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Advisory Committee on
Metropolitan Transportation Planning and
Greenhouse Gas Reduction Targets

Policy Approaches to Integrating and Improving Metropolitan Planning Requirements in the Transportation Planning Rules

Advisory Committee Meeting #4
October 4, 2016

Background

Chapter 660, Division 12 of the Oregon Administrative Rules (known as the Transportation Planning Rules, or TPR) includes requirements for how local governments and Metropolitan Planning Organizations (MPOs) in metropolitan areas coordinate planning for land use and transportation systems to increase transportation choices. There are two reasons why we are re-examining these planning requirements in the TPR:

- Scenario planning for Greenhouse Gas (GHG) reduction is closely related to metropolitan land use and transportation planning. There is an opportunity to better integrate GHG emissions reductions efforts into planning; and
- The existing metropolitan planning process in the TPR can be confusing and difficult to administer.

Integrating Scenario Planning for GHG Emissions Reduction

Scenario planning efforts have now occurred to some degree in half of the state's metropolitan areas. A common set of actions have been identified that must be taken in order to meet GHG emissions reductions goals. These actions are similar to those that metropolitan areas have been required to undertake under the TPR to increase transportation choices. A better integration of GHG emission reductions planning with other land use and transportation planning efforts will reduce duplicative efforts and improve coordination.

Improving the Existing Metropolitan Planning Rules

As changes to the TPR are contemplated, a number of issues with the existing rules have been identified by staff and members of the advisory committee. The existing metropolitan planning requirements in the TPR are fragmented and often difficult to follow. Assignment of

responsibility among local governments in the metropolitan area and the MPO is not clear. The rules attempt to provide for a coordinated planning process in concert with the federally-required Regional Transportation Plan (RTP), but in practice this has rarely worked. MPOs focus on updating the RTP that is required to receive federal funding, and do not have the time or resources to complete state planning requirements. Cities and counties have a wide range of issues at hand, and metropolitan transportation planning requirements are not at the top of the list.

A more detailed list of issues identified by members of the advisory committee and by staff is included as an appendix to this memo. These issues include:

- There are too many local and regional plans and requirements;
- The Regional Transportation System Plan (RTSP) is duplicative and doesn't add value;
- Federal requirements are growing in complexity;
- MPOs have limited resources;
- The existing rules are confusing and ambiguous;
- There are questions about how the state may place requirements on MPOs;
- Adopting an RTSP is a land use decision to be made by local governments, MPOs do not have land use authority;
- Local governments may be hesitant to adopt a regional plan;
- Mobility goals often conflict with land use goals;
- There is a lack of data to monitor performance standards and benchmarks;
- Vehicle Miles Traveled (VMT) reduction measures are difficult to meet, and alternative measure requirements are vague; and
- Changes in geography and modeling tools limit the ability to track progress over time.

Scope of this Memo

Applicability to Certain Metropolitan Areas

These changes are mainly intended to apply to the seven smaller metropolitan areas in Oregon, and not the Portland metropolitan area. Metro has a role as the MPO for the metropolitan area, but also has regional land use planning abilities and responsibilities as the only metropolitan service district in the state. Many of the issues about proper governmental roles do not apply in the same way to Metro and the local governments in the Portland metropolitan area. State metropolitan planning requirements will continue to not apply to the two small Oregon portions of Washington State-based metropolitan areas.

Policy Approaches

This memo describes several broad approaches for changing the process of transportation planning in metropolitan areas, but does not get to a level of details that would include the substance of rule amendments. This committee will be asked to make a recommendation about the preferred approach to the Land Conservation & Development Commission (LCDC) in late 2016 or early 2017, but the current process will not get to the point of drafting new rules. The work to implement the recommendations, including amendments to the TPR could be conducted later in 2017 by reconvening this advisory committee, or recruiting a new committee. This

advisory committee is also working on a related effort to update GHG targets, and those updates are expected to be adopted in the current process.

The potential changes to the TPR could fall into one of three categories, each requiring a different level of staff and committee effort:

- Clarification – The TPR status quo would be largely maintained, with clarification throughout as needed to address ambiguity in responsibilities or other specific issues.
- Menu of Options – More substantial changes to the rules would give cities and counties more options for how they increase transportation choices, including options for who does the planning work, how performance is measured, and benchmarks.
- Reorganization – The portions of the TPR having to do with transportation planning for all cities and counties (rules 0010 through 0055) would be reorganized, to integrate the requirements for cities and counties in metropolitan areas, and to give more options for those cities and counties.

There are also policy options that would require statutory changes. These are outside the scope of this memo, which explores policy options within LCDC's existing rulemaking authority.

Clarifying Responsibilities for Metropolitan Planning

Role of MPOs

The ambiguity in the current TPR can give the impression that MPOs are required to comply with some of the rules. The rule amendments would clearly give the responsibility to cities and counties for state-required work, so that MPOs can focus on federal requirements. Of course the cities, counties and the MPO would coordinate, and could even choose to collaborate on planning projects, but the TPR would be clear that cities and counties, not MPOs, will be held responsible for meeting state requirements to increase transportation choices. Although MPOs would not have obligations under the TPR, the rules would recognize the importance of federal requirements (e.g. 23 USC 124, 49 USC 5303, and 23 CFR 450) and ensure that local transportation system plans provide the information that MPOs need to prepare the RTP.

Role of Cities and Counties

Cities and counties within a metropolitan area would be individually responsible for meeting state planning requirements. Of course, cities and counties could choose to cooperate to do the planning work in several ways:

- Lighter regional cooperation: Each city or county plans individually for their geography. Information from local plans is used by the MPO to create the RTP.
- Moderate regional cooperation: Cities and counties work together on a regional planning document that meets state planning requirements. Each city or county incorporates relevant sections of the regional planning document into their local transportation

system plan. Information from the regional document and from local TSPs is used by the MPO to create the RTP.

- **Heavier regional cooperation:** Cities, counties, and the MPO enter into an intergovernmental agreement to create a single document that meets state requirements and federal requirements as the RTP. The document is adopted by cities, counties, and the MPO policy board.

Local governments would choose the level of regional cooperation they desire in order to accomplish the required planning efforts.

Exemptions

Small cities (e.g. population below 2,500) in metropolitan areas could be exempted from state requirements to plan for increasing transportation choices, either automatically or by request. Counties that have direct land use authority for a significant population (e.g. over 2,500) outside of city limits but inside the metropolitan area would be included, but other counties could be exempted. Counties with territory in multiple metropolitan areas would only be required to address the requirements in their primary metropolitan area. Exempted jurisdictions would be welcome to plan for increasing transportation choices on a voluntary basis.

Options for Increasing Transportation Choices

All cities and counties would have a wider menu of options to meet planning requirements to increase transportation choices:

- **Option A:** Cities and counties could use a set of standards and benchmarks defined by the state to measure increasing transportation choices. This would be a “safe harbor” provision. Local transportation system plans would show how the selected projects would meet the benchmarks.
- **Option B:** Individual cities or counties could develop their own set of standards and benchmarks to measure increasing transportation choices, subject to review and approval by LCDC. Local transportation system plans would show how the selected projects would meet the benchmarks.
- **Option C:** Regions under heavy regional cooperation could develop and implement a scenario plan that meets the GHG emissions reduction target for the horizon year of the RTP, and benchmarks measuring progress towards the scenario. Local transportation system plans would show how the selected projects would meet the benchmarks in the adopted scenario.
- **Option D:** Regions under heavy regional cooperation could develop and implement a plan that results in a 5% reduction in VMT per capita at the 20-year horizon of the RTP.

Some of these choices are similar to requirements in the existing rules to increase transportation choices. The updated rules would make it clear that cities and counties have a choice in how they

meet the requirements, and would provide a wider range of options. Cities and counties could change options when updating plans.

Topics for future discussion

This memo explores some broad policy approaches for amending the TPR requirements for the metropolitan transportation planning process. It does not attempt to address all of the issues that would need to be resolved to amend the TPR. Listed below are some, but not necessarily all, of the issues that would be need to be discussed at future meetings of this advisory committee, or in a future process that follows from these the recommendations of this advisory committee.

Reporting on Standards

The TPR requirements for reporting have not worked well. Reporting requirements would need to be revised to reflect the chosen policy approach, to clarify responsibilities, and to set a workable schedule.

Timing & Frequency of Plan Updates

The existing rules were written in a time when Periodic Review requirements would ensure that local jurisdictions regularly revisit planning requirements. Now, most jurisdictions do not have to engage in Periodic Review. Aside from the federal RTP updates, there are few triggers to provide for updates to local and regional plans. The TPR could require updates to local TSPs when benchmarks are not met, or on a regular schedule.

Consistent Horizon Years

Currently, regions have a multitude of local and regional transportation and land use plans, population forecasts, and models that start and end at different years. This makes coordinated development of plans difficult. Updated rules should allow for easier coordination of horizon years, likely based on RTP horizon years.

APPENDIX A

Summary of Comments on Metropolitan Planning Experiences

Overview

At the second advisory committee meeting on July 6, participants were asked a series of questions about the existing metropolitan transportation planning requirements, and how they were working for each area. Metropolitan areas were asked about their progress toward adopting and reviewing Regional Transportation System Plans (RTSPs), the required inclusion of standards and benchmarks demonstrating increasing transportation choices, and ongoing evaluation of progress towards meeting those benchmarks.

Participants from metropolitan areas provided information about successes, areas that were not working well, and some suggestions for improvements. Advisory committee participants not affiliated with a metropolitan area were asked to respond more generally on their views of the issues or difficulties local governments face with the existing rules, and to also provide suggestions for improvement.

This memo provides a general summary of many of the common issues raised at the second advisory committee meeting. This summary is not intended to be an exhaustive list of every concern expressed. This memo includes a summary of process, legal, and technical issues, as well as a summary of potential opportunities for improvement.

Summary of Process Issues

- There are **too many plans and requirements**. In many areas, local Transportation System Plans (TSPs), RTSPs, and Regional Transportation Plans (RTPs) have plan elements, geographies, and timeframes that are both overlapping and inconsistent. Some of the requirements for these plans are the same or very similar. However, other mandates require additional work, or work that varies enough from other requirements to require duplicative work.
- The **RTSP is duplicative** and doesn't add value to the planning process. As mentioned above, the RTSP is often seen as duplicative with other local and regional planning efforts. There are questions about how the RTSP actually affects transportation planning decisions.
- **Federal requirements are growing in complexity**. With the continued implementation of performance requirements mandated by *MAP-21* in 2015's federal transportation bill, *FAST*, metropolitan areas are faced with increasing levels of planning and reporting complexity. While it may be possible to leverage some of these activities for state-required planning efforts, the current state of these requirements continues to be in flux as federal administrative agencies have continued to develop and refine requirements over a number of years.
- **MPOs have limited resources**. Federal planning funds delivered to Metropolitan Planning Organizations (MPOs) for development of the RTP cannot be used to complete

state required RTSPs. Funding for planning at all levels is limited and using resources to complete duplicative or unnecessary work is not productive.

- **The rules are confusing.** There is ambiguous language in the Transportation Planning Rules (TPR) concerning the roles and responsibilities of local governments in metropolitan areas as well as the MPOs themselves. The rules could be clearer about who does what, and should respect the scope of responsibility of each entity.

Summary of Legal Issues

- There is **questionable legality of state mandates** on federally-required organizations. The state may have limited ability to place requirements on MPOs, which are creations of federal transportation planning requirements. MPOs are required to be chartered by the governor, however, and other states do have a more robust set of responsibilities for their MPOs.
- **Adopting an RTSP is a land use action.** MPOs are not land use planning agencies, and have limited authority. The TPR does require land use actions to be taken by local governments. However language regarding adoption of RTSPs is not clear, and has been interpreted differently in different places.
- **Local governments are hesitant to adopt a regional plan.** Some participants noted that local jurisdictions are apprehensive about adopting plans that include areas outside their planning areas. There are also concerns about how local governments set and follow up on regional benchmarks.
- **Mobility goals often conflict** with land use goals. Some requirements for performance on state highways and some local streets are in conflict with the urbanizing character of many communities in metropolitan areas. Some changes to the Oregon Highway plan (OHP) and TPR in recent years have addressed this in some cases. More work may be needed.

Summary of Technical Issues

- There is a **lack of data availability** to appropriately monitor benchmarks. This is an issue of resources for data collection activities, as well as a lack of clear responsibility for collecting and analyzing data. Participants noted that local and regional data sources were not always in alignment.
- The **VMT reduction measure is difficult to meet**, and alternative measures are vague. The TPR has been evolving over the years to address VMT reduction in metropolitan areas. The original requirement was a large reduction in VMT per capita. When this was found to be unreasonable, a variety of alternatives were added to the rule. However these rules are not clear. Different metropolitan areas handle these rules in varying ways.
- **Changes in geography and model** limit the ability to track progress over time. The boundaries of MPOs change as often as every ten years. In some cases, as with the Rogue Valley MPO, these changes can be substantial and include new jurisdictions. MPOs also

continue to update models used to plan for the future. These changes over time make it hard to compare “apple to apples” from one year to the next, and over the planning horizon.

Summary of Potential Opportunities

These are potential opportunities mentioned by advisory committee participants.

- **Merge processes** to achieve overlapping goals. Many participants noted that the varied concerns about duplicative plans and requirements could be addressed by merging multiple processes. Issues to be worked out would include concerns about jurisdiction, geographies, and roles of plans and organizations.
- **Require TSPs to have performance measures.** Current rules are ambiguous about the responsibility to adopt performance measures, what performance measures should measure, and how they are to be used over time. Clear requirements to adopt performance measures as part of TSPs may address some of these concerns.
- MMAs, corridor plans, and other localized **planning often show reductions** in VMT. Recent revisions to the TPR have introduced the Mixed-Use Multimodal Area (MMA) as a tool for communities to allow denser development in appropriate areas by accepting more congestion. This tool has not yet been extensively adopted, but its availability as well as local corridor and district planning that has occurred in many communities points the way towards reducing Vehicle Miles Traveled (VMT) in key areas. Future rules could emphasize this work.
- **Rewrite the TPR** with clear purpose, goals, and responsibilities. Many of the issues that have been identified have to do with unclear rules and responsibilities, and duplication of effort over multiple plans, entities, and geographies. Rewriting portions of the TPR could rationalize and clarify how transportation planning work is accomplished in metropolitan areas in Oregon.