



March 5, 2008

To: Metropolitan Policy Committee
From: Paul Thompson
Subject: Item 5.g: Draft Oregon Transportation Commission Earmark Policy

Action Recommended: Approve letter of comment.

Background

The Oregon Department of Transportation (ODOT) has requested that the attached draft Policy on *Project Earmark Requests* (Policy) be reviewed by the MPO for potential comment. At the February 14, 2008 MPC meeting, ODOT presented and reviewed the draft Policy and supporting documents, included with this memo as Attachments 1, 2 and 3. At that meeting, MPC requested the opportunity to engage the ODOT Director or Deputy Director in discussion on the draft Policy.

The Lane County Board of Commissioners is also reviewing the draft Policy. In preparation for that discussion, on February 28, 2008, the Lane County Roads Advisory Committee (RAC) unanimously took the following action on the Oregon Transportation Commission (OTC) draft Earmark Policy:

ODOT should strike the following two phrases from the draft policy:

From last paragraph, page 2 of 3: A local agency that secures earmark funding for a project not on the official OTC Earmark Requests List takes on the role of the project's sponsor. The local agency must provide matching funds and cover any funding shortfalls for the project.

From page 3 of 3: Local agency earmarks will not be counted toward local contributions to projects unless the local agency receives prior approval from the ODOT region.

The Roads Advisory Committee also agreed by consensus with the following concerns about the draft policy:

If ODOT wants this policy, what is the point of all the local input and processes expected? It is contradictory. The draft policy makes the local processes seem like just an exercise. It also flies in the face of what counties are facing with regard to loss of Secure Rural Schools funding. If ODOT will cease supporting the use of locally obtained earmarks for funding matches, where do they expect the money will come from?

Discussion

MPO and Lane County staff have worked with the ODOT Area 5 Manager, Sonny Chickering, to attempt to arrange the discussion MPC requested with the ODOT Director. At the time this memo was written, Matthew Garrett, ODOT Director, is tentatively scheduled to appear at the March 13th MPC meeting. However, scheduling arrangements are subject to the Director's prior commitments that morning in Portland. If the Director is not able to make the March 13th MPC meeting, the backup plan is for him to appear at the April 2nd Lane County Board of Commissioners meeting for the same purpose.

In light of ODOT's deadline to submit comments for consideration by the OTC at their April meeting, the MPO's Transportation Planning Committee (TPC) discussed the draft policy at its February 28 meeting. TPC identified several concerns with the draft policy, including the complete lack of any mention of MPOs in either the policy or the accompanying guidance for preparing earmark lists.

The Transportation Planning Committee (TPC) has summarized its comments in Attachment 4, a draft letter of comment on the proposed earmark policy. On a 7-0-1 vote in support, with ODOT abstaining, TPC recommends that MPC approve this letter for transmission to the OTC.

Action Recommended: Approve letter of comment.

Attachment 1 – ODOT draft Policy on *Project Earmark Requests*

Attachment 2 – ODOT draft *Guidance for Preparing ACT Earmark Recommendation Lists*

Attachment 3 – ODOT *Background on ODOT Draft Earmark Policy*

Attachment 4 – Draft letter of comment