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**PERMANENT ADMINISTRATIVE ORDER**

**PTD 3-2024**

CHAPTER 732

DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSPORTATION DIVISION

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**RULES:**

732-042-0005, 732-042-0045

AMEND: 732-042-0005

RULE TITLE: STIF Formula Fund Cycle

NOTICE FILED DATE: 08/30/2024

RULE SUMMARY: Amended section (4) of this rule from six months to "at least four months prior to the beginning of a Biennium, Qualified Entities shall submit their STIF Plans to the Agency."

**RULE TEXT:**

(1) The STIF Formula Fund cycle will be structured around a Biennium, with key dates and exceptions identified in these rules.

(2) After the first disbursement of STIF moneys following the enactment of Oregon Laws 2017, chapter 750, the Agency shall make disbursements quarterly beginning at the beginning of the first quarter of each Biennium, subject to the provisions of OAR 732-042-0010.

(3) No later than December 31 of each year, the Agency shall provide written notice to each Qualified Entity of the estimated allocation of STIF Formula Fund moneys for which it is eligible in the coming calendar year.

(4) As determined by the Agency, but at least four months prior to the beginning of a Biennium, Qualified Entities shall submit their STIF Plans to the Agency.

(5) Qualified Entities may prepare their STIF Plans for a period of one or two Biennia. The Commission may approve a STIF Plan for one or two Biennia.

(6) The Commission shall decide to accept or reject STIF Plans no later than July 1 of the coming Biennium.

(7) The Agency shall email notice of the Commission's decision to affected Qualified Entities within seven days of the issuance of the Commission's decision. A Qualified Entity may appeal a rejection of its STIF Plan as described in OAR 732-040-0050.

(8) During the first STIF Formula Fund Cycle after the enactment of Oregon Laws 2017, chapter 750, a Qualified Entity may submit its STIF Plan either three months or nine months after the effective date of OAR Chapter 732, Division 042.

A Qualified Entity that submits a STIF Plan under this section shall submit a STIF Plan for a period that ends at the end of the 2019-2021 Biennium. The Commission shall decide to accept or reject a STIF Plan submitted under this section no later than four months after it is received by the Agency, following the approval procedures described in OAR 732-042-0025.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 184.658, 184.761

STATUTES/OTHER IMPLEMENTED: ORS 184.751-184.766

ADOPT: 732-042-0045

REPEAL: Temporary 732-042-0045 from PTD 2-2024

RULE TITLE: Agency Amendment of STIF Plan

NOTICE FILED DATE: 08/30/2024

RULE SUMMARY: Revised wording of temporary rule as it's being converted to a permanent rule.

RULE TEXT:

(1) No later than 90 days prior July 1 annually, a Qualified Entity with an approved STIF Plan for the current Biennium (an "Original STIF Plan") may submit a proposed amended STIF Plan for the current 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 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 previous Biennium under OAR 732-

042-0035(2) and the identification of the Projects to which those moneys will be allocated in the current Biennium; or

(b) Based upon the latest estimate of STIF Formula Fund distributions for the current Biennium provided by the Agency, the total funding sought in the STIF Plan and Identification of the projects to which those moneys will be allocated in the current Biennium.

(4) An Amended STIF Plan submitted under section (1) of this rule may:

(a) Neither add any new Projects to the Original STIF Plan nor

(b) Modify the description of Projects included in the Original STIF Plan, except that the description may be modified to reflect any changes to the anticipated benefits and discrete measurable outcomes associated with each Project with specific reference to whether the Project advances each of the criteria listed at 732-042-0015(2)(c).

(5) The Agency shall review all timely received proposed Amended STIF Plans. The Agency shall submit each completed Amended STIF Plan to PTAC for review and recommendation 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 current 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, 184.658, 184.761

STATUTES/OTHER IMPLEMENTED: ORS 184.755-184.766