

# Transportation Planning Rule (TPR): With Particular Attention to 0060

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## TPR Overview

- 0000 – Purpose
- 0005 – Definitions
- 0010-0050 – Transportation System Plans (TSP)
- 0060 – Plan and Land Use Regulation Amendment
- 0065 & 0070 – Rural Lands

## TPR 0000 Purpose

[Paraphrased]

- (1) Implement Goal 12
  - (a) Transportation systems adequate to serve statewide, regional and local transportation needs
  - (a) Adequate for transportation disadvantaged
  - (b) Variety of transportation choices
  - (b) Avoid principal reliance upon any one mode
  - (d) Safe, efficient and economic flow of freight
  - (e) Protect existing and planned transportation facilities, corridors and sites for their identified functions;
  - (f) Provide transportation facilities to support comprehensive plans
  - (h) Coordination among service providers
  - (h) Consistency between state, regional and local transportation plans
  - (i) Ensure that changes to comprehensive plans are supported by adequate planned transportation facilities.
- (2) Avoid the air pollution, traffic and livability problems faced by other large urban areas

## 0010 through 0050 – Transportation System Plans (TSP)

Cities, Counties and State required to prepare a TSP.

Identify adequate network.

Assess adequacy of funding.

NOT required to find all funding or cut list to match funding.

Address all modes.

Local must be consistent with state and regional.

Regional must be consistent with state.  
Metropolitan areas required to “adopt standards to demonstrate progress towards increasing transportation choices and reducing automobile reliance” 0035(5).

## TPR 0060 - Plan and Land Use Regulation Amendment:

### 1. Overview

Purpose: Consistency

Applicability

Is there a *significant effect*?

What to do if there is a *significant effect*

Other issues

### 2. Purpose: Consistency

“...to assure that allowed land uses are consistent with the identified function, capacity, and performance standards ...”

TPR 0060 (1)

Initial TSPs not fully consistent with land use plan (not fully funded).

Existing zoning continues, even without adequate funded transportation.

When amending, evaluate and do not create inconsistency or make it worse.

Requirements on developers consistent with impact on public infrastructure.

Coordinate decisions will all levels.

### 3. Applicability

“...an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation...”

TPR 0060 (1)

#### 3.1. YES, TPR 0060 does apply:

Comprehensive plan amendment – map and text
Zone change
Development code text amendment
TSP minor amendment

#### 3.2. NO, TPR 0060 does not apply:

Conditional use permit
Site plan review
Building permit
Population Projection
TSP Adoption
TSP Major Update

### 3.3. DEPENDS, TPR 0060 may apply:

UGB Amendment

Annexation

(Depends on whether the land will also be rezoned to allow more intense use)

## 4. Is there a *significant effect*?

### 4.1. Overview

Two-part test

Base case

“Reasonable worst case”

Performance standards

When to measure performance

Future Network: Funded & “Reasonably Likely”

Trip Reductions

### 4.2. Two-part tests to determine *significant effect*

“A plan or land use regulation amendment *significantly affects* a transportation facility if it would: ...

(c) As measured at the end of the planning period...

(A) Allow land uses or levels of development that would result in types or levels of travel or access that ...

(B) Reduce the performance ... below the minimum acceptable performance standard...; or

(C) Worsen the performance ... projected to perform below the minimum acceptable performance standard ... ”

TPR 0060 (1)

Allow more development that is projected to generate more traffic than existing zoning.

AND

Total projected traffic on the network would not meet the performance standards.

### 4.3. Base Case

Project traffic from development allowed under existing zoning.

Not limited to existing development.

Use projected traffic generation from TSP, even if different from current zoning.

May not use comprehensive plan designations that have not yet been implemented in zoning nor assumed in TSP.

### 4.4. “Reasonable worst case”

Determine which allowed uses would generate the most traffic.

Not ridiculous worst case: Entire site covered in drive-through restaurants

Local government decides.

Must be consistent with adopted plans.

LUBA review standard is substantial evidence.  
 Use consistent assumptions in base case and proposed.

#### 4.5. Performance standards

TPR does not include any performance standards.  
 TPR does not require using a particular type of standard or methodology.  
 Local street performance standards in local TSP  
 Cities often use Level of Service (LOS); For example:

Level of Service (LOS)	Average vehicle delay from congestion		Description
	Signalized Intersection	Unsignalized Intersection	
A	≤10 seconds	≤10 seconds	Free flow
B	10-20 seconds	10-15 seconds	Reasonably free
C	20-35 seconds	15-25 seconds	Stable flow
D	35-55 seconds	25-35 seconds	Approaching unstable flow
E	55-80 seconds	35-50 seconds	Unstable flow
F	≥80 seconds	≥50 seconds	Forced or breakdown flow

Oregon Highway Plan – Policy 1F: Highway Mobility Policy  
 Volume-to-Capacity (v/c), varies by functional class & location.  
 Other standards are possible to measure safety, network completeness, out-of-direction travel, total travel time, comfort, user satisfaction.

#### 4.6. When to measure performance

“End of the planning period.”  
 Set in applicable TSP(s).  
 Typically 10 – 20 years out.  
 For state highways minimum planning period is 15 years (OHP, Policy 1G).  
 Historical note: Jaqua court decision required measuring at all points through the horizon. 2005 Amendments clarified only at end of horizon.

#### 4.7. Future Network: Funded & “Reasonably Likely”

See TPR 0060 (4)  
 What facilities should be assumed in the future to accommodate projected traffic?  
 Do NOT include everything listed in the TSP.  
 Funding is the key question.

Funded - Local government may rely on:  
 ODOT STIP  
 Local capital improvement program  
 Metropolitan “Financially Constrained” RTP  
 “funding plan or mechanism is in place or approved”  
 System Development Charge (SDC)

Local Improvement District (LID)  
Development Agreement  
Condition of approval

**“Reasonably Likely”**

Letter from provider (e.g. ODOT, county, city, transit district).  
Decided solely by facility provider – TPR 0060 (4)(e).  
No criteria in TPR.  
Not a land use decision.

Different in interchange areas, TPR 0060(4)(c).

May rely on all funded improvements.  
“Reasonably Likely” letter needs additional validation.  
Option 1: Letter from ODOT about adverse impact on interstate highway system.  
Option 2: Interchange Area Management Plan has been adopted and includes the facility.

**Why not all TSP Projects?**

“Polite Fiction” – TSPs include many more projects than can be funded.  
Land use changes that rely on unfunded projects need extra scrutiny.

**4.8. Trip Reductions – Mixed Use**

“give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods”

TPR 0060 (6)

10% reduction for meeting definition in TPR 0060 (8)  
Greater than 10% reduction with detailed or local information  
Must prohibit “uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels.” (6) (a)  
Must conditional approval to provide multi-modal connectivity and support mixed-use pedestrian friendly development. (6) (c)

**5. What to do if there is a *significant effect***

See TPR 0060 (2)

Not automatic denial, several options to approve

Restore the balance in land use & transportation

(a) “Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards”

(b) Add **funded** facilities to TSP (i.e. not a *significant effect* after all)

(c) “Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.”

(d) Change performance standards or function (i.e. not a *significant effect* after all)

(e) “Providing other measures as a condition of development ... including transportation system management measures, demand management or *minor transportation improvements*.” (i.e. not a *significant effect* after all)

TPR 005 (15) "*Minor transportation improvements*" include, but are not limited to, signalization, addition of turn lanes or merge/deceleration lanes on arterial or collector

streets, provision of local streets, transportation system management measures, modification of existing interchange facilities within public right of way and design modifications located within an approved corridor. Minor transportation improvements may or may not be listed as planned projects in a TSP where the improvement is otherwise consistent with the TSP. Minor transportation improvements do not include new interchanges; new approach roads within the influence area of an interchange; new intersections on limited access roadways, highways or expressways; new collector or arterial streets, road realignments or addition of travel lanes.

## 6. Other Issues

### 6.1. Deferring TPR 0060?

#### Not allowed

Court of Appeals ruled against deferral in *Willamette Oaks v. City of Eugene*. Plain text of 0060 requires determination of *significant effect*. TPR 0060(1) makes no provision for deferral.

#### Previously allowed

LUBA upheld local decision to defer, especially if local jurisdiction adopted text of TPR 0060. Might be permissible to make finding of *significant effect*, and defer determination of mitigation.

### 6.2. Trip Cap

NOT a cap on actual trips.

Limitation on development .

Calculated based on predicted trip generation (as opposed to limit on floor-area-ratio or square-foot of building).

Calibrated usually to exactly use up available capacity.

## More Information

TPR: [arcweb.sos.state.or.us/rules/OARS\\_600/OAR\\_660/660\\_012.html](http://arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_012.html)

Information specifically about 0060 [www.oregon.gov/LCD/about\\_tpr\\_section\\_0060.shtml](http://www.oregon.gov/LCD/about_tpr_section_0060.shtml)  
(includes an FAQ and a LUBA headnotes specifically on 0060)

LUBA Headnotes for Goal 12 and all of the TPR:

[arcweb.sos.state.or.us/rules/OARS\\_600/OAR\\_660/660\\_012.html](http://arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_012.html)

LUBA Opinions: [www.oregon.gov/LUBA/Opinions.shtml](http://www.oregon.gov/LUBA/Opinions.shtml)

TPR Amendments in 2005 & 2006: [www.oregon.gov/LCD/transplan.shtml](http://www.oregon.gov/LCD/transplan.shtml)

ODOT Development Review Guidelines:

[www.oregon.gov/ODOT/TD/TP/docs/TPR/tprGuidelines.pdf](http://www.oregon.gov/ODOT/TD/TP/docs/TPR/tprGuidelines.pdf)

(specific guidance on when and how ODOT will issue *reasonably likely* letters)