

Climate-Friendly and Equitable Communities

Frequently Asked Questions

Updated 10/4/2023



General Questions

What are the key changes established by CFEC rulemaking?

CFEC rulemaking amended OAR 660-012-000 (the Transportation Planning Rule) and OAR 660—44-000 (Metropolitan Greenhouse Gas Reduction Targets) in 2022. In whole, the rule changes compel jurisdictions within metropolitan areas to:

- Conduct some level of planning for region greenhouse gas reduction targets and set performance measures to monitor progress.
- Identify neighborhoods for targeted development of compact, mixed-use areas served with high quality walking, bicycling and transit infrastructure and services
- Complete additional analysis during development of Transportation System Plans including increased analysis of walking, biking, transit facilities and services and more rigorous study of projects increasing vehicle capacity.
- Reform parking regulations and support EV charging

What guidance, technical support and resources will ODOT provide to CFEC-impacted jurisdictions?

ODOT will be updating key technical resources and tools to support development of CFEC-compliant planning. This includes the TSP Guidelines, Analysis Procedures Manual, modeling guidance, guidance on performance measures, and (the more internally focused) Development Review Guidelines. ODOT will also coordinate with local jurisdictions to build out a CFEC-compliant multimodal inventory and will complete updates to models for CFEC compliance.

Additionally, ODOT is funding scenario planning work as required in CFEC rulemaking and is standing up a TSP funding program to fund CFEC-compliant TSP updates.

To support ongoing communications and education, ODOT will host occasional webinars, hold web-based Open Office Hours, and provide ongoing updates and new resources via

GovDelivery emails and the [CFEC Planning webpage](#). Additionally, CFEC staff are available for questions and local meetings. ODOT staff are coordinating closely with DLCD, which owns the rules, and a wide range of resources are available on the [DLCD CFEC webpage](#).

The 2020 Census brought a new jurisdiction into an MPO; when would that jurisdiction need to comply with CFEC?

660-012-0100 Transportation System Plans in Metropolitan Areas states that “... The director may also grant a whole or partial temporary exemption from the requirements of this division to jurisdictions of any size that are newly included in an existing metropolitan area or a newly designated metropolitan area. The director shall use the criteria and process as provided in OAR 660-012-0055(7) to decide to approve an exemption.” This exemption opportunity would likely occur after the local process to officially bring the new jurisdiction into the MPO.

Can a jurisdiction seek exemptions to these rules?

Various exemptions are available to CFEC-impacted jurisdictions across the state. Exemption requests are made to and granted by the Department of Land Conservation and Development which has provided guidance on their [CFEC webpage](#). Within Oregon’s eight metropolitan areas, the provisions in OAR 660-012-0100(4) provide for exemptions in two cases:

- Cities and counties with a population of less than 10,000 within the urban area
- Jurisdictions of any size that are newly included in an existing metropolitan area or a newly designated metropolitan area

PSU population projections should be used to make population determinations. However, in its rules, PSU does have provision for using 2020 Census data under certain circumstances. Metro conducts population estimating for areas within the Metro UGB.

What are some key terms to know for CFEC?

- **Household-based Vehicle Miles Traveled per Capita (HH-based VMT per capita):** This is the performance measure that will be used to evaluate land-use actions and TSP updates. The analysis mechanism will be determined through the modeling and analysis contract and will use travel demand models to calculate the sum of all VMT generated by individual households within the subject jurisdiction, divided by the population of that jurisdiction.

- **Updated! Transportation performance standard:** A characteristic of the transportation system that is measured, estimated, or projected, and the methods to calculate its performance against a threshold. A threshold is the numerical value that is part of the performance standard. Performance standards may vary by facility type, location, time period, or other factors. Per OAR 660-012-0215(6), jurisdictions shall adopt two or more transportation performance standards and at least one of the transportation performance standards must support increasing transportation options and avoiding principal reliance on the automobile.
- **Updated! Land use and transportation performance measure:** An approved method for a jurisdiction to report on specific actions (such as reducing GHG) as stated in an adopted scenario plan, or, for a jurisdiction without an adopted scenario plan, the list of actions in OAR 660-012-0905. Performance measures are evaluated using “performance targets” in OAR 660-012-0910.

What if we don't comply with the regulations?

Oregon Administrative Rules require communities in CFEC-impacted jurisdictions to comply with the regulations. Work programs, alternative dates and exemptions create opportunities for jurisdictions to seek reprieve from some requirements.

If a TSP is not updated as required, a jurisdiction may not be able to complete needed transportation improvements, urban growth boundary expansions or other actions needed to support community growth. The Land Conservation and Development Commission may initiate enforcement actions or may remand land use decisions, meaning they be returned to the jurisdiction for further consideration. Where required, if scenario planning work is not completed by a jurisdiction that jurisdiction's land use decisions must still be consistent with the adopted scenario. If not, those land use decisions may be taken to the Land Use Board of Appeals.

Transportation System Plans

How will the Transportation System Plan funding program work?

The CFEC TSP Funding Program supports jurisdictions in developing CFEC-compliant Transportation System Plans (TSPs) which are required for areas and facilities within the Urban Growth Boundaries of cities within metropolitan areas. ODOT staff will schedule jurisdictions for funding, primarily between 2024 and 2029. This schedule will be developed in coordination with affected jurisdictions and may evolve over time. There is no application process.

ODOT will facilitate a consultant selection process under ODOT's Transportation Land Use Planning (TLUP) Price Agreement series. In some cases, TSPs may be grouped together under one Mini-RFP, resulting in one consultant contract for TSPs phased over a four- or five-year window. Local agency representatives from each jurisdiction completing a TSP update will participate in the consultant selection process and will guide development of the statement of work covering work for their jurisdiction. A 15% local match is required and may include ODOT approved in-kind contributions up to the full match amount.

What is the anticipated cost of a CFEC-compliant Transportation System Plan update?

It is anticipated that a full CFEC-compliant TSP may cost up to double what they had previously - \$500,000 to over \$1M for a large TSP. Cost increases may be partially mitigated by completing the multimodal inventory separately at a statewide level.

What is considered a 'Major' update to a TSP?

The definition of a major TSP update is in OAR 660-012-0105(2). There are three tests, if any one of them is met, it is a major update:

- (a) Includes a change to the horizon year of the plan;
- (b) Is adopted after January 1 of the planning horizon year of the acknowledged plan; or
- (c) Adds a facility authorized as provided in OAR 660-012-0830.

Any other TSP update is a minor TSP update per section (1) of the rule. When considering an example such as an Area Plan, that project could trigger a full CFEC-compliant TSP update if it changes the horizon year of the existing plan or plans for a capacity-enhancing facility as outlined in OAR-660-012-0830. Generally, a capacity-enhancing facility would include a new or expanded arterial, highway or bridge; new or expanded interchanges; and increase in the number of general-purpose travel lanes for anything but a local road; or new/expanded auxiliary lanes that are ½ mile or more. While an area plan may not trigger a full TSP update, components of the TSP that are updated through the area plan should be updated to be CFEC-compliant.

Can we make small updates to our TSP before we complete a full CFEC-compliant TSP update?

All jurisdictions outside of the Portland Metro area without an active exemption to the TSP requirement in OAR 660-012-000 must complete a TSP update by 2029. Before then,

cities and counties may complete interim updates to local transportation system plans that don't meet the threshold of a 'major update'. A major update to a TSP is one which changes the horizon year of the TSP, is adopted after January 1st of the horizon year of the existing plan or adds a capacity-enhancing facility.

What is 'Section -0830' and how does that impact projects in a current Transportation System Plan or programmed for funding?

OAR 660-012-0830 requires additional analysis for some projects expanding capacity for vehicular travel. Additional analysis is required for:

- A new or extended arterial street, highway, freeway, or bridge carrying general purpose vehicle traffic;
- New or expanded interchanges;
- An increase in the number of general purpose travel lanes for any existing arterial or collector street, highway, or freeway; and
- New or extended auxiliary lanes with a total length of one-half mile or more.

Section -0830 exempts certain types of projects including access management, safety and operational projects as well as projects under \$5 million, dedication of right of way to non-vehicular modes, projects on two-lane facilities and projects that do not increase the number of lanes. Further, DLCD is undergoing a rulemaking process in the summer of 2023 to establish thresholds for when a project is 'far enough along' that it also does not need to undergo a Section -0830 review. Please review [DLCD's rulemaking webpage](#) for more information on this rulemaking process.

How should an *Enhanced Review of Selected Roadway Projects* as outlined in 660-012-0830 be conducted if a project crosses multiple jurisdictions?

Because Section -0830 requires that the analysis be completed in coordination with effected jurisdictions, the analysis may be completed in one TSP; the analysis does not need to be completed for the transportation system plan for each effected jurisdiction.

Are Counties required to complete CFEC-compliant TSP updates?

CFEC revisions to the Transportation Planning Rule apply to areas within Urban Growth Boundaries (UGBs). It is anticipated that cities will continue to plan for all areas within their UGB to support requirements for comprehensive planning; where this is the case and

cities are planning for all areas of a county within a UGB then the county should not need to complete a CFEC-compliant TSP update.

What are the unique considerations for TSPs in Metro-area communities?

The TPR applies to Metro area communities except where stated otherwise. OAR 660-012-0140 Transportation System Planning in the Portland Metropolitan Area specifically outlines unique considerations for Metro-area communities. Key considerations include but are not limited to:

- Cities and counties must amend comprehensive plans, land use regulations, and transportation system plans to be consistent with Metro’s regional transportation system plan.
- Metro may adopt provisions into a regional functional plan that require cities and counties to meet an additional requirement for transportation system planning.
- Metro provides direction on inventory requirements for transportation system plans which may be different than inventory requirements outlined in the Rule.
- With approval from LCDC, Metro may adopt alternative requirements into a regional functional plan. Upon adoption by Metro, cities and counties that comply with the alternative requirements of the regional functional plan are no longer required to meet the specific requirements of the TPR as described in the LCDC order.
- Metro area communities are not required to establish Climate Friendly Areas or complete associated work. Metro area communities are required to adopt Town Centers in lieu of CFAs.

Modeling and Performance Measures

Can you explain the different performance measures and performance targets outlined in CFEC rulemaking and how they apply to TSPs, scenario planning and land use planning?

Scenario planning encompasses both *land use* and *transportation planning* and will be evaluated using *performance measures* (OAR 660-012-0910) against defined *performance targets* over time. For example, a regional performance measure in a scenario plan might be the percentage of registered vehicles in a jurisdiction that are zero-emission vehicles, and the performance target could be set at five percent in the year 2030. *Performance targets*

are goal oriented and represent the path to reach a region's GHG reduction targets, which then roll up to track progress to the statewide targets set by the legislature.

The development of *performance standards* is required in OAR 660-012 to evaluate transportation facilities and land use actions such as TSPs and land development projects. Performance standards are measured against specific *thresholds* that depend on land use context, type of transportation facility, time horizon, and other factors. A well-known *transportation standard* in the Highway Design Manual (HDM) is the volume-to-capacity (v/c) ratio. When this *transportation standard* is used, for example, in a STIP project to evaluate an Interstate ramp terminal within an MPO and a UGB at the 20-year planning horizon, the *threshold* is a v/c ratio of 0.75. OAR 660-012 now requires affected jurisdictions to use a minimum of one additional *transportation standard* unrelated to motorized vehicle performance, to evaluate transportation projects and *land use planning* actions. In most cases, *performance standards* are required to be met.

Are the transportation demand models ready for CFEC compliance?

There are six different travel demand models for the eight Oregon MPO areas, as well as the VisionEval scenario planning tool. Over the years, the models have been developed using different software and with differing levels of detail and staff support and expertise. The CFEC rules were developed with these variations in modeling capabilities in mind and the expectation is that each of the models will allow affected jurisdictions to comply with the CFEC rulemaking. The CFEC modeling and analysis contract will develop guidance and procedures for using the existing tools and travel demand models (both trip-based and activity-based) to meet the requirements of the CFEC rulemaking.

Scenario Planning and GHG Target Planning

Which jurisdictions are required to complete Scenario Planning?

Impacted jurisdictions in the Salem-Keizer metropolitan area are required to develop a regional scenario plan that meets the region's GHG reduction target and includes performance measures for tracking progress towards the target. Impacted jurisdictions in the Eugene-Springfield metropolitan area are required to complete the preferred scenario requirements from the existing Central Lane Scenario Planning work and developing performance measures for tracking progress towards the target.

Which jurisdictions are required to complete Region GHG Reduction Targets?

Impacted jurisdictions in the metropolitan areas of Albany, Bend, Corvallis, Middle Rogue and Rogue Valley are required to develop the GHG performance measures and targets in OAR 660-012-0905 and OAR 660-012-0910 for reporting purposes OAR 660-012-0900.

How will Scenario Planning and Region GHG Targets inform TSPs?

Jurisdictions with an adopted Scenario Plan are required to report on the performance measures to monitor progress towards the region GHG target developed as part of the Scenario Plan in the TSP update per 660-012-0910.

Jurisdictions that do not have an adopted Scenario Plan are required to report on the performance measures and targets in OAR 660-012-0905 and OAR 660-012-0910 in the TSP update or initial Major Report required per 660-012-0900.

What resources are available to support Scenario Planning and Region GHG Targets?

ODOT will support scenario planning efforts for jurisdictions in the Salem-Keizer metropolitan area including completion of a regional plan to meet the regional greenhouse gas target and development of performance measures for tracking progress. ODOT will support jurisdictions in the Eugene-Springfield metropolitan area in completing the preferred scenario requirements from the existing Central Lane Scenario Planning work and developing performance measures for tracking progress towards the scenario. ODOT will also support impacted jurisdictions in the remaining metropolitan areas to develop the initial Major Report required per 660-012-0900. New guidance will be developed for other metropolitan areas to also set their own preferred scenario that meets the target, if interested.

Do required HH-based VMT per capita reduction measures take into account other aspects of Oregon's Statewide Transportation Strategy?

The requirement to not increase HH-based VMT per capita is built upon the fact that reductions in vehicle mix and fuel efficiencies have already been incorporated into the GHG reduction performance targets.