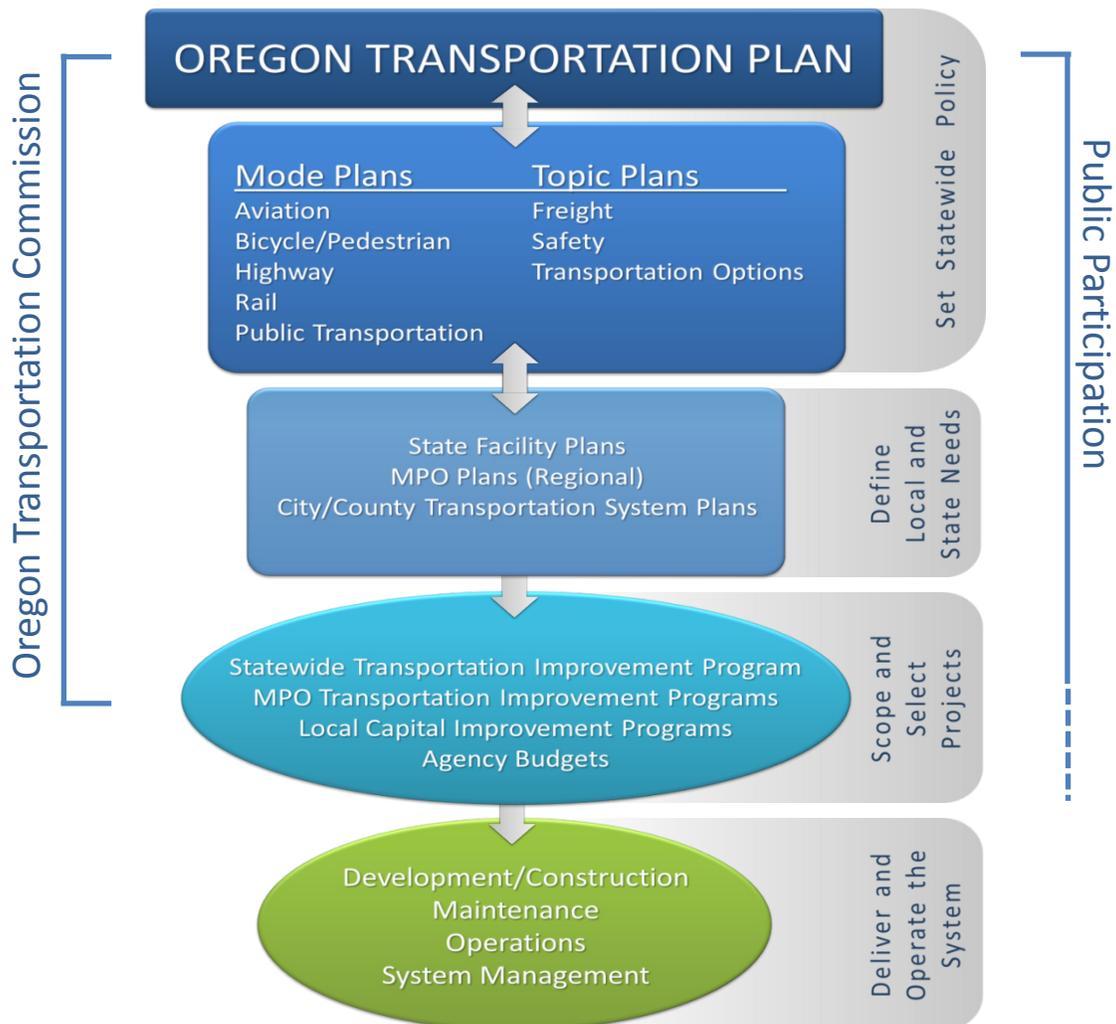


## Legal Context of the Oregon Public Transportation Plan

The Oregon Public Transportation Plan (OPTP) is a modal element of the Oregon Transportation Plan (OTP), the state’s multimodal policy plan. Collectively the OTP, the Public Transportation Plan, and other mode and topic plans fulfill state and federal planning requirements, assume legal authority accordingly, and provide an overall policy foundation for the state transportation system. The policies, goals, and strategies in the plans direct the work of the Oregon Department of Transportation (ODOT) and impact transportation decisions of local jurisdictions, through their Transportation System Plans (TSPs) and other planning efforts, which must be consistent with statewide plan direction. Region and local plans refine policies and strategies to each context as appropriate and identify projects and programs. These projects and programs are then prioritized for investment. Construction, maintenance and operational activities occur as part of implementation and are influenced or directed by earlier planning or investment decisions.



Following is more specific information about how the OTP and its mode and topic plans, including the Oregon Public Transportation Plan, fulfill state and federal requirements. In addition, a discussion is provided on how the OTP and each mode and topic plan relate to one another and the overall statewide policy framework.

## **State Planning Requirements and Relationships to State Laws**

### **Oregon Transportation Commission (OTC) role – Duties and Responsibilities**

ORS 184.618(1) states:

*As its primary duty, the Oregon Transportation Commission shall develop and maintain a state transportation policy and a comprehensive, long-range plan for a safe, multimodal transportation system for the state which encompasses economic efficiency, orderly economic development and environmental quality. The plan shall include, but not be limited to, aviation, highways, mass transit, pipelines, ports, rails and waterways. The plan shall be used by all agencies and officers to guide and coordinate transportation activities and to insure transportation planning utilizes the potential of all existing and developing modes of transportation.*

Oregon Transportation Commission (OTC) members are appointed by the Governor and approved by the Legislature for an established term. OTC members reflect a statewide perspective, with members from different geographic regions of the state. The OTC adopts ODOT's long range transportation plans, including the Oregon Transportation Plan and mode and topic plans such as Bicycle and Pedestrian, Highway, Rail, Public Transportation, Freight, Safety, Transportation Options, and state facility plans. The Aviation modal plan is the responsibility of the Department of Aviation. The OTC is also approves the Statewide Transportation Improvement Program (STIP), the four-year program of planned transportation investments that is updated approximately every two years.

In Oregon, the Oregon Transportation Plan and the adopted mode and topic plans (Aviation, Bicycle and Pedestrian, Freight, Highway, Public Transportation, Rail, Transportation Options, and Transportation Safety Action), and facility plans are designated as the Statewide Transportation System Plan. Thus the OTP and each of the mode, topic and facility-specific plans have legal authority.

The Oregon Transportation Plan (OTP) is the umbrella policy plan that achieves the statutory planning requirement for the Oregon Transportation Commission (OTC) and the Oregon Department of Transportation (ODOT). The OTP is the overall policy document and is refined by the mode and topic plans. ORS 184.618(1) requires state agencies to use the OTP to "guide and coordinate transportation activities" but it does not authorize the OTC to impose OTP goals, policies and performance recommendations on other state agencies. However, the OTP operates in the legal context of the State Agency Coordination Program and the Land Conservation and Development Commission's Transportation Planning Rule that impose additional requirements and authority in the planning

process for other jurisdictions. The OTP, and its mode and topic plan elements, must also comply with federal legislation.

### [Relationship to State Agency Coordination Program \(OAR 731-15-0045\)](#)

The Oregon Transportation Commission adopted rules to implement ODOT's State Agency Coordination (SAC) Program in September 1990. The program establishes procedures used by the Department to ensure compliance with statewide planning goals in a manner compatible with acknowledged city, county and regional comprehensive plans.

The adoption of transportation policy falls under the requirements of the State Agency Coordination Program rules (OAR 731-15). The rules require ODOT to involve interested parties and affected jurisdictions when developing plans or adopting major amendments to plans. The Department must ensure the plan is in compliance with all applicable statewide planning goals.

### [Relationship to the Statewide Planning Goals and the Transportation Planning Rule \(OAR 660-012\)](#)

The Oregon Land Conservation and Development Commission has adopted Oregon's statewide planning goals that established state policies in 19 different areas. The Transportation Planning Rule (TPR) implements the Land Conservation and Development Commission's Planning Goal 12 (Transportation). It requires ODOT to prepare a statewide transportation system plan (TSP) to identify transportation facilities and services to meet state needs. The Oregon Transportation Plan and adopted multimodal, mode, topic and facility plans serve as the State Transportation System Plan (TSP).

In addition to the requirements placed on ODOT, the TPR requires that metropolitan planning organizations and certain counties to prepare regional TSPs consistent with the adopted state TSP. Cities and counties must prepare local TSPs that are consistent with the state TSP and applicable regional TSPs. Since the Oregon Transportation Plan and its mode, topic and facility plans are the adopted TSP for the state, the TPR requires that regional and local TSPs be consistent with them.

## **Federal Planning Regulations**

### [Relationship to 23 CFR 450: Planning Assistance and Standards](#)

The federal Fixing America's Surface Transportation (FAST) ACT, signed into law in December 2015, continues many of the federal planning requirements of its predecessors, Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (2005), the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) (1998) and the Intermodal Surface Transportation Efficiency Act (ISTEA) (1991). The FAST ACT establishes federal transportation policy, funding levels, and guidelines for state and metropolitan planning organization transportation planning. Though the FAST ACT was just signed into law, the

previous federal planning requirements stay in place until new guidance, if needed, can be developed. The new law continues the requirement that states conduct a statewide planning process that is coordinated with transportation planning activities carried out in metropolitan areas and that involves consultation with non-metropolitan jurisdictions, considering all modes of transportation.

Federal direction for the development and content of the long-range statewide transportation plan is contained in 23 CFR 450, which implements the federal transportation statutes. Each state must carry out a continuing, cooperative, and comprehensive statewide multimodal transportation planning process, including the development of a long-range statewide plan. 450.214 (a) enunciates this as:

*The State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period at the time of adoption, that provides for the development and implementation of the multimodal transportation system for the State. The long-range statewide transportation plan shall consider and include as applicable, elements and connections between public transportation, non-motorized modes, rail, commercial vehicle, waterway, and aviation facilities, particularly with respect to intercity travel.*

### Relationship to the Americans with Disabilities Act (ADA)

The following description was taken from the Department of Justice's *Information and Technical Assistance on the Americans with Disabilities Act*.

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990 by President George H.W. Bush. ADA is one of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life – to enjoy employment opportunities, to purchase goods and services, and to participate in State and local government programs and services. Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin – and Section 504 of the Rehabilitation Act of 1973 – the ADA is an “equal opportunity” law for people with disabilities. To be protected by the ADA, one must have a disability, which is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. The ADA does not specifically name all of the impairments that are covered. (51)

As ADA is law, this Plan does not reiterate ADA requirements, but the policies and strategies are intended to support and build upon its requirements.

### Relationship to the Oregon Transportation Plan

The Oregon Transportation Plan is the state's long range (25 year) multimodal transportation plan. The OTP is the overarching policy document among a series of plans that together form the state transportation system plan. The OTP considers all modes of Oregon's transportation system as a single

system and addresses the future needs of Oregon's transportation system. The OTP establishes a vision, goals, policies, and strategies and initiatives that address the challenges and opportunities facing Oregon. The Plan provides the framework for prioritizing transportation improvements based on various future revenue conditions, but it does not identify specific projects for development. The Oregon Transportation Plan's goals, policies and strategies guide the development of state multimodal, mode, topic and facility plans as well as regional and local transportation system plans.

The Oregon Public Transportation Plan (OPTH) is a mode plan under the OTP umbrella. Mode plans analyze a specific transportation option and establish policies, strategies and investment priorities pertinent to that mode. The OPTH will refine the OTP and provide detailed policies and strategies related to the public transportation system in Oregon. As an element of the OTP it has legal authority. The 2018 Oregon Public Transportation Plan supersedes the 1997 Oregon Public Transportation Plan.

In relationship to other mode and topic plans, the Oregon Public Transportation Plan carries equal weight. The policies and strategies in the OTP and mode and topic plans collectively represent the transportation policy framework for the state. While the plans are separate, they are in essence all equal components of the single OTP.