



& Associates

M E M O R A N D U M

TO: Transportation Planning Rule Work Group
FROM: Frank Angelo, Principal
DATE: July 25, 2005
CC:
FILE #: 009-005
RE: Proposed Revisions to TPR Purpose Statement

Transportation Planning Rule Purpose Statement

This issue was originally identified through the Stakeholder Interviews conducted in August 2004. Stakeholders indicated that there is the perception that the Purpose Statement (Section 660-012-0000) of the TPR, by including the phrase “reduce reliance on the automobile” and not including references to “supporting economic development” has created a negative perception of the intent of the TPR. The “reduce reliance” phrase is derived from language in Goal 12 that directs a transportation plan to “avoid principal reliance upon any one mode of transportation”. The phrase is viewed by some as problematic and an obstacle for local jurisdictions to overcome when they work with the local community to prepare a TSP.

The Metropolitan Planning Organization report prepared by DLCD staff in November 2004 also determined that the “reduced reliance” phrase was problematic and should be addressed during future TPR reviews.

Staff is suggesting revised language to amend the Purpose Statement to more accurately reflect the multiple objectives of the TPR. The amended version was initially presented to the TPR Work Group at its June 21st meeting for review and comment. The draft Purpose Statement was also the subject of a Metro TPAC meeting. Finally, the draft Purpose Statement was presented to the Joint OTC/LCDC Transportation Subcommittee on July 19th.

The Joint Subcommittee heard from some members of the TPR Work Group that the revised Purpose Statement altered the intent and direction of the original Purpose Statement. Similar comments were heard during TPAC’s review. The Joint Subcommittee’s review indicated that they were comfortable with the revisions and did not see specific instances where the original intent had been altered. They requested that staff discuss the “side-by-side” comparison of the original and revised Purpose Statements and, if concerns remained, to provide the following:

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1. Specific examples of where a policy shift has occurred;
2. Identify if elements are missing in the draft Purpose Statement; and
3. Suggest specific language to address any concerns.

The attachments to this memo provide a “side-by-side” comparison of the original Purpose Statement language with the recommended amended version. Commentary is provided with this comparison to indicate why the amendments are recommended. The other two attachments provide the current TPR Purpose Statement and the recommended TPR Purpose Statement in final form (without commentary).

Staff believes that the amended TPR Purpose Statement is easier to follow, presents the broad purpose and objective of the TPR in a clearer manner and does not change any of the original objectives presented in the current Purpose Statement. Staff’s recommendation is to forward the amended TPR Purpose Statement to LCDC for consideration in September.

TPR PURPOSE STATEMENT COMPARISON

<p>Proposed Amendments Section 660-012-0000 Purpose Statement</p> <p>Proposed Language</p>	<p>Section 660-012-0000 Purpose Statement</p> <p>Existing Language</p>	<p><u>Commentary</u></p>
<p>“(1) This division implements Statewide Planning Goal 12 (Transportation) and provisions of other statewide planning goals related to transportation planning.”</p>	<p>“The purpose of this Division is to implement Statewide Planning Goal 12 (Transportation) * * *. It is also the purpose of this Division to explain how local governments and state agencies responsible for transportation planning demonstrate compliance with other statewide planning goals. * * *.”</p>	<p>New wording is more concise. No substantive difference.</p>
<p>“(1) * * * The purposes of this division are to coordinate and direct land use and transportation planning to: (a) Promote the development of safe, convenient and economical transportation systems adequate to serve statewide, regional and local transportation needs; “</p>	<p>“The purpose of this Division is to * * * promote the development of safe, convenient and economic transportation systems.”</p>	<p>The proposed purpose statement retains language in the existing purpose statement to promote the development of safe, convenient and economic transportation systems. The proposed language discusses coordinated transportation planning and development of transportation systems adequate to serve statewide, regional and local transportation needs. This reflects existing policy in OAR 660-012-0020(1): “A TSP shall establish a coordinated network of transportation facilities adequate to serve state, regional and local transportation needs.” If there is any substantive difference, it would be in the linkage of “land use and transportation planning” in the new purpose statement. However, this linkage is consistent with existing TPR policy.</p>

TPR PURPOSE STATEMENT COMPARISON

<p>Proposed Amendments Section 660-012-0000 Purpose Statement</p> <p>Proposed Language</p>	<p>Section 660-012-0000 Purpose Statement</p> <p>Existing Language</p>	<p><u>Commentary</u></p>
<p>“(1) * * * The purposes of this division are to coordinate and direct land use and transportation planning to: * * *</p> <p>(b) Encourage and support the availability of a variety of transportation choices that balance vehicular use with other critical transportation needs;</p> <p>(c) Provide for safe and convenient vehicular, pedestrian and bicycle access and circulation;</p> <p>(d) Ensure that the planned transportation system supports a pattern of travel and land use in urban areas that will avoid the air pollution, traffic and livability problems faced by other areas of the country.”</p>	<p>“The purpose of this Division is to * * * promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and livability problems faced by urban areas in other parts of the country might be avoided. * * *.</p> <p>Through measures designed to reduce reliance on the automobile, this division is also intended to assure that the planned transportation system supports a pattern of travel and land use in urban areas that will avoid the air pollution, traffic and livability problems faced by other areas of the country. This portion of the rule aims to improve the livability of urban areas by promoting changes in land use patterns and the transportation system that make it more convenient for people to walk, bicycle and use transit, and drive less to meet their daily needs.”</p>	<p>Except for the elimination of the term “reduced reliance on the automobile” language in the proposed purpose statement, there is little substantive difference between the proposed and existing statements.</p> <p>The new language is much more concise and readable. The new language focuses on the TPR objectives to increase modal choice and to make all modes of travel safer and more convenient. This reflects existing TPR policy in, among other sections: OAR 660-012-0020(2)(b)-(d) (to plan for road, bike and pedestrian and public transit); OAR 660-012-0035(1)(b) (Transportation planning shall evaluate new facilities and services, including different modes or combinations of modes that could reasonably meet identified transportation needs); and OAR 660-012-0045(3) (directing local governments to amend plans and ordinances to provide for safe and convenient pedestrian, bicycle and vehicular circulation and to promote better connectivity for a variety of modes).</p> <p>The new language repeats existing language regarding patterns of travel and</p>

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<p>Proposed Amendments Section 660-012-0000 Purpose Statement</p> <p>Proposed Language</p>	<p>Section 660-012-0000 Purpose Statement</p> <p>Existing Language</p>	<p><u>Commentary</u></p>
		<p>land use in urban areas.</p>
<p>“(1) * * * The purposes of this division are to coordinate and direct land use and transportation planning to: * * *</p> <p>(e) Facilitate freight movement and the economic flow of goods and services within regions and throughout the state</p> <p>(f) Protect existing and planned transportation facilities, corridors and sites for their identified functions</p> <p>(g) Provide for the construction and implementation of transportation facilities, improvements and services necessary to support acknowledged comprehensive plans.”</p>	<p>“The purpose of this Division is to * * * promote the development of * * * economic transportation systems * * *. The division sets requirements for * * * implementation * * * of transportation system plans.”</p>	<p>The proposed purpose statement expands on elements of the existing purpose statement and adds new language that reflect important TPR objectives that are in the TPR but not currently identified as purposes.</p> <p>Facilitating freight movement and the economic flow of goods reflects the requirement in OAR 660-012-0030(1)(c) that TSPs identify needs for movement of goods and services to support industrial and commercial development planned for pursuant to Goal 9.</p> <p>Protecting existing and planned transportation facilities, corridors and sites for their identified functions arises out of OAR 660-012-0045(2) (“Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions.”)</p> <p>Providing for facilities necessary to support comprehensive plans reflects</p>

TPR PURPOSE STATEMENT COMPARISON

<p>Proposed Amendments Section 660-012-0000 Purpose Statement</p> <p>Proposed Language</p>	<p>Section 660-012-0000 Purpose Statement</p> <p>Existing Language</p>	<p><u>Commentary</u></p>
		<p>direction in OAR 660-012-0035(3)(a) (“The transportation system shall support urban and rural development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan”) and OAR 660-012-0045(1) (“Each local government shall amend its land use regulations to implement the TSP”) and the linkage and balance between land use and transportation reflected in OAR 660-012-0060.</p>
<p>“(1) * * * The purposes of this division are to coordinate and direct land use and transportation planning to: * * *</p> <p>(h) Identify how transportation facilities are provided on rural lands consistent with the goals;</p> <p>(i) Ensure coordination among affected local governments and transportation service providers and consistency between state, regional and local transportation plans; and</p> <p>(j) Ensure that changes to comprehensive plans are supported by adequate planned transportation facilities.”</p>	<p>“It is also the purpose of this Division * * * to identify how transportation facilities are provided on rural lands consistent with the goals. This Division sets requirements for coordination among affected levels of government for preparation, adoption, refinement, implementation and amendment of transportation system plans.”</p>	<p>Paragraph (h) is consistent with the existing purpose statement. Paragraph (i) reflects existing coordination requirements and adds the concept of transportation plan consistency that is set out in the TPR at OAR 660-012-0015(2)(a) and (3)(a). Paragraph (i) adds specific reference to transportation service providers (see OAR 660-012-0015(5)), which would include ODOT. Paragraph (j) reflects the policy in OAR 660-012-0060 that has proven to be a very important element of the TPR.</p>

TPR PURPOSE STATEMENT COMPARISON

<p>Proposed Amendments Section 660-012-0000 Purpose Statement</p> <p><u>Proposed Language</u></p>	<p>Section 660-012-0000 Purpose Statement</p> <p><u>Existing Language</u></p>	<p><u>Commentary</u></p>
<p>“(2) The extent of planning required by this division and the outcome of individual transportation plans will vary depending on the size of the community and upon community needs and circumstances. Generally, larger and faster growing communities will need to prepare more comprehensive and detailed plans, while smaller cities and rural areas will have more general plans. For all communities, the mix of planned transportation facilities and services should be sufficient to ensure economic, sustainable and environmentally sound mobility and accessibility for all Oregonians. Changing land use and travel patterns will also complement efforts to meet other state and local objectives, including containing urban development, reducing the cost of public services, protecting farm and forest land, reducing air, water and noise pollution, conserving energy and reducing emissions of greenhouse gases that contribute to global climate change.”</p>	<p>“Changing land use and travel patterns will also complement efforts to meet other state and local objectives, including containing urban development, reducing the cost of public services, protecting farm and forest land, reducing air, water and noise pollution, conserving energy and reducing emissions of greenhouse gases that contribute to global climate change.</p> <p>The result of applying these portions of the rule will vary within urban areas.”</p>	<p>The first two sentences of the proposed purpose section expand on the last sentence of the existing language. They reflect the fact that the TPR requires larger jurisdictions to engage in more transportation planning activities and analysis than smaller jurisdictions. See, e.g., OAR 660-012-0020(2)(c)(D), (f) and (g) (establishing planning requirements addressing transit, transportation system and demand management, and parking for jurisdictions over 25,000 and/or MPOs. See also OAR 660-012-0035(2) and (4) (establishing requirements for MPO areas). This is not new TPR policy. The third sentence of the proposed language reflects policy objectives in OAR 660-012-0030 and 0035 (to develop a transportation network that meets a range of transportation needs in a safe manner and at reasonable cost and minimizes adverse economic, social, environmental and energy costs). The final sentence of the proposed new policy section is identical to language in the existing policy statement.</p>

TPR PURPOSE STATEMENT COMPARISON

<p>Proposed Amendments Section 660-012-0000 <u>Purpose Statement</u></p> <p>Proposed Language</p>	<p>Section 660-012-0000 <u>Purpose Statement</u></p> <p>Existing Language</p>	<p><u>Commentary</u></p>
<p>“(2)(a) Within metropolitan areas comprehensive plans and transportation system plans shall improve livability by promoting changes in the transportation system and land use patterns. A key outcome of this effort is a reduction in reliance on single occupant automobile use, particularly during peak commute periods. To accomplish this outcome, this division promotes increased planning for alternative modes of transportation, changing land use patterns and improving street connectivity to make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs. The result of applying these portions of the rule will vary within urban areas. Some parts of urban areas, such as downtowns, pedestrian districts, transit-oriented developments and other mixed-use, pedestrian-friendly centers, will be highly convenient for a variety of modes, including walking bicycling and transit, while others will be auto-oriented and include more modest measures to accommodate access and circulation by other modes.”</p>	<p>“The purpose of this Division is to * * * promote the development of * * * transportation systems that are designed to reduce reliance on the automobile * * *. This portion of the rule aims to improve the livability of urban areas by promoting changes in land use patterns and the transportation system that make it more convenient for people to walk, bicycle and use transit, and drive less to meet their daily needs. * * *. The result of applying these portions of the rule will vary within urban areas. Some parts of urban areas, such as downtowns, pedestrian districts, transit-oriented developments and other mixed-use, pedestrian-friendly centers, will be highly convenient for a variety of modes, including walking bicycling and transit, while others will be auto-oriented and include more modest measures to accommodate access and circulation by other modes.”</p>	<p>The last part of the proposed language is identical to existing purpose language. The first part of the proposed language emphasizes the existing objective of reducing reliance on the automobile, but it states this as an outcome of efforts to promote changes in the transportation system and land use patterns. The outcome of reduced reliance is modified somewhat over existing purpose language by use of the phrase “reduction in reliance on single occupant automobile use, particularly during peak commute periods.” This change reflects the fact that under the TPR, ride-sharing is a form of demand management that the rule encourages. See OAR 660-012-0005(6), 660-012-0020(2)(f), and 660-012-0035(1)(d). Also, this paragraph of the proposed new purpose statement, together with the one that follows, is intended to distinguish transportation planning for metropolitan areas from transportation planning for smaller jurisdictions. The TPR defines “metropolitan area” at OAR 660-012-0005(38). This distinction is something that the TPR Subcommittee has asked us to consider.</p>

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<p>Proposed Amendments Section 660-012-0000 Purpose Statement</p> <p>Proposed Language</p>	<p>Section 660-012-0000 Purpose Statement</p> <p>Existing Language</p>	<p><u>Commentary</u></p>
<p>“(2)(b) Outside of metropolitan areas comprehensive plans and transportation system plans shall be designed to provide safe and convenient vehicular circulation and to enhance, promote and facilitate safe and convenient pedestrian and bicycle travel by planning a well-connected network of streets and supporting improvements for all travel modes.</p>	<p>No comparable provisions.</p>	<p>The proposed language works together with the language in proposed section (2)(a) to distinguish between the planning efforts required for metropolitan areas and for non-metropolitan areas. For non-metropolitan areas, the focus is on safe and convenient vehicular circulation and enhancement and promotion of opportunities for bike travel and walking. This is consistent with TPR provisions in OAR 660-012-0020(2), 660-012-0035(1) and 660-012-0045(3). It also is consistent with OAR 660-012-0055(6), which authorizes the director of DLCD to grant smaller communities whole or partial exemptions to TPR requirements.</p>
<p>“(3) This division sets requirements for coordination among affected levels of government and transportation service providers for preparation, adoption, refinement, implementation and amendment of transportation system plans. Transportation system plans adopted pursuant to this division fulfill the requirements for public facilities required under ORS 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 011, as they relate to transportation facilities. The rules in this division are not intended to make local government determinations “land use decisions” under ORS</p>	<p>“This division sets requirements for coordination among affected levels of government for preparation, adoption, refinement, implementation and amendment of transportation system plans. Transportation system plans adopted pursuant to this division fulfill the requirements for public facilities required under ORS 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 011, as they relate to transportation facilities. * * *. The rules in this division are not intended to make local government</p>	<p>The sentences appearing in both the proposed and existing purpose statements are identical, with one exception. The proposed language adds “transportation service providers” to the list of those entities with whom coordination takes place.</p>

TPR PURPOSE STATEMENT COMPARISON

<p>Proposed Amendments Section 660-012-0000 <u>Purpose Statement</u></p> <p>Proposed Language</p>	<p>Section 660-012-0000 <u>Purpose Statement</u></p> <p>Existing Language</p>	<p><u>Commentary</u></p>
<p>197.015(10). The rules recognize, however, that under existing statutory and case law, many determinations relating to the adoption and implementation of transportation plans will be land use decisions.”</p>	<p>determinations “land use decisions” under ORS 197.015(10). The rules recognize, however, that under existing statutory and case law, many determinations relating to the adoption and implementation of transportation plans will be land use decisions.”</p>	

EXISTING TRANSPORTATION PLANNING RULE PURPOSE STATEMENT

Division 12

Transportation Planning

660-012-0000

Purpose

The purpose of this Division is to implement Statewide Planning Goal 12 (Transportation) and promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and other livability problems faced by urban areas in other parts of the country might be avoided. It is also the purpose of this Division to explain how local governments and state agencies responsible for transportation planning demonstrate compliance with other statewide planning goals and to identify how transportation facilities are provided on rural lands consistent with the goals. The division sets requirements or coordination among affected levels of government for preparation, adoption, refinement, implementation and amendment of transportation system plans. Transportation system plans adopted pursuant to this Division fulfill the requirements for public facilities planning required under ORS 197.712(2)(e), Goal 11 and ORA Chapter 660, Division 11, as they relate to transportation facilities. Through measures designed to reduce reliance on the automobile, this division is also intended to assure that the planned transportation system supports a pattern of travel and land use in urban areas which will avoid the air pollution, traffic and livability problems faced by other areas of the country. This portion of the rule aims to improve the livability of urban areas by promoting changes in and use patterns and the transportation system that make it more convenient for people to walk, bicycle and use transit, and drive less to meet their daily needs. Changing land use and travel patterns will also complement state and local efforts to meet other objectives, including containing urban development, reducing the cost of public services, protecting farm and forest land, reducing air, water and noise pollution, conserving energy and reducing emissions of greenhouse gases that contribute to global climate change. The result of applying these portions of the rule will vary within urban areas. Some parts of urban areas, such as downtowns, pedestrian districts, transit-oriented developments and other mixed-use, pedestrian-friendly centers, will be highly convenient for a variety of modes, including walking, bicycling and transit, while others will be auto-oriented and include more modest measures to accommodate access and circulation by other modes. The rules in this Division are not intended to make local government determination “land use decisions” under ORS 197.015(10). The rules recognize, however, that, under existing statutory and case law, many determinations relating to the adoption and implementation of transportation plans will be land use decisions.

PROPOSED TRANSPORTATION PLANNING RULE PURPOSE STATEMENT

Division 12

Transportation Planning

660-012-0000

Purpose

- (1) This division implements Statewide Planning Goal 12 (Transportation) and provisions of other statewide planning goals related to transportation planning. The purposes of this division are to coordinate and direct land use and transportation planning to:
 - (a) Promote the development of transportation systems adequate to serve statewide, regional and local transportation needs;
 - (b) Encourage and support the availability of a variety of transportation choices that balances vehicular use with other critical transportation needs;
 - (c) Provide for safe and convenient vehicular, pedestrian, and bicycle access and circulation;
 - (d) Ensure that the planned transportation system supports a pattern of travel and land use in urban areas that will avoid the air pollution, traffic and livability problems faced by other areas of the country;
 - (e) Facilitate freight mobility and the economic flow of goods and services within regions and throughout the state;
 - (f) Protect existing and planned transportation facilities, corridors and sites for their identified functions;
 - (g) Provide for the construction and implementation of transportation facilities, improvements and services necessary to support acknowledged comprehensive plans;
 - (h) Identify how transportation facilities are provided on rural lands consistent with the goals;
 - (i) Ensure coordination among affected local governments and transportation service providers and consistency between state, regional and local transportation plans; and
 - (j) Ensure that changes to comprehensive plans are supported by adequate planned transportation facilities.

- (2) The extent of planning required by this division and the outcome of individual transportation plans will vary depending on the size of the community and upon community needs and circumstances. Generally, larger and faster growing communities will need to prepare more comprehensive and detailed plans, while smaller cities and rural areas will have more general plans. For all communities, the mix of planned transportation facilities and services should be sufficient to ensure economic, sustainable and environmentally sound mobility and accessibility for all Oregonians. Changing land use and travel patterns will also complement efforts to meet other state and local objectives, including containing urban development, reducing the cost of public services, protecting farm and forest land, reducing air, water and noise pollution, conserving energy and reducing emissions of greenhouse gases that contribute to global climate change.
 - (a) Within metropolitan areas comprehensive plans and transportation system plans shall improve livability and accessibility by promoting changes in the transportation system and land use patterns. A key outcome of this effort is a reduction in reliance on single

occupant automobile use, particularly during peak commute periods. To accomplish this outcome, this division promotes increased planning for alternative modes of transportation, changing land use patterns and improving street connectivity to make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs. The result of applying these portions of the rule will vary within urban areas. Some parts of urban areas, such as downtowns, pedestrian districts, transit-oriented developments and other mixed-use, pedestrian-friendly centers, will be highly convenient for a variety of modes, including walking, bicycling and transit, while others will be auto-oriented and include more modest measures to accommodate access and circulation by other modes.

- (b) Outside of metropolitan areas comprehensive plans and transportation system plans shall be designed to provide safe and convenient vehicular circulation and to enhance, promote and facilitate safe and convenient pedestrian and bicycle travel by planning a well-connected network of streets and supporting improvements for all travel modes.
- (3) This division sets requirements for coordination among affected levels of government and transportation service providers for preparation, adoption, refinement, implementation and amendment of transportation system plans. Transportation system plans adopted pursuant to this division fulfill the requirements for public facilities required under ORS 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 011, as they relate to transportation facilities. The rules in this division are not intended to make local government determinations “land use decisions” under ORS 197.015(10). The rules recognize, however, that under existing statutory and case law, many determinations relating to the adoption and implementation of transportation plans will be land use decisions.