

Background on ODOT Draft Earmark Policy

SAFETEA-LU, the federal surface transportation authorization act that became law in 2005, included \$327 million in project-specific highway earmarks in Oregon. This is more than twice as much funding per year as provided by ODOT's modernization program in the 2008-2011 and 2010-2013 STIPs.

Congress will again take up a surface transportation authorization bill in 2009. Given the large amount of money allocated in the reauthorization legislation, the state and its partners have a strong interest in ensuring that earmarks are allocated to projects that have been identified as priorities and that address challenges facing Oregon's transportation system.

In order to help focus earmarks on identified priorities that can be delivered, ODOT is developing a policy on reauthorization legislation earmarks that lays out expectations, roles and responsibilities, and a process for prioritization of projects by ODOT advisory bodies, including ACTs. ODOT hopes that this policy and process will make clear the responsibilities that earmark recipients take on and improve communication between ODOT and local agencies that are seeking money for state highway projects.

The draft policy has two primary components.

- *Policy:* The policy would reiterate previous policy statements by the Oregon Transportation Commission that local agencies that receive earmarks take on the role of project sponsor and are responsible for providing funding to fully fund the project; the OTC will not plan to budget additional state resources to cover matching funds or make up funding shortfalls for projects not officially requested by the OTC. The OTC will also set criteria for the earmarks it will request from the congressional delegation.
- *Process:* The draft policy lays out a process whereby ACTs and other advisory bodies will prioritize projects proposed by ODOT staff and local agencies. The OTC will forward an official earmark request list to the Oregon congressional delegation that will be largely drawn from the recommendations made by advisory bodies. This process is designed to help improve communication between ODOT and local agencies on earmark requests, provide input on regional and statewide priorities to the congressional delegation, and help the OTC request projects that are recognized priorities for funding.

Local agencies would be asked to submit their likely earmark requests to ACTs for consideration and prioritization. Nothing in the policy would prevent a local agency from requesting an earmark for a project that is not prioritized by an ACT.

Local agencies and ACT members are encouraged to provide feedback on the draft policy and guideline documents. Comments should be provided to ODOT staff by early April, in advance of the OTC's consideration of the draft policy. ACTs will be asked to prioritize projects in May through September, and final guidance that responds to feedback will be issued in May.