



## Amending OTC Approved 23-25 Statewide Transportation Improvement Fund Formula Plans

### Guidance

In response to feedback about the 2023-25 Statewide Transportation Improvement Fund (STIF) formula disbursements, ODOT is pursuing a temporary change to Oregon Administrative Rules to allow Qualified Entities (QEs) the option of amending their 23-25 STIF Formula Plan so unexpected STIF revenues can be spent this cycle. ODOT is preparing to file the attached emergency administrative rule 732-42-0045 language drafted by the Department of Justice.

An Amended STIF Plan may neither add any new STIF Projects to the Original STIF Plan nor modify the description or scope of Projects identified in the Original STIF Plan. The QE may amend the following elements of the QE's original STIF Plan:

- The amount of unspent STIF Formula Fund moneys carried forward from the 2021-2023 Biennium under OAR 732-042-0035(2) and the description of how those moneys will be spent in the 2023-2025 Biennium; or
- The total amount of STIF Formula Fund moneys to be expended during the 2023-2025 Biennium and the Projects to which those moneys will be allocated, based upon the latest estimate of STIF Formula Fund distributions for the 2023-2025 Biennium provided by the Agency.

### Proposed Schedule:

- April 29, 2024: The deadline for QEs to submit amended 23-25 STIF Formula Plans to ODOT.
- May 9, 2024: OTC meeting where they will consider approving the emergency rule.
- June 3, 2024: Public Transportation Advisory Committee (PTAC) meeting where they will consider recommending amended plans to the OTC.
- August 1, 2024: OTC meeting where they will consider approving amended plans.

Amended plans will then become effective allowing agencies to spend additional STIF funds. Temporary rules sunset after 180 days, and ODOT will pursue a permanent change to the STIF rule throughout the summer of 2024.

A QE is not required to go back to its STIF Advisory Committee when amending its plan. However, the QE's Governing Body must approve the Amended STIF Plan prior to submitting it to ODOT.

Please reach out to your [RTC](#) or [Drew Orr](#) with any questions or issues you encounter during this process.

### Instructions to Amend STIF Formula Plans

1. QE will fill out [this Cognito form](#) to request the 2023-2025 STIF plan be re-opened.
2. Public Transportation Division Staff will send the QE the link to their STIF Plan for revision.
3. QE will fill out the STIF Change Form provided when Cognito revision link is sent.
4. QE will submit their modified STIF plan for PTD staff to review prior to submitting to PTAC and the OTC for approval. QEs will have until April 29, 2024, at 5:00 pm to submit any modifications to their STIF Plan.

If you have questions, concerns, or clarifications are needed, reach out to your [RTC](#) or a member of the Program Services Unit to help you to resolve the concerns.

### Webinars

Two webinars with Q&As will be offered for QEs to learn more about how to amend their 2023-2025 STIF Plan.

They will be held via Teams on Thursday, April 11 and Tuesday, April 16 from 8:30am to 9:30am. More information about the webinars is available on the [Public Transportation Provider Training page](#).

#### **732-042-0045**

##### **Amendment of 2023-2025 STIF Plan**

- (1) No later than April 29, 2024, a Qualified Entity with an approved STIF Plan for the 2023-2025 Biennium (an “Original STIF Plan”) may submit a proposed amended STIF Plan for the 2023-2025 Biennium (an “Amended STIF Plan”) to the Agency.
- (2) The Amended STIF Plan must include documentation that the Governing Body approved the Amended STIF Plan prior to its submittal to the Agency. If STIF Formula funds will be jointly managed by two or more Qualified Entities, the Amended STIF Plan must include documentation demonstrating each Governing Body’s commitment to joint management.
- (3) An Amended STIF Plan submitted under section (1) of this rule may amend only one or both of the following elements of the Qualified Entity’s Original STIF Plan:
  - a) The amount of unspent STIF Formula Fund moneys carried forward from the 2021-2023 Biennium under OAR 732-042-0035(2) and the description of how those moneys will be spent in the 2023-2025 Biennium; or
  - b) Based upon the latest estimate of STIF Formula Fund distributions for the 2023-2025 Biennium provided by the Agency, the total amount of STIF Formula Fund moneys to be expended during the 2023-2025 Biennium and the Projects to which those moneys will be allocated.
- (4) An Amended STIF Plan submitted under section (1) of this rule may neither add any new STIF Projects to the Original STIF Plan nor modify the description or scope of Projects identified in the Original STIF Plan.
- (5) The Agency shall submit all timely received proposed Amended STIF Plans to the Commission. The Commission shall thereafter review and either approve or reject each proposed Amended STIF Plan.
- (6) If an Amended STIF Plan is approved by the Commission, the Amended STIF Plan supersedes the Qualified Entity’s Original STIF Plan for the remainder of the 2023-2025 Biennium.
- (7) If an Amended STIF Plan is rejected by the Commission, a Qualified Entity may file one appeal as described in OAR 732-040-0050.

Statutory/Other Authority: ORS 184.619, ORS 184.658 & ORS 184.761

Statutes/Other Implemented: ORS 184.751-184.766

#### **Frequently Asked Questions**

Q: How can a QE request their STIF plan be reopened?

A: QE will fill out [this Cognito form](#) to request the 2023-2025 STIF plan be re-opened.

Q: Can a QE add new projects with the unanticipated reserve funds?

A: No, new projects are not allowed.

Q: Can a QE move money from one project to another?

A: No, a QE cannot move money from one project to another.

Q: I'm a PTSP and my QE doesn't want to reopen the STIF Plan, can I do that on my own?

A: No, only QEs may amend the STIF Plans.

Q: Do QEs have to take the amendments in front of the Advisory Committees prior to submitting?

A: No, QEs will not be required to go back to their Advisory Committees for this process.

Q: Do QEs need to take the amendments to their governing bodies prior to submitting?

A: Yes, the QE's Governing Body must approve the Amended STIF Plan prior to submitting it to ODOT.

Q: How will QEs know if there are issues with the submitted amendments?

A: ODOT staff will reach out to QEs for clarification and to correct any issues prior to STIF Plans going to PTAC and the OTC.