Connect VI

Aviation Modal Committee - Oregon Aviation Board - Aviation Review

About *Connect*Oregon:

*Connect*Oregon is a lottery bond based initiative to invest in air, rail, marine, transit, and bicycle/pedestrian infrastructure to ensure Oregon's transportation system is strong, diverse, and efficient.

*Connect*Oregon projects are eligible for up to 70% of project costs for grants. A minimum 30% cash match is required from the recipient for all grant funded projects. Projects eligible for funding from state fuel tax revenues (section 3a, Article IX of the Oregon Constitution, the Highway Trust Fund), are not eligible for *Connect*Oregon funding. If a highway or public road element is essential to the complete functioning of the proposed project, applicants are encouraged to work with their ODOT region, city, or county to identify the necessary funding sources.

For more information and FAQ's please visit: http://www.oregon.gov/ODOT/TD/TP/Pages/connector.aspx

*Review Process*

The OTC approves projects for funding with input from 11 review committees that represent each of five *Connect*Oregon regional committees, five modal committees (aviation, marine, rail, transit, and freight) and one Final Review Committee. In selecting projects, the OTC and all review committees take into account the five following considerations as put forth by the legislature (ORS 367.084):

a. Whether a proposed transportation 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 the states

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

d. How much of the cost of a proposed transportation project can be borne by the applicant for the grant or loan from any source other than the Multimodal Transportation Fund

e. Whether a proposed transportation project is ready for construction

**As the identified modal representative for the program, the Oregon Aviation Board is the Aviation Modal review committee for *Connect*Oregon.**

<u>What does that mean?</u>

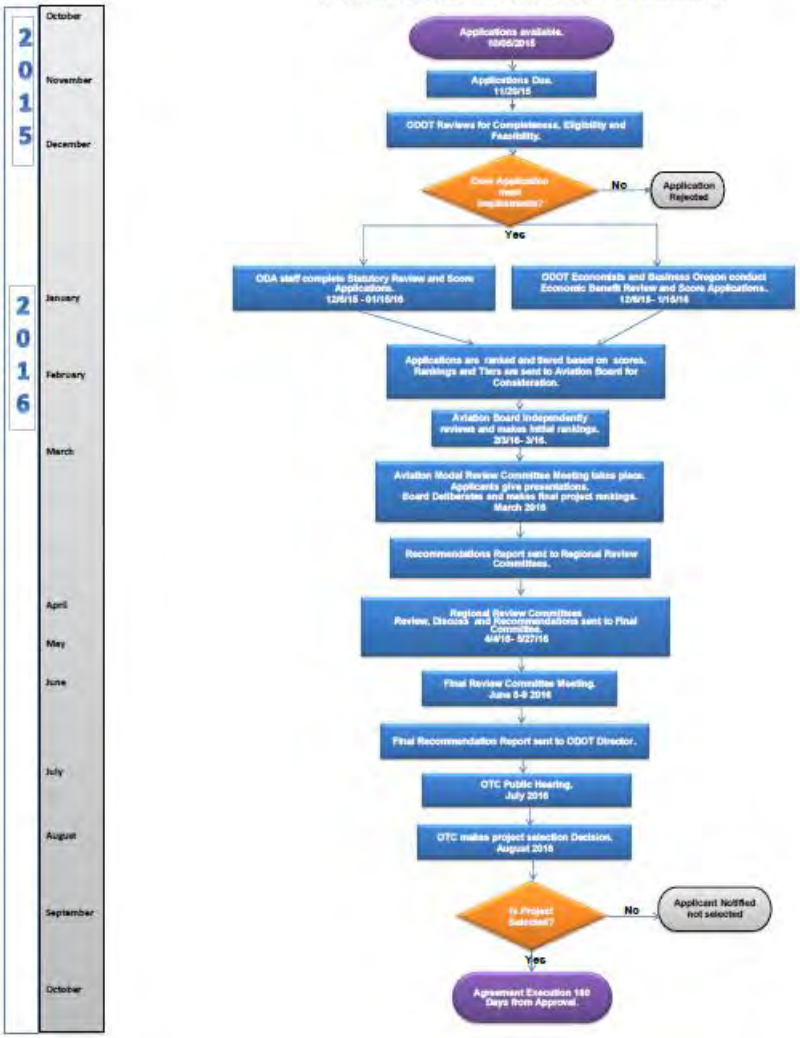
The Oregon Aviation Board (OAB) will review all *Connect*Oregon Applications for the Aviation Mode as well as hear the applicant's presentations for their projects and tier or prioritize all of the aviation applications.

Final applications for the program were due to ODOT on November 20th. ODOT then performs an initial review to make sure all of the documents are attached and in order. ODOT then sends the applications out for the modal review process.

As soon as ODA receives the aviation applications, they are reviewed by staff for the technical and statutory review. This required review allows for staff to review all applications against the program statutory requirements. The statutory review is not a subjective review process and scores determined as a result of the statutory review will determine the applicants initial rank. Upon completion of the statutory review the applications are forwarded to the Board for review. The Board will also have an opportunity to hear from all of the applicant is a Connect Oregon final review meeting where afterward the Board will draft the final tiering of the applications based upon their independent review. While this special board meeting is longer than a normal board meeting, it is done within the time period of approximately 4 hours and usually hears a presentation from all of the applicants. In respect of the board's time, this specific board meeting is kept to a very strict presentation schedule. Each presentation is limited to 5 minutes and can consist of multiple types of presentation media (i.e. powerpoint, hard copy handouts, project drawings and story boards, pictures and of course verbal presentations). All of the aviation applicants greatly appreciate the board allowing them to briefly present their project.

After the all presentations and any final questions by the Board, the Board will then deliberate in an open forum and conclude the final project rankings based upon the modal committee instructions (as attached);

## Aviation *Connect* Oregon Process Flow Chart



# *Connect*Oregon VI

# Instructions to Reviewers

## October 5, 2015

**For more information about *Connect*Oregon visit:**

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

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# PURPOSE OF THIS DOCUMENT

The purpose of this document is to provide instruction regarding the *Connect*Oregon VI 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 23, 2015 – January 15, 2016

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

B. COMMITTEE REVIEW – February 1 – June 2016

1. Mode Committee Reviews
2. Region Committee Reviews
3. Final Review Committee
4. OREGON TRANSPORTATION COMMISSION - July – August 2016

# 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 C*onnect*Oregon staff prior to the Final Review Committee)
- Final Review Committee Matrix (Prepared by the Final review Committee with support from the C*onnect*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 23, 2015 – January 15, 2016

## *1.1 Completeness Review*

C*onnect*Oregon staff includes all agency staff (ODOT, Oregon Business Development Department, and Oregon Department of Aviation) assigned to develop and administer the *Connect*Oregon VI application process. Applications will be screened by internal C*onnect*Oregon staff (rail, transit and bicycle/pedestrian) 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
- Racial and Impact Statement (As required by Senate Bill 463 of the 2013 Oregon Legislative Session.)
- Rail Certification (if applicable)
- Property owner signatures (where necessary)
- A completeness review summary will be submitted to the ODOT Freight Planning Unit on or before December 6, 2015.

*Program administration resources are limited; therefore, incomplete applications that lack theTax Declaration, Department of Revenue Tax Certification, Rail Certification, Racial and Impact Statement form and appropriate real estate signatures will not be forwarded to review committees and will not be considered for project award. ConnectOregon 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 – December 6, 2015 – January 15, 2016*

### 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 Oregon Department of Revenue will have until December 31, 2015 to obtain Compliance Certification. Failure to obtain Compliance Certification by December 31, 2015 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, rail, public transit and/or bicycle/pedestrian.
- 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 not for operating costs or the acquisition of bicycles.
- 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

C*onnect*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 VI 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; and
- general review of potential safety issues in project applications where there are changes to motor vehicular traffic in and around the site.

**Feasibility Review Staff Assignments**

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

- Rail projects to the ODOT Rail Division
- Transit projects to the ODOT Transit Division
- Aviation projects to the Oregon Department of Aviation
- Marine projects to the Oregon Business Development Department
- Bicycle/Pedestrian projects to the ODOT Active Transportation Division
- Multimodal projects will be assigned as appropriate

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

### 1.2.3 Statutory Consideration Review

OAR 731-035-0060 requires the Oregon Transportation Commission to take into consideration the following Statutory Considerations:

At its September 2015 meeting the OTC declared that they will be making final project selection with considerations a, b, and c above being considered as "strategic". Inasmuch, staff scores for these three considerations will be weighted heavier than considerations d, e, and f.

a. Whether a proposed transportation 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. Refer to the Economic Benefits review form (Appendix A-3) to determine the total number of points assigned;
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;
d. How much of the cost of a proposed transportation project can be borne by the applicant for the grant or loan from any source other than the Multimodal Transportation Fund.
e. Whether a proposed transportation project is ready for construction.
f. Whether a proposed transportation project has a useful life expectancy that offers maximum benefit to the state.

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:

| | | |
|---|---|---|
| **Tier 1** | 71 – 90 Points | The application demonstrates the project meets **all six** considerations **thoroughly** |
| **Tier 2** | 51 – 70 Points | The application demonstrates the project meets **most** considerations **thoroughly** |
| **Tier 3** | 31 – 50 Points | The application demonstrates the project meets **some** considerations **thoroughly** |
| **Tier 4** | 0 - 30 Points | The application **fails** to demonstrate the project meets **any of** the considerations **thoroughly** |

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 January 15, 2016.

### 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 January 15, 2016. (See Appendix A-3 for sample template.)

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

If C*onnect*Oregon staff identifies a need for additional written data concerning any applicant or project, C*onnect*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 December 14, 2015.

## *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 – February 1 – May 27, 2016

## *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 **Public Transit Advisory Committee,** which will make recommendations on public transit 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.
- The **Oregon Bicycle and Pedestrian Advisory Committee,** which will make recommendations on bicycle and pedestrian 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 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.

***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[1] (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).

### 2.1.4 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 April 4, 2016. The RRCs must complete their work and submit the required documents to the *Connect*Oregon staff by May 27, 2016.

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[1] The Northwest ACT will not review projects in western rural Washington county, as this County is in C*onnect*Oregon Region 1, and will be reviewed by the *Connect*Oregon Region 1 RRC.

***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.***

### 2.1.5 Regional Solutions Teams

Prior to Regional Review Committee work 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 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 VI 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 2007 Oregon Aviation Plan to assist with prioritization and determining where projects strategically address modal needs.

RRCs should use Regional Solutions Teams reviews where applicable.

<u>Review should be to determine which projects best address the 6 statutory considerations identified in Section 1.2.3 Statutory Considerations Review.</u>

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 five 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 six *Connect*Oregon considerations, specifically addressing the three strategic 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 |
|---|---|---|---|
| **Pre Meeting** Through 2/1/16 | Delivery of Information to Modal Review Committee staff | Delivery of project documents including: applications and completeness reviews, feasibility reports, economic benefit evaluations, and standardized committee reporting materials. | CO VI staff |
| | Staff Preparation for meeting | Modal Review Committee staff ensures all documents are distributed to the Committee members. | Modal Review Committee staff |
| **Meetings** 2/1/16 Through 3/21/16 | Prioritizing | Projects are prioritized (1- through *n*, with 1 indicating the highest priority project). | Modal Review Committee |
| **Post Meeting** 3/21/16 through 3/25/16 | Reporting | Complete standardized committee report material and obtain approval of the report by the Modal Review Committee Chair. | Modal Review Committee staff |
| **Pre Meeting** Through 04/04/16 | Delivery of Information to Regional Review Committee staff | Delivery of project documents including: applications and completeness reviews, feasibility reports, economic benefit evaluations, and standardized committee reporting materials. | CO VI staff |
| | Regional Review Committee Staff preparation for meeting | Regional Review Committee staff ensures all documents including RST Review forms are distributed to the Committee members. | Regional Review Committee staff |
| **Meetings** 04/04/16 Through 5/23/16 | Prioritizing | Projects are prioritized (1- through *n*, with 1 indicating the highest priority project). | Regional Review Committee |
| **Post Meeting** 05/24/16 through 05/27/16 | Reporting | Complete standardized committee report material and obtain approval of the report by the Regional Review Committee Chair. | 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 C*onnect*Oregon staff of all MRC and RRC meeting dates. *Connect*Oregon staff will ensure all C*onnect*Oregon meetings, and any revisions or changes, are accurately noticed on the C*onnect*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 C*onnect*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 VI funding.

All MRC and RRC meetings related to the recommendations of projects for *Connect*Oregon VI 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).

***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 (See Section 1.2.3); 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. Should a Committee recommend a lower level of funding for a project, a hard-copy letter signed by the applicant contact person must be submitted 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 question #19 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 C*onnect*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 25, 2016 (Modal Review Committees) or May 27, 2016 (Regional Review Committees).

**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 VI 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 prospective. 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 – June 2016

## *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.[2]

### 3.2.1 Scheduling and Noticing of Review Meetings

The Final Review Committee meeting is tentatively scheduled for June 8 and 9, 2016 in Portland, Oregon. Meeting details will be published on the *Connect*Oregon website in April 2016.

### 3.2.2 Staff Support

The C*onnect*Oregon staff will provide staff support for the Final Review Committee.

C*onnect*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.

[2] An independent facilitator will be contracted by ODOT to coordinate the decision-making process of the Final Review Committee.

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

### 3.2.3 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.

### 3.2.4 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 Committees may also review projects based on information provided through:

8. Applicant testimony (if all applicants were provided the opportunity to testify as provided during the Modal or Regional Review Committees' process);
9. Professional staff knowledge or analysis (if requested by the committee); and
10. 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.

### 3.2.5 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 hold a public hearing on the recommended project list in July, 2016.

The OTC will make its project selection decision in August, 2016.

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 ConnectOregon Staff:*

Please use this address to send any review documents to the C*onnect*Oregon staff.

**Chris Cummings**

**Freight Planning Unit**

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

**Salem, Oregon 97301-4178**

**Email: ConnectOregon@odot.state.or.us**

## *5.2 Questions*

Please direct all questions to:

**ConnectOregon@odot.state.or.us**

Or contact:

**Chris Cummings at 503-986-3703**

# 6 APPENDICES

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.

## *A-1 SAMPLE APPLICATION CHECKLIST*

# *Connect*Oregon V Application Checklist

Project Name: _____

Project Location: _____

Applicant: _____

Applicant Representative: _____

Reviewer Name: _____

Reviewer Phone: _____

Applicants must submit at least the Application, Tax Declaration form, Department of Revenue Tax Certification, Rail Certification, and Racial and Ethnic Impact Statement. Applicants who fail to submit these five documents will not move forward in the review process.

All applicable answers must be completed by the applicant. Applications that do not contain answers for all applicable questions will be scored accordingly. Further information from the applicant will not be sought.

This Application Checklist has been provided to assist applicants with providing key attachments. Carefully review your application utilizing the following checklist prior to submission to ODOT. The completed checklist must be submitted as part of each application.

Mandatory

| Staff | Applicant | N/A | |
|---|---|---|---|
| ☐ | ☐ | ☐ | Completed Application – all questions answered even if N/A |
| ☐ | ☐ | ☐ | Tax Declaration Form |
| ☐ | ☐ | ☐ | Department of Revenue Tax Certification |
| ☐ | ☐ | ☐ | Racial and Ethnic Impact Statement |
| ☐ | ☐ | ☐ | Rail Certification Form (if applicable) |

Checklist Continued

Support Documentation - *Omission of requested attachments may negatively impact project score.

| | | | |
|---|---|---|---|
| ☐ | ☐ | ☐ | Question 6 – Project maps |
| ☐ | ☐ | ☐ | Question 15 – Property Owner Information form (if applicable) |
| ☐ | ☐ | ☐ | Question 26 – Public plan consistency attachments |
| ☐ | ☐ | ☐ | Question 28 – Public agency support |
| ☐ | ☐ | ☐ | Question 33 – Measure of success support documentation |
| ☐ | ☐ | ☐ | Question 37 – Support documentation for system efficiency. |
| ☐ | ☐ | ☐ | Question 39 – Business or organization commitment letters |
| ☐ | ☐ | ☐ | Question 42 – Safety support documentation |
| ☐ | ☐ | ☐ | Modal budget |

APPLICANT NOTES:

STAFF NOTES: _____

_____

## *A-2 SAMPLE ELIGIBILITY/FEASIBILITY REPORT TEMPLATE*

CONNECTOREGON VI 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.
- ☐ The Applicant is not a railroad owner that operates a railroad wholly within the boundaries of Benton and Linn counties that: (A) Charges landowners a fee for an easement to cross a railroad that is necessary for the landowner to access the landowner's property; and (B) Has imposed or collected fees for such an easement on or after January 1, 2013.

---

Project Administrative Eligibility:

- ☐ The project is a Transportation Project that involves one or more of the following modes of transportation: air, marine, rail, public transit or bicycle/pedestrian.
- ☐ 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

---

Comments:

---

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 |
|---|---|
| | |
| | |
| | |
| | |
| | |

## *A-3 ECONOMIC CONSIDERATION REVIEW FORM*

# *Connect*Oregon VI Economic Benefit Review

**Project Number :**

**Project Applicant:**

**Project Name:**

Thank you for your participation in evaluating the economic benefit aspects of *Connect*Oregon VI applications. One of the six 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." The "economic benefit" consideration will be a used as one of three "strategic consideration" by the Oregon Transportation Commission in making their final funding decision. Inasmuch, final scoring for this consideration should be doubled.

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 **no later than January 15, 2016.**

**Section 1**

| Application Question #s | Evaluation Criteria | Individual Score | Final Score (Higher of 2) 0-3 |
|---|---|---|---|
| 39a*11<br><br>39d/[(19a2+19b)/1,000,000] | Long-term jobs multiplied by projects useful life = long-term job-years<br>**OR**<br>Private investment ($) divided by [*Connect*Oregon VI request/1 million] = Private investment per $ million requested from *Connect*Oregon | | |
| **Point System:**<br>0 – no net positive impacts;<br>1 – potential net positive impacts;<br>2 – likely net positive impacts;<br>3 – significant net positive impacts | | | |
| 38 | Does this project serve one or more of Oregon's Statewide Business Clusters?<br>[note in comments section which box(es) were checked and any other relevant details from the application] | | |
| **Point System:**<br>0 – the project does not serve the identified business clusters;<br>1 – the project has the potential to serve identified business clusters;<br>2 – the project is likely to serve identified business clusters;<br>3 – the project will serve identified business clusters | | | |
| **Calculations/Comments:** | | | |

**Section 2**

| Application Question #s | Evaluation Criteria | Individual Score | Final Score (Higher of 2) 0-3 |
|---|---|---|---|
| 40c/ [(19a2+19b)/1,000,000] | Short-run construction-related jobs divided by [*Connect*Oregon VI request/1 million] = construction related jobs per $ million requested from *Connect*Oregon | | |
| **Point System:**<br>1 – less than 15 jobs per $million requested;<br>2 – 15-23 jobs per $million requested;<br>3 – greater than 23 jobs per million requested | | | |
| 41 | Project area unemployment rate (from instruction table) compared to state unemployment rate | | |
| **Point System:**<br>0 – located in area with unemployment rate more than 2 percentage points *below* state average;<br>1 – located in area with unemployment rate 0-2 percentage points *below* state average;<br>2 – located in area with unemployment rate 0-2 percentage points *above* state average;<br>3 – located in area with unemployment rate more than 2 percentage points *above* state average | | | |
| **Comments:** | | | |

**Section 3**

| Application Question #s | Evaluation Criteria | Individual Score | Final Score (Higher of 2) 0-4 |
|---|---|---|---|
| 37 | Does this project improve Oregon's transportation system efficiency and/or utilization in specifically identified ways?<br>[note in comments section which box(es) were checked and any other relevant details] | | |
| **Point System:** 0 – no positive impacts; 1– unlikely to make positive impacts; 2 – potential positive impacts; 3 – likely positive impacts; 4 – significant positive impacts | | | |
| 42 | Does the project improve safety?<br>[briefly note in comments section the documentation or explanation required for a "yes" answer that was provided] | | |
| **Point System:**<br>0 – no positive impacts;<br>1 – unlikely to make positive impacts;<br>2 – potential positive impacts;<br>3 – likely positive impacts;<br>4 – significant positive impacts | | | |
| **Comments:** | | | |

**Review of Economic Benefit to the State**

**Final Point Calculation**

| | |
|---|---|
| Section 1 (no more than 3) | points |
| Section 2 (no more than 3) | points |
| Section 3 (no more than 4) | points |
| **Total (no more than 10)** | **Points** |
| **Strategic Consideration Multiple Total above by 2** | **Points** |

**Reviewer Name:** _____

**Reviewer Agency:** _____

**Date of Review:** _____

## *A-4 STATUTORY CONSIDERATION REVIEW FORM*

# *Connect*Oregon VI – 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 |
|---|---|---|---|---|
| | | *** Items are evaluated in pairs with a shared point value.** ** To determine the score of questions with a shared point value, score each question separately, then select the highest of the two scores as the "appraiser's score."* | | |
| | **34** | Industrial or employments connections | ***3** | |
| | **35** | Linking workers to jobs | | |
| | **33** | Measurement of Success (Improved use and efficiency) | ***4** | |
| | **42** | Safety | | |
| | **32** | Transportation Connections | ***3** | |
| | **38** | Serving Business Clusters | | |
| | | **TOTAL AVAILABLE POINTS – Consideration "a"** | **10** | |
| | | **"Strategic Consideration" Multiple Total above by 2** | | |

**Point System for 34, 35, 32, and 38:**
0 – No positive benefit;
1 – Potential positive benefit;
2 – Likely positive benefit;
3 – Significant positive benefit.

**Point System for 33 and 42:**
0 – No positive impacts;
1 – Unlikely to make positive impacts;
2 – Potential positive impacts;
3 – Likely positive impacts;
4 – Significant positive impacts.

*To determine the score of questions with a shared point value, score each question separately, then selec the highest of the scores as the "appraiser's score."

**COMMENTS**

**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 |
|---|---|---|---|---|
| | | ***Items 34 and 36 are evaluated together with a shared point value** | | |
| | **34** | Industrial or employments connections | ***3** | |
| | **36** | Linking populations to medical care, social services, or shopping | | |
| | | ***Items 33 and 44 are evaluated together with a shared point value and Items 32 and 37 are evaluated together with a shared point value.** | | |
| | **33** | Measurement of Success (Improved use and efficiency) | ***4** | |
| | **42** | Safety | | |
| | **32** | Transportation Connections | ***3** | |
| | **37** | Improve system efficiency and utilization | | |
| | | **TOTAL AVAILABLE POINTS – Consideration "c"** | **10** | |
| | | **"Strategic Consideration" Multiple Total above by 2** | | |

**Point System for 34, 36 and 32, 37:**
0 – No positive benefit;
1 – Potential positive benefit;
2 – Likely positive benefits; and
3 – Significant positive benefits.

**Point System for 33 and 42:**
0 – No positive impact;
1 – Unlikely to make positive impact;
2 – Potential positive benefits;
3 – Likely positive benefits; and
4 – Significant positive benefits

*To determine the score of questions with a shared point value, score each question separately, then select the highest of the scores as the "appraiser's score."

**COMMENT:**

**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 *Connect*Oregon**

| | Item No. | Brief Description of Question (from Application) | Points | Appraiser' Score |
|---|---|---|---|---|
| | Various | Applicant will provide 30% match only | 2 | |
| | Various | Applicant will provide between 31% to 45% match | 4 | |
| | Various | Applicant will provide between 46% to 60% match | 6 | |
| | Various | Applicant will provide > 60% match | 10 | |
| | | TOTAL AVAILABLE POINTS – Consideration "d" | 10 | |
| COMMENT: | | | | |

**Consideration (e) - Whether a proposed transportation project is ready for construction.**

| | Item No. | Brief Description of Question (from Application) | Points | Appraiser's Score |
|---|---|---|---|---|
| **For this consideration, assume a grant execution date of <u>September, 2016.</u>** | | | | |
| | **Various** | Project is ready to start **6 months** after grant agreement execution. | **10** | |
| | **Various** | Project is ready to start **12 months** after grant agreement execution. | **7** | |
| | **Various** | Project is ready to start **18 months** after grant agreement execution. | **4** | |
| | **Various** | Project where major necessary elements are not evident. (e.g. No indicated knowledge of necessary permits, no documented contact with permitting agencies, not in TSP, not in Airport Layout Plan, undocumented ability to obtain match, etc. ) | **-5** | |
| | **Various** | Project where property is not owned by applicant and negotiations are not underway. | **-10** | |
| **TOTAL AVAILABLE POINTS – Consideration "e"** | | | **10** | |
| **Comments:** | | | | |

As all projects are not construction projects ODOT uses the following definition for project readiness when scoring and ranking projects.

> Whether a Project is ready **to begin elements of work necessary to commence with construction in a reasonable timeframe**, or if the Project does not involve construction, whether the Project is ready for implementation.

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 |
|---|---|---|---|---|
| **The primary element of each project should be used in determining useful life. See reviewer instructions for further direction.** | | | | |
| | **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** | |
| | | Expected useful life is > 20 years | **10** | |
| **TOTAL AVAILABLE POINTS – Consideration "f"** | | | **10** | |
| **Comments:** | | | | |

**Consideration "f" Maximum Benefit Calculation Table**

For the purposes of *Connect*Oregon VI, "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, *Connect*Oregon 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 (rounded to nearest whole number)

## *A-5 SCORE SUMMARY AND TIER FORM*

PROJECT #:

APPLICANT:

PROJECT NAME:

**Application Tier:**

**FINAL POINT CALCULATION**

| | **AVAILABLE POINTS** | **TOTAL SCORE** |
|---|---|---|
| Consideration a – | Maximum 20 Points | |
| Consideration b – | Maximum 20 Points | |
| Consideration c – | Maximum 20 Points | |
| Consideration d – | Maximum 10 Points | |
| Consideration e – | Maximum 10 Points | |
| Consideration f – | Maximum 10 Points | |
| **Maximum Available Points = 90** | | |

| Points | Tier |
|---|---|
| 71-90 | 1 |
| 51-70 | 2 |
| 31-50 | 3 |
| 0 - 30 | 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, transit, and bicycle/pedestrian, 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.

## *A-6 SAMPLE REVIEW COMMITTEE PROJECT REPORTS TEMPLATE*

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

## *A-7 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 C*onnect*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 ConnectOregon Funds Requested ($) | Tier | Priority |
|---|---|---|---|---|
| | Sample | $1,000,000 | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

### *A-8 REGIONAL SOLUTIONS TEAM TEMPLATE*

| **Regional Solutions Team Review** | |
|---|---|
| **Project Number:** | **Tier #** |
| **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?**<br><br>**Yes ____ No ____** | |
| **Please describe how the project supports the regional priority (or priorities) and/or provide other comments.** | |

# Frequently Asked Questions

## October 5, 2015

**For more information about *Connect*Oregon visit:**
**http://www.oregon.gov/ODOT/TD/TP/pages/connector.aspx**

# 1. General Information

## a. What is *Connect*Oregon?

*Connect*Oregon is a lottery bond based grant initiative to invest in air, rail, marine, transit, and bicycle and pedestrian infrastructure to ensure Oregon's transportation system is strong, diverse, and efficient. Public, private, and non-profit entities are able to apply for grants of up to 70% of project costs.

## b. What is new for *Connect*Oregon VI?

There are a few changes for *Connect*Oregon VI:

- *Connect*Oregon VI has $45 million available for distribution.
- Name of fund used for the program has been changes from Multimodal Transportation Fund to *Connect*Oregon
- Applicant match is now 30%.
- A definition has been added to define "bicycle". See Section 3 below.
- Loans are no longer a funding option.
- A definition of "transportation project" has been directly added to the legislation. See Section 3 Terms below.
- A selection consideration pertaining to project life expectancy has been added. See Section 3 Terms below.
- Persons representing entities with projects for consideration will no longer be permitted to serve on the *Connect*Oregon Final Review Committee
- Columbia County has been moved from *Connect*Oregon Region 1 to Region 2.
- Applicants will now simply state how much funding they will provide for the total project. Overmatch is no longer used.

There are six considerations used when selecting *Connect*Oregon VI projects. Below are the six. Considerations a, b, and c are "strategic" and will receive twice the scoring value as considerations d, e, and f. The OTC will select projects with this in mind.

**(a) Whether a proposed transportation 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 transportation project is a critical link connecting elements of Oregon's transportation system that will measurably improve utilization and efficiency of the system;**

(d) How much of the cost of a proposed transportation project can be borne by the applicant and from any source other than the Multimodal Transportation Fund; and

(e) Whether a proposed transportation project is ready for construction.

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

Consideration (f) regarding life expectancy of a project has been added for *Connect*Oregon VI

- Applicants will be required to submit the following forms. Failure to submit these items will result in disqualification.
  - Tax Declaration Form
  - Department of Revenue Tax Certification
  - Racial and Ethnic Impact Statement
  - Railroad Certification (if Applicable)
- Administrative rules specific to *Connect*Oregon VI have been updated and will become final in December 2015 after OTC final adoption. Visit http://www.oregon.gov/ODOT/TD/TP/pages/connector.aspx to view the most recent administrative rules.

## *2. Communications and Outreach*

### a. How can I get information on *Connect*Oregon and stay up to date on the program?

The *Connect*Oregon website, http://www.oregon.gov/ODOT/TD/TP/pages/connector.aspx, will contain up-to-date information about the program. Also an electronic newsletter will provide interested groups and individuals with the latest news. Sign up for the electronic newsletter on the *Connect*Oregon web site.

## *3. Key Terms*

### Bicycle ORS 367.080(1)(a)

Bicycle means a vehicle that:

(1) Is designed to be operated on the ground on wheels;

(2) Has a seat or saddle for use of the rider;

(3) Is designed to travel with not more than three wheels in contact with the ground;

(4) Is propelled exclusively by human power; and

(5) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter.

## Life Expectancy ORS 367.084(3)(f)

Whether a proposed transportation project has a useful **life expectancy** that offers **maximum benefit** to the state.

This consideration has two elements: (a) a project's realistically expected useful life and, (b) the project's benefit to the state. Scoring for this consideration will be based on a ratio of the useful expected life of the main element of a project against scoring for the "strategic" considerations (also maximum benefit in this case). Scoring calculations for this consideration can be found in Appendix A- of the *Instructions for Reviewers.*

The aforementioned definition and scoring calculation is put forth based on legislative guidance and discussions with the Oregon Transportation Commission.

## Match ORS367.082(3)(b)

Applicants must provide at least 30% match of their own monies towards a project. Below are some common items of interest for *Connect*Oregon applicants.

1) Applicant match funds can derive from any source including local, state, federal, and private funds.
2) An applicant does not have to demonstrate that they have 30 percent of the project costs in cash up front or in a bank account at the time of application, only that it will be available when needed such as when necessary to pay contractors.
3) Project costs that were paid for by the applicant prior to the *Agreement* effective date can be used as part of the match provided they are relevant to the project. Funds spent prior to the *Agreement* effective date are not eligible for reimbursement.
4) "Value" of an item (e.g. land or special equipment) isn't part of the match. The applicant's actual out-of-pocket payment to purchase the land or buy/rent the special equipment can be part of the match and must be specified in the application. For example, a previously purchased parcel of land is eligible only at the actual cash outlay made by the applicant. The value of the land today is not eligible.
5) Project elements that are donated to the applicant, such as right-of-way, land, equipment (even if the donation was done to benefit the project) will not be accepted as applicant match. Donations are considered an in-kind contribution, not "moneys."
6) If an applicant has a monetary outlay for something that is required for the transportation project, then that payment can count towards the 30 percent match.
7) Match funds must come directly from the applicant. Match provided by another party or partner must be transferred to the applicant to count as match.

## Readiness ORS 367.084(3)(e)

In reviewing and scoring *Connect*Oregon applications staff uses information available to determine whether projects are able to begin generally in a reasonable timeframe. As not all projects are construction projects (e.g. master plans, equipment, etc.) actual construction does not apply in every instance. Additionally, *Connect*Oregon is available to applicants with varying staffing and technical expertise. Inasmuch, staff will review and score applications with the following definition in mind:

Whether a Project is ready **to begin elements of work necessary to commence with construction in a reasonable timeframe**, or if the Project does not involve construction, whether the Project is ready for implementation.

The following considerations, in addition to others, are used by staff when scoring project readiness:

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

### Transportation Project ORS 367.080(1)(b)

ORS 367.080 (1)(b) "Transportation project" means a project or undertaking for transit, rail, marine, aviation and bicycle and pedestrian capital infrastructure, including bridges, paths and ways, or a project that facilitates the transportation of materials, animals or people. A transportation project does not include costs associated with operating expenses or the purchase of bicycles.

## *4. Project Eligibility and Types*

### a. What types of projects are eligible?

*Connect*Oregon is designed to allow for a diverse project type. The following items are required for a project to be eligible.

- The project must meet the definition of "Transportation Project" for *Connect*Oregon as noted in Section 3 above.
- Projects that are eligible for funding from revenues described in section 3a, Article IX of the Oregon Constitution, the Highway Trust Fund (fuel and motor vehicle tax), are not eligible for *Connect*Oregon funding. This means projects for roadways, sidewalks, curbs, etc that are for movement of motor vehicles are not eligible.
- The project will not require continued subsidies from ODOT.

### b. Who is eligible to apply?

Public, Private and non-profit entities within Oregon that have sufficient financial and management capacity to complete the requested project are eligible. Applicants must also certify that they are current on all applicable taxes and fees to remain eligible.

Railroad owners that operate a railroad wholly within the boundaries of Benton and Linn counties that:(A) charges landowners a fee for an easement to cross a railroad that is necessary for the landowner to access the landowner's property; and (B) has imposed or collected fees for such an easement on or after January 1, 2013 are not eligible for *Connect*Oregon funding.

### c. May an applicant submit multiple project applications?

**Yes** – There are no limits on the number of applications a single applicant can submit.

## d. Can applicants submit projects that are not yet fully funded?

**Yes.** However, failure to have a plan of funding appropriate for the project timelines will likely result in a lower score for "readiness" (consideration e).During the project selection process staff and review committees will consider whether a project is "ready" to begin work and will take into considerations the applicant's likeliness of obtaining match funds.

## e. What happens if I don't complete and submit the tax declaration and Department of Revenue Tax Certification?

Failure to submit the appropriate tax forms will deem an application incomplete and will exclude it from being considered further.

## f. What is the extent to which a project can include aspects other than construction of physical improvements?

Projects may not include costs associated with operations. Otherwise, there is no limitation in regard to the extent to which a project can include aspects other than construction of physical improvements. Projects may be a combination of real-estate, capital infrastructure, capital equipment, professional services (e.g. architectural and engineering services), or other expenditures. Non-capital project expenditures are not prohibited, but it is generally not considered good practice to fund non-capital assets or services with bond proceeds. A more expensive form of bonding is required for predominantly non-capital projects.

## g. Are projects that are physically located outside the state eligible?

**Yes,** if the project will provide an economic benefit to Oregon and the applicant is an Oregon entity.

## h. What level of design has to be completed prior to application submittal?

**Zero.** The application includes a detailed checklist that covers the applicant's planning efforts and a mode-specific budget form that must be included. Applicants should keep in mind that construction readiness is one of the review considerations and that not having started design may negatively impact their "readiness" (consideration e) score. Applicants should demonstrate they have the knowledge and management ability to complete the project and that the project concept is feasible. Stated milestone are included in the grant agreement and recipients will be held accountable to the timelines agreed upon.

## i. I have a project for a shared-use path that crosses into the highway right-of-way for a portion of the project. Is this portion eligible for *Connect*Oregon funds?

If the overall purpose of the project is not for highway operations and maintenance such as a bike lane, it would be eligible for *Connect*Oregon funding. It is important to note the purpose of the project. Elements of a project that is primarily for bicycling and pedestrian activities not related to highway use that cross into the highway right-of-way are generally eligible for *Connect*Oregon funding. Applicants are strongly recommended to contact the *Connect*Oregon program manager when considering such a project.

### j. Are there questions in the application that do not apply to all modes?

**Yes.** To address all of the considerations in a structured question format, the application is written with some questions that focus on only one mode of transportation. There may be some questions that do not apply to all projects. Applicants will not be penalized if they cannot answer a question that does not apply to the project (e.g. freight rail projects will not be expected to answer questions regarding passenger movement). However, applicants should complete these questions with N/A.

### k. What is the minimum and maximum dollar amounts that I can request.

There are no minimum or maximum dollar amounts for grant requests. However, the largest grant awarded under *Connect*Oregon V was $7.9 million; the smallest grant was $15,926; and the average was $2 million.

## *5. Application Process*

### a. What process will be used to submit a project for *Connect*Oregon VI funding?

All project applications will be submitted to ODOT. **The application period for C*onnect*Oregon VI opens October 5, 2015 and closes November 20, 2015.** Further information is contained in the *Application Instructions*. Interested parties should regularly check the ODOT Web site and add their names to the ODOT email list to receive program updates: http://www.oregon.gov/ODOT/TD/TP/pages/connector.aspx.

### b. Will ODOT assist applicants in the project submission process?

**No.** ODOT will not provide assistance to applicants since ODOT is administering the project selection process.

### c. Who should letters of support be addressed to?

Letters of support should be addressed to the project applicant. Letters of support and letters of intent to use the project are specifically requested in the project application.

ODOT staff will not provide letters of support to project applicants. However, when ODOT permits or right-of-way actions are necessary for projects, ODOT staff can work with applicants to determine appropriate costs, timelines, etc.

## *6. Project Selection*

### a. What process will be used to select a project for *Connect*Oregon VI funding?

The process is outlined in the *Instructions for Reviewers* document found on the *Connect*Oregon website. Applicants should review this document to understand specifically how staff and committees will be score and rank projects.

### b. Is there a specific amount of funding set aside for regions or modes?

**Yes.** The final awards must ensure that each of the five *Connect*Oregon regions receives at least ten percent of the total fund ($4.5 million each), provided there are sufficient eligible applications. However, regions do not select projects to meet the minimum regional amount; projects are selected through the joint regional and modal review process with the best interest of the state in mind. There is not a set aside for any specific mode.

### c. When will projects be selected?

ODOT anticipates that the OTC will approve a list of projects for funding in August 2016.

### d. What if a project provides benefits to multiple regions?

The project will be assigned to the region receiving the primary benefit.

### e. How will projects from different modes be fairly compared and evaluated?

The OTC will consider the projects that are in the best interest of the state's transportation system.

### f. How will the project recommendations from groups of ACTs and the Modal Review Committees be brought before the OTC?

The ODOT Director will convene a committee composed of representatives from the Modal Review Committees and Regional Review Committees to bring all the recommendations from the various reviewers into a unified proposed list for adoption by the OTC. A public hearing will be held by the OTC to consider this "final review" committee list.

### g. Are the six considerations equally weighted?

No, **considerations a, b, and c** in 3A above are considered "strategic" by the OTC. Staff scoring and the OTC will give more preference to those projects that score higher in these considerations.

### h. Are joint sponsorship applications permitted?

**No.** While any combination of public-private, private-private, or public-public partnerships is encouraged, only one applicant will be responsible for the project. Joint applicants will need to decide amongst themselves who will be the sole applicant. The applicant will be responsible for the subsequent contract if a grant is awarded.

## *7. Project Funding Administration*

### a. If I am awarded funds will I get all the money at once?

**No.** *Connect*Oregon is a reimbursement program. Only after recipients have expended funds will they receive reimbursement. The sample grant *Agreement* found on the *Connect*Oregon website provides more information regarding reimbursement requirements. Applicants should familiarize themselves with the *Agreement* to fully understand their commitment should they receive funding.

### b. If my project is chosen when will funds be available to spend?

Once projects are chosen by the OTC in August of 2016 *Connect*Oregon staff will begin to prepare grant agreements for each recipient. Generally, grant agreements take approximately thirty days to prepare. Since ODOT cannot reimburse recipients for funds expended prior to execution of a grant agreement, applicants should not expect to begin projects earlier then late September 2016.

### c. Will ODOT require a lien or other assurance of applicant/project viability?

A recorded lien will be required to protect the state's interest if a private firm or local government goes bankrupt or is bought out. This will be a component of the *Agreement* executed between ODOT and the successful project applicant.

### d. Is there a timeline in the *Connect*Oregon program that says when funds must be spent on awarded projects?

**No.** However, how soon a project can be constructed is one of the considerations the OTC will use to evaluate projects for funding. Once a project is selected, the *Agreement* with ODOT will include specific dates, based on the application. Recipients will be held accountable to the timelines in the *Agreement*. As such, applicants should carefully consider the timelines included in the grant application as they will be used when developing the *Agreement*.

## *8. Project Management*

### a. Who will manage the physical construction of the selected projects?

The applicant is responsible for constructing its project, including obtaining all required permits and approvals.

### b. How are unavoidable cost overruns to be handled?

Once a project has been selected, the applicant is responsible for completing the project as proposed in the application and approved by the OTC. There is no provision for the applicant to receive additional funds if project costs are higher than estimated. The applicant will be responsible for making up any funding deficiency. If the project cannot be completed with the funds allotted, the OTC may cancel the project and award the funds to another project. ODOT will also require previously expended funds to be repaid to the department.

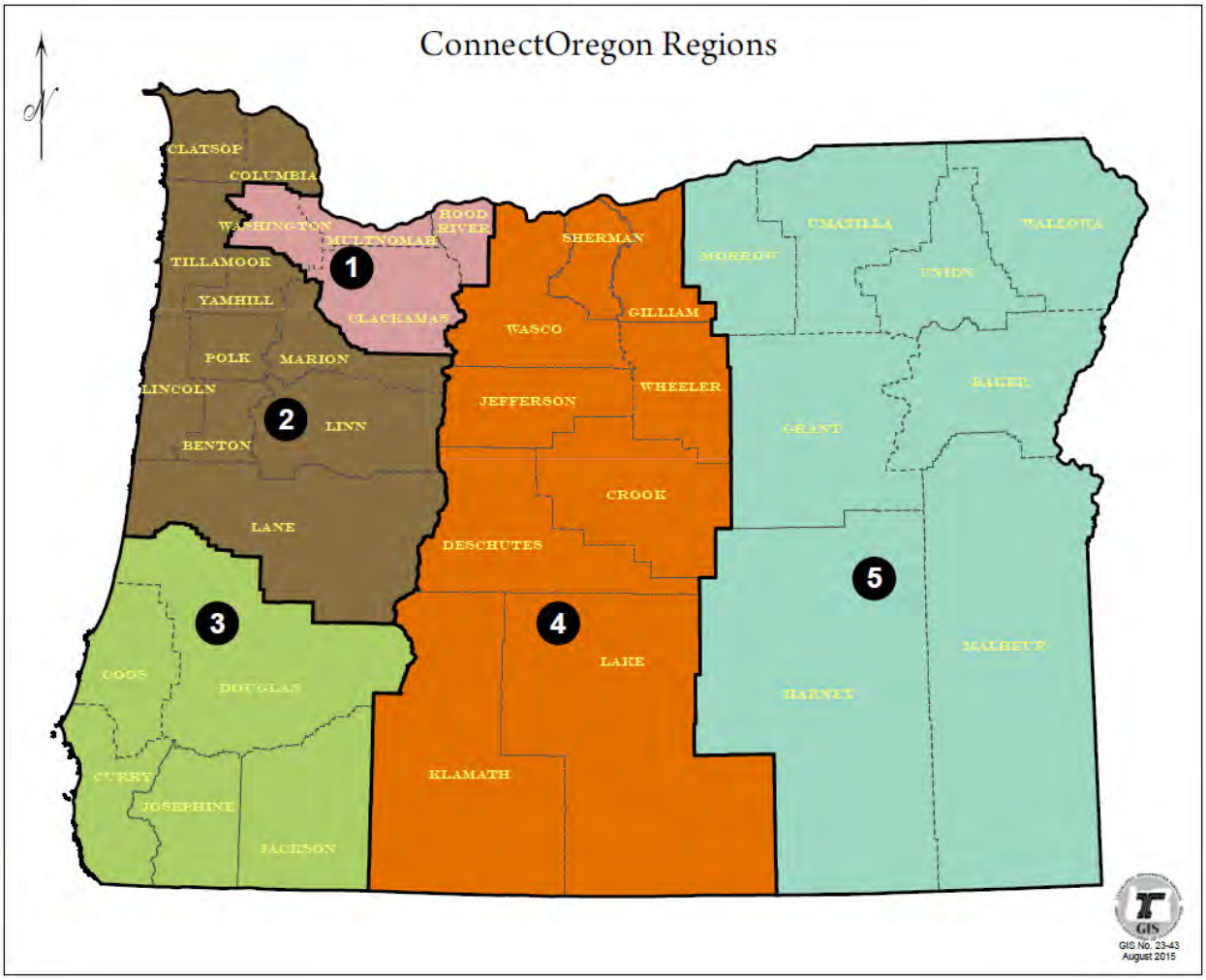
### c. Can an applicant request funds for cost overruns on a previous *Connect*Oregon project?

**No.** Once a project has been funded applicants will agree to complete the entire stated project regardless of the cost. Grant recipients who don't complete a funded project will be required to reimburse ODOT for the expended funds.

### d. Will elements of projects completed by private applicants as a part of a public/ private partnership be subject to the prevailing wage rate?

**Yes.** Each applicant, and their legal counsel, has to make prevailing wage rate determinations based on an application of the facts to the law. Prevailing wage requirements will be included in the *Agreement*. If a recipient is a non-governmental agency, ODOT will file the required paperwork for them and deduct the amount of the fee that is due off the top of the grant. Private applicants should review the *Sample Draft Agreement* at: http://www.oregon.gov/ODOT/TD/TP/pages/connector.aspx

Applicants must comply with all relevant state laws, including the prevailing wage rate law, ORS
279C.800 to 279C.870, as amended by House Bill 2140 (2007). House Bill 2140 establishes a procedure to request a determination by the Commissioner of the Bureau of Labor and Industries to determine whether "a project or proposed project is or would be a public works on which payment of the prevailing wage rate is or would be required under ORS 279C.840."


ConnectOregon Regions
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COLUMBIA
WASHINGTON
MULTNOMAH
HOOD RIVER
TILLAMOOK
YAMHILL
CLACKAMAS
POLK
MARION
LINCOLN
LINN
BENTON
LANE
SHERMAN
WASCO
GILLIAM
JEFFERSON
WHEELER
CROOK
DESCHUTES
MORROW
UMATILLA
WALLOWA
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