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SUBJECT <b>Federal Reauthorization Highway Program Earmark Requests</b>		

## **PURPOSE**

The Oregon Transportation Commission (Commission) establishes the following policy on highway program earmark requests in the federal surface transportation reauthorization legislation in order to ensure input from local stakeholders on the Oregon Department of Transportation's (Department) earmark requests, advance broadly supported projects that are recognized as regional or statewide priorities, clearly explain expectations for earmarks for state highway projects, strengthen regional prioritization processes, and secure funding that will help deliver projects.

## **POLICY**

In the next surface transportation authorization legislation, the Commission intends to present Oregon's congressional delegation a limited number of earmark requests for transportation projects that are strategic investments in Oregon's transportation system, address important transportation problems, and have broad support. In advancing these projects, the Department commits to delivering each project if a sufficient earmark is secured by the congressional delegation. The Department shall provide or help provide matching funds and make up any shortfalls for projects on the official Commission Earmark Requests List to ensure these projects are delivered.

In developing the official Commission Earmark Requests List, the Commission shall consider recommendations from Area Commissions on Transportation (ACTs), Metropolitan Planning Organizations (MPOs), and other advisory bodies, as well as statewide priorities and available budget for providing required match and fully funding the project.

Department region staff and local government agencies shall work together through the ACT or similar bodies to identify and recommend appropriate projects that are high priorities for the area, have broad support, and meet the criteria laid out in this policy. Because of the important role MPOs play in determining transportation priorities within urban areas, ACTs are expected to coordinate with MPOs, seek their input for projects within MPO boundaries, and consider MPO priorities as they recommend projects. ACTs shall also seek input from any other important transportation advisory bodies within their boundaries.

ACTs and similar advisory bodies are to prepare Earmark Recommendation Lists and supporting documentation that demonstrates how each project meets the Earmark Request Criteria set forth in this policy. The Commission shall review and consider projects on the Earmark Recommendation

Lists to prepare the official Commission Earmark Requests List. The Commission may also consider recommendations from its statewide advisory committees such as the Oregon Freight Advisory Committee (OFAC) and MPO priority lists submitted to ACTs or similar bodies.

Projects that have the support of multiple parties including local governments, area and statewide transportation advisory committees, and the Department region shall be preferred over ones that have less support. The Commission may give preference to earmark requests that will complete the funding necessary to fully construct a project over requests that will fund only earlier phases, such as project development activities or right-of-way acquisition, or that only contribute to but do not fully fund construction of a new project.

The Department's limited resources dictate that earmarks requested from the congressional delegation should complete or nearly complete the funding needed to deliver a project so there is no need for a significant additional infusion of resources. The Commission may give preference to earmark requests that provide the "last dollar" for a project or project phase to fill a shortfall after other funding has been allocated.

#### *Earmark Request Criteria*

The Commission establishes the following criteria for earmark requests made by the Department. The Commission shall only make requests for projects that meet these criteria.

- *Strategic Investment:* The project is a strategic investment that addresses problems on Oregon's transportation system, is included in or consistent with an existing transportation plan document or needs list, and has been identified as a regional or state priority. Projects shall provide significant benefits to Oregon and its transportation system in areas such as economic development, freight mobility, environmental quality, congestion relief and mobility improvement, safety, and other priority areas.
- *Meets STIP Criteria:* Projects recommended for earmark requests shall meet the approved Statewide Transportation Improvement Program (STIP) criteria as set forth in the *STIP Project Eligibility Criteria and Prioritization Factors*.
- *Support:* The project has strong support, including support from local government agencies, area and/or statewide advisory bodies, the public, and the business community.
- *Readiness:* The project has been developed enough to identify potential concerns and demonstrate that it has no known fatal flaws. The work shall begin during the timeframe of the transportation authorization legislation (2010-2015).
- *Funding:* Earmark funding, when combined with funding already committed to the project and additional available resources, shall be used to complete the project or a project phase, which may include planning, environmental work and project development, preliminary engineering, right of way acquisition, or construction. Construction of the project may be structured in phases so that the earmark funds received will complete construction of a segment of the project.

#### *Earmark Sponsor Roles and Responsibilities*

Any local agency<sup>1</sup>, organization, business, or other entity that requests and secures earmark funding for a project not on the official Commission Earmark Requests List takes on the role of the project's sponsor. The earmark requestor shall be expected to provide the required non-federal matching funds. When a project not on the Commission Earmark Requests List receives an earmark, the

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<sup>1</sup> For purposes of this policy, the definition of "local agency" includes, but is not necessarily limited to, cities, counties, metropolitan planning organizations, ports, special districts, federally recognized Native American tribes, and other units of government.

Department may provide additional funds for the project only in accordance with the Department's funding priorities and only to the extent funds are available after Commission approved earmark requests are fully funded and after other funding priorities have been met. This policy shall apply when the local agency's earmark is for a project on the state system in addition to when the earmark is for a project on the local agency's system. A local agency that secures an earmark for a local agency project also is responsible for developing and delivering the project according to all applicable federal and state requirements, with oversight and technical assistance from the Department.

Nothing in this policy is intended to prevent a local agency from seeking an earmark for a project on the state or local transportation system. Rather, this policy is intended to foster partnerships with local agencies, explain how the Department intends to invest its scarce resources, and explain the circumstances under which the Commission and Department shall accept responsibility for funding projects.

*Use of Earmarks for Local Contribution to State Highway Projects*

Earmarks for projects on the state highway system are generally intended to supplement rather than supplant state and local resources already committed to the project, and the Commission's earmark requests shall be focused on filling gaps in projects that have not been fully funded. Earmarks for state highway projects shall first be applied to any unfunded balance; once a project is fully funded, earmarks secured by local agencies may be counted toward the local agency's expected contribution.