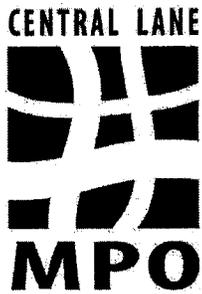


Attachment B: Letters of Comment

The Department received two letters commenting on the proposed Metropolitan Transportation Planning Status Report. Letters were received from:

- Central Lane Metropolitan Planning Organization and the Cities of Eugene and Springfield, from Mr. Tom Schwetz, MPO Program Manager, Mr. Gregg Mott, Springfield Planning Manager, and Ms. Susan Muir, Eugene Planning Director, dated September 9, 2004.
- Federal Highway Administration, from Mr. Fred Patron, Senior Transportation Planner, dated September 22, 2004.

Copies of each of these letters are included with this attachment.



September 9, 2004

Commissioner Dell Worrix
Commissioner Ron Henri
Commissioner Hanley Jenkins
Dept. of Land Conservation & Development
635 Capitol St NE Suite 150
Salem, OR 97301

Subject: Suggestions on the Transportation Planning Rule

Dear Subcommittee Members:

Thank you for the opportunity to discuss our experience with the Transportation Planning Rule (TPR) with you at your meeting on May 20, 2004. At that meeting, you asked us to think about what we would propose if we could amend the TPR. Since that meeting, our local work group on implementing the TPR in the Eugene/Springfield region discussed the matter and would like to offer you the following comments:

- Overall, we are not at all certain that the TPR is the problem we face in trying to implement and move forward our goal of reducing reliance on the automobile. The purpose of the rule is laudable, and we appreciate having a statewide statement of intent. We find the most challenging road blocks to be a difficulty interpreting the approval of our alternative standards, disparate interpretations between the Department and our jurisdictions, an overall inability to work collaboratively on this, and the continued questioning of our commitment to the program.
- We question the value of continuing to hang on to the Vehicle Miles Traveled standards, when they have been recognized by all stakeholders as unachievable and a poor measure of improved land use/transportation planning. The continued use of the VMT measure is somewhat troubling and could be perceived as less than sincere.
- We recommend there be a process incorporated into the TPR to allow amendments to performance measures, if warranted.
- We recommend there be a provision for the Commission to recognize a jurisdiction's efforts that were in place prior to the implementation of the TPR and give credit towards the implementation measures for communities who already embraced the value of multi-modal transportation and reducing reliance on the automobile. For instance, the Eugene-Springfield area made a heavy investment in bike paths in the mid-70's and early 80's that directly contributed to the area possessing one of the highest ranked bicycle mode splits in the country. Additionally, the Lane Transit District instituted a group bus pass program in 1988 that significantly increased the use of transit in the community. These efforts form the basis for the

region's low baseline VMT per capita used in the current Transportation System Plan. In most cases it is safe to say that efforts to reduce reliance on the auto did not begin with the TPR and while there is language in the TPR that allows the Commission to "give credit to regional and local plans, programs, and actions implemented since 1990", it is unclear how this credit is determined.

- We can provide an example of how more detailed rule writing has caused an unforeseen problem that we would look to avoid in the future. OAR 660-012-0060 (7) (b) (H) prohibits "automobile sales and service and drive-through services". That section also limits or disallows "most industrial uses" which makes implementation of the mixed use or nodal concept in employment centers very difficult. We suggest keeping amendments simple to avoid unintended consequences of additional regulations.
- We recommend the real purpose of the rule, 'livability' and its associated benefits be more emphasized by moving the discussion of 'improving the livability of urban areas' to the front of the purpose statement of the rule, in front of the words 'reduce reliance on the automobile'.
- Overall we have concern that the one apparent solution being offered to you is 'more detailed planning', and how that may work into rule revisions and what the impacts to the local jurisdictions might be. Before adding additional work or more detail to our already daunting tasks, we would suggest the problems with the rule be better defined by all stakeholders, and that the 'outside the box' thinking the subcommittee seems to be eager to do begin before a solution is offered or decided upon.

We believe this 'outside the box' thinking can help us deal with the issues outside regulations that are stopping our progress, such as taking into account market forces, having successful examples outside the Portland area, and potential conflicts with other goals, such as Goal 10.

We look forward to continuing to work with you on this and appreciate your understanding of the issues. It is apparent through your discussions at the Subcommittee meeting and your Commission meeting in June, that although the TPR is complex and has a long history, you have grasped the issues the local jurisdictions face and we appreciate that. We will continue to look for ways to think outside the box, look for new tools, and move this program forward to help improve the livability of our communities.

Sincerely,



Greg Mott
Planning Manager
Springfield



Tom Schwetz
MPO Program Manager
Central Lane MPO (LCOG)



Susan Muir
Planning Director
Eugene

cc: Lane Shetterly, DLCD Director
Anne Beier, DLCD Planning Services Division Manager
Marguerite Nabeta, DLCD Field Rep
Bob Cortright, Transportation Coordinator



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

THE OREGON DIVISION
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Salem, Oregon 97301
503-399-5749
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September 22, 2004

IN REPLY REFER TO

HPL-OR
STP-000(156)

Mr. Robert Cortright
Transportation Planning Coordinator
Department of Land Conservation and Development
635 Capitol Street N.E., Suite 200
Salem, Oregon 97301

RE: "*The Status of Transportation Planning In Oregon's Metropolitan Areas*"
Comments on August 2004 Draft Report

Dear Mr. Cortright:

I appreciate the opportunity to comment on the subject report. My comments are as follows:

Issue 1:

The final paragraph of **Section I.C. Transportation Planning Rule (TPR) Evaluation** notes that funds for the Transportation and Growth Management (TGM) program "are in addition to federal and state funds that are provided by Oregon Department of Transportation (ODOT) to support Metropolitan Planning Organization (MPO) planning".

Comment 1:

For the benefit of those who may be unfamiliar with the history of the TGM program I suggest you clarify that:

- a) The bulk of the funding for the TGM program consists of federal funds derived from the Surface Transportation Program (STP) (established in *Section 1007* of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and continued in current federal legislation).
- b) At the option of the State, STP funds can be used for surface transportation planning programs.
- c) Land use planning is eligible for federal STP funding only when integrated with transportation planning.

Issue 2:

The first paragraph of **Section II. D. Preparation of Integrated Land Use and Transportation Plans** says "In 1998, the Commission amended the Transportation Planning Rule to require that the MPOs prepare "integrated land use and transportation plans...".

The last paragraph of **Section II. D.** says “The TPR’s expectation that downstate MPOs would develop and adopt “integrated land use and transportation plans” within a three year period was overly ambitious.”

OAR 660-012-0035 (5) (c) says “If a plan using an alternative standard, approved pursuant to this rule is expected to result in an increase in Vehicle Miles Traveled (VMT) per capita, then the cities and counties in the metropolitan area shall prepare and adopt an integrated land use and transportation plan...” (Emphasis added).

OAR 660-012-0055(1) (a) says “If by May 8, 2000, a Metropolitan planning Organization (MPO) has not adopted a regional transportation system plan that meets the VMT reduction standard in 0035(4) and the metropolitan area does not have an approved alternative standard established pursuant to 0035(5), then the cities and counties within the metropolitan area shall prepare and adopt an integrated land use and transportation plan...” (Emphasis added).

23 CFR 450.322 requires that, among other things, the MPO plan shall:

- Lead to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods.
- Identify the projected transportation demand of persons and goods, congestion management strategies (including traffic operations, ridesharing, pedestrian and bicycle facilities, alternative work schedules, freight movement options, high occupancy vehicle treatments, telecommuting, public transportation improvements etc.).
- Reflect, to the extent that they exist, consideration of the areas comprehensive long-range land use plan and metropolitan development objectives, national State and local housing goals and strategies, community development and employment plans and strategies, etc...

Comment 2: The statements in this report regarding the development of integrated land use and transportation plans seem to conflict with *OAR 660-012-0035 (5) (c)* and *OAR 660-012-0055(1) (a)* as well as **23 CFR 450.322** (which describes the federal requirements for MPO regional transportation plans).

- a) Current TPR language does not clearly define the relationships between MPO regional transportation plans and “integrated land use and transportation plans” for MPO areas nor does it clarify the roles and responsibilities of MPOs and local jurisdictions in the development of integrated plans.

With the important exception of Metro, land use decisions within Oregon’s MPO areas are the responsibility of the local member jurisdictions. Since federal planning regulations require the MPOs to reflect locally approved land use designations in their regional plans, I believe that, **by definition, every MPO that has a current regional transportation plan meeting federal requirements also has an “integrated land use and transportation plan”**. However, precisely because the federal plan must reflect locally established land use designations, the MPO plan may not meet TPR expectations unless the member jurisdictions have developed and implemented supporting land use policies and ordinances. This is an important distinction, reflecting a matter of degrees or orders of the land use/transportation planning process.

Rather than suggest that cities and counties develop and adopt a plan different from the MPO plan (which could potentially conflict with federal planning regulations), I suggest the following. If an MPO plan accurately reflects locally supported land use information but fails to meet TPR expectations, the TPR should direct local jurisdictions to work with the MPO to develop and evaluate workable local alternatives which, when adopted locally and reflected in the MPO regional plan, better address TPR goals and objectives. The MPO can play a valuable role in this process by facilitating the evaluation of various transportation and land use scenarios suggested by its members but ultimately, the MPO must rely on the local jurisdictions to implement specific actions before they can be adopted into the MPO plan. Hopefully the results of the MPO's evaluations can lead to local land use policies and decisions that, when reflected in future MPO plan updates, enables it to meet TPR expectations.

- b) The bottom line is that having two regional transportation plans in any given metropolitan area is not only confusing to the general public, but also conflicts with federal surface transportation planning regulations. Ultimately, the development of an integrated land use and transportation plan in a metropolitan area that is not consistent with and linked to the MPO regional plan is not consistent with the intent of federal surface transportation planning regulations and thus would not be eligible for federal funding.

Sincerely,



Fred P. Patron
Senior Transportation Planner

cc:

ODOT

(Craig Greenleaf, Division Administrator)

(Jeri Bohard, Planning Section Manager)

(Barbara Fraser, Planning Unit Manager)

SKATS (Richard Schmidt)

CLMPO (Tom Schwetz)

RVMPO (Dan Moore)

CAMPO (Ali Bonakdar)

BMPO (Rick Root)

Metro (Andy Cotugno)