

**TPR Work Group Meeting Summary**  
**September, 9, 2005 9:00-12:00**  
**ODOT HR Training Center, Suite C**

**Attendees:** Tom Schwetz, LCOG; Mike Montero, Montero & Assoc.; Helen Burns Sharp, City of Albany; Andy Back, Washington County; Scott Pemble, Clackamas County; Rob Zako, 1000 Friends; Scott Bricker, Bicycle Transportation Alliance; Ann Glaze, Citizen Involvement Advisory Committee; Mark Whitlow, Retail Task Force; Tom Kloster, Metro; Martin Loring, ODOT

**Audience and Staff:** David Collier, DEQ; Richard Schmid, MWVCOG; David Zagel, TriMet; Chris Smith, TPAC; Jeanne Harrison, PDOT; Justin Klure, ODOE; Bonnie Heitsch, DOJ; Dale Hormann, DOJ; Craig Greeneaf, ODOT; Jerri Bohard, ODOT; Bob Cortright, DLCD; Bob Sherman, ODOT; Jeanne Lawson, Consultant; Frank Angelo, Consultant; Mark Greenfield, Consultant; Sharon Kautz, ODOT

**Welcome and Introductions** – Jeanne Lawson

The purpose of this group has been to advise the ODOT/LCDC Joint TPR Subcommittee as it revisits the Transportation Planning Rule. This group was given the charge to address certain issues and develop recommendations to the subcommittee. Today is the last scheduled meeting of the Work Group. The meeting summaries of the previous meetings of the Subcommittee and Work Group have been posted on the web, or you can request a copy of the tapes from Sharon Kautz.

Items on the agenda today are the Purpose Statement, MPO Recommendations, and Minor and Housekeeping Amendments staff has proposed.

**Purpose Statement** – Frank Angelo (Sept 2 memo – TPR Purpose Statement)

The work that comes out of today's meeting will go to the September 23 meeting of the Subcommittee.

In your packet you will find a September 2 Angelo Eaton memo on the TPR Purpose Statement and copies of the comments we have received. The subcommittee at its July meeting asked that the comments focus on specific examples of where in your opinion policy shifts have occurred in the draft, or any elements that were missing in the draft purpose statement and provide some specific language or us to address concerns you may have.

Staff has reviewed the comments received and prepared a new draft of the Purpose Statement that is attached to the September 2 memo in two forms. Pages 3 through 5 are the clean version of the revised Purpose Statement, and on pages 6 through 9 we have

provided you with a tracked changes version to show you how we addressed the version you saw at the August 2 Work Group meeting.

Our intent and our approach to addressing the comments were to make revisions to the Purpose Statement that presented the new draft in a clear and understandable manner. The TPR Subcommittee clearly indicated to us that in the revisions to the Purpose Statement that there should be no change in policy, intent or direction, but should focus on a clear articulation of the purpose statement. Many of the comments we received supported this guidance.

I will go through the track changes version to show you where we have made some modifications to the August 2 version. We have tried to enhance the connection between land use and transportation planning. We have added some references to enhancing the multi-modal nature and purposes of the purpose statement. We received comments regarding the emphasis on freight and other marine transportation facilities, and have included that in the revised statement.

In Subsection 2 we have tried to provide more clarification and more emphasis on the coordination of land use and transportation plans. In Subsection 3 we have tried to identify the various levels of expectations of planning based on the size of a community. Subsection 4 is basically written as was at the August 2 meeting.

Today we would like to hear your comments on the revised version. The intent is to forward the outcome of today's meeting to the subcommittee on September 23 to get their impressions, and to determine if they want to forward it on to LCDC for rulemaking.

**Jeanne Lawson** – In making your comments, remember the instructions from the subcommittee were that they generally felt this was on target, but understood there were some who did not, and has asked that you be as specific as possible about how you felt there was a policy change, or about changes in wording. We have gone through an iteration of that and Frank has made some modification based on that.

There are some suggestions that you will not see reflected in here because staff in reviewing it felt like the suggestion reflected a policy change and the directions that it be consistent with policy and focus on clarity.

**Rob Zako** – What do you mean by change of policy? Are you saying the policy as embodied in the TPR right now, or is the policy the larger body or statute?

**Frank Angelo** – Some of the comments, in our opinion, added new policy direction to the purpose statement and to the TPR. Those were the type of comments we did not reflect in here.

**Mark Greenfield** – The TPR has been around for 14 years, and the TPR is LCDC's interpretation of what it believes Goal 12 means and how it should be implemented. The

language in the existing TPR is not necessarily exactly the same as the one you see in the goal, but it is the language LCDC believes best implements what is in the goal, and we did not want to change the direction of that language.

**Jeanne Lawson** – An important clarification is that it is a judgment of right or wrong in terms of suggested policy shifts, but whether it was consistent with what is there now.

### **Comments**

**Andy Back** – My comment deals with the end of (1), the sentence: “The purposes of this division are to coordinate and direct land use and transportation planning to:” My suggested change would be to move the colon to after the first “to”. I also think it is a policy change in using the verb “direct”. Direct is too strong of a word when applied to land use.

**Rob Zako** – I appreciate the changes that have been made and I think they are moving in the right direction. Following up on Andy’s comment, I am not sure I share your concern exactly Andy. I am unclear about the role of planning in this. The Purpose Statement is talking about goals and what to achieve, then throws out the phrase “coordinate land use and transportation planning” several times without talking about what is going on there. In the real world, how we get from the goals to what actually happens on the ground is confusing. Can staff talk about what the phrase means in a more practical sense?

**Frank Angelo** – The role of the Purpose Statement, there is the entire TPR behind this that supports this and provides more definition on what coordinate land use planning means. There is more detail in the rule that you need to read beyond the purpose statement. To me the general statement about coordinating and directing land use planning indicates that the TPR is intended to provide some balance and make sure you account for both transportation and land use issues when you are doing Comprehensive System Plans and Transportation System Plans. You do not do them in isolation, you do them together. It is a simple purpose statement, then you read the rest of the rule to see what steps you need to take as a jurisdiction or an agency to actually accomplish this.

**Bob Cortright** – One of the things we have experienced in working with local governments is that land use and transportation plans are often done by separate parts of local government. It is recognizing there is land use planning and transportation planning and that they need to be done together at some point.

To address Andy’s concern, we thought carefully about your suggestion to take out “direct”, but we think the TPR does more than just say coordinate those two. It does have direction about what the results of that coordination are supposed to be. Direct is a more accurate statement of what the substance of the rule is.

**Rob Zako** – We had proposed language on a goal and had talked about the connection between land use and transportation and how the transportation system supports the land uses but also guides the development. The guide to support framework wording was a

little more explicit on what that coordination is. The coordination word is the different departments talking to each other, but not really explaining why it is important work with each other.

**Jeanne Lawson** – What I am going to be looking for, is as suggestions are made, if you would like to see that made as well, I need some feedback on that. We will not be making a change unless there is some level of consensus from the group that the change needs to be made.

**Tom Kloster** – Andy, are you suggesting that the last half of the coordinate and direct sentence be a bullet?

**Andy Back** – I would just strike it and have the sentence read, “The purposes of this division are to: ...” Goal 2 sets out the land use planning process and involves the role of coordination and recognizes that planning is a comprehensive process. It is having the administrative rules under goal, that being transportation, direct the process that we have heartburn with. Having the specialized goals directing a more comprehensive process just does not make sense. Having the administrative rule about transportation planning direct land use planning, we think is contrary to how the Oregon planning system works.

**Jeanne Lawson** – Your comments will be forwarded to the subcommittee, but not as a recommendation of the group.

**Mark Whitlow** – If that language were to be changed consistent with Andy’s comments, you could say “to direct transportation planning to coordinate with land use planning”.

**Mark Greenfield** – As Bob indicated, we looked through the rule, and concluded that there are in fact provisions in the rule that do direct land use planning. We feel the wording as written is an accurate reflection of what is in the rule.

**Martin Loring** – Given the charge as framed, this draft is true to this charge and represents a more readable iteration of what we are trying to accomplish in the purpose section. I think we have reached, or perhaps even passed, the point where additional wordsmithing will produce benefits commensurate with the effort.

**Jeanne Lawson** – Let’s get out any other issues and then determine what we need to discuss.

**Mike Montero** – My compliments to staff. What we have before us is a huge leap forward in having the rule accomplish what it is meant to do. That said, and with all do respect to Martin’s comment, as I am weary of the whole wordsmithing thing as well, but Rob Zako made a point that we ought not to over look. That point is what we leave behind us here is what will be implemented by people that are going to bring our capital to either the transportation system in the form of taxation, or to urban development. That is the real world. I think we should be as clear as we can as to whether transportation is the dog that is dragging the land use tail, or the other way around. It seems like a very

minor semantic thing, but at the end of the day, there are going to be people like Mark Whitlow, attorneys, who are going to be fighting in court over what this thing means. Which is going to trump this? Is it going to be your transportation investments that are going dictate how land uses are going to be applied, or ought it to be the other way around? Having clarity in the purpose statement is important.

I believe the language Mark Whitlow suggested is very minor, but I think it is important.

**Jeanne Lawson** – We have suggested language on the table that we have some expression of support for.

**Rob Zako** – Mark Greenfield or Frank has said there is language in the TPR that does direct land use. Could you highlight that and say in what way is the TPR directing land use?

**Mark Greenfield** – It is in the provisions dealing with MPOs that are required to address changes in density, design and land use designation. That is a fairly important element of the TPR, and is why we kept it in there.

**David Collier** – Would that language exclude non-MPO areas?

**Bob Cortright** – The MPO is the most prominent part of the rule directs land use, but it gets to how you draw that line. When you get to 045 you get into a lot of detailed requirements for changes to codes that apply not just to metropolitan areas, but to a lot of communities throughout the state. Where do you pull apart land use and transportation plans? You are dealing with layouts of subdivisions, or the layout of new shopping centers; those things are viewed as land use.

**Martin Loring** – What I heard is that the current draft support an inference that transportation planning and land use planning should inform each other. It should not be a mutual thing, but that transportation planning should be informed by land use planning. Is that the policy point that is on the line for discussion?

**Frank Angelo** – I think Andy’s concern is that the TPR should not have a statement that the TPR directs land use.

**Jeanne Lawson** – The staff is saying they believe the TPR does in some instances direct land use.

**Mark Whitlow** – You could add to the sentence so it would read, “The general purpose of this division is to direct transportation planning to coordinate with land use planning.” This assumes both notions, but says the dominant purpose is to direct transportation.

**Rob Zako** – I appreciate you trying to move this forward due to limited time, but I am uncomfortable trying to word smith here. Mike asked a substantive question that I have not have heard an answer to. The question is does land use drive transportation or does

transportation drive land use, or is it a bit of both? Do people develop all over the place and it is the responsibility of the transportation planners to somehow build a transportation system to move those people around, however they have built, or do we design our cities to get everyone to ride buses, or something in between. That is the policy issue we are trying to articulate. Using the words coordinate and direct is not explaining that.

**Tom Kloster** – I hear Andy saying that we may want to build things, but we have not figured out how to build the transportation facilities, or cannot afford to, but it does not mean we do not build that community. The purpose of coordination is that you have entered a process to try and stage transportation in a way that gets you to management plan. I do not think transportation is a split off piece in any way. What we fall into with the rule discussion is that transportation somehow differs from land use, and it is the same thing. It is more of staging or arranging a facility to keep up with private investment, and that is what the rules try to organize. What I heard Mark Whitlow say in that last version is a good preamble. The general purpose is to direct transportation planning as an activity that we do within the public sector that accomplishes these things, and the outcomes are a different issue.

**Jeanne Lawson** – I am thinking that we have given the staff your ideas, we can record all of this and take it to the subcommittee, and staff can determine whether or not they want to propose that. Do we want to take a stronger position as a group?

**Tom Kloster** – I think it would be helpful how the staff would take a shot at this. They have heard what we have to say. I agree with what Andy is saying regarding transportation and land use. I would like to see something reflect what Andy's concern was.

**Frank Angelo** – It is something we will take to subcommittee on September 23. The premise being that it basically splits the thoughts.

**Tom Kloster** – I am comfortable having the staff react to what we have said today, and we will react to the subcommittee's version that comes out at the end of the month.

**Jeanne Lawson** – And you understand that it would be a comment as an independent because the group will not reconvene unless directed to do so by the subcommittee.

**Frank Angelo** – Would Mark Whitlow read the language one more time?

**Mark Whitlow** – It is the last sentence before the colon: “The general purpose of this division is to direct transportation planning to coordinate with and use planning to:”

**Rob Zako** – I am comfortable with moving forward and seeing what staff does. The language we proposed came out of Goal 11. Since the language is already there, let's not try to reinvent the wheel; let's use language that is already there when appropriate.

**Jeanne Lawson** – Any other issues that you did not see captured, or ones that were suggested but are not quite right.

**Tom Kloster** – Regional vs. local for later on; what do you mean by “economic” in the first sentence, and in subsection (3) a couple of minor edits. In the second sentence change to read “...faster growing communities and regions” and change the word “cities” in that sentence to “communities”. On page 8 under (f) I would be real specific about what a metropolitan area is and use the 50,000 number that defines an MPO.

**Frank Angelo** – There is a definition in 0050.

**Mark Greenfield** – In answer to your “economic” question, it is a statement of the goal. “Goal 12 is to provide and encourage safe, convenient and economic transportation systems.”

**Jeanne Lawson** – Those are addressed? Yes. Other questions or comments?

**Scott Bricker** – I support the direction this is going. I do think there is a policy shift around the reduced reliance issue, and that it shows up again in the next agenda item in the metro area VMT measurement tools. The general context of reduced reliance has been changed to choices.

**Tom Kloster** – I did not list reduced reliance as one of my items because we are not going to solve that today, but I am going to bring it as a recommendation in our comment from the Portland region. We feel that (b) needs to be rewritten to capture what the goal says.

**Rob Zako** – I know that people have concerns around the reduced reliance language, but if our intent is not to change the policy, the policy right now is designed to reduce reliance on the automobile. (b) is a weaker statement and a policy shift.

**Jeanne Lawson** – I know staff does not believe there is a policy shift. I appreciate you bring it up because we all need to know where each other stands on these issues. I also appreciate that you brought it up acknowledging that we have gone through this. Can you clarify quickly why you feel this is or is not a policy issue?

**Frank Angelo** – Number one, the direction of the subcommittee was to deal with the issue of reduced reliance. The sources are two fold, the MPO work that Bob Cortright did, and the second source is the stakeholder interviews. The subcommittee agreed that we should address the issue of reduced reliance through emphasizing providing transportation choices. The phrase reduced reliance is no longer in here, but I think that in trying to put an emphasis on providing transportation choices does not diminish the objective of the TPR.

**Mark Greenfield** – This is a purpose statement. The remainder of the rule still has the language that talks about avoiding principle reliance on and reducing reliance on, and

those rules are still the rule of law and they apply. The charge we got from the subcommittee was to soften the purpose statement.

**Mike Montero** – For clarity, on page 8, subsection (f), in the second sentence begins with “A key outcome of this effort is a reduction in reliance on single occupant automobile use”. One of the concerns in the smaller communities in my end of the state is that these components will have to be applied in communities that cannot be served in any way other than the vehicle. They are not practical for transit, etc. It does not mean they should not be encouraged for the future, and the overall policy supports that. The language is still here, but the language recognizes the practical side.

**Scott Bricker** – I believe the ability to strike out the a, b and c in MPO areas less than a million, a 5% reduction, a 10% reduction, is created through the purpose statement change. In the old purpose statement the ability go through and say we are deleting these measures that attempt to reduce VMTs, when you have reduced reliance in the first sentence of the Purpose Statement, it would be more difficult.

**Rob Zako** – I understand the motivation for changing the reduced reliance language and perhaps support that, but I am uncomfortable with us talking about us changing words and pretending we do not change meaning. It is not that people want the words to be different; I think people actually want the reality to be different. If that is what we are doing, I think we should be up front about it.

I am also uncomfortable with saying the purpose does not really mean anything because the have the rest of the rule. What I am hearing is that we have moved beyond Goal 12 and the TPR’s purpose. It is a slippery slope if you change the purpose and then you change the rest of the rule to be consistent with the purpose. If Goal 12 is not an anchor we can go back to say this is our touchstone and what we believe in, then these words really matter. Some of the next agenda item talks about changing the MPO stuff to be consistent with the new purpose. I am not necessarily opposed to the change but I want it to be clear that we think we are making a policy change.

**Frank Angelo** – Just a comment to clarify, I do not think anybody is saying the purpose statement does not mean anything. What we are saying is you need to read the purpose statement in the context of the entire rule. There are other elements of the rule to back this up and further elaborate on this. You cannot do everything in a two or three page purpose statement. You need to rely on the rule.

**Craig Greenleaf** – From the staff’s advantage point, part of the context of this is to think about the purpose statement, the rule language, and how it has been executed and implemented in decisions by LCDC. You have to think about the policy context as bridging over all of those things, including Goal 12 and how it has been interpreted in the whole context of the policy, and look at what the Commission has done to ratify certain proposals that have been brought forward by MPO areas. The language that is being suggested here is completely consistent with commission actions as well as the broader

functional purpose. It is a little selective to talk about policy as a word shift between last version and this version.

**Bob Cortright** – The bottom line for the commission is does the Purpose Statement express the general policy direction they think is in the rule and in the goal. I think that is one of the reasons it is very important to have the commission reassessing, and either amending it or endorsing it, is we have basically a new commission affirming the policy direction. It is less a characterization of whether it is wordsmithing or a policy shift, are they comfortable that it is a reasonable expression of what the policy expectations are. That is what we heard from the Subcommittee. They want to hear from you, collectively, if you think there is something that represents a policy shift that is not good policy, is not consistent with Goal 12, or is not what they would want to be accomplished. What we heard back from them was they were generally comfortable that it is a reasonable expression of the policy and they are open to being convinced if there is something that should be different or added to better accomplish that objective.

**Jeanne Lawson** – I would like to check in. What we heard here today is that the Work Group would like to see staff work on further refinement of that language around direct, and at a minimum, take alternative language to the subcommittee for consideration, and that there are members of the Work Group that have concerns about how the policy might be affected by the change in language around reduced reliance. Is that an appropriate characterization? With those comments carried forward, do you as a group recommend this changed purpose statement to the subcommittee?

**Tom Kloster** – Also there is the one outstanding issue on the word economic in the first sentence.

**Mark Greenfield** – Tom, all we did in that first sentence is put in the exact language of Goal 12.

**Tom Kloster** – What do you think Goal 12 means by the word economic?

**Rob Zako** – The language comes out of federal law, but it is not clear what it means there either.

**Mark Greenfield** – If you were to ask me what I thought it meant, not having been there in 1974 when they adopted it, I would say it probably say it relates to the efficient movement of freight and keeping the economy going through a transportation system.

**Tom Kloster** – I would agree with that. The interpretation I had heard was it is a cost analysis, and we have never bought into that.

**Mark Greenfield** – There were comments made that we put the term affordable in here, but affordable was a vague term that we could not define either.

**Rob Zako** – This is better than the one long paragraph. There has been a real attempt at taking existing language and organize it better. Yet, when I read the existing Purpose Statement and then I read this version, I come away with a different feeling. In the original purpose statement, the first sentence says to me that Oregon is different, Oregon is going to do things better. We are not going to do transportation the way the rest of the country does. Those words are still in the new version, but they come so far down the feeling I get is Oregon is a bureaucracy and we have all these goals and rules that we are to balance, and who knows how the result is going to be. I feel we have lost something in terms of vision of how we as a state can be more sensible on how we do stuff. I do not get a feeling from this version of the purpose statement that we are going to be better.

There are other elements of Goal 12 that are not appearing here. One could say that putting those in would be a policy shift. But to the extent the TPR implements Goal 12, I think not mentioning air and water quality, noise, especially in today's gasoline environment, is an oversight.

**Frank Angelo** – There is a reference in subsection (3) to air, water, noise.

**Rob Zako** – Yes, but it is in subsection (3), not listed as a goal.

**Mike Montero** – Are we going to forward to the subcommittee a request that they take up Tom's question about what does "economic" mean? It is unclear, and a lack of clarity is not in the best interest of the rule. Flag it and say we think that word is unclear.

**Jeanne Lawson** – Would the group as a whole like to ask the subcommittee to provide clarity on the word "economic"? I see a lot of heads nod. We will put that in.

**Mark Greenfield** – A comment on the word economic. I do not know that we need to do anything more. If you look at Goal 12, not the rule, the language is "to provide and encourage a safe, convenient and economic transportation system". The only other place economic comes in this goal, is under section (A) "facilitate the flow of goods and services so as to strengthen the local and regional economy." I believe that concept is already in the purpose statement.

**Tom Kloster** – I actually think it was intended the other way, in the other planning of it, but it has not meant anything until now, which is why I am focusing on it. When it was in the first part of the goal, it meant something along the lines of an efficient system, not that it was going to stimulate economic investment. I think it was all about efficiency and weighing the system in an intelligent manner. I am curious where that leads to, and does that mean it is efficient to have the half mile rule? Is this introducing a new tier of doing a cost analysis for transportation planning or land use planning?

**Frank Angelo** – We are not changing the policy from the existing purpose statement.

**Tom Kloster** – I understand that, it is just that we are bringing the word in that has not had TPR expression. Somewhere in the TPR talks about efficiency that comes out as a goal. This popping up on the front end, since it does get defined in two different ways, it

would be worth understanding which word we think we are bringing forward with the goal.

**Andy Back** – I think it is a big task. If it needs to be addressed, there is the concern about the timing and resources.

**Rob Zako** – I think there are two interpretations on the word economic. There is the freight movement and economic interpretation, which I think is what is intended. The other interpretation has to do with efficiency. I do not know that anyone is saying we have to do a cost efficiency analysis, but if you read Goal 11 it talks about “a timely, orderly, efficient arrangement of public facilities and services”. It could be a question to the commission whether they want to emphasize one or both of those interpretations. I would hope they would endorse both interpretations.

**Scott Bricker** – Question on (d) facilitate freight mobility and safe and economic flow. Is freight mobility defined anywhere and is it redundant with “the safe and economic flow of goods and services?”

**Tom Kloster** – In both cases, the word I would rather see is “efficient.” It is already established in the rule.

**Jeanne Lawson** – It sounds like everyone that has spoken agrees that your assumption is when it is talking about economic under (f) it is talking about efficient flow in order to support the economy. If folks generally feel that way, can we hand it to staff to assimilate all the comments?

**Rob Zako** – I would say “facilitate the safe and efficient flow of goods and services.”

**Mark Greenfield** – One of the thoughts in using freight mobility is that freight seems to connote highway, and the flow of goods and services referenced air, rail and marine. We might want to add “highway”.

**Scott Bricker** – That is exactly my issue. For example, the City of Portland is developing a freight master plan that includes marine barges, railroads, and airports, all the way down to the UPS truck. That needs to be clarified. Freight should not mean highway.

**Jeanne Lawson** – What I heard is “facilitate the safe and efficient flow of goods and services within regions and throughout the state through a variety of modes including air, rail, marine and highway transportation.” Are folks generally comfortable with that?

**Craig Greenleaf** – We do not have Gary Cardwell here today, and he represents the Freight Advisory Committee. Knocking it down to this form you would have opposition plainly, clearly and with relative unanimity amongst the members of the Freight Advisory Committee. Freight on the whole has been under represented in the planning process. The provision of other things in transportation planning has been emphasized for other

aspects of the transportation system. That has caught the attention of the Legislature, and the Legislature has directed our agency around what it is we are supposed to do in the consideration of freight through the creation of a Freight Advisory Committee that is a statutory entity advising the commission, and the emphasis on freight mobility as a key consideration for all aspects of the STIP. If we begin pushing against that agenda we are going to find ourselves in one more legislative debate.

**Mark Whitlow** – I want to back up what Craig said. I have participated in a number of committees with the highway department on freight mobility, and we just finished a big piece of amendments to the Oregon Highway Plan having to do with designated freight routes, and it was a hot button issue. I think the words here are important to that constituency and if you fiddle with them without their direct involvement, we are going to hear about it.

**Scott Pemble** – I am confused now because what I heard as an offer in terms of how we expand the definition seems to be contrary to where the freight mobility people are on this, and I do not get the connection.

**Craig Greenleaf** – I do not think the commission should be poised to choose between “efficiency” and the promotion of economic development in the state. If we put that question before them, they will embrace both notions without much question. I appreciate that people think somehow there is a sinister agenda afoot here to do something different than that, but I think that misrepresents the work.

**Jeanne Lawson** – I want to acknowledge there has been some discussion around this issue and there is a request for clarity on what economic refers to. There are some recommendations for modification to this language and some concern about how that might be considered elsewhere, but there was clearly some interest in some change to this language. We will convey all of that to the subcommittee along with the other things we had discussed, which were:

- Issue of revising the language around direct
- The fact that there are some members that are concerned that the change in language around reduced reliance does reflect some policy shift
- The issue around economic.
- The issue that the nature of the language feels less visionary and more bureaucratic.
- Define freight mobility if it stays.
- Issue about air and water quality being not as strong.
- In (3) adding in the word “regions” and replacing the word “cities” with “communities.”

With those in mind, is the group generally in agreement on the purpose statement, and that it can be forwarded to the subcommittee with those comments.

Rob Zako, Scott Bricker and Tom Kloster have all weighed in with the fact that they think the language around reduced reliance has softened the policy intent. Are there

others at the table that want to weigh in on that concern? (No response) That is how it will be characterized to the subcommittee.

### **MPO Recommendations** – Bob Cortright

Preceding the TPR evaluation we did in combination with ODOT, we did an evaluation of the progress by metropolitan areas to implement those portions of the TPR that deal specifically with metropolitan areas. That evaluation resulted in a series of recommendations for changes to the TPR. This process was underway when we decided to merge consideration of these recommendations into the process. In June we presented to you a first draft outline of proposed rule amendments that addressed most of those rule amendments.

I did want to touch on the changes to the metropolitan portion of the rule that changed use of the term “reduced reliance on the automobile.” Basically we have said that we are providing transportation options to achieve that objective. That is our overall summary of how we have restated reduced reliance in the purpose statement. Our purpose was not to make a major policy shift, but to generally reflect the change in the use of the term reduced reliance. Clearly the details of what we expect metropolitan areas to do are the substance of what the rule expects in terms of accomplishing that objective.

I would also like to address Scott Bricker’s concern regarding the deletion of the VMT reduction requirement. In 1998 the commission amended the rule to allow alternative standards for MPOs to come forward with their own standard used in place of VMT reduction as the standard for gauging whether or not their plan complied with the TPR. So far all the existing MPOs have come forward with standards other than VMT as the target for accomplishing the objective of the TPR. We are not eliminating VMT as a consideration. We are continuing to require MPOs to monitor their progress as VMT as part of the benchmarks and we have added to 0356, what I previously called the safe harbor, but what we are calling not an alternative compliance standard. If the MPO accomplishes a 5% reduction in VMT per capita, we are considering that adequate satisfaction of the requirements of the rule.

Let me run through the highlights table and give you an idea of the other changes that are here.

One of the big issues that we face is addressed in new language in 0016, the issue of coordinating federally required regional transportation plans that are done by MPOs, with local government adoption of a transportation system plan. The MPO plan is required by federal law, and is not a state land use action. We want those two plans to be coordinated and consistent. Ideally people would like to have a single plan that accomplishes both of those objectives. We are trying to clarify how coordination between local governments and MPOs should occur to assure the plans are consistent as possible.

In 0016 (5) I have called that our separately because it is trying to deal with what we think will be a significant issue in the future. Under federal law the MPO plan has to cover a planning horizon of 20 years. Where that horizon extends beyond the horizon of the acknowledged comprehensive plan, you have an issue of where you put population and employment, especially if it is put outside of the acknowledged urban growth boundary. It is expanding the expectation that MPOs and local governments will coordinate closely when they look at where future urban growth is going to go.

**Tom Kloster** – The new interpretation the MPOs heard is that our plan has to have a 20 year life throughout its life, which creates a 25 year plan for us. It will be an issue for us in how we make our forecast assumptions. For our region the goal is to make urban reserves work again, and may become a tool for other MPOs as well.

**Bob Cortright** – I hope the conceptual approach here allows for that. If it is 25 years, the same considerations apply. The TPR has always said you can plan for longer periods of time, but the minimum planning period is 20 years. The issue you get into is the practicality of where are the local governments in terms of updating their urban growth boundary.

In our evaluation, our finding was it was going to take longer than we had anticipated in 1998 for some of the MPOs, particularly outside of the Portland MPO, to complete integrated land use and transportation plans. The rule originally said three years. This allows each MPO to come forward with a schedule to show they are going to complete any outstanding work, and be able to deal with that on more of a case by case basis.

(Review of Summary and Explanations on page 2 of memo.)

**Rob Zako** – Since this is our last meeting, is it the expectation that we will approve or recommend these, or are these amendments on a different schedule?

**Jeanne Lawson** – This group was convened to specifically to advise the subcommittee on a couple of key issues, but has served as a sounding board on others. This falls under the second aspect of a sounding board. If you have comments, they will be forwarded to the subcommittee.

There are a set of comments received from the Bend MPO that are in your packet. The way this was developed was it came out of issues raised by the MPOs and there was a meeting of the MPOs between our last meeting and this meeting to gather input.

**Tom Kloster** – Regarding the timing of the TSPs as they are linked to federal RTPs. What we have done under the old three year cycle was treat every other federal update as a general update of our plan and land use action.

**Bob Cortright** – It is shooting at a four year interval. We try to distinguish those things that do relate to land use and would trigger that obligation, and those things that don't. Look carefully at that list and the things that drive the federal update, to the extent those

are consistent with the plan, they do not necessarily create the obligation for the local or regional TSP to be amended. Trying to provide some clarity about amendments you can make to the regional plan that may not implicate land use.

The general guidance is to say those things should be done in coordination as much as possible, but the timeline is not later than six months from the time the MPO plan is amended.

**Scott Bricker** – In the striking of the VMT provisions, but there is a requirement that is not really clearly spelled out that there must be some standards that MPO areas submit. Is there a baseline standard that will help drive those?

**Bob Cortright** – There are a series of criteria for the commission to review and approve. One of the criteria is the alternative standard has to be shown not to increase the VMT more than 5% per capita. That is the threshold.

**Scott Bricker** – How is where population goes set up? Is it driven by the region or by the locals?

**Bob Cortright** – Outside of the metro area the counties are responsible for adopting the county wide population forecast and allocating that forecast to the cities within the county.

**Rob Zako** – Terminology issue. The terms Regional Transportation Plans and Regional Transportation System Plans are so much alike it is confusing. Question: Are all MPOs required to have an integrated transportation system plan?

**Bob Cortright** – For the three downstate MPOs, yes.

**Rob Zako** – Are the new MPOs going to be required to have an integrated transportation system plan?

**Bob Cortright** – I do not believe they are required to have one. If they do not adopt an alternative standard ...

**Rob Zako** – Let me suggest that those different triggers are confusing. It would be good to have a separate section or subsection that defines what an integrated land use and transportation system plan is, and not buried in 0035(c). Then have in place the conditions of who has to develop one and by when.

**Andy Back** – “The effort required by the remedy is fully disproportionate to the severity of the problem.” I know there is a problem, but I think it is pretty small, in that there is both a federal planning requirement and a TSP requirement by the state. It is confusing for people who are not in transportation planning.

**Bob Cortright** – Is there a specific part of this you are concerned with?

**Andy Back** - Mainly the whole new section of 0016. Along with explaining the real problem, along with the confusion, there has to be some discussion of federal requirements vs. local land use requirements and how throughout the planning program, how do we deal with the resources issues?

How I see this, is we should give the tools to the MPOs to allow them to coordinate better, if they choose to do that as opposed to requiring the federal change, which triggers a local TSP amendment. We cannot make a TSP amendment unless there is an RTP amendment, because we have to be consistent with the state RTP.

**Bonnie Heitsch** – From your perspective in the Portland Metro, your perception may be different than the perception that is occurring in the other MPO areas of the state. There is a real confusion among the smaller jurisdictions in terms of what a federal plan does vs. what the local or regional TSP does, and which is a land use decision.

We recently went through some litigation with respect to that in Eugene that was not very satisfactory on either side because the base issues of understanding it were ever fully resolved. I think this is in part a response to try to get some clarity around what happens, and it seems to happen every 10 years when the census comes forward, that we have significant changes to the population projections and where communities are planning to put the people, which is an issue that I hear you allude to. What has happened in some of the other MPOs is that those population projections are going in areas that are not consistent to the regional and local TSPs. There is a concern, because there are federal dollars going to update the federal plan and there is less funding to move the land use, that there could be a bigger gap between the expectations of the federal plan and those of the local plan.

The effort here was to try to continue to have those two plans be consistent in some manner or form. The concern that ODOT and other jurisdictions that deal with the expenditure of transportation dollars, is they wanted to have the federal plan out in front of the state plan because of the consequences associated with requiring the federal plan to be adopted through the local process. There is not enough time to do that, and the federal funds can be withdrawn. This was a way to address the growing perception of the inconsistency by trying to bring the state plan into compliance with where the federal broad planning mandates.

**Tom Schwetz** – You characterized it as getting the federal process out in front. I would say that what I like about this language is it actually explicitly states that the two processes are separate. In our context where the land use planning is done by the local agencies, and the regional transportation planning is done by the MPO, we need that clarification. I am supportive of this language in general. It creates the ties the state needs to see in terms of the coordination.

**Tom Kloster** – On page 11, a four year time line is better than a three year time line, and we can live with that. For locals the four year cycle is going to be a big deal. This is

going to be the smaller cities that are not quite small enough to drop below this threshold. I recommend flagging this for the subcommittee to discuss.

The other piece is we do amendments for RTPs all the time, and are usually pretty localized. I think there could be a mechanism where we could differentiate between a general legislative update and something that is more akin to a quasi judicial change, but initiated by our legislature and would not trigger this for all the localities. Something like an impact statement that says these are the six cities that are affected by this RTP amendment.

Regarding exemptions – Raise the issue of what is the best way to accomplish the local changes.

**Mike Montero** – How are you going to expand your urban areas in ways that will accomplish all the goals that are set out in the TPR, which we happen to agree with? We have an obstacle in front of us right now in the urban reserve rules. Because there is a priority land system, which I think was well intentioned, without there being sufficient flexibility, we find ourselves totally stymied. What happens is we are taking in some of the best farm land we have in order to get at these other areas. Compact urban form should be supported with flexibility. We are currently in an environment that is absolutely counter productive to what we are talking about.

I would like to flag the urban reserve rule and particularly the priority land statutes as much of a pivotal issue as the TPR was to Oregon transportation. Here is one unintended consequence where the time is fertile for addressing. Where you can come up with a credible alternative to the priority land statute and the urban reserve rule, will give you a tool in the tool box to implement the TPR.

**Bob Cortright** – This is one of the issues that came in the evaluation and we talked to with the subcommittee early on is the Goal 12/Goal link, and recognize that the priority land statute in Goal 14 may have had unintended consequences and at least deserves a bigger look in terms of what we are trying to accomplish in the TPR. The feeling was that was an important issue but not within the scope of what we could accomplish here.

**Mike Montero** – I think there is universal acknowledgement that the big look is going to be a long time also, and to say we will take care of it, it is over here, we will get to it, everybody had better be very mindful, it is having adverse and unintended consequences as we speak that is not going to slow down.

**Richard Schmid** – Page 3 regarding confusion of similar terms on RTP, RTSP. Page 4, subsection (5) re: population and employment projections, it is a complex issue and how do you go about doing it when you are coordinating in an MPO with two counties and separate projections? Employment projections – I do not know if there are 20 year employment projections outside the Metro area. The intent of this is to make sure you are coordinating with your members and the locals. Page 9 – 0055, paragraph (a) needs to be updated.

**Tom Schwetz** – Regarding the requirement under 0016(2)(b) the six month deadline. Salem and Bend have expressed concerns regarding the tight deadline for the low budget planning operations.

**Rob Zako** – There is a deadline there, but there is no specification of what happens if you do not meet the deadline. If you do not meet the federal deadline, you lose money. There should be a reasonable timeline and consequences if you do not meet the deadline.

**Jeanne Lawson** – (Addressing staff) You have heard these comments, is there anything more you need?

**Bob Cortright** - I think most of these are very constructive recommendations, so I am happy to go back and try to address those.

**Andy Back** – How does this one move forward?

**Jeanne Lawson** – This one is a sounding board issue for this group. We have gathered the comments and Bob will generate the changes he can, and the comments that are not incorporated will be carried forward to the subcommittee. The changed version will be circulated the committees and stakeholders.

**Andy Back** – One thing that would ease our concern is in 0016(2). The sentence beginning with “MPO adopts or amends...”, when it gets down to “affected local governments” change to “affected regional or local governments”.

### **Minor and Housekeeping Amendments** – Bob Cortright

Referring to the summary table on page 1 of the August 30 memo in your packet, the housekeeping amendments are truly housekeeping, they are simply correcting errors in filing or conforming with other amendments.

There are three minor amendments. 0025(3) – The TPR currently requires that refinement plans be done within three years of the TSP being completed. In reviewing the Metro Regional Transportation Plan in 2001, Metro had 15-17 refinement plans it was committed to do. They told us at that time there was not way they could be completed within three years. This is suggesting we revise this and have the plan specify when the refinement plans would be done, so there would be a schedule in the TSP addressing that issue.

The second proposed change is to 0045(7). Requires local governments to review and reduce excepted standards for local street width. This amendment recommends a 28’ local residential street as a safe harbor for meeting the requirement. This would formally adopt that recommendation.

The third change deletes provision from 0065(5)(6) related to road improvements on rural lands. These are detailed provisions that were adopted in 1995 and applied before jurisdictions completed their TSPs. Ten years later we have only eight counties in the state that do not have adopted TSPs in place, and the provision is no longer needed.

These were not formally part of the scope of work, but we want to report to the subcommittee that you had a chance to look at these, and give you the option to flag any you feel the subcommittee should give more consideration to.

### **Other Business** – Jeanne Lawson

The first item is about the issue Rob Zako has raised and circulated about the 0070.

**Rob Zako** – I would hope the subcommittee would look at this and decide whether they want to revisit this or not.

**Jeanne Lawson** – Status of the 0060 Guidance Document

**Frank Angelo** – At the July meeting the subcommittee asked us to come up with some guidance on certain elements on the 0060 amendments. We have been working on that, and have had contact from the regions on how do we implement now that it is adopted? We are in the process of preparing some guidelines and steps for some of the key elements and changes in 0060. The draft will be sent to the subcommittee next week, in time for their September 23 meeting.

**Mark Whitlow** – We had asked to have the guidelines in a narrative fashion where the split is in the rule between legislative quasi judicial, how it speaks to two different contexts.

### **Next Steps** – Frank Angelo

Frank went over the TPR Review Schedule

**Jeanne Lawson** – This calendar does a quick wrap up of this committee and the related work.

**Rob Zako** – Other issue of the TPR that are identified are not planned to be addressed in the near future? Or is this process going to come to a close and a new process will start up later this year or next year to look at other TPR issues?

**Craig Greenleaf** – When we met with the subcommittee, originally the evaluation Frank did covered multiple subject areas. The Subcommittee set aside certain things feeling that it was not necessary to address them at this time. We want to bring this step of the procedure to a close. People have raised some issues about whether or not the big look at

this will connect together. My sense is that other issues that arise in the broader picture, it is possible the TPR will be part of that vast entity. I would be hesitant to suggest that we are going to launch a separate and independent set of work on the TPR issues.

**Rob Zako** – There are not other issues the subcommittee is tasked to look at?

**Craig** – It does not preclude them from looking. In the event they choose to look at something, they would address those questions.

**Jeanne Lawson** – By the end of the Sept. 23 Subcommittee meeting we will come to agreement on whether we have concluded this step and whether or not there are follow up steps they will direct staff to work on or whether they are setting other issue aside until their time is ripe.

**Frank Angelo** – To clarify, the package for the Sept. 23 meeting is the 0050, 0070, MPO, purpose statement and the minor housekeeping amendments. We also talk about the guidance document as an informational item.

**Jeanne Lawson** – There are those of you on this Work Group that have voiced concerns that have been taken up. This should not discourage you from forwarding those concerns to the subcommittee for them to consider.

**Mark Whitlow** – It is important to benchmark the workability of the Jaqua fix on written statements. It takes a long time to get a process like this created. It is an experiment to see if it really is a solution. We expressed concern about it, we are supportive of it now, but if it does not work, we should keep that issue and in a year from now automatically come back and revisit the issue.

**Frank Angelo** – The Subcommittee has acknowledged that as well as with the interchange issues.

**Bob Cortright** – Our commission, in adopting the rule, has said we are going to be monitoring how it is implemented, and will come back to revisit. They are meeting next week to look at their biennial program and outlining issues. The Goal 14 issue should be raised there. The OTC has their annual workshop in October.

