be evaluating demographic characteristics related to equity?

ODOT is using a [Social Equity Index](#) that estimates impacted communities and assign a score.

ODOT takes a broad view of what “historically underserved” means. Examples include:

- Veterans
- People of color
- Tribal governments and Indigenous People
- People living with a disability
- Women
- Older adults (those over 65)
- Youth (those under 21)
- People who identify as LGBTQ+
- People living on low incomes
- People with limited or no English proficiency
- People experiencing homelessness
- Any group that has been historically excluded or whose needs have not been met by the existing transportation system.

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

If the proposed path will cross a rail line, the applicant should contact Prescott Mann prior to submitting the pre-application.

For proposed paths along the rail right of way or crossings, the applicant should contact CCDRailCrossing@odot.oregon.gov prior to submitting the pre-application. For crossings

Railways are extremely hesitant to provide an easement for multi-use paths along their right of way. Approval from the railroad is a requirement as part of the application process.

22. Speaking of easements, can't we just condemn the property?

Condemnation (eminent domain) of land rights is prohibited.

23. Can we purchase the entire property in order to get the necessary Right of Way?

The OCP will fund the purchase or easement of only the necessary right of way. Any additional purchase or easement must be paid for with other funds.

24. Should we have rail crossing approval before applying for a path that requires a grade-separated rail crossing?

The ODOT Rail Crossing safety Unit approval is required prior to agreement execution. Contact the ODOT Rail Crossing Safety Unit at CCDRailCrossing@odot.oregon.gov or 541-250-6788.

It would be prudent to consult with ODOT staff before submitting application, as crossing considerations could impact project cost.

- 25. Regarding linkages: if trail improvements are connecting to future paths that will require funding in a future OCP cycle, is that important to OCP (longer range connections, 3-10 years out)**

YES, Regional Paths connecting communities may be existing or planned sections. Future connections should be noted in the application. Regional Paths are to connect communities and be at least 15 miles long (existing or proposed). Critical links may connect to Regional Paths.

- 26. Is there any complication in applying if we have a mix of publicly owned property (e.g. city, district) and ODOT ROW?**

No, but coordination with ODOT and/or the other public agencies must occur prior to applying.

- 27. 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 in their application 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.

NOTE: Federal processes are completed in order. Purchases of ROW cannot occur until after previous work (Engineering, Environmental) are completed. Purchase must be for ROW only.

Applicant should also include letters of support from property owners in their project refinement application if the project goes along or through farmland. Projects cannot move forward to construction without a special permit from the property owner (farmer).

- 28. 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>. The 2024 Solicitation Guidelines provide more detail on the application process.

29. **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, provided that you document the public outreach that was conducted as part of those adopted plans. Document all outreach to historically excluded communities. Please provide documentation of additional elected support, if available.

This does not replace the need for additional public outreach as part of the project, if awarded.

30. **How often is the application cycle? Is this an annual application process?**

The program is currently on a biennial (two-year) application cycle, alternating between a federal solicitation and a state solicitation. The 2024 solicitation will be federal only. The 2026 solicitation will be state funding only.

31. **If you do the project refinement with federal funds, are you obligated to fund construction within 10 years?**

No, a project refinement project is considered a planning project, and not construction, or pre-construction.

32. **If we do a project refinement, would eventual construction have to meet federal requirements, even if not using federal funds for that future construction work?**

Yes. If any part of the project had previously used federal funds, federal requirements would apply to the complete project.

33. **Can we apply for a construction grant before an awarded project refinement grant is complete?**

Yes, but the scoring criteria for construction grant applications scores points for providing the technical scoping documents and environmental prospectus that is normally one of the end products of a project refinement grant. So, there is the risk you may not have the documents prior to submitting your application.

34. **What are the match requirements for the 2024 solicitation?**

10.27% of the total project cost.

35. 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.

36. Can a recently developed section of a multimodal path installed by a private developer be used as match?

No, as that would be considered a donation.

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

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.

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

There are some instances for non-certified agencies when in-kind work may count. It must be coordinated with the Community Paths Program Manager and made part of the grant agreement.

39. Could the city’s grant matching funds be paid out on a percentage basis as the project receives the bills?

Non-certified agencies provide the match as cash up front for each phase. When ODOT pays invoices, they will pay the federal share and draw down matching funds as 10.27% of the total invoice. At the end of the project, any leftover matching funds are returned to the agency.

For certified agencies that are administering the project, ODOT will reimburse them for the federal share only.

40. 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 Appendix L of the Oregon Highway Design Manual.

https://www.oregon.gov/odot/Engineering/Documents_RoadwayEng/HDM-L.pdf

More detailed information about Oregon and the National Environmental Protection Act can be found at:

<https://www.oregon.gov/odot/geoenvironmental/pages/nepa.aspx>

41. Can we discuss our project with ODOT staff before we submit a Pre-Application?

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

42. If our project is considered ineligible by ODOT during the Pre-application process, can we revise our Pre-Application and resubmit?

Yes, provided the revised Pre-Applications is submitted within the time frame for ODOT accepting pre-applications.

43. What if I find the cost is different between the Pre-Application and application?

Use the most current cost in the application.

44. What if I need to modify my scope between the Pre-Application and application?

Contact the OCP Program Manager to determine if the revised scope impacts eligibility.

45. 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 any work begins. Contact the OCP Program Manager immediately when a revision becomes necessary.

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

There are three options:

- You are responsible for all cost over and above the grant amount.
- Before any funds have been spent, the scope can be reduced per question 41.
- Before any funds have been spent, the grantee and ODOT can mutually agree to cancel the project.

47. Will traffic calming measures be eligible?

No. That is not eligible under this program

48. Must we comply with National Environmental Protection Act (NEPA) requirements?

- Yes.
- Project Refinement (planning) grants must be within the first 30% of design and not contain factors what would trigger NEPA.

- Federal construction grants must comply with NEPA.
- State construction grants must comply with all state and local environmental laws and regulations.

49. Is an engineering evaluation eligible, such as a railroad trestle?

An engineering evaluation would not be eligible as a stand-alone “Project Refinement” project.

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

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

51. When will funds be distributed for the 2024 solicitation?

We anticipate projects will be approved and grants awarded in October 2025. Projects will be scheduled to start between federal FY2025 and FY2030.